

SPECIAL MEETING OF THE ROTTERDAM TOWN BOARD

December 17, 2025

7:00 PM

Agenda Review 6:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

EXECUTIVE SESSION

PROCLAMATIONS

PRESENTATIONS

PUBLIC HEARING

1. To recognize the introduction of Introductory Local Law No. ___ of 2025; To adopt a new Article of Chapter 270, Zoning, of the Town Code, relating to "Battery Energy Storage Systems". Pg. 3

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

Those members of the public wishing to address the Town Board will be asked to sign in before the meeting is called to order on the sign-in sheets being provided. Speakers will be called to the podium in order of their signing in. People recognized by the Chair to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as Chair of the meeting. Persons granted the privilege of the floor shall first clearly state his/her name and address for the record. People so addressing the Chair through the use of a prepared written statement shall submit a copy of the same to the Town Clerk for the purpose of maintaining clear and accurate official minutes of the Town Board meeting.

GENERAL RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE FLOOR:

Any person recognized by the Town Supervisor to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as chair of the meeting. Any person granted the privilege of the floor shall first clearly state his/her name and address for the record. The purpose of privilege of the floor shall be for speakers to express their views, thoughts and speak freely. Each speaker who wishes to address the Town Board shall have an equal and reasonable opportunity to be heard by the Town Board. Each speaker shall be given a maximum of four (4) minutes to address the Town Board.

**INTRODUCTION OF MOTIONS, ORDERS AND RESOLUTIONS:
RESOLUTIONS**

381.25 Accepting Town Board Meeting Minutes. Pg. 34

382.25 To appoint Paul Dennis to the position of Water Treatment Plant Operator Trainee.
Pg. 88

383.25 Resolution adopting Local Law No. 10 of 2025 to adopt new article of Chapter 270,
Zoning, of the Town Code, relating to “Battery Energy Storage Systems”. Pg. 95

384.25 To authorize the Supervisor to negotiate and execute a Memorandum of Agreement with
the Town of Guilderland for the sale of water. Pg. 189

**LIAISON REPORTS
MISCELLANEOUS
ADJOURNMENT
Mollie A. Collins, Supervisor**

PUBLIC HEARING #1

12/17/25

To recognize the introduction of Introductory Local Law No. __ of 2025; To adopt a new Article of Chapter 270, Zoning, of the Town Code, relating to "Battery Energy Storage Systems".

Town of Rotterdam

PROPOSED LOCAL LAW NO. ____ OF THE YEAR 2025

BE IT ENACTED by the Town Board of the Town of Rotterdam (“Town”), in the County of Schenectady, as follows:

I. SECTION ONE – TITLE

This local law shall be known as the “Battery Energy Storage System”.

II. SECTION TWO - LEGISLATIVE INTENT AND PURPOSE

It is the intent of this local law to amend the Town of Rotterdam Zoning Law, as the same may have been amended from time to time, to enact provisions providing for Small-scale Battery Energy Storage System (S-BESS), Large-Scale Battery Energy Storage System (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) installations in the Town, as defined in this local law through addition of a new section, Section 270 Battery Energy Storage Systems, to Article VIII (Supplementary Regulations) of the Town of Rotterdam Zoning Law. It is further the intent and purpose of this local law to, in accordance with the Town of Rotterdam Comprehensive Plan, to responsibly locate Large Scale Battery Energy Storage Systems (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) within the Town. Accordingly, this local law modifies certain use definitions relating to prohibited uses, energy storage systems, and public utilities.

The Town finds that well-planned, suitably sized, and located Battery Energy Storage Systems can be beneficial. This law seeks to foster thorough project planning and appropriate siting by:

- A. Protecting the health, safety, and well-being of our First Responders through responsible siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and the implementation of best practices to reduce potential hazards.
- B. Allowing Town of Rotterdam residents, landowners, farms, and government to safely locate Battery Energy Storage Systems resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Rotterdam Comprehensive Plan and the Natural Resources Inventory.

- C. Promoting and supporting our Town's Open Space Plan with Battery Energy Storage Systems zoning that protects and preserves open space, agricultural lands, and environmentally significant areas of Town as designated by our Comprehensive Plan and Conservation Plan.
- D. Protecting the Town's unique ecosystem of plants, wildlife, and habitats, particularly in the western upland and rural areas of Town.
- E. Recognizing the importance of Agriculture and protecting water and soils conducive to farming. Agricultural areas and surrounding areas should not be used for Utility-Scale Battery Energy Storage Systems (U-BESS).
- F. Protecting and ensuring farmland, agricultural land, and forested land are put to their highest and best use.
- G. Protecting and promoting scenic and environmental resources by minimizing Utility-Scale Battery Energy Storage Systems (U-BESS) facilities' impacts on these resources as outlined in the Rotterdam Comprehensive Plan including, but not limited to, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and scenery, and areas for recreational and outdoor activities.
- H. Protecting the property values of those properties neighboring and within the viewshed and soundshed of a Utility-Scale Battery Energy Storage Systems (U-BESS).
- I. Conserving the rural character of western Rotterdam and rural hamlets, including Rotterdam Junction and Pattersonville.

III. SECTION THREE – AUTHORITY

This local law is adopted by the Town Board of Town of Rotterdam (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, particularly Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accordance with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town.

IV. SECTION FOUR – DEFINITIONS

Part II - Chapter 270 - Article II - Section 270-5 of the Town Code is hereby amended to add the following definitions:

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 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, an electric motor vehicle, uninterruptible power supply systems, or a energy storage system for temporary use. A battery energy storage system is classified as follows:

- A. Small-Scale Battery Energy Storage Systems (S-BESS) have an aggregate energy capacity less than or equal to 150kWh. Designed to produce energy for onsite consumption.
- B. Large-Scale Battery Energy Storage Systems (L-BESS) have an aggregate energy capacity greater than 150kWh and less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. Ground-Mounted Large Scale Battery Energy Storage Systems are further defined as those which may be installed in a dedicated use building, within a cabinet, and/or a walk-in unit. Designed to produce energy for onsite consumption.
- C. Utility-Scale Battery Energy Storage Systems (U-BESS) have an aggregate energy capacity greater than 600kWh, are comprised of more than one storage battery technology in a room or enclosed area or are co-located with Solar Energy Systems and other energy generation facilities designed to produce energy for onsite consumption and/or released into the energy grid.

BATTERY SYSTEM'S AREA: Area of battery including required local and state safe operating clearances.

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.

HAMLET OF PATTERSONVILLE-ROTTERDAM JUNCTION: A census designated place in Schenectady County, New York, united states.

TOWN OF ROTTERDAM BATTERY ENERGY STORAGE SYSTEM PERMIT: The Town's minimum submittal requirements for electrical and structural plan review applicable to small-scale battery energy storage systems with an aggregate energy capacity less than or equal to 600kWh, based on the 2020 NYSERDA Battery Energy Storage System Model Permit, as may be amended.

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.

The following definition is hereby replaced in entirety and amended, as follows:

SOLAR ENERGY EQUIPMENT AND SYSTEMS: Solar collectors, controls, heat pumps, heat exchangers, and/or other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar. For energy storage devices, refer to Battery Energy Storage System in this Section.

V. SECTION FIVE - APPLICABILITY

- A. The requirements herein shall apply to all Battery Energy Storage Systems and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.
- B. Modifications to an existing Battery Energy Storage Systems that increase the battery system's area by more than 5 percent (exclusive of moving any fencing) from original approval shall be subject to this law.
- C. All Battery Energy Storage Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code") the NYS Energy Conservation Code, and the Code of the Town of Rotterdam ("Town Code"). Whichever code is more stringent shall govern.
- D. To the extent that any other Town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to Battery Energy Storage Systems.
- E. Any proposed Battery Energy Storage Systems subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and regulations of the Town, and any other applicable state or federal laws.

VI. SECTION SIX - PROHIBITED USE –UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

- A. U-BESS failure has the potential to undermine public health, safety and welfare, will potentially be situated in locations without access to water supply for fire suppression, and will overtax the Town's first responders. U-BESS failure and ensuing thermal

runaway and fire can produce a range of toxic gasses and particulates, including several highly toxic compounds including benzene, toluene, styrene, biphenyl, hydrogen fluoride and many others.

U-BESS is a permitted in the I-2 zoning districts.

U-BESS is not permitted in the aquifer recharge zone and tributary areas.

U-BESS is not permitted in the hamlet of Pattersonville-Rotterdam Junction.

Section 6(b). In accordance with the findings set forth in this Section, Article II- Definitions Section 270-5 of the Town of Rotterdam Zoning Law is hereby added, as follows:

USE, PROHIBITED: Within a district, a use that is not listed as a permitted or a special use is a prohibited use. In addition, development within non-conforming uses that are detrimental to the natural environment are specifically prohibited within the Town, including landfills, open mining, strip mining, open composting, salvage or junkyards, debris dumping, open petroleum or chemical tank farms, Tier 3 or Tier 4 Scale Solar systems, and utility-scale battery energy storage systems.

VII. SECTION SEVEN - LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS AS AN SPECIAL USE

- A. Allowing L-BESS for onsite power consumption in existing districts for B-1, B-2, C-1, and I-1 is permitted as a special use with the understanding that all existing zoning and planning requirements are met as well as the guidelines in this law.

VIII. SECTION EIGHT - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS AS AN ALLOWABLE USE

- A. Allowing U-BESS in existing I-2 is permitted with the understanding that all existing zoning and planning requirements are met as well as the guidelines in this law.

IX. SECTION NINE - GENERAL REQUIREMENTS

A. Applicability:

1. The requirements of this Zoning Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town after the effective date of applicable amendments to this Section, excluding general maintenance and repair.
2. Battery energy storage systems constructed or installed prior to the effective date of applicable amendments to this Zoning Law shall not be required to meet the requirements of this Section.

3. Modifications to, augmentations, 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 Section.

B. General Requirements:

1. A building permit and an electrical permit shall be required for installation of all battery energy storage systems. The building permit shall be administered in accordance with Town requirements, including this Zoning Law.
2. Issuance of permits and approvals under this Zoning Law shall include review pursuant to the State Environmental Quality Review Act, as appropriate.
3. All Battery Energy Storage Systems and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) are subject to the Uniform Code and/or the Energy Code shall be designed, erected, installed, and operated in accordance with all applicable provisions of the Uniform Code.
4. Application fees. Application for construction of a battery energy storage system shall be subject to the payment of fees in amounts indicated in the Town Schedule of Fees as adopted by the Town Board.

X. SECTION TEN - SMALL-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by right in all zones.

Applications, Approvals, Fees, and Permits: S-BESS Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Systems in a non-residential zone may require site plan reviews under other sections of Town Code.

B. Setbacks:

1. S-BESS shall conform to the setbacks in the subject zoning district. If there is an existing structure and nonconforming with its zone requirements, setbacks for new structures shall conform to the current Town Code.

C. Specific Requirements:

1. S-BESS shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of a residence or other structure that is readily visible to firefighters to identify system disconnect location(s). The plaque or

directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

XI. SECTION ELEVEN - LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by special use in Zones B-1, B-2, C-1, I-1 and I-2.

B. Applications, Approvals, Fees, and Permits: L-BESS Application and Building Permit Fees shall be in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other sections of Town Code.

C. Setbacks:

1. L-BESS located by special use shall be set back from the property line at a minimum of 100 feet.
2. L-BESS facility areas shall be setback at a minimum of 150 feet from wetlands, ponds, and streams, unless otherwise modified or waived by the Planning Commission of the Town of Rotterdam (“Planning Commission”) upon receiving proper permit from a state or federal regulatory agency.
3. The following may not be subject to required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.
 - a. Access roads proposed from a public road to the fence of a L-BESS facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

D. Specific Requirements:

1. L-BESS when located outside of a building or structure the L-BESS shall be in a side or rear yard.
2. L-BESS shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of the building or structure that is readily visible to firefighters to identify system disconnect location(s). The plaque or directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.
3. L-BESS shall be required to be self-contained and have a built-in fire extinguishing system supplied by the L-BESS manufacturer.

4. L-BESS shall be allowed only in zoning districts where there is fire hydrants fed from a municipal water supply within 500 feet of the L-BESS batteries unless otherwise modified or waived by the Planning Commission. L-BESS are not allowed in any zoning district without municipal water. L-BESS is prohibited in the hamlet of Pattersonville-Rotterdam Junction.
5. Where site plan approval is required elsewhere in the regulations of the Town for the principal use, the L-BESS shall be subject to site plan review. In its review of the site plan, the Planning Commission shall apply the standards and procedures set forth in Section 11 Review of this local law. Site plan review of L-BESS development shall include review of the adequacy, location, arrangement, size, design, screening, accessibility for emergency response purposes, and general site compatibility of proposed L-BESS.
6. The Planning Commission may require a submission of a noise analysis, an emergency response plan as part of the site plan application, and/or a decommissioning plan. The Planning Commission may require a performance guarantee, in accordance with the provisions of this local law, Section 13.
7. The Planning Commission may require after consultation with the responding fire district that the Applicant and/or Operator of the L-BESS to provide safety and first responder training. The Town may, from time to time, require training of new personnel, and funding, or other mechanism to cause such training to be provided, as determined by the Town, shall be provided by the owner/operator upon request by the responding fire district.
8. Only (1) L-BESS may be located on a single parcel with a minimum of 2 acres.
9. Preconstruction for L-BESS projects shall include well water and ground contamination testing, unless the requirements of this section and the following subsections are otherwise modified or waived by the Planning Commission.
 - a. The applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the L-BESS facility prior to testing.
 - i. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadmium (known Carcinogen), cadmium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinyl fluoride, PFAS, and any other contaminant

required for testing by the Town, County or State for this type of facility at the time testing takes place.

- b. At the applicant's cost, an escrow account with the Town shall be established to provide an independent third-party testing agency that may provide testing of the Facility Area and of water wells on properties within 1000-ft of the facility area.
 - c. At the applicant's expense, notice shall be given to all property owners within 1000-ft that water well testing is available prior to L-BESS construction at the cost of the L-BESS applicant.
 - d. Pre-construction testing: Initial testing shall take place within 12-months of establishing a special escrow account. Test results for the Participating L-BESS Properties shall be furnished to the Town.
10. L-BESS must have a continuously maintained connection to the municipal water supply, unless otherwise modified or waived by the Planning Commission. The L-BESS application must obtain in writing from the local fire department the type of fire department connection.
11. Unless the requirements of this section and the following subsections are otherwise modified or waived by the Planning Commission, L-BESS shall not be located within one half mile of public structures that are or can be by the Building Code of New York as designated as follows:
- a. Category III – structures that represent substantial hazard to human life.
 - b. Category IV – structures designated as essential facilities.

XII. SECTION TWELVE - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by right in Zone I-2.

B. Applications, Approvals, Fees, and Permits: U-BESS development application, site plan, special use permit approval process, and building permit fees shall be in accordance with the most current version of the Town of Rotterdam Fee Schedule.

- 1. A pre-submission conference with the Town is required. The applicant shall provide the opportunity for an on-site visit by any interested Town committee or Town Board members.

C. Setbacks:

1. U-BESS located in zones I-2 shall be set back from the property line at a minimum of 100 feet.
2. U-BESS facility areas shall be setback at a minimum of 150 feet from wetlands, ponds, and streams, unless otherwise modified or waived from this requirement by the Planning Commission upon receiving proper permit from a state or federal regulatory agency.
3. The following may not be subject to required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.
 - a. Access roads proposed from a public road to the fence of a U-BESS facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

D. Escrow for Review and Operations: U-BESS projects will require more oversight and services by the Town and their selected consultants. In addition to the normal escrow requirements of section 7, the account shall also include adequate funding for any necessary mailings by the Town, construction inspection, annual inspections, and for monitoring during operation of the facility. The escrow account shall be replenished when required by the Town and shall be maintained for the life of the project. Failing to replenish the account will result in enforcement action by the Town or activating the Decommissioning Agreement.

E. Specific Requirements:

1. All applicable requirements listed under Section 9, and all requirements of Section 12 of this Law.
2. The applicant shall disclose the full scope of the planned size of the project, including any other involved municipalities, and shall not segment the application for purposes of reducing the apparent significance of proposed plans. Where the Planning Commission or lead agency for State Environmental Quality Review has substantial proof that the ultimate scope of the project may exceed that which is being proposed by the applicant, it shall conduct its review and base its findings on the larger potential scope.
3. In addition, site plans shall contain the following:
 - a. Location map showing types of existing structures and uses on the site, public roads, and properties with abutting boundaries of the site including any bordering municipalities.

- b. Site plan shall provide surveyed data of abutting properties to the Participating Property parcel(s) showing all principal and accessory buildings (residential and commercial), roads, utilities and private or public wells, and labeling distances from those features to the Participating Property boundary.
- c. Location and description of all U-BESS components, whether on site or off site, all above and below-ground utility lines on the site, transformers, POI, Renewable Energy Electrical Substations when required for project, fencing, laydown, and storage areas to be used as part of construction and other ancillary facilities or structures.
- d. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- e. Label all setback distances as required by Town laws;
- f. Part 1 of a Full Environmental Assessment Form for SEQRA.
- g. Upon receipt of an application the Town requires proof of mailing, at the Applicant's expense, a notice of the proposed project to all abutting owners of property to the Participating Property boundaries regardless of municipality. Notices shall contain a summary of the project, a designated contact person, with telephone number, e-mail address, and mailing address from whom information will be available on a going forward basis.
- h. An electrical one-line diagram detailing the, associated components, and electrical interconnection methods, with all disconnects and overcurrent devices identified.
- i. Manufacturer data on all proposed U-BESS components.
- j. Documentation of access to the Facility Area via a lease agreement or other instrument to show the landowner's consent to the project.
- k. Documentation of utility notification, including proof of interconnection agreement. Projects not viable to the utility company shall not be considered by the Planning Commission.
- l. Decommissioning plan, including cost estimate and description and form of financial surety as described in other sections of this law.
- m. Deforestation: Previously cleared or disturbed areas are preferred locations for U-BESS projects.

- n. Unless this section and the following subsections are modified or waived by the Planning Commission, an acoustical noise studies by an independent third-party vendor shall be submitted with the application, which provides analysis of all noise-generating equipment that may be included in the project, including for construction. Noise generated from the U-BESS components and associated ancillary equipment, including but not limited to transformers, inverters, storage devices and substations shall provide for no discernable difference from existing noise levels at property lines. The study shall contain:
- i. Actual measurements of existing daytime and nighttime ambient noise at the boundary of the participating properties. Ambient noise testing locations and schedule shall be discussed with the Planning Commission before testing takes place.
 - ii. Proposed noise model to predict potential increase in noise from the project for pre-construction and post-construction conditions at both the project boundaries and nearest adjacent receptors (neighboring houses, etc.).
 - iii. Noise studies shall follow industry norms and report their findings using A-weighted methodologies. The Planning Commission may require additional analysis as they deem appropriate and may require noise mitigation or additional setbacks as needed to meet this requirement.
4. As part of the Operation, Safety and Maintenance Plan in Section 14 of this Law, the applicant shall document existing firefighting resources near or on the participating properties that may include but not limited to: distance to nearest fire hydrant, dry hydrants, ponds, or other waterbodies for drawing water in emergency situations.
5. U-BESS shall not exceed a maximum project size of 5 contiguous acres, unless this requirement is modified or waived by the Planning Commission.
6. In addition to Section 12(f)(6) of this Law, required notice to surrounding landowners shall contain a link to a project website, created and paid for by the applicant, which is meant to disseminate information to the public. At the applicant's expense, publication of notice of application shall be made in newspapers designated by the County of Schenectady and Town for the same. Notice shall also be provided to each member of the State and County Legislature in whose district any portion of the proposed U-BESS is in, or which district the project abuts upon.
7. Upon submission of an application, the applicant shall conspicuously post signage on the frontage of participating properties at all roads abutting the proposed project and at the proposed entryways/exits to the project. Signage must be of sufficient size to

contain the name of the proposed project, the application number, a rough concept map of the project, and contact information for the developer as well as a proposed project website address. Signage shall be sized and placed at a safe distance from the public roadway as to not interfere with sight distance on the roadway or any adjacent driveways.

8. In addition to Noise Studies requirements under Section 12 of this law, within 90-days of project completion the applicant or facility owner shall conduct a post-construction noise sampling at locations and schedule discussed with the Planning Commission prior to testing. If noise sampling is found to be greater than predictions, the applicant may be required to mitigate the sound to a level sufficient to the Planning Commission. Failure to implement mitigation measures within 90-days of notice will result in enforcement procedures by the Town. The applicant may request one (1) 90-day extension if reasonable evidence that the requested measures cannot be completed in 90-days. Further, violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations. The Town may use the project's escrow account to hire an independent third-party engineer/noise monitor to oversee compliance with noise requirements and the ongoing obligation of the same for the lifetime of the project.
9. At the Planning Commission's discretion, a Road-Use Agreement may be required for the desired traffic route.
10. Preconstruction for U-BESS projects shall include well water and ground contamination testing, unless this requirement and the requirements of the following subsections are modified or waived by the Planning Commission, as follows:
 - a. The applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the U-BESS facility prior to testing.
 - i. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadmium (known Carcinogen), cadmium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinyl fluoride, PFAS, and any other contaminant required for testing by the Town, County or State for this type of facility at the time testing takes place.

- b. At the applicant's cost, an escrow account with the Town shall be established to provide an independent third-party testing agency that may provide testing of the facility area and of water wells on properties within 1000 feet of the facility area.
 - c. At the applicant's expense, notice shall be given to all property owners within 1000-feet of the facility area that water well testing is available prior to U-BESS construction at the cost of the U-BESS applicant.
 - d. Initial testing shall take place within 12 months of establishing a special escrow account. Test results for the participating U-BESS properties shall be furnished to the Town.
11. Landscape and Screening: Buffers shall use existing vegetation to the fullest extent practicable. If existing vegetation does not provide the desired screening or buffer width it shall be supplemented with new landscaping to form a continuous hedge at least 14 feet in height at planting shall be required and maintained for the life of the project. Berms, solid fencing, and opaque enclosures are the least desirable method of screening but may be proposed in situations where existing or new landscaping for screening is not practical. New landscaping proposed for the project shall be species native to the region and selected by a Registered Landscape Architect. All landscaping and screening methods shall be maintained and replaced as necessary during the life of the project.
12. U-BESS must have a continuously maintained connection to the municipal water supply, unless otherwise modified or waived by the Planning Commission. The U-BESS application must obtain in writing from the local fire department the type of fire department connection.
13. Unless the requirements of this section and the following subsections are otherwise modified or waived by the Planning Commission,, U-BESS shall not be located within one half mile of public structures that are or can be by the Building Code of New York as designated as follows:
- a. Category III – structures that represent substantial hazard to human life.
 - b. Category IV – structures designated as essential facilities.

XIII. SECTION THIRTEEN – REQUIRED AGREEMENTS

The following applies to Utility-Scale Battery Energy Storage Systems (U-BESS), unless any of the requirements or conditions of this section are waived or modified by the Planning Commission:

- A. Road Use Agreement: The applicant shall execute a road use agreement with the Town if Town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition assessment of the proposed hauling routes using Town roads shall be undertaken by the applicant at the applicant's expense. Any damage to a Town or County Road during construction caused by the operator or its subcontractors shall be repaired or reconstructed to the satisfaction of the Town Highway or County Highway Superintendent at the operator's expense.
- B. Performance Guarantees: The Town will require the applicant or facility owner to provide, prior to construction, a performance bond or cash escrow that names the Town of Rotterdam as the beneficiary, to ensure proper operation and maintenance of all below noted facilities, both during and after construction and until the U-BESS is removed from operation. If the applicant or facility owner fails to properly operate and maintain below noted facilities, the Town, after giving reasonable notice for non-emergencies, may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs. After which, the account shall be replenished by the applicant or facility owner within 90 days, or else the facility will be considered abandoned, and decommissioning shall be enacted.
1. Facilities for performance guarantees:
 - i. All proposed landscaping and screening for the project in the amount of 50 percent the installed cost.
 - ii. Stormwater management and erosion and sediment control facilities required for the project in the amount of 50 percent the installed cost.
 - iii. Any other facility as part of the proposed project, deemed necessary for inclusion to this section by the Planning Commission.
- C. Decommissioning: The applicant shall execute a decommissioning agreement and financial surety as described in Section Fourteen of this law.
- D. Indemnification: The applicant system shall execute an indemnification agreement with the Town. The agreement shall require the applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising there from either at law or in equity, which might arise out of or be caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of

said U-BESS, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages or changes referenced herein, reasonable attorneys' fees, consultant fees and expert witness fees are included in those costs that are recoverable by the Town.

E. Payment in-lieu of Taxes: The applicant shall enter into an agreement for a payment in lieu of taxes (PILOT) with the Town Board pursuant to Real Property Tax Law Section 487. This PILOT agreement shall be reviewed and approved by the Town Board. A PILOT agreement executed with the county IDA, acceptable to the Town Board, in its sole discretion, for the U-BESS may serve to meet the requirements of this section.

1. No building permit shall be issued, or construction commenced for a U-BESS until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the County Clerk.
2. The PILOT shall run to the benefit of the Town and School District and be executed by the operator and the owners of the real property upon which the U-BESS is to be located, and such signatures be notarized in such a way that allows the PILOT agreement to be recorded at the Office of the County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the County Clerk as a lien on the property and indexed against the property/properties upon which the U-BESS is to be constructed. The intent of this provision is so that should the operator of the U-BESS default with regard to the PILOT agreement, such obligation will become the responsibility of the then owner of the property upon which the U-BESS is sited and failure to satisfy the terms of such agreement will permit the Town to enforce such agreement against the owner.

XIV. SECTION FOURTEEN – SYSTEM OPERATIONS AND SAFETY

The following applies to Large-Scale Battery Energy Storage Systems (L-BESS) and Utility-Scale Battery Storage Systems (U-BESS), unless any of the requirements or conditions of this section or any subsection are waived or modified by the Planning Commission or noted otherwise herein.

- A. Operation, Safety and Maintenance Plan: The applicant shall submit a comprehensive operation, safety and maintenance plan that addresses the following:
1. Contains an executive summary sheet at the front of the document which clearly shows the following:
 - a. Facility owner information and contact, both phone and current email address.

- i. Landowner information and contact, both phone and current email address.
 - ii. An emergency contact phone number for a competent person who can be to the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site and be able to quickly identify electrical disconnect locations.
 - iii. An emergency contact at the Utility Company associated with the L-BESS or U-BESS.
 - iv. Contact information for the company or individual responsible for regular maintenance and landscaping of the site.
2. Describes continuing maintenance and upkeep for L-BESS or U-BESS, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code and all applicable codes and the additional items below:
 - a. Procedure for how damaged or malfunctioning equipment shall be identified, isolated, removed, replaced, or repaired from the site within 30 days of discovery or notification of problem at the expense of the developer, ATIMA/ISAOA.
 - b. Description of internally located components for temperature monitoring, self-extinguishing fire system and off gassing monitoring. Method for how this equipment will be maintained, tested and inspected yearly or more frequently if required by the manufacturer.
 - c. System equipment, grounds, fencing and buffer areas shall be maintained in good condition by the operator.
 - d. Only DEC approved cleaning products applied by DEC approved applicators are allowed.
3. The applicant shall prepare an Emergency Operations Plan in cooperation with Town emergency service providers, which will become part of the Operation, Safety and Maintenance Plan. A copy of the approved 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, controls, temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.
- c. Procedures to be followed in response to notifications from the L-BESS or U-BESS that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the L-BESS or U-BESS shall be clearly marked.
- d. The property must be inspected after a National Weather Service designation of a Severe Weather event to ensure that the property did not sustain damage. Reports of said inspection shall be filed with the Town Building Inspector.
- e. Emergency procedures to be followed in case of fire, explosion, release of liquids, oils, or vapors, damage to critical moving parts, or other potentially dangerous conditions.
- f. Response considerations similar to a material safety data sheet (MSDS) that will address response safety concerns and extinguishment when an MSDS is not required.
- g. Procedures for dealing with L-BESS or U-BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the DPW and local emergency responders.
- h. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- i. Procedure to the Town officials and emergency responders on how to inspect components that perform the temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.

- j. Procedures and schedules for conducting drills of these procedures and for training local (all agencies within 15 miles) emergency responders on the contents of the plan and appropriate response procedures. Training shall be taught by a New York State certified instructor, performed annually, and shall include local and mutual aid emergency responders. Training and specialty equipment shall be paid for by the developer, ATIMA/ISAOA.
 - k. The system owner shall notify the local fire department, county emergency management office and the Town building inspector at least one week prior to any scheduled maintenance or equipment swap out.
 - l. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws. After 72 hours and every month for a minimum of 12 months after an emergency event the test wells on the site shall be tested for contaminants. If contaminants are detected testing will continue until the test results return back to predevelopment test well levels.
- B. Consultation with Town Emergency Services: The applicant shall arrange an on-site meeting with the fire department having primary coverage of the project area and any other associated emergency service provider or Town department, to review the components of the system, safety issues and procedures for emergency response. This shall include details on the location of labeled warnings, access to the site, and emergency disconnection of the system. A draft version of the Operation, Safety and Maintenance Plan described above shall be made available to attendees of this meeting at least seven (7) calendar days before. The applicant shall take feedback from attendees and amend the Operation, Safety and Maintenance Plan as needed.
- C. Ownership Changes: If the owner or operator of the L-BESS or U-BESS changes or the owner of the property changes, all requirements of the permit or special use permit shall remain in effect. Approval to operate the system shall continue, provided that the successor owner or operator assumes in writing all the obligations of the special use permit, site plan approval, decommissioning plan, security, escrow, and any other binding agreements. Both the new owner or operator of the L-BESS or U-BESS and the preceding owner shall notify the Code Enforcement Officer and the Town Supervisor of such change in ownership or operator 30 days prior to the ownership change. All the terms set forth herein shall be binding on developers, ATIMA/ISAOA.
- D. Annual Report/Inspection: On a yearly basis, the L-BESS or U-BESS owner shall provide the Town reports showing the following information: rated capacity of the energy charges and discharge (kWh) totals provided to the grid or end user and a report of the inspection of the components that perform the temperature monitoring, self-

extinguishing fire suppression system and off gassing monitoring. The reports shall be submitted no later than 30 days after the end of the calendar year. Additionally, an applicant/operator shall hire an independent, third-party engineer/inspector approved by the Town to oversee compliance with site and operational requirements and the ongoing obligation of the same for the lifetime of the project. The engineer/inspector shall perform a site inspection if a complaint regarding the U-BESS and any of its components is made to the Town of Rotterdam Code Enforcement Officer. Annual inspections of the completed U-BESS shall be performed at the expense of the developer, ATIMA, ISAOA.

E. Project Changes: Any changes and/or augmentation to the U-BESS that occur after final approval from the Planning Commission, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of this law. Unless expressly limited by a condition imposed in the permit, the Code Enforcement Officer, or other Town designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed by the Planning Commission. Such immaterial modifications shall only be allowed in response to a written request by the applicant. All such requests shall be addressed to the authorized Town designee, with copies to the Chairman of the Planning Commission, and the TDE.

F. Insurance:

1. Unless modified or waived by the Planning Commission, the applicant or facility owner shall agree to secure and maintain for the duration of the project, public liability insurance as follows:
 - a. Commercial general liability covering personal injuries, death and property damage: \$10,000,000 per occurrence, \$20,000,000 aggregate, which shall specifically include the Town and its officers, councils, employees, attorneys, agents and consultants as additional named insured.
 - b. Umbrella coverage: \$300,000,000.
2. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".
3. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.

4. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.
5. Copies of Insurance Policy: No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.
6. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.
7. Construction Inspection: The escrow account required herein shall be used to provide inspection by a Town engineering consultant during construction of the U-BESS. Work shall remain accessible and exposed until inspected and accepted by the town's consultant. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to how the work fails to comply with the Uniform Code or conditions of the special use permit. Work not in compliance shall remain exposed until brought into compliance, reinspected, and found satisfactory as completed. During construction, the Town Building Inspector/Code Enforcement Officer can issue a stop order at any time for violations of the special use permit.
8. Operational Inspection: Upon 24 hours advance notice to the owner/operator or designated contact person, the Town of Rotterdam Code Enforcement Officer/Building Inspector or his or her designee may enter the U-BESS to verify compliance with any requirements or conditions. The U-BESS shall be inspected by a New York State licensed professional engineer, under contract with the Town and paid by the escrow account required herein, to ensure that it is operating according to the conditions of the special use permit. Such inspections shall be done annually, and at any other time, upon a determination by the Town's Building Inspector that damage may have occurred. The engineer shall file an inspection report with the Town Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said report shall be completed by the operator within a written schedule agreed on by the Code Enforcement Officer/Building Inspector.
9. Groundwater Testing: For U-BESS, Unadulterated soil samples shall be taken at 4 corners of the proposed site. Testing shall utilize 4-foot-deep holes, with testing at 2-foot increments. One monitoring test well hole shall be at the lowest elevation on the site. In the event groundwater contamination occurs because of the U-BESS, the

operator, at its sole expense, shall provide a reliable alternative water source and address the contamination in accordance with all legal requirements.

XV. SECTION FIFTEEN – ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

The following applies to Utility-Scale Battery Energy Storage Systems (U-BESS). Unless the requirements or conditions under this Section or any following subsection are modified or waived by the Planning Commission, a proposed Decommissioning Agreement shall be provided by the applicant and approved by the Town Board. No building permit shall be issued for a U-BESS until the Decommissioning Agreement has been executed and financial surety provided as set forth below.

A. Cause to Implement Decommissioning Plan.

1. If a U-BESS ceases to perform its originally intended function for more than 12 months or is considered abandoned by the Code Enforcement Officer for lack of maintenance and other provisions of this law, the Code Enforcement Officer shall notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the facility owner shall either restore operation or complete implementation of the decommissioning plan. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period and restore the site to original conditions as required, the Town may implement the decommissioning plan in accordance with the law, and recover all expenses incurred for such activities from the financial surety described in other sections of this law, and if required, from the defaulted facility owner.
2. If the applicant begins and does not complete construction within eighteen (18) months after receiving final site plan approval, the decommissioning plan may be implemented unless the facility owner can show to the satisfaction of the Code Enforcement Officer good cause as to why this time should be extended for a maximum of 6 months. At which time if the facility is not fully constructed and operating, the Code Enforcement Officer may implement the decommissioning plan in accordance with this law.

B. Decommissioning Plan: The plan shall be submitted as part of the application to the Planning Commission. The decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following provisions:

1. The removal of the U-BESS within the from the facility area, including but not limited to all above and subsurface structures, electrical equipment, wires, footings, ground anchors, cables, utility poles, point of interconnection, concrete, switch gears,

transformers, fencing, renewable energy electrical substations, inverters, roadways, stormwater management features, roadways, etc.

2. Compacted portions of the site shall be decompacted and excavations shall be backfilled to restore the site. Restoration of the original surface grade and topsoil installation after removal of the facility.
3. Revegetation of restored topsoil areas with native seed mixes, excluding any invasive species.
4. The cost of removing the entire U-BESS based upon prevailing wages and any other requirements applicable to municipalities under state or federal law.
5. No salvage value shall be attributed to any of the components of the U-BESS.
6. A schedule and methods for the removal of the U-BESS, including any ancillary structures.
7. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops, or grazing.

C. Financial Surety

1. Financial Surety shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the U-BESS and restoration of the site subsequent to removal.
2. Prior to the issuance of a building permit and every five (5) years thereafter, the U-BESS owner shall file with the Town evidence of financial security to provide for the full cost of decommissioning and removal of the U-BESS in the event the system is not removed by the system owner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable letter of credit or other security acceptable to the Town Board. The irrevocable letter of credit shall include an automatic extension provision, to be issued by an A-rated institution solely for the benefit of the Town, substantially in the form attached hereto as Exhibit A.
3. The amount of the financial surety shall be 150 percent of the estimated cost of removal of the U-BESS and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the Utility-Scale Battery Energy Storage Systems and shall not

consider the net salvage value of any such project components. The financial surety established by the agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding. The amount of the surety shall be determined and certified by the applicant's engineer and shall be reviewed by the TDE. The amount of the surety may be adjusted by the Town during each five (5) year review as required.

4. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The financial surety shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.
5. Any cost incurred by the Town that exceeds funding available to them from financial surety, which cannot be recovered from the defaulted facility owner, shall be assessed against the property, in a manner appropriate by law, and in the form of tax, lien or other available method enforceable by the Town.

XVI. SECTION SIXTEEN – PUBLIC USE

A Battery Energy Storage System shall not be considered a Public Utility Use.

XVII. SECTION SEVENTEEN - SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

XVIII. SECTION EIGHTEEN – EFFECTIVE DATE

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



Town of Rotterdam
Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC 52-2025

Moved by Ms. Flansburg seconded by Ms. Ciampino
Applicant: Town of Rotterdam

**Resolution Adopting a Report and Positive Recommendation on
The Adoption of Battery Energy Storage System code**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has forwarded a proposed amendment to Chapter 270, entitled "Zoning," to enact Local Law No. ____ of the Year 2025 entitled, "Battery Energy Storage System,"; and

WHEREAS, the Town Board referred the proposed amendment to the Zoning Code of the Town of Rotterdam ("Zoning Code") to the Rotterdam Planning Commission ("Planning Commission") on August 13, 2025, for a report and recommendation thereon; and

WHEREAS, the Chair of the Planning Commission introduced the proposed amendment to the Planning Commission at its regularly scheduled meeting held on August 19, 2025, and the Planning Commission tabled action on this matter with an additional discussion with the Town Board appointed Energy Advisory Committee ("EAC") on September 16, 2025; and

WHEREAS, the Planning Commission reviewed the proposed amendment at its regularly scheduled meetings held on August 19, 2025, and September 16, 2025; and

WHEREAS, the Planning Commission has deliberated on the proposed amendment;

NOW, THEREFORE, upon motion of Member Flansburg, seconded by Member Ciampino;

BE IT RESOLVED, by the Planning Commission as follows:

The Planning Commission hereby adopts the following as its report on the proposed Zoning Code amendment:

1. Town Board referred the local law to the Planning Commission on August 13, 2025, and the Planning Commission reviewed the local law at the August 19, 2025, meeting, conducted a workshop with members of the EAC, Attorney for the Town ("Town Attorney"), and Planning Commission members on September 16, 2025.

As part of the Planning Commission report and recommendation, the Planning Commission directed the Town Attorney to incorporate the notes from the August 19, 2025, workshop as well as the comments from Planning Commission members for consideration at their September 16, 2025, meeting. The comments included the following:

- A. Feedback on the proposed amendment was received from NYSERDA and Zenobe Americas Inc. and reviewed by the Planning Commission.
- B. Feedback from the EAC on NYSERDA's comments to the proposed amendment was received and reviewed by the Planning Commission.
- C. Noted that surrounding communities have prohibited Battery Energy Storage Systems outright.
- D. Recognition by the Planning Commission that the New York State Office of Renewable Energy Siting may consider siting BESS in the Town in the future and it would be a benefit to the Town enact the proposed amendment to protect Town interests in that potential eventuality.
- E. Recommendation by Town Attorney to keep language in Section 2 Legislative Intent and Purpose in order to provide justification of the Town's reasonable interests in enacting the proposed amendment in case of legal challenge.
- F. Recommendation by Planning Commission that the proposed amendment be considered a "living document," due to the speed and nature of technology changes could pose unknown future challenges. If enacted, the Planning Commission recommends a review of the proposed amendment every two years to ensure applicability and comprehensiveness.
- G. Unanimous agreement among the Planning Commission that the Rotterdam Aquifer, a section of the Great Flats Aquifer, is the most critical assets in the Town and requires significant protection from BESS siting.
- H. The Planning Commission notes that there is interest in siting 100MW of Battery Energy Storage Systems in the vicinity of Gordon Road substation, which sits over the Rotterdam Aquifer and water well heads.
- I. The Planning Commission notes that accidents and fires involving Battery Energy Storage Systems in other communities have led to an environmentally compromised water supply.
- J. As water contamination can have unknown long-term effects on a community, the Planning Commission recommends a stringent law that advocates for the prevention of water contamination in the Rotterdam Aquifer and throughout the Town community.
- K. The Planning Commission recommends that PILOT programs be permissive and not required due to known future changes in the method of calculating the total payments to the Town that may not be favorable to the Town's economic interest.
- L. The Planning Commission reviewed the four-page summary of information submitted from American Clean Power and determined that the information was not comprehensive or properly sourced in its assessment of the potential impacts of fires at Battery Energy Storage System facilities.
- M. The Planning Commission reviewed the recommendations of NYSERDA and EAC feedback and concluded that the principal concern of the Planning Commission in review of the proposed amendment was community safety, which aligned with EAC feedback.
- N. The Planning Commission heard feedback from the Senior Town Planner and Town Attorney that the proposed amendment often does not allow for modification or waiver of many requirements by the Planning Commission.
- O. The Town Attorney was requested to provide comments on the proposed amendment with a focus on providing the Planning Commission the ability to modify or waive various requirements in the proposed amendment, which Town Attorney comments were completed on September 18, 2025.

Resolution Number PC 52-2025

Moved by Ms. Flansburg seconded by Ms. Ciampino

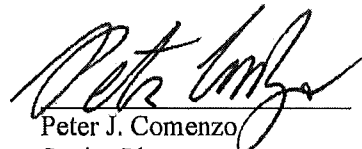
Applicant: Town of Rotterdam

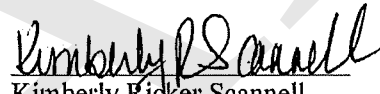
Page 3

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the proposed amendment to Chapter 270, entitled "Zoning" to enact Local Law #___ of the year 2025 entitled "Battery Energy Storage System".
3. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission.

<u>Member</u>	<u>Aye</u>
Kimberly Ricker-Scannell	X
Danielle Ciampino	X
Wayne Calder	X
Clark Collins	X
Joseph Signore	X
Lynn Flansburg	X
Joseph Miglucci	X

Nay


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, November 12, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 356.25

TO CALL FOR A PUBLIC HEARING ON THE PROPOSED INTRODUCTORY LOCAL LAW __ OF 2025; TO ADOPT A NEW ARTICLE IN CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO “BATTERY ENERGY STORAGE SYSTEMS”

WHEREAS, this introductory Local Law was referred to the Planning Commission for a Report and Recommendation on July 9, 2025, where a positive recommendation was issued on September 15, 2025; **NOW**

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby designates the adoption of the proposed Battery Energy Storage Code as a type I action pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations.

SECTION 2. Consistent with the requirements for Type I Actions under SEQRA, the Town Board, as lead agency, adopted a Long Environmental Assessment Form (LEAF) to identify relevant areas of environmental concern on November 12, 2025; and

SECTION 3. The Town Board of the Town of Rotterdam hereby authorizes the Town Clerk to publish in the official newspaper of the Town of Rotterdam not less than ten (10) days prior to the date designated for the public hearing provided for hereby the following notice:

**TOWN OF ROTTERDAM
NOTICE OF HEARING**

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a public hearing at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306, at 7:00 p.m. on the 10th day of December 2025 for the following purpose:

To recognize the introduction of Introductory Local Law No. ____ of 2025; To adopt a new Article of Chapter 270, Zoning, of the Town Code, relating to “Battery Energy Storage Systems”.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

DATED: November 12, 2025

Daily Gazette: Please publish once on November 14, 2025

Town Clerk

Post

SECTION 4. This resolution shall become effective November 12, 2025.

DATED: November 12, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on November 12, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this November 17, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: October 27, 2025

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo – Senior Planner *PC*

TITLE OF REQUEST: Call for Public Hearing proposed Zoning Code amendments regulating Battery Energy Storage Systems

TOWN BOARD MEETING: November 12, 2025

Background Information: The Energy Advisory Committee for the Town of Rotterdam was charged with developing proposed Zoning Code language to address Battery Energy Storage Systems in the Town.

Evaluation/Analysis: On March 8, 2023 the Town Board established and appointed various members to the Town of Rotterdam Energy Advisory Committee. Since that time, the Energy Advisory Committee has worked diligently to develop recommended additions to the Town Code to regulate Battery Energy Storage Systems. The Committee has put forth a recommended draft law and is requesting that the Town Board adopt the new code which is attached. This project was referred to the Planning Commission for a Report and Recommendation on July 9, 2025. Planning Commission issued a positive recommendation on September 15, 2025

Recommendation(s): Call for a Public Hearing

Attachment/Document(s): Proposed Battery Energy Storage Systems Code
Planning Commission Report and Recommendation 9/15/25

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Updates to Zoning Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

RESOLUTION NO. 381.25

ACCEPTING TOWN BOARD MEETING MINUTES

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____, **NOW**

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of December 10, 2025, Town Board meeting as attached.

SECTION 2. This resolution shall become effective December 17, 2025.

DATED: December 17, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: December 12, 2025
TO: Mollie A. Collins, Supervisor

FROM: Diane M. Marco, Town Clerk

TITLE OF LEGISLATIVE REQUEST: To adopt meeting minutes from December 10, 2025, Town Board Meeting.

TO BE PLACED ON TOWN BOARD AGENDA OF: December 17, 2025

TO BE PLACED ON TOWN BOARD MEETING OF: December 17, 2025

Background Information: Attached. To adopt the meeting minutes of the December 10, 2025, Town Board Meeting.

Evaluation/Analysis: N/A

Recommendation(s): To place on Town Board agenda and Town Board Special meeting of December 17, 2025.

Attachment/Document(s): Attached

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): N/A

LEGISLATION WAS PREPARED BY: Town Clerk Diane M. Marco



TOWN OF ROTTERDAM

DIANE M. MARCO

Town Clerk

John F. Kirvin Government Center * 1100 Sunrise Boulevard * Rotterdam, NY 12306
Telephone: (518) 355-7575 Ext: 352 * Fax: (518)355-7837* Website: www.rotterdamny.org
Email * dmarco@townofrotterdam.gov

December 12, 2025

Certified Resolutions: #358.25- #379.25 for the year 2025 was duly adopted and resolution #380.25 was tabled at the Town Board Meeting held at the J.F. Kirvin Government Center, 1100 Sunrise Boulevard Rotterdam, New York, 12306 that was held Wednesday, December 10, 2025. The Town Board agenda meeting started at approximately 6:41p.m. The agenda meeting was adjourned at approximately 6:56 p.m. All agreed to adjourn the agenda meeting. The Town Board meeting began at approximately 7:00 p.m. Motion #25 was made by Councilmember Dodson and seconded by Councilmember Mastroianni. Motion #26 was made by Councilmember Dodson and seconded by Councilmember Gallucci. Motion#27 was made by Councilmember Gallucci and seconded by Councilmember Mastroianni. Motion#28 failed and was made by Councilmember Gallucci and seconded by Councilmember Dodson. Motion#29 was made by Councilmember Dodson and seconded by Councilmember Gallucci. Motion#30 was made by Councilmember Dodson and seconded by Supervisor Collins. The Town Board went into executive session at approximately 8:32p.m. and exited executive session at approximately 9:06p.m. and continued with the Town Board Meeting. The Town Board Meeting was adjourned at approximately 9:07 p.m. by Councilmember Schlag and seconded by Councilmember Gallucci. All agreed to adjourn the Town Board Meeting.

All Councilmembers were present

Diane M. Marco

Diane M. Marco, Town Clerk

MEETING OF THE ROTTERDAM TOWN BOARD

December 10, 2025

7:00 PM

Agenda Review 6:30 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

SUPERVISOR'S REMARKS: Supervisor Mollie A. Collins

PROCLAMATIONS

PRESENTATIONS

PUBLIC HEARING

1. To recognize the introduction of Introductory Local Law No. __ of 2025; To Amend Chapter 194, "Parks and Recreation", Section 11 Entitled "Nature Trail" by renaming Chapter 194-11 to "Great Flats Nature Trail" and by adding Section 12, Entitled "Rotterdam Preserve" with proposed regulations. Pg. 4 **PUBLIC HEARING CLOSED**
2. To recognize the introduction of Introductory Local Law No. __ of 2025; To adopt a new Article of Chapter 270, Zoning, of the Town Code, relating to "Battery Energy Storage Systems". Pg. 10 **PUBLIC HEARING KEPT OPEN**
3. The Increase and Improvement of the Facilities of the Rotterdam Consolidated Sewer District No. 7, in the Town of Rotterdam, Schenectady County, New York. Pg. 41
PUBLIC HEARING CLOSED

PUBLIC COMMENT – PRIVILEGE OF THE FLOOR:

Those members of the public wishing to address the Town Board will be asked to sign in before the meeting is called to order on the sign-in sheets being provided. Speakers will be called to the podium in order of their signing in. People recognized by the Chair to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as Chair of the meeting. Persons granted the privilege of the floor shall first clearly state his/her name and address for the record. People so addressing the Chair through the use of a prepared written statement shall submit a copy of the same to the Town Clerk for the purpose of maintaining clear and accurate official minutes of the Town Board meeting.

GENERAL RULES OF PROCEDURE FOR PUBLIC HEARINGS & PRIVILEGE OF THE FLOOR:

Any person recognized by the Town Supervisor to speak during privilege of the floor shall direct his/her comments to the Town Supervisor as chair of the meeting. Any person granted the privilege of the floor shall first clearly state his/her name and address for the record. The purpose of privilege of the floor shall be for speakers to express their views, thoughts and speak freely. Each speaker who wishes to address the Town Board shall have an equal and reasonable opportunity to be heard by the Town Board. Each speaker shall be given a maximum of four (4) minutes to address the Town Board.

MOTIONS

25.25 I make a motion to add Order 5.25 to the top of order.

26.25 I make a motion to add to Executive session to read Employee 12102025A and 12102025B.

27.25 I make a motion to add Resolution 380.25 to the agenda.

28.25 I make a motion to close public hearing#2 **Failed**

29.25 I make a motion to table Resolution 380.25.

30.25 I make a motion to go into executive session.

RESOLUTIONS

358.25 Accepting Town Board Meeting Minutes. Pg. 49

359.25 To Appoint Debra Butler to the position of Assessor. Pg. 88

360.25 To appoint Shawn Pryba to the position of Wastewater Treatment Plant Operator. Pg. 94

361.25 To accept revenue for Town Clerk's office for November 2025. Pg. 100

362.25 To approve budget transfers to the 2025 budget. Pg. 106

363.25 Authorize the Supervisor to negotiate and execute a Memorandum of Understanding with CSEA. Pg. 109

364.25 To negotiate and execute an agreement with Hovak Enterprises, LLC for consulting and technical it services. Pg. 111

365.25 To declare Water/Sewer vehicles obsolete. Pg. 116

366.25 To negotiate and execute an agreement with Trane U.S. Inc. for Town Hall VAV-6 Payroll Replacement. Pg. 119

367.25 To authorize the Town Comptroller to return escrow funds to Leece Development Company LLC for the Whispering Pines Senior Living Community Pump Station. Pg. 128

368.25 To authorize the Supervisor to negotiate and execute an industrial wastewater discharge permit with ELANTAS North America LLC. Pg. 133

369.25 To authorize healthcare insurance contracts for 2026. Pg. 145

370.25 To authorize property and casualty insurance renewal agreements for 2026. Pg. 160

371.25 To award bid for police uniforms and equipment. Pg. 210

Order 5.25 The increase and improvement of Facilities of the Rotterdam Consolidated Sewer District No.7 in the Town of Rotterdam, Schenectady County, New York. Pg.227

372.25 A Resolution authorizing the issuance of \$114,850 bonds of the Town of Rotterdam, Schenectady County, New York, to pay the cost of the increase and improvement of the facilities of the Rotterdam Consolidated Sewer District No. 7, in the Town of Rotterdam, Schenectady County, New York. Pg. 231

373.25 To authorize the Supervisor to negotiate and execute a memorandum of agreement with the Rotterdam Police Chief's Association. Pg. 240

374.25 To enact Local Law No. 9 of 2025; To amend Chapter 194, "Parks and Recreation", Section 11 entitled "Nature Trail" by renaming Chapter 194-11 to "Great Flats Nature Trail" and by adding section 12, entitled "Rotterdam Preserve" with proposed regulations. Pg. 242

375.25 To authorize the Town Supervisor to execute the memorandum of agreement between the Town of Rotterdam and the Civil Service Employees' Association recognizing the new job title of Senior Motor Equipment Operator (Heavy) II. Pg. 249

376.25 To amend Resolution 66.25 of the year 2025; To appoint individuals to various part time positions and duties for the calendar year 2025. Pg. 257

377.25 Authorizing the Town Supervisor to negotiate and execute an amendment to CSX Agreement No. NYC042530 and remit required payment. Pg. 258

378.25 To schedule a Special Meeting of the Town Board Pg 279

379.25 Call for bids for Wastewater Treatment Plant Improvements Project: Contract No. 1A- General Construction, Contract No. 1B - Electrical Construction and Contract No. 1C- Mechanical Construction. Pg.282

380.25 Resolution adopting Local Law ___ of 2025 to adopt new article of Chapter 270, Zoning of the Town Code relating to "Battery Energy Storage Systems". Pg 300 **TABLED**

LIAISON REPORTS

MISCELLANEOUS

EXECUTIVE SESSION

- Personnel Matter regarding employee 12102025A
- Personnel Matter regarding employee 12102025B

ADJOURNMENT

Mollie A. Collins, Supervisor

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following Motion was duly adopted:

MOTION 25.25

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to add order 5.25 to the top of order.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed to add 5.25 to the top of order on the agenda by the Town Board of the Town of Rotterdam on December 10, 2025 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following Motion was duly adopted:

MOTION 26.25

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to add to executive session to read employee 12102025A and 12102025B.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed to add to executive session to read 12102025A and 12102025B by the Town Board of the Town of Rotterdam on December 10, 2025 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following Motion was duly adopted:

MOTION 27.25

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to add Resolution 380.25 to the agenda.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag		X	
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed to add to the agenda Resolution 380.25 by the Town Board of the Town of Rotterdam on December 10, 2025 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following Motion duly **FAILED**:

MOTION 28.25 FAILED

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to close Public Hearing #2.

DATED: December 10, 2025, **FAILED**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni		X	
Gallucci	X		
Schlag		X	
Collins		X	

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion failed to close Public Hearing #2 by the Town Board of the Town of Rotterdam on December 10, 2025 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following Motion was duly **TABLED**:

MOTION 29.25 TABLED

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to Table Resolution 380.25.

DATED: December 10, 2025, **TABLED**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed to Table Resolution 380.25 by the Town Board of the Town of Rotterdam on December 10, 2025 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I **DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco
Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following Motion was duly adopted:

MOTION 30.25

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Supervisor **COLLINS**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. I make a motion to go into executive session.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing motion passed to go into executive session by the Town Board of the Town of Rotterdam on December 10, 2025 and that the foregoing motion is a true and correct transcript of the original motion and of the whole thereof and that said motion is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 358.25

ACCEPTING TOWN BOARD MEETING MINUTES

THEREFORE, UPON MOTION OF Supervisor **COLLINS**, seconded by Councilmember **DODSON**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the minutes of November 12, 2025, Town Board meeting as attached.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 359.25

TO APPOINT DEBRA BUTLER TO THE POSITION OF ASSESSOR

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Debra Butler, of Schenectady, New York 12303, is hereby appointed to the position of Assessor, full-time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of eighty thousand and 00/100 (\$80,000.00) dollars, for a six (6) year term, commencing December 15, 2025, through September 30, 2031, in accordance with Real Property Tax Law (RPTL) §310.

SECTION 2. Debra Butler shall receive all the benefits afforded by members of the CSEA including C.O.L.A.'s except for the ability to earn overtime and/or compensatory time.

SECTION 3. Debra Butler shall receive thirty (30) working days' vacation for each year from December 15, 2025, through the terminated contract date of September 30, 2031.

SECTION 4. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.

Diane M. Marco

Diane M. Marco, Town Clerk



At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION 360.25

**TO APPOINT SHAWN PRYBA TO THE POSITION OF WASTEWATER
TREATMENT PLANT OPERATOR**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Shawn Pryba, of Rotterdam, New York 12306, is hereby appointed to the position of Wastewater Treatment Plant Operator, provisionally, full-time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of fifty-six thousand four hundred eighty-five and 90/100 (\$56,485.90) dollars, commencing December 11, 2025.

SECTION 2. This resolution shall be effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 361.25

TO ACCEPT REVENUE FOR TOWN CLERK'S OFFICE FOR NOVEMBER 2025

THEREFORE, UPON MOTION OF Supervisor **COLLINS**, seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Clerk's report for the month of November 2025 has been placed on file and the Town Clerk's check in the amount of three thousand seven hundred thirty-eight dollars and 06/100 (\$3,738.06) has been submitted to the Supervisor for deposit.

SECTION 2. This resolution shall be effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 362.25

TO APPROVE BUDGET TRANSFERS TO THE 2025 BUDGET

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Supervisor **COLLINS**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Pursuant to Section 36 of the General Municipal Law of the State of New York and Sections 102, 112 and 113 of Town Law of the State of New York, regarding the Uniform System of Accounts, the following transfers to the various accounts for 2025 are hereby audited and approved:

<i>Fund</i>	<i>Account No.</i>	<i>Title</i>	<i>Amount</i>
General	A1110.2000	FROM: Justice Office Equip	\$ (2,000.00)
General	A1110.4900	FROM: Justice Building Repairs	\$ (5,000.00)
General	A1110.4100	TO: Justice Office Supplies	\$ 7,000.00
General	A1110.4300	FROM: Justice Conf/Training	\$ (1,390.00)
General	A1110.4360	FROM: Justice Stenos and Interp	\$ (2,000.00)
General	A1110.4700	TO: Justice Postage	\$ 3,390.00

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 363.25

**AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A
MEMORANDUM OF UNDERSTANDING WITH CSEA**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by
Councilmember **SCHLAG**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute a memorandum of understanding (MOU) with the CSEA to clarify the scope of duties of the Public Works Coordinator position from the original agreement dated August 14, 2025.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 364.25

TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HOVAK ENTERPRISES, LLC FOR CONSULTING AND TECHNICAL IT SERVICES

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **SCHLAG**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Jason Hovak of Hovak Enterprises LLC, located at 150 Clizbe Avenue, Amsterdam, New York 12010, for consulting and technical services to facilitate continued operation of the Towns Information Technology (IT) environment, at the hourly rate of \$140, not to exceed a total cost of seventy one thousand six hundred eighty and 00/100 (\$71,680.00) dollars for the 2026 calendar year.

SECTION 2. This resolution shall become effective on December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco
Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 365.25

TO DECLARE WATER/SEWER VEHICLES OBSOLETE

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Supervisor **COLLINS**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board, of the Town of Rotterdam, on the advice and recommendation of the Senior Building Inspector, hereby declares the following items obsolete and no longer needed by the Town and authorizes their proper disposal or auction:

2017 Black Ford Explorer Vin #1FM5K8AR5HGB92719-Mileage 224,356

2001 Jetter Vin #1HTSCABN52H513668-Mileage 134,643

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 366.25

**TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH TRANE U.S. INC. FOR
TOWN HALL VAV-6 PAYROLL REPLACEMENT**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute an agreement with Trane U.S. Inc., located at 301 Old Niskayuna Road, Suite 1, Latham, NY 12110 to replace the Town Hall VAV-6 Payroll, in an amount not to exceed two thousand three hundred twelve (\$2,312.00). dollars.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 367.25

TO AUTHORIZE THE TOWN COMPTROLLER TO RETURN ESCROW FUNDS TO LEECE DEVELOPMENT COMPANY LLC FOR THE WHISPERING PINES SENIOR LIVING COMMUNITY PUMP STATION

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Comptroller to release escrow funds to Lou Leece of Leece Development Company LLC, regarding the pump station at Whispering Pines Senior Living Community, in the total amount, not to exceed two hundred ninety-two thousand five hundred and 00/100. (\$292,500.00) dollars.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 368.25

TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT WITH ELANTAS NORTH AMERICA LLC

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **SCHLAG**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to negotiate and execute an industrial wastewater discharge permit with ELANTAS North America LLC, located at 200 Von Roll Drive, Schenectady, New York 12306, in accordance with Chapter 230 entitled "Sewers," Section 230-33 of the Code of the Town of Rotterdam, granting permission for the discharge of industrial processed wastewater to the Town of Rotterdam Wastewater Treatment Plant for a new term of January 1, 2026 through December 31, 2030.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 369.25

TO AUTHORIZE HEALTHCARE INSURANCE CONTRACTS FOR 2026

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **SCHLAG**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute healthcare insurance contracts with Capital District Physician Health Plan, Inc. (CDPHP), MVP Health Services Corp. (MVP), and Anthem for employee healthcare coverage in the year 2026.

SECTION 2. This resolution shall become effective December 10, 2025.
DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 370.25

TO AUTHORIZE PROPERTY AND CASUALTY INSURANCE RENEWAL AGREEMENTS FOR 2026

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute agreements for insurance coverage for the year 2026 consistent with the proposal dated 11/21/2025 from USI Ins. Services LLC, and The Travelers Companies Inc. and its affiliates.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 371.25

TO AWARD BID FOR POLICE UNIFORMS AND EQUIPMENT

WHEREAS, Pursuant to notice duly published according to Section One Hundred Three of the General Municipal Law of the State of New York, the Town of Rotterdam posted an official report of all bid submissions received to the Empire State Purchasing Group on BidNet (<https://bidnetdirect.com/townofrotterdam>). Additionally, the official bid report and all bids were made available in the Office of the Town Clerk for public inspection upon request for the purchase by the Town of Rotterdam of the following:

POLICE UNIFORMS AND EQUIPMENT

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam does hereby accept and award the bid for the purchase of Police Uniforms and Equipment to be used by the Town of Rotterdam Police Department, to Galls, LLC., located at 1340 Russell Cave Road, Lexington, Kentucky 40505, at the mutual consent of both the Town and Galls LLC, according to the individual pricing in the attached bidding documents, commencing January 1, 2026 through December 31, 2027.

SECTION 2. The Supervisor of the Town of Rotterdam, or Chief of Police, is hereby authorized to execute a contract with said bidder in accordance with the terms of the bid proposal as submitted. Summary of the bid prices are on file in the Town Clerk's Office.

SECTION 3. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following **ORDER** was duly adopted:

51130-2-707

At a regular meeting of the Town Board of the Town of Rotterdam, Schenectady County, New York, held at the Town Hall, 1100 Sunrise Boulevard, in Schenectady, New York on December 10, 2025, at 7:00 o'clock P.M., Prevailing Time.

ORDER 5.25

PRESENT:

Mollie Collins
Supervisor

Jack Dodson
Councilman

Joseph Mastroianni
Councilman

Teri Gallucci
Councilwoman

Ronald Schlag
Councilman

In the Matter of The Increase and Improvement of Facilities of the Rotterdam Consolidated Sewer District No. 7 in the Town of Rotterdam, Schenectady County, New York	PUBLIC INTEREST ORDER
--	-----------------------

WHEREAS, the Town Board of the Town of Rotterdam, Schenectady County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law and Article 17-A of the General Municipal Law, relating to the increase and improvement of the facilities of the Rotterdam Consolidated Sewer District No. 7, in

the Town of Rotterdam, Schenectady County, New York (the "Sewer District"), being costs associated with engineering and related costs of the consolidated sewer system capital project, including incidental expenses in connection therewith, at a maximum estimated cost of \$114,850; and

WHEREAS, at a meeting of said Town Board duly called and held on November 12, 2025, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the Rotterdam Consolidated Sewer District No. 7 in said Town at a maximum estimated cost of \$114,850, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 1100 Sunrise Boulevard, in Schenectady, New York, on December 10, 2025, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW,

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**, by the Town Board of the Town of Rotterdam, Schenectady County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Rotterdam Consolidated Sewer District No. 7, in the Town of Rotterdam, Schenectady County, New York, being costs associated with engineering and related costs of the consolidated sewer system capital project, including incidental expenses in connection therewith, at a maximum estimated cost of \$114,850.

Section 2. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

The Order was thereupon declared duly adopted.

* * * * *

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing order was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing **ORDER** is a true and correct transcript of the original Order and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on December 10, 2025.
2. That such meeting was a regular meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this December 12, 2025.



Diane M. Marco
Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

BOND RESOLUTION 372.25

DATED DECEMBER 10, 2025

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$114,850 BONDS OF THE TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ROTTERDAM CONSOLIDATED SEWER DISTRICT NO. 7, IN THE TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law and Article 17-A of the General Municipal Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of the Rotterdam Consolidated Sewer District No. 7, in the Town of Rotterdam, Schenectady County, New York, at a maximum estimated cost of \$114,850; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have a significant adverse impact on the environment; **NOW,**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED, by the Town Board of the Town of Rotterdam, Schenectady County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the Rotterdam Consolidated Sewer District No. 7, in the Town of Rotterdam, Schenectady County, New York, being costs associated with engineering and related costs of the consolidated sewer system capital project, including incidental expenses in connection therewith, there are hereby authorized to be issued \$114,850 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$114,850, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of not to exceed the \$114,850 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Rotterdam, Schenectady County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Rotterdam Consolidated Sewer District No. 7 as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or

refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies were, are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

The resolution was thereupon declared duly adopted.

* * * * *

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original Resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF SCHENECTADY)

I, the undersigned Clerk of the Town of Rotterdam, Schenectady County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on December 10, 2025.
2. That such meeting was a regular meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this December 12, 2025



Diane M. Marco
Diane M. Marco, Town Clerk

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on December 10, 2025, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Rotterdam, Schenectady County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Rotterdam, New York,

December 10, 2025.

Diane M. Marco
Town Clerk

BOND RESOLUTION DATED DECEMBER 10, 2025.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$114,850 BONDS OF THE TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ROTTERDAM CONSOLIDATED SEWER DISTRICT NO. 7, IN THE TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK.

Specific object or purpose:	Costs related to sewer system consolidation of the Rotterdam Consolidated Sewer District No. 7.
Period of probable usefulness:	40 years
Maximum estimated cost:	\$114,850
Amount of obligations to be issued:	Not to exceed \$114,850 bonds
SEQRA status:	Unlisted Action. Negative Declaration. SEQRA compliance materials on file in the office of the Town Clerk where they may be inspected during regular office hours by appointment.

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 373.25

**TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A
MEMORANDUM OF AGREEMENT WITH THE ROTTERDAM POLICE CHIEF'S
ASSOCIATION**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by
Councilmember **SCHLAG**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to execute and sign a memorandum of agreement between the Town of Rotterdam and the Rotterdam Police Chief's Association for the years 2024 and 2025.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 374.25

TO ENACT INTRODUCTORY LOCAL LAW NO. 9 OF 2025; TO AMEND CHAPTER 194, "PARKS AND RECREATION", SECTION 11 ENTITLED "NATURE TRAIL" BY RENAMING CHAPTER 194-11 TO "GREAT FLATS NATURE TRAIL" AND BY ADDING SECTION 12, ENTITLED "ROTTERDAM PRESERVE" WITH PROPOSED REGULATIONS

THEREFORE, UPON MOTION OF Councilmember GALLUCCI, seconded by Councilmember MASTROIANNI,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby enact Introductory Local Law No. 9 of 2025.

SECTION 2. The Town Clerk is directed, following consultation with the Attorney to the Town, to file said Local Law in final form with the New York State Department of State.

SECTION 3. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 375.25

TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF ROTTERDAM AND THE CIVIL SERVICE EMPLOYEES' ASSOCIATION RECOGNIZING THE NEW JOB TITLE OF SENIOR MOTOR EQUIPMENT OPERATOR (HEAVY) II

WHEREAS, on November 18, 2025, the Schenectady County Civil Service Commission voted to establish the title of Senior Motor Equipment Operator (Heavy) II in the Town of Rotterdam in the non-competitive class of the civil service.

THEREFORE, UPON MOTION OF Councilmember **SCHLAG**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes The Supervisor to execute the memorandum of agreement between the Town of Rotterdam and the Civil Service Employees' Association recognizing the position of Senior Motor Equipment Operator (Heavy) II, a position in the non-competitive class of the civil service, as a CSEA bargaining unit position covered under the Collective Bargaining Agreement between the Town of Rotterdam and the CSEA Town of Rotterdam Unit #8504.

SECTION 2. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

Clerk – Part Time

Jody Binkley

Hourly Rate \$25.00

Senior Center Bus Driver (Backup Driver)

Frederick Waller

Hourly Rate \$20.00

Wastewater Treatment Plant Operator – Part Time

Brion Dufek

Hourly Rate \$70.00

Stormwater Program Coordinator – Part Time

Mary Barrie

Hourly Rate \$35.00

Clerk – Part Time

Kristen Foley

Hourly Rate \$25.00

Deputy Assessor

Bradley Canning

Hourly Rate \$51.00

SECTION 3. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 377.25

AUTHORIZING THE TOWN SUPERVISOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO CSX AGREEMENT NO. NYC042530 AND REMIT REQUIRED PAYMENT

WHEREAS, the Town of Rotterdam ("Town") and CSX Transportation, Inc. ("CSX") entered into an agreement dated February 8, 2002, permitting the Town to construct and maintain a sewer pipeline under, over, or across CSX property (the "Agreement"); and

WHEREAS, the Agreement is scheduled to terminate on May 31, 2024, and CSX has provided the Town with an Amendment to extend the Agreement for an additional term through May 31, 2049; and

WHEREAS, the Amendment further requires the Town to pay CSX a one-time, non-refundable Encroachment Fee of **Six Thousand Seven Hundred Fifty Dollars (\$6,750.00)** upon execution; and

WHEREAS, the Town Board has reviewed the proposed Amendment, attached hereto and made a part hereof, and finds it to be in the best interests of the Town to continue the authorization granted under Agreement No. NYC042530; **NOW**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Town Supervisor to execute the Amendment to Agreement No. NYC042530 with CSX Transportation, Inc., in the form attached hereto.

SECTION 2. The Town Board authorizes the Town Supervisor, upon execution of said Amendment, to remit payment of **\$6,750.00** to CSX Transportation, Inc. as the required one-time Encroachment Fee; and be it further

SECTION 3. The Town Comptroller is authorized and directed to make such payment from the appropriate budget line and to take all necessary accounting actions to effectuate this Resolution.

SECTION 4. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 378.25

TO SCHEDULE A SPECIAL MEETING OF THE TOWN BOARD

THEREFORE, UPON MOTION OF Councilmember **GALLUCCI**, seconded by Councilmember **MASTROIANNI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby schedules a special meeting of the Town Board of the Town of Rotterdam, to be held Wednesday, December 17, 2025, at 7:00 p.m., at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 for personnel purposes and for any other purpose as may come before the Town Board.

SECTION 2. The Town Clerk of the Town of Rotterdam is hereby directed to transmit to the news media, to publish in the official newspaper of the Town of Rotterdam, to post on the Town website, to post on the Town Clerk signboard, and to provide written notice to each member of the Town Board not less than five (5) days prior to the date designated for the special meeting, the following notice of special meeting:

**TOWN OF ROTTERDAM
NOTICE OF SPECIAL MEETING**

PLEASE TAKE NOTICE: That the Town Board of the Town of Rotterdam will hold a special meeting at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, New York 12306 at 7:00 p.m. on the 17th day of December 2025, for personnel purposes and for any other purpose as may come before the Town Board.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

DATED: December 10, 2025

Daily Gazette: Please publish once on or before December 12, 2025

Town Clerk

Post, Transmit to News Media, Provide Written Notice to Councilmembers

SECTION 3. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was duly adopted:

RESOLUTION NO. 379.25

**CALL FOR BIDS FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS
PROJECT: CONTRACT NO. 1A – GENERAL CONSTRUCTION, CONTRACT NO. 1B
– ELECTRICAL CONSTRUCTION AND CONTRACT NO. 1C - MECHANICAL
CONSTRUCTION**

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by
Councilmember **GALLUCCI**,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to call for bids for Wastewater Treatment Plant Improvements: Contract No. 1A – General Construction, Contract No. 1B – Electrical Construction, and Contract No. 1C – Mechanical Construction

SECTION 2. The Town Clerk of the Town of Rotterdam shall cause the following public notice to be published in the official newspaper of the Town of Rotterdam, and the Supervisor of the Town of Rotterdam shall cause the following public notice be published to the Empire State Purchasing Group on BidNet (<http://www.bidnetdirect.com/townofrotterdam>) at least five (5) days before the date of reception of bid proposals:

**TOWN OF ROTTERDAM
NOTICE TO BIDDERS**

PLEASE TAKE NOTICE: That all bids received by the Town Board of the Town of Rotterdam, by Thursday, the 29th day of January 2026, at 10:00 A.M., will be opened electronically and in person at that time. The Town Board will subsequently post an official report to the Empire State Purchasing Group on BidNet (<http://www.bidnetdirect.com/townofrotterdam>) by close of business the next day, of all bid submissions received pursuant to this notice. Additionally, the official bid report and all bids shall be available in the office of the Town Clerk for public inspection during regular business hours, for the purchase by the Town of Rotterdam of the following:

**WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT: CONTRACT
NO. 1A – GENERAL CONSTRUCTION, CONTRACT NO. 1B – ELECTRICAL
CONSTRUCTION AND CONTRACT NO. 1C - MECHANICAL CONSTRUCTION**

Digital Copies of Specifications may be obtained from the Empire State Purchasing Group on BidNet at <http://www.bidnetdirect.com/townofrotterdam>. Copies of RFP documents obtained from any other source are not considered official copies. The Town of Rotterdam cannot guarantee the accuracy of any information not obtained from the BidNet Direct website and is not responsible for any errors contained by any information received from an alternate source. Only those vendors

who obtain ITB, RFP or RFQ documents from the BidNet system are guaranteed to receive addendum information, if such information is issued. If you obtain the document from a source other than the source indicated, it is recommended that you register on the Empire State Purchasing Group website, <http://www.bidnetdirect.com/new-york> and obtain an official copy.

**ALL BID PROPOSALS MUST BE SUBMITTED ELECTRONICALLY, OR IN PERSON
TO THE TOWN CLERK PRIOR TO 10:00 A.M., THURSDAY, JANUARY 29, 2026**

The Town Board reserves the right to accept or reject any and all bids or proposals or any specific part of any item of any bid.

**BY ORDER OF THE ROTTERDAM TOWN BOARD
DIANE M. MARCO, TOWN CLERK**

DATED: December 10, 2025

BidNet: Please publish on December 17, 2025

Daily Gazette: Please publish once on December 17, 2025

Town Clerk Post

SECTION 3. This resolution shall become effective December 10, 2025.

DATED: December 10, 2025

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was approved by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

At the regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, 1100 Sunrise Boulevard, Rotterdam, New York 12306 on Wednesday, December 10, 2025, at 7:00 p.m., the following resolution was **TABLED**:

RESOLUTION NO. 380.25 TABLED

RESOLUTION ADOPTING LOCAL LAW NO. 10 OF 2025 TO ADOPT NEW ARTICLE OF CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO “BATTERY ENERGY STORAGE SYSTEMS”.

WHEREAS, the Town Board previously recognized the introduction of Introductory Local Law No. ____ of 2025, proposing to adopt a new Article of Chapter 270 of the Town Code entitled “Battery Energy Storage Systems,” and duly scheduled a public hearing thereon; and

WHEREAS, a public hearing on said Introductory Local Law was duly held on December 10, 2025, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Board has reviewed the proposed local law, the record of the public hearing, and the recommendations of Town staff and consultants; and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), has completed its environmental review, including preparation of the required Long Environmental Assessment Form (LEAF), and has determined that adoption of the Local Law constitutes a Type I Action; and

WHEREAS, upon review of the SEQRA record, the Town Board determines that adoption of the Local Law will not result in any significant adverse environmental impacts, and therefore a Negative Declaration is appropriate;

THEREFORE, UPON MOTION OF Councilmember **DODSON**, seconded by Councilmember **GALLUCCI**,
BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board hereby adopts the SEQRA Negative Declaration for Introductory Local Law No. ____ of 2025 and authorizes and directs the Town Supervisor to sign the same; and

SECTION 2. The Town Board hereby enacts Local Law No. ____ of 2025, entitled “Battery Energy Storage Systems,” which adds a new Article to Chapter 270 of the Town Code to regulate the siting, design, installation, operation, and decommissioning of Battery Energy Storage Systems within the Town of Rotterdam; and

SECTION 3. The Town Clerk is hereby authorized and directed to file the Local Law with the New York State Department of State and update the Town Code accordingly upon receipt of acceptance from the Department of State; and

SECTION 4. This Resolution shall take effect immediately. The Local Law shall take effect upon filing with the Secretary of State.

DATED: December 10, 2025, **TABLED**

NAME	AYES	NOES	ABSTAIN
Dodson	X		
Mastroianni	X		
Gallucci	X		
Schlag	X		
Collins	X		

I, Diane M. Marco, Town Clerk of the Town of Rotterdam, Schenectady County, New York, **DO HEREBY CERTIFY** that the foregoing resolution was **TABLED** by the Town Board Meeting of the Town of Rotterdam on December 10, 2025, and that the foregoing resolution is a true and correct transcript of the original resolution and of the whole thereof and that said resolution is on file in the Town Clerk’s office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Rotterdam this December 12, 2025.



Diane M. Marco

Diane M. Marco, Town Clerk

RESOLUTION NO. 382.25

**TO APPOINT PAUL DENNIS TO THE POSITION OF WATER TREATMENT PLANT
OPERATOR TRAINEE**

THEREFORE, UPON MOTION OF Councilmember _____,

seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. Paul Dennis, of Schenectady, New York 12306, is hereby appointed to the position of Water Treatment Plant Operator Trainee, provisionally, full-time, with full employee benefits, and subject to pre-employment background checks, at an annual salary of fifty-six thousand two hundred sixty-seven and 73/100 (\$56,267.73) dollars, commencing December 29, 2025.

SECTION 2. This resolution shall be effective December 17, 2025.

DATED: December 17, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: December 12, 2025

TO: Town Board

FROM: Mollie A. Collins, Supervisor

TITLE OF REQUEST: Appoint Paul Dennis to the position of Water Treatment Plant Trainee

TOWN BOARD MEETING: December 17, 2025

Background Information: Mr. Dennis currently works at a water plant in an adjoining municipality.
Mr. Dennis currently holds a 2A Water License.

Evaluation/Analysis: Mr. Dennis already holds a 2A Water License for surface water and the transition to a ground water license will be easily obtained. This will give us redundancy at the Water Treatment Plant.

Recommendation(s): Appoint Mr. Paul Dennis to the position of Water Treatment Plant Trainee.

Attachment/Document(s): Civil Service Application

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): N/A

LEGISLATION WILL BE PREPARED BY: Supervisors Office

Schenectady County is an Equal Opportunity Employer. Schenectady County does not unlawfully discriminate in employment because of age, race, creed, color, national origin, sex, sexual orientation, disability, marital status, arrest and/or criminal conviction record unless based on a bona fide occupational qualification or other exception, genetic predisposition, or domestic violence victim status.



Schenectady County

Human Resources & Civil Service
620 State Street
Schenectady, NY 12305-2114

APPLICATION FOR EXAMINATION OR EMPLOYMENT

FOR COUNTY OFFICES, TOWNS, VILLAGES, SCHOOL DISTRICTS
LIBRARIES AND SPECIAL DISTRICTS

1. Water Treatment Plant Operator Trainee

POSITION TITLE

EXAM NUMBER

Date Received _____ Approved _____

Conditional _____ Disapproved _____

RECEIVED

SEP 16 2025

Town of Rotterdam
SUPERVISORS OFFICE

CIVIL SERVICE DEPT.
USE ONLY

This application is part of your examination. Answer all questions fully. A resume, if submitted, cannot substitute for the application. You are encouraged to read the General Conditions and Instructions for more information.

2. Name and Legal Residence

Dennis Paul T Jr

Last Name First Name Middle Initial

Street Address or Road R.D. # or P.O. Box #

Schenectady NY 12303

County City, Town, Village State Zip

Home Phone Number Cell Phone:

Email Address:

If mailing address is different:

Street Address or Road R.D. # or P.O. Box #

County City, Town, Village State Zip

Social Security Number

3. Police Officer & Firefighter Candidates Only:

Date of Birth (MM/DD/YYYY) / /

4. **Residency Requirements:** Candidates must meet the Residency Requirements as stated on the examination announcement. You must complete the following to determine if you meet these residency requirements. Indicate how long this has been your legal residence, up to the date of this application, showing that you meet the residency requirements as announced.

	Name	Years	Months
State of:	New York		
County of:	Schenectady		
Village of:			
Town of:			
City of:	Schenectady		
School District	Mohonasen		

5. Citizenship

A. Are you currently a U.S. Citizen? YES ☒ NO ☐

B. If not, do you have the legal right to accept Employment in the United States? YES ☐ NO ☐
Please give alien registration number: _____

C. Are you a retiree from New York State or any civil division thereof? YES ☐ NO ☒

6. **Special Testing Arrangements** (Refer to General Conditions and Instructions). If you need Special Accommodations to take the examination, contact the Civil Service Office at (518) 388-4233.

Religious ☐ Military ☐ Disability ☐

7. **Crossfiler** - If you have filed or are filing SEPARATE applications for Civil Service Examinations being held on the same date, attach the CROSSFILER APPLICATION. Call to make arrangements no later than two weeks before the test date.

8. **Driver's License:** Complete the following if a license to operate a motor vehicle is required for the position that you are applying.

License #:	
Restrictions:	
Expiration Date:	
Endorsements:	
Class of License:	D
Is this License Currently Valid	YES ☒ NO ☐

9. Veterans Credits: If you wish to apply for Veterans Credits, complete the following questions and complete the Application for Veterans Credits (Refer to General Conditions and Instructions).

	YES	NO
Have you ever served in the Armed Forces of the United States? (The Armed Forces means the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof and the National Guard when in the service of the US pursuant to call as provided by Law on a full-time active duty basis other than active duty for training purposes).		
Have you ever used additional credits as a disabled or non-disabled veteran for appointment to any position in the public employment of New York State or any of its civil divisions?		
Do you have a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs? This disability must have been incurred during a Time of War period listed above.		
After you were permanently appointed using non-disabled veteran credits, were you subsequently certified as having a service connected disability rated at 10% or more by the U.S. Department of Veterans Affairs?		
Are you currently a resident of New York State?		

10. Additional Questions: Check the appropriate box to the right of each question.

	YES	NO
Were you dismissed or discharged from any employment for reasons other than lack of work or funds?		
Did you ever resign from any employment rather than face dismissal?		
Did you ever receive a discharge from the Armed Forces of the United States which was other than "Honorable" or which was issued under the other than honorable circumstances?		
Have you ever been convicted of any crime (felony or misdemeanor)?		
Are you now under charges for any crime?		
Have you ever forfeited bail bond posted to guarantee your appearance in court to answer any criminal charge?		

If you answered yes to any of the above questions, you may give specifics below. If you elect not to provide specifics, or if such explanation is insufficient, you may be required to submit further information. None of the above circumstances represents an automatic bar to employment. Each case is considered and evaluated on individual merits in relation to the position (s) for which you are applying.

REMARKS: _____

11. Licenses: If a license, certificate or other authorization to practice a trade or profession is listed as a requirement on the announcement of the examination (s) for which you are applying.

Name of Trade or Profession:		Specialty:	
License Number:			
Granted by (Licensing Agency):		City/State	
Date License First Issued:		Registered From:	Registered To:

12. Education: If credit is claimed for a partially completed college curriculum or correspondence course, attach a list of courses and credit or semester hours completed. Indicate how many credit hours or courses are required for graduation. If required to indicate specific course work, do so on an attached sheet.

High School						
Have you ever graduated from High School or do you have possession of a High School Equivalency Diploma?						YES ☒ NO ☐
If Yes, Name and Location of High School or Issuing Government Authority:				Mohonasen High School		
Equivalency Diploma Number:						
College, University, Professional or Technical School						
Name of School	Number of College Credits	Degree Earned	Major Subject/ Courses	Did You Graduate?		Date Degree Expected or Received
				Yes	No	
Hudson Valley Community College	64	Associates	Science	X		

13. Experience: All sections must be filled out completely even if you attach a resume. Begin with the most recent employment. List all employment or military service that shows that you meet the minimum qualifications for the examination. Omissions or vagueness will not be interpreted in your favor. Under *Description of Duties*, clearly describe the nature of work which you personally performed. Part-time experience will be prorated unless otherwise stated on the examination announcement. Verified and documented volunteer experience will only be credited when specifically stated on the examination announcement. If you move to a different position within the same organization, indicate so in a separate employment box. You may attach additional sheets if you need more space.

Length of Employment	Firm Name:	Albany Water Filtration Plant
From: [REDACTED] (mm/yyyy)	Firm Address:	501 Old Quarry Rd, Feura Bush, NY 12067
To: [REDACTED] (mm/yyyy)	Description of Duties: Overnight Shift, maintain the chemicals added to the raw water, take samples and test PH, turbidity and Chlorine Residual. Repair pumps if needed, watch SCADA to control off-site locations and watch pressures throughout the city. Taking chemical deliveries, completing filter washes, taking "tours" around the plant making sure everything's running and there's no leaks or breaks. Taking courses to maintain/receive water license. Currently have completed Water Treatment Plant operation, Volume 1 and 2.	
Employment Details		
Your Exact Title	Operator Trainee	
Name of Your Supervisor	Joe Reisdorph	
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)	40	
Reason for Leaving	Currently Employed	
Length of Employment	Firm Name:	Republic Services
From: [REDACTED] (mm/yyyy)	Firm Address:	494 Western Turnpike Altamont, NY12009
To: [REDACTED] (mm/yyyy)	Description of Duties: DEC dig work, cleaning manholes for National Grid, Emergency Spill response, hydro digs for national grid telephone poles and Industrial Cleanings such as Owens Corning.	
Employment Details		
Your Exact Title	Field Technician	
Name of Your Supervisor	Sean	
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)	40	
Reason for Leaving	No room for growth.	

Length of Employment	Firm Name:	
From:	Firm Address:	
To: Month/Year (mm/yyyy)	Description of Duties:	
To: Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

Length of Employment	Firm Name:	
From:	Firm Address:	
To: Month/Year (mm/yyyy)	Description of Duties:	
To: Month/Year (mm/yyyy)		
Employment Details		
Your Exact Title		
Name of Your Supervisor		
Supervisor's Title		
Hours worked / wk. (exclusive of overtime)		
Reason for Leaving		

THIS AFFIRMATION MUST BE COMPLETED

I affirm, subject to the penalties of perjury, that the statements made in this application, including statements made in any accompanying papers, are true. I understand that all statements made by me in connection with this application are subject to investigation and verification and that a material misstatement or fraud may disqualify me from appointment and/or lead to revocation of my appointment. I give the employer the right to investigate all references and to secure additional job related information about me. I hereby release from liability the employer and its representatives for seeking such information and all other persons, corporations or organizations for furnishing such information. If the position I am applying for is covered by the employer's drug testing policy, I understand that as a condition of appointment to this position, I will be required to take and successfully pass a pre-employment drug test.

Paul T Dennis Jr

Signature of Applicant

Paul T Dennis Jr

Print Name

9/15/2025

Date

(State below any other name by which you have been known)

Hudson Valley Community College

Under the program of

State University of New York

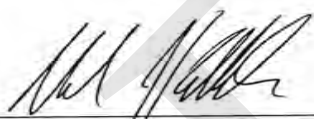
On the recommendation of the Faculty and by
virtue of the authority vested in them the
Trustees of the College have conferred on

Paul Theodore Dennis Jr.

the degree of

Associate in Science

and have granted this diploma as evidence thereof.
Given in the City of Troy in the State of New York
in the United States of America, this month of
August two thousand and twenty-three



Chairman, Board of Trustees



President

RESOLUTION NO. 383.25

RESOLUTION ADOPTING LOCAL LAW NO. 10 OF 2025 TO ADOPT NEW ARTICLE OF CHAPTER 270, ZONING, OF THE TOWN CODE, RELATING TO “BATTERY ENERGY STORAGE SYSTEMS”

WHEREAS, the Town Board previously recognized the introduction of Introductory Local Law No. ____ of 2025, proposing to adopt a new Article of Chapter 270 of the Town Code entitled “Battery Energy Storage Systems,” and duly scheduled a public hearing thereon; and

WHEREAS, a public hearing on said Introductory Local Law was duly held on December 10, and 17, 2025, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Board has reviewed the proposed local law, the record of the public hearing, and the recommendations of Town staff and consultants; and

WHEREAS, the Town Board, hereby establishes itself as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), and has completed its environmental review, including preparation of the required Long Environmental Assessment Form (LEAF), and has determined that adoption of the Local Law constitutes a Type I Action; and

WHEREAS, upon review of the SEQRA record, the Town Board determines that adoption of the Local Law will not result in any significant adverse environmental impacts, and therefore a Negative Declaration has been prepared and dated December 17th and is appropriate; NOW

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby adopts the SEQRA Negative Declaration for Introductory Local Law No.10 of 2025 and authorizes and directs the Town Supervisor to sign the same.

SECTION 2. The Town Board of the Town of Rotterdam hereby enacts Local Law No. 10 of 2025, entitled “Battery Energy Storage Systems,” which adds a new Article to Chapter 270 of the Town Code to regulate the siting, design, installation, operation, and decommissioning of Battery Energy Storage Systems within the Town of Rotterdam.

SECTION 3. The Town Clerk is hereby authorized and directed to file the Local Law with the New York State Department of State and update the Town Code accordingly upon receipt of acceptance from the Department of State; and

SECTION 4. This Resolution shall take effect immediately and the Local Law shall take effect upon filing with the Secretary of State.

DATED: December 17, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

DRAFT

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: December 12, 2025

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo – Senior Planner

TITLE OF REQUEST: Adoption of a Negative Declaration under the State Environmental Quality Review Act (SEQR) on proposed Zoning Code amendments regulating Battery Energy Storage Systems

TOWN BOARD MEETING: December 17, 2025

Background Information: The Energy Advisory Committee for the Town of Rotterdam was charged with developing proposed Zoning Code language to address Battery Energy Storage Systems in the Town. Public Hearing was held on December 10, 2025 and continued to the December 17, 2025 meeting.

Evaluation/Analysis: On March 8, 2023 the Town Board established and appointed various members to the Town of Rotterdam Energy Advisory Committee. Since that time, the Energy Advisory Committee has worked diligently to develop recommended additions to the Town Code to regulate Battery Energy Storage Systems. The Committee has put forth a recommended draft law and is requesting that the Town Board adopt the new code. This is a Type 1 Action under SEQR.

Recommendation(s): Adopt a Negative Declaration and Authorize the Town Supervisor and/or Town Planner to distribute & execute all documents related to SEQR.

Attachment/Document(s): SEQR Long Environmental Assessment Form
Draft Negative Declaration as prepared by the Town Planner

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Updates to Zoning Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Amendments to Town of Rotterdam Zoning Code to adopt regulations for Battery Energy Storage Systems (BESS)		
Project Location (describe, and attach a general location map): Townwide		
Brief Description of Proposed Action (include purpose or need): Local law to enact provisions providing for Small-scale Battery Energy Storage System (S-BESS), Large-Scale Battery Energy Storage System (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) installations in the Town. This law seeks to foster thorough project planning and appropriate siting, new technologies, changes to state regulations, and larger more complex projects have emerged that necessitated updates to the existing Town Zoning Code.		
Name of Applicant/Sponsor: Town of Rotterdam Energy Advisory Committee		Telephone: 518-355-7575 x-325 E-Mail: mcollins@rotterdamny.org
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Project Contact (if not same as sponsor; give name and title/role): Peter Comenzo -Senior Planner		Telephone: 518-355-7575 x-338 E-Mail: pcomenzo@rotterdamny.org
Address: 1100 Sunrise Boulevard		
City/PO: Rotterdam	State: NY	Zip Code: 12306
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Town Board	October 2025
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission	Planning Commission Report and Recommendation	September 2025
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No	County 239-m Review	October 2025
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☒ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☒ Yes ☐ No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	☒ Yes ☐ No
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	☒ Yes ☐ No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	☒ Yes ☐ No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	☒ Yes ☐ No
If Yes, identify the plan(s): Rotterdam Junction BOA, Mohawk River, Schenectady Intermunicipal Watershed	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	☐ Yes ☒ No
If Yes, identify the plan(s):	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? All Zones in the Town will be affected by this local law in addition to the creation of a solar overlay district.	☒ Yes ☐ No
b. Is the use permitted or allowed by a special or conditional use permit?	☒ Yes ☐ No
c. Is a zoning change requested as part of the proposed action? If Yes,	☒ Yes ☐ No
i. What is the proposed new zoning for the site? <u>Adoption of a Battery Energy Storage System</u>	
C.4. Existing community services.	
a. In what school district is the project site located? <u>Schalmont & Mohonasen</u>	
b. What police or other public protection forces serve the project site? <u>State Police, Schenectady County Sheriff, and Rotterdam Police Department</u>	
c. Which fire protection and emergency medical services serve the project site? <u>All Town of Rotterdam Volunteer Fire Departments, Rotterdam EMS, and Mohawk Ambulance</u>	
d. What parks serve the project site? <u>N/A</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? 	
b. a. Total acreage of the site of the proposed action?	acres
b. Total acreage to be physically disturbed?	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	acres
c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % Units:	
d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No	
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) 	
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No	
iii. Number of lots proposed?	
iv. Minimum and maximum proposed lot sizes? Minimum Maximum	
e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No	
i. If No, anticipated period of construction: months	
ii. If Yes:	
• Total number of phases anticipated • Anticipated commencement date of phase 1 (including demolition) month year • Anticipated completion date of final phase month year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: 	

f. Does the project include new residential uses? ☐ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☐ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____	☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	☐ Yes ☐ No
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	☐ Yes ☐ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No If Yes: i. Species and listing: _____ _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]	
Project :	Rotterdam BESS Legislation
Date :	December 17, 2025

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☒ NO ☐ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

☒ NO

☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

☒ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

☐ NO ☒ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: BESS Legislation will regulate storage of energy and where these types of facilities are located within the Town of Rotterdam. No code currently exists.		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

☒ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

☒ NO☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

☒ NO☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Potential impacts identified in Part 2 were as follows: (1) potential impact to agricultural resources, and (2) consistency with community plans.

The potential magnitude of the impact on agricultural resources, considering factors such as severity, size, or extent of the impact, is small. As noted in the Part 2 narrative, the total amount of agricultural land being impacted is de minimis in light of the total amount of land within the Town of Ulysses used for, and identified as, agricultural, which has increased over time. The importance of the impact is also small - while the impact appears certain to occur and will last for so long as the project location is used as a park, the impact is confined to the immediate project location, the number of people affected are few in number (local neighbors and the farmer to whom the property was leased), and the total acreage affected is de minimis, as previously noted.

The potential magnitude of the impact on consistency with community plans, considering factors such as severity, size, or extent of the impact, is also small. As noted in the Part 2 narrative, the Town of Ulysses 2009 comprehensive plan identified as objectives, among other things, the support of agricultural sustainability along with maintaining and expanding unique park and recreation facilities for residents and visitors to the Town. The 2013 Agricultural and Farmland Protection Plan, which identified the project location as being within the Agricultural Core, identified this geographic area as one in which future development should be limited. Again, as noted in the Part 2 narrative and above, the total land area affected is de minimis, while the project itself otherwise furthers an objective of the 2009 comprehensive plan. The importance of the impact is also small - while the impact appears certain to occur and will last for so long as the project location is used as a park, the impact is confined to the immediate project location, the number of people affected are few in number (local neighbors and the farmer to whom the property was leased), the total acreage affected is de minimis, as previously noted, and the project furthers substantial objectives of the community while balancing its impact on agriculture.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Ulysses as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Amendment to the Town of Rotterdam Zoning Code to Regulate Battery Energy Storage Systems (BESS)

Name of Lead Agency: Town of Rotterdam

Name of Responsible Officer in Lead Agency: Mollie Collins

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Peter Comenzo

Date:

12/17/25

For Further Information:

Contact Person: Peter Comenzo

Address: 1100 Sunrise Boulevard, Schenectady, NY 12306

Telephone Number: 518-355-7575 x-338

E-mail: pcomenzo@rotterdamny.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

6NYCRR PART 617
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
State Environmental Quality Review

Date: December 17, 2025

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town Board of the Town of Rotterdam has determined that the proposed action described below will not have a significant adverse impact on the environment and a Draft Impact Statement will not be prepared.

SEQRA Status: Type I ☐
 Type II ☐
 Unlisted ☒

Conditioned Negative Declaration: Yes ☐
 No ☒

Description of Action: To modify Chapter 270 of the Town Code and adopt regulations for Battery Energy Storage System (BESS).

Petitioner: Town Board of the Town of Rotterdam
 John F. Kirvin Government Center
 1100 Sunrise Boulevard
 Rotterdam, New York 12306

Reasons Supporting This Determination:
(See 617.7(a)-(c) for requirements of this determination)

This non-project action concerns amending Chapter 270 of the Code of the Town of Rotterdam to adopt rules and regulations regarding both residential and commercial battery energy storage facilities (BESS) located in the Town of Rotterdam. The Town of Rotterdam currently does not regulate BESS within its municipal boundaries. The updates town code establishes a system whereby these new and ever-changing technologies can be allowed while enhancing and refining performance standards to regulate these facilities to specific locations with the Town based upon the size of them. The purpose of this local law to provide uniformity as well as a framework to better regulate BESS facilities of all sizes.

The Rotterdam Town Board appointed an Energy Advisory Committee (EAC) that held once a month meeting beginning March 16, 2023 and worked diligently to meet with various stakeholders in State, County, and local government. Reviewing entities also included first responders, NYSERDA, Town Board members, County Legislators, Planning Commission members, and Town Staff to develop a comprehensive code that allows for development of BESS within the Town while protecting the environment. The Energy Advisory Committee familiarized themselves with Battery Energy Storage Code of at least ten other comparable municipalities, and created a side-by-side comparison of important factors. As part of this effort, two Town Board members were appointed as liaisons for this effort and were actively involved in the development of these regulations and regularly reported their progress to the other Board members.

The Town received comments from the public as well as private BESS developers in regards to the proposed legislation. These comments and associated information were reviewed by the Town Board and shared with the Energy Advisory Committee. In addition, NYSERDA reviewed the proposed legislation and provided additional resource materials and mapping. This information was shared with the Town Board and the Energy Advisory Committee. The energy Advisory Committee reviewed the materials submitted by NYSERDA at their August 14, 2025 meeting and deliberated each comment on the draft legislation. On August 25, 2025 the Town Board was provided with a point-by-point analysis and response on these comments from the Energy Advisory Committee.

The Town Board referred the local law to the Planning Commission on August 13, 2025, and the Planning Commission reviewed the local law at the August 19, 2025, meeting, conducted a workshop with members of the EAC, Attorney for the Town ("Town Attorney"), and Planning Commission members on September 16, 2025.

As part of the Planning Commission report and recommendation, the Planning Commission directed the Town Attorney to incorporate the notes from the August 19, 2025, workshop as well as the comments from Planning Commission members for consideration at their September 16, 2025, meeting. The Planning Commission provided a report of their comments and a recommendation for approval of the BESS legislation prepared by the EAC at their September 16, 2025 meeting.

The Town Board conducted a public hearing on December 10, 2025 and received testimony at this hearing. The Board has taken these comments under advisement and at the conclusion of the hearing voted to keep the Public Hearing open to their next meeting scheduled for December 17, 2025 to allow for additional comment and give the board an opportunity for further review.

After a review of the applicable modifications, Environmental Assessment Form, and comments received on this proposed BESS legislation from the Planning Commission, the public, developers, and public testimony both oral and written, the Town Board of the Town of Rotterdam has determined that this proposal will not have a significant adverse impact on the environment.

The Town Board has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a Critical Environmental Area.
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) the creation of a material demand for other actions that would result in one of the above consequences;
- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Town Board has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:

- (i) included in any long-range plan of which the action under consideration is a part;
- (ii) likely to be undertaken as a result thereof; or
- (iii) dependent thereon.
- (3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has been assessed in connection with:
 - (i) its setting (e.g., urban or rural);
 - (ii) its probability of occurrence;
 - (iii) its duration;
 - (iv) its irreversibility;

- (v) its geographic scope;
- (vi) its magnitude; and
- (vii) the number of people affected

At a regularly scheduled public meeting of the Town Board of the Town of Rotterdam, held at the John F. Kirvin Government Center, Town Hall, 1100 Sunrise Boulevard, Rotterdam, NY on the 17th day of December hereby adopted this NEGATIVE DECLARATION pursuant to 6NYCRR PART 617, State Environmental Quality Review.

Mollie Collins
Town Supervisor

For further information contact: Peter J. Comenzo
Town of Rotterdam Senior Planner
John F. Kirvin Government Center
1100 Sunrise Boulevard
Rotterdam, New York 12306
(518) 355-7575 x-338
pcomenzo@rotterdamny.org

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: December 12, 2025

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo – Senior Planner

TITLE OF REQUEST: Adoption of proposed Zoning Code amendments regulating Battery Energy Storage Systems

TOWN BOARD MEETING: December 17, 2025

Background Information: The Energy Advisory Committee for the Town of Rotterdam was charged with developing proposed Zoning Code language to address Battery Energy Storage Systems in the Town. Public Hearing was held on December 10, 2025 and continued to the December 17, 2025 meeting.

Evaluation/Analysis: On March 8, 2023 the Town Board established and appointed various members to the Town of Rotterdam Energy Advisory Committee. Since that time, the Energy Advisory Committee has worked diligently to develop recommended additions to the Town Code to regulate Battery Energy Storage Systems. The Committee has put forth a recommended draft law and is requesting that the Town Board adopt the new code which is attached. This project was referred to the Planning Commission for a Report and Recommendation on July 9, 2025. Planning Commission issued a positive recommendation on September 15, 2025

Recommendation(s): Call for a Public Hearing

Attachment/Document(s): Proposed Battery Energy Storage Systems Code
Planning Commission Report and Recommendation 9/15/25
Comments Received on Proposed BESS Legislation
Schenectady County 239-m Comments

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Updates to Zoning Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisor's Office



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

_____ of the year 20 _____

Local Law Title:

Be it enacted by the _____ of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☐ Village
(Select one)

of _____ as follows on the attached pages:
(Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: _____ of the year 20 _____

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was ~~(approved)(not approved)(repassed after disapproval)~~ by the _____ on _____ 20____ in accordance with the applicable provisions of law.~~

~~(Name of Legislative Body)~~

~~(Elective Chief Executive Officer*)~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was ~~(approved)(not approved)(repassed after disapproval)~~ by the _____ on _____ 20____.~~

~~(Name of Legislative Body)~~

~~(Elective Chief Executive Officer*)~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____ and was ~~(approved)(not approved)(repassed after disapproval)~~ by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.~~

~~(Name of Legislative Body)~~

~~(Elective Chief Executive Officer*)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____ became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph _____ above.

(Seal)

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Date) _____

Town of Rotterdam

PROPOSED LOCAL LAW NO. ____ OF THE YEAR 2025

BE IT ENACTED by the Town Board of the Town of Rotterdam (“Town”), in the County of Schenectady, as follows:

I. SECTION ONE – TITLE

This local law shall be known as the “Battery Energy Storage System”.

II. SECTION TWO - LEGISLATIVE INTENT AND PURPOSE

It is the intent of this local law to amend the Town of Rotterdam Zoning Law, as the same may have been amended from time to time, to enact provisions providing for Small-scale Battery Energy Storage System (S-BESS), Large-Scale Battery Energy Storage System (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) installations in the Town, as defined in this local law through addition of a new section, Section 270 Battery Energy Storage Systems, to Article VIII (Supplementary Regulations) of the Town of Rotterdam Zoning Law. It is further the intent and purpose of this local law to, in accordance with the Town of Rotterdam Comprehensive Plan, to responsibly locate Large Scale Battery Energy Storage Systems (L-BESS) and Utility-Scale Battery Energy Storage Systems (U-BESS) within the Town. Accordingly, this local law modifies certain use definitions relating to prohibited uses, energy storage systems, and public utilities.

The Town finds that well-planned, suitably sized, and located Battery Energy Storage Systems can be beneficial. This law seeks to foster thorough project planning and appropriate siting by:

- A. Protecting the health, safety, and well-being of our First Responders through responsible siting, pre-incident planning and education, continuing education and training, adequate protection and equipment, and the implementation of best practices to reduce potential hazards.
- B. Allowing Town of Rotterdam residents, landowners, farms, and government to safely locate Battery Energy Storage Systems resources in a way that is consistent with the nature and character of the Town in accordance with the Town of Rotterdam Comprehensive Plan and the Natural Resources Inventory.

- C. Promoting and supporting our Town's Open Space Plan with Battery Energy Storage Systems zoning that protects and preserves open space, agricultural lands, and environmentally significant areas of Town as designated by our Comprehensive Plan and Conservation Plan.
- D. Protecting the Town's unique ecosystem of plants, wildlife, and habitats, particularly in the western upland and rural areas of Town.
- E. Recognizing the importance of Agriculture and protecting water and soils conducive to farming. Agricultural areas and surrounding areas should not be used for Utility-Scale Battery Energy Storage Systems (U-BESS).
- F. Protecting and ensuring farmland, agricultural land, and forested land are put to their highest and best use.
- G. Protecting and promoting scenic and environmental resources by minimizing Utility-Scale Battery Energy Storage Systems (U-BESS) facilities' impacts on these resources as outlined in the Rotterdam Comprehensive Plan including, but not limited to, fresh watersheds, floodplains, historic sites, conservation easements, trails, parklands, wetlands, wildlife, and scenery, and areas for recreational and outdoor activities.
- H. Protecting the property values of those properties neighboring and within the viewshed and soundshed of a Utility-Scale Battery Energy Storage Systems (U-BESS).
- I. Conserving the rural character of western Rotterdam and rural hamlets, including Rotterdam Junction and Pattersonville.

III. SECTION THREE – AUTHORITY

This local law is adopted by the Town Board of Town of Rotterdam (hereinafter referred to as the "Town Board") pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, particularly Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accordance with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town.

IV. SECTION FOUR – DEFINITIONS

Part II - Chapter 270 - Article II - Section 270-5 of the Town Code is hereby amended to add the following definitions:

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 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, an electric motor vehicle, uninterruptible power supply systems, or a energy storage system for temporary use. A battery energy storage system is classified as follows:

- A. Small-Scale Battery Energy Storage Systems (S-BESS) have an aggregate energy capacity less than or equal to 150kWh. Designed to produce energy for onsite consumption.
- B. Large-Scale Battery Energy Storage Systems (L-BESS) have an aggregate energy capacity greater than 150kWh and less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. Ground-Mounted Large Scale Battery Energy Storage Systems are further defined as those which may be installed in a dedicated use building, within a cabinet, and/or a walk-in unit. Designed to produce energy for onsite consumption.
- C. Utility-Scale Battery Energy Storage Systems (U-BESS) have an aggregate energy capacity greater than 600kWh, are comprised of more than one storage battery technology in a room or enclosed area or are co-located with Solar Energy Systems and other energy generation facilities designed to produce energy for onsite consumption and/or released into the energy grid.

BATTERY SYSTEM'S AREA: Area of battery including required local and state safe operating clearances.

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.

HAMLET OF PATTERSONVILLE-ROTTERDAM JUNCTION: A census designated place in Schenectady County, New York, united states.

TOWN OF ROTTERDAM BATTERY ENERGY STORAGE SYSTEM PERMIT: The Town's minimum submittal requirements for electrical and structural plan review applicable to small-scale battery energy storage systems with an aggregate energy capacity less than or equal to 600kWh, based on the 2020 NYSERDA Battery Energy Storage System Model Permit, as may be amended.

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.

The following definition is hereby replaced in entirety and amended, as follows:

SOLAR ENERGY EQUIPMENT AND SYSTEMS: Solar collectors, controls, heat pumps, heat exchangers, and/or other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar. For energy storage devices, refer to Battery Energy Storage System in this Section.

V. SECTION FIVE - APPLICABILITY

- A. The requirements herein shall apply to all Battery Energy Storage Systems and equipment installations modified or installed after the effective date of this law, excluding general maintenance and repair.
- B. Modifications to an existing Battery Energy Storage Systems that increase the battery system's area by more than 5 percent (exclusive of moving any fencing) from original approval shall be subject to this law.
- C. All Battery Energy Storage Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code") the NYS Energy Conservation Code, and the Code of the Town of Rotterdam ("Town Code"). Whichever code is more stringent shall govern.
- D. To the extent that any other Town law, rule or regulation, or parts thereof, are inconsistent with the provisions of this law, the provisions set forth in this law shall control only as they pertain to Battery Energy Storage Systems.
- E. Any proposed Battery Energy Storage Systems subject to review by the New York Board on Electric Generation and Siting and the Environment pursuant to Article 10 of the New York State Public Service Law, or the Office of Renewable Energy Siting pursuant to Article 94-c of the Executive Law, shall be subject to all substantive provisions of this law and any other applicable laws, codes, ordinances and regulations of the Town, and any other applicable state or federal laws.

VI. SECTION SIX - PROHIBITED USE –UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

- A. U-BESS failure has the potential to undermine public health, safety and welfare, will potentially be situated in locations without access to water supply for fire suppression, and will overtax the Town's first responders. U-BESS failure and ensuing thermal

runaway and fire can produce a range of toxic gasses and particulates, including several highly toxic compounds including benzene, toluene, styrene, biphenyl, hydrogen fluoride and many others.

U-BESS is a permitted in the I-2 zoning districts.

U-BESS is not permitted in the aquifer recharge zone and tributary areas.

U-BESS is not permitted in the hamlet of Pattersonville-Rotterdam Junction.

Section 6(b). In accordance with the findings set forth in this Section, Article II- Definitions Section 270-5 of the Town of Rotterdam Zoning Law is hereby added, as follows:

USE, PROHIBITED: Within a district, a use that is not listed as a permitted or a special use is a prohibited use. In addition, development within non-conforming uses that are detrimental to the natural environment are specifically prohibited within the Town, including landfills, open mining, strip mining, open composting, salvage or junkyards, debris dumping, open petroleum or chemical tank farms, Tier 3 or Tier 4 Scale Solar systems, and utility-scale battery energy storage systems.

VII. SECTION SEVEN - LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS AS AN SPECIAL USE

- A. Allowing L-BESS for onsite power consumption in existing districts for B-1, B-2, C-1, and I-1 is permitted as a special use with the understanding that all existing zoning and planning requirements are met as well as the guidelines in this law.

VIII. SECTION EIGHT - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS AS AN ALLOWABLE USE

- A. Allowing U-BESS in existing I-2 is permitted with the understanding that all existing zoning and planning requirements are met as well as the guidelines in this law.

IX. SECTION NINE - GENERAL REQUIREMENTS

A. Applicability:

1. The requirements of this Zoning Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town after the effective date of applicable amendments to this Section, excluding general maintenance and repair.
2. Battery energy storage systems constructed or installed prior to the effective date of applicable amendments to this Zoning Law shall not be required to meet the requirements of this Section.

3. Modifications to, augmentations, 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 Section.

B. General Requirements:

1. A building permit and an electrical permit shall be required for installation of all battery energy storage systems. The building permit shall be administered in accordance with Town requirements, including this Zoning Law.
2. Issuance of permits and approvals under this Zoning Law shall include review pursuant to the State Environmental Quality Review Act, as appropriate.
3. All Battery Energy Storage Systems and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) are subject to the Uniform Code and/or the Energy Code shall be designed, erected, installed, and operated in accordance with all applicable provisions of the Uniform Code.
4. Application fees. Application for construction of a battery energy storage system shall be subject to the payment of fees in amounts indicated in the Town Schedule of Fees as adopted by the Town Board.

X. SECTION TEN - SMALL-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by right in all zones.

Applications, Approvals, Fees, and Permits: S-BESS Application and Building Permit. Fees in accordance with the most current version of the Town of Rotterdam Fee Schedule. Systems in a non-residential zone may require site plan reviews under other sections of Town Code.

B. Setbacks:

1. S-BESS shall conform to the setbacks in the subject zoning district. If there is an existing structure and nonconforming with its zone requirements, setbacks for new structures shall conform to the current Town Code.

C. Specific Requirements:

1. S-BESS shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of a residence or other structure that is readily visible to firefighters to identify system disconnect location(s). The plaque or

directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.

XI. SECTION ELEVEN - LARGE-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by special use in Zones B-1, B-2, C-1, I-1 and I-2.

B. Applications, Approvals, Fees, and Permits: L-BESS Application and Building Permit Fees shall be in accordance with the most current version of the Town of Rotterdam Fee Schedule. Non-residential systems may require site plan reviews under other sections of Town Code.

C. Setbacks:

1. L-BESS located by special use shall be set back from the property line at a minimum of 100 feet.
2. L-BESS facility areas shall be setback at a minimum of 150 feet from wetlands, ponds, and streams, unless otherwise modified or waived by the Planning Commission of the Town of Rotterdam (“Planning Commission”) upon receiving proper permit from a state or federal regulatory agency.
3. The following may not be subject to required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.
 - a. Access roads proposed from a public road to the fence of a L-BESS facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

D. Specific Requirements:

1. L-BESS when located outside of a building or structure the L-BESS shall be in a side or rear yard.
2. L-BESS shall be required to display a permanent plaque or directory placed in an exterior location near the main or front entry of the building or structure that is readily visible to firefighters to identify system disconnect location(s). The plaque or directory shall meet all New York State Building Code standards for reflection, lettering, and color for easy visibility.
3. L-BESS shall be required to be self-contained and have a built-in fire extinguishing system supplied by the L-BESS manufacturer.

4. L-BESS shall be allowed only in zoning districts where there is fire hydrants fed from a municipal water supply within 500 feet of the L-BESS batteries unless otherwise modified or waived by the Planning Commission. L-BESS are not allowed in any zoning district without municipal water. L-BESS is prohibited in the hamlet of Pattersonville-Rotterdam Junction.
5. Where site plan approval is required elsewhere in the regulations of the Town for the principal use, the L-BESS shall be subject to site plan review. In its review of the site plan, the Planning Commission shall apply the standards and procedures set forth in Section 11 Review of this local law. Site plan review of L-BESS development shall include review of the adequacy, location, arrangement, size, design, screening, accessibility for emergency response purposes, and general site compatibility of proposed L-BESS.
6. The Planning Commission may require a submission of a noise analysis, an emergency response plan as part of the site plan application, and/or a decommissioning plan. The Planning Commission may require a performance guarantee, in accordance with the provisions of this local law, Section 13.
7. The Planning Commission may require after consultation with the responding fire district that the Applicant and/or Operator of the L-BESS to provide safety and first responder training. The Town may, from time to time, require training of new personnel, and funding, or other mechanism to cause such training to be provided, as determined by the Town, shall be provided by the owner/operator upon request by the responding fire district.
8. Only (1) L-BESS may be located on a single parcel with a minimum of 2 acres.
9. Preconstruction for L-BESS projects shall include well water and ground contamination testing, unless the requirements of this section and the following subsections are otherwise modified or waived by the Planning Commission.
 - a. The applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the L-BESS facility prior to testing.
 - i. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadmium (known Carcinogen), cadmium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinyl fluoride, PFAS, and any other contaminant

required for testing by the Town, County or State for this type of facility at the time testing takes place.

- b. At the applicant's cost, an escrow account with the Town shall be established to provide an independent third-party testing agency that may provide testing of the Facility Area and of water wells on properties within 1000-ft of the facility area.
 - c. At the applicant's expense, notice shall be given to all property owners within 1000-ft that water well testing is available prior to L-BESS construction at the cost of the L-BESS applicant.
 - d. Pre-construction testing: Initial testing shall take place within 12-months of establishing a special escrow account. Test results for the Participating L-BESS Properties shall be furnished to the Town.
10. L-BESS must have a continuously maintained connection to the municipal water supply, unless otherwise modified or waived by the Planning Commission. The L-BESS application must obtain in writing from the local fire department the type of fire department connection.
11. Unless the requirements of this section and the following subsections are otherwise modified or waived by the Planning Commission, L-BESS shall not be located within one half mile of public structures that are or can be by the Building Code of New York as designated as follows:
- a. Category III – structures that represent substantial hazard to human life.
 - b. Category IV – structures designated as essential facilities.

XII. SECTION TWELVE - UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS – PERMITTING REQUIREMENTS

A. Zones Allowed: Allowed by right in Zone I-2.

B. Applications, Approvals, Fees, and Permits: U-BESS development application, site plan, special use permit approval process, and building permit fees shall be in accordance with the most current version of the Town of Rotterdam Fee Schedule.

- 1. A pre-submission conference with the Town is required. The applicant shall provide the opportunity for an on-site visit by any interested Town committee or Town Board members.

C. Setbacks:

1. U-BESS located in zones I-2 shall be set back from the property line at a minimum of 100 feet.
2. U-BESS facility areas shall be setback at a minimum of 150 feet from wetlands, ponds, and streams, unless otherwise modified or waived from this requirement by the Planning Commission upon receiving proper permit from a state or federal regulatory agency.
3. The following may not be subject to required property line setback herein unless otherwise directed by the Town of Rotterdam Planning Commission.
 - a. Access roads proposed from a public road to the fence of a U-BESS facility, including any stormwater management, or other necessary infrastructure installed for the purpose of this access road.

D. Escrow for Review and Operations: U-BESS projects will require more oversight and services by the Town and their selected consultants. In addition to the normal escrow requirements of section 7, the account shall also include adequate funding for any necessary mailings by the Town, construction inspection, annual inspections, and for monitoring during operation of the facility. The escrow account shall be replenished when required by the Town and shall be maintained for the life of the project. Failing to replenish the account will result in enforcement action by the Town or activating the Decommissioning Agreement.

E. Specific Requirements:

1. All applicable requirements listed under Section 9, and all requirements of Section 12 of this Law.
2. The applicant shall disclose the full scope of the planned size of the project, including any other involved municipalities, and shall not segment the application for purposes of reducing the apparent significance of proposed plans. Where the Planning Commission or lead agency for State Environmental Quality Review has substantial proof that the ultimate scope of the project may exceed that which is being proposed by the applicant, it shall conduct its review and base its findings on the larger potential scope.
3. In addition, site plans shall contain the following:
 - a. Location map showing types of existing structures and uses on the site, public roads, and properties with abutting boundaries of the site including any bordering municipalities.

- b. Site plan shall provide surveyed data of abutting properties to the Participating Property parcel(s) showing all principal and accessory buildings (residential and commercial), roads, utilities and private or public wells, and labeling distances from those features to the Participating Property boundary.
- c. Location and description of all U-BESS components, whether on site or off site, all above and below-ground utility lines on the site, transformers, POI, Renewable Energy Electrical Substations when required for project, fencing, laydown, and storage areas to be used as part of construction and other ancillary facilities or structures.
- d. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- e. Label all setback distances as required by Town laws;
- f. Part 1 of a Full Environmental Assessment Form for SEQRA.
- g. Upon receipt of an application the Town requires proof of mailing, at the Applicant's expense, a notice of the proposed project to all abutting owners of property to the Participating Property boundaries regardless of municipality. Notices shall contain a summary of the project, a designated contact person, with telephone number, e-mail address, and mailing address from whom information will be available on a going forward basis.
- h. An electrical one-line diagram detailing the, associated components, and electrical interconnection methods, with all disconnects and overcurrent devices identified.
- i. Manufacturer data on all proposed U-BESS components.
- j. Documentation of access to the Facility Area via a lease agreement or other instrument to show the landowner's consent to the project.
- k. Documentation of utility notification, including proof of interconnection agreement. Projects not viable to the utility company shall not be considered by the Planning Commission.
- l. Decommissioning plan, including cost estimate and description and form of financial surety as described in other sections of this law.
- m. Deforestation: Previously cleared or disturbed areas are preferred locations for U-BESS projects.

- n. Unless this section and the following subsections are modified or waived by the Planning Commission, an acoustical noise studies by an independent third-party vendor shall be submitted with the application, which provides analysis of all noise-generating equipment that may be included in the project, including for construction. Noise generated from the U-BESS components and associated ancillary equipment, including but not limited to transformers, inverters, storage devices and substations shall provide for no discernable difference from existing noise levels at property lines. The study shall contain:
- i. Actual measurements of existing daytime and nighttime ambient noise at the boundary of the participating properties. Ambient noise testing locations and schedule shall be discussed with the Planning Commission before testing takes place.
 - ii. Proposed noise model to predict potential increase in noise from the project for pre-construction and post-construction conditions at both the project boundaries and nearest adjacent receptors (neighboring houses, etc.).
 - iii. Noise studies shall follow industry norms and report their findings using A-weighted methodologies. The Planning Commission may require additional analysis as they deem appropriate and may require noise mitigation or additional setbacks as needed to meet this requirement.
4. As part of the Operation, Safety and Maintenance Plan in Section 14 of this Law, the applicant shall document existing firefighting resources near or on the participating properties that may include but not limited to: distance to nearest fire hydrant, dry hydrants, ponds, or other waterbodies for drawing water in emergency situations.
5. U-BESS shall not exceed a maximum project size of 5 contiguous acres, unless this requirement is modified or waived by the Planning Commission.
6. In addition to Section 12(f)(6) of this Law, required notice to surrounding landowners shall contain a link to a project website, created and paid for by the applicant, which is meant to disseminate information to the public. At the applicant's expense, publication of notice of application shall be made in newspapers designated by the County of Schenectady and Town for the same. Notice shall also be provided to each member of the State and County Legislature in whose district any portion of the proposed U-BESS is in, or which district the project abuts upon.
7. Upon submission of an application, the applicant shall conspicuously post signage on the frontage of participating properties at all roads abutting the proposed project and at the proposed entryways/exits to the project. Signage must be of sufficient size to

contain the name of the proposed project, the application number, a rough concept map of the project, and contact information for the developer as well as a proposed project website address. Signage shall be sized and placed at a safe distance from the public roadway as to not interfere with sight distance on the roadway or any adjacent driveways.

8. In addition to Noise Studies requirements under Section 12 of this law, within 90-days of project completion the applicant or facility owner shall conduct a post-construction noise sampling at locations and schedule discussed with the Planning Commission prior to testing. If noise sampling is found to be greater than predictions, the applicant may be required to mitigate the sound to a level sufficient to the Planning Commission. Failure to implement mitigation measures within 90-days of notice will result in enforcement procedures by the Town. The applicant may request one (1) 90-day extension if reasonable evidence that the requested measures cannot be completed in 90-days. Further, violations and penalties of this provision shall be in accordance with other sections of Town Code concerning noise violations. The Town may use the project's escrow account to hire an independent third-party engineer/noise monitor to oversee compliance with noise requirements and the ongoing obligation of the same for the lifetime of the project.
9. At the Planning Commission's discretion, a Road-Use Agreement may be required for the desired traffic route.
10. Preconstruction for U-BESS projects shall include well water and ground contamination testing, unless this requirement and the requirements of the following subsections are modified or waived by the Planning Commission, as follows:
 - a. The applicant, Town, and TDE shall develop a list of potential contaminants that will be tested for, and the location of testing based on the proposed equipment for the U-BESS facility prior to testing.
 - i. List of contaminants that may be tested for includes but is not limited to: sulfuric acid, mercury, nickel, cadmium (known Carcinogen), cadmium telluride, lead, lithium, cobalt, lithium, iron, arsenic, silicon, copper, silver, selenium, copper indium selenide, copper indium gallium, diselenide, (di)selenide, hexafluoroethane, polyvinyl fluoride, PFAS, and any other contaminant required for testing by the Town, County or State for this type of facility at the time testing takes place.

- b. At the applicant's cost, an escrow account with the Town shall be established to provide an independent third-party testing agency that may provide testing of the facility area and of water wells on properties within 1000 feet of the facility area.
 - c. At the applicant's expense, notice shall be given to all property owners within 1000-feet of the facility area that water well testing is available prior to U-BESS construction at the cost of the U-BESS applicant.
 - d. Initial testing shall take place within 12 months of establishing a special escrow account. Test results for the participating U-BESS properties shall be furnished to the Town.
11. Landscape and Screening: Buffers shall use existing vegetation to the fullest extent practicable. If existing vegetation does not provide the desired screening or buffer width it shall be supplemented with new landscaping to form a continuous hedge at least 14 feet in height at planting shall be required and maintained for the life of the project. Berms, solid fencing, and opaque enclosures are the least desirable method of screening but may be proposed in situations where existing or new landscaping for screening is not practical. New landscaping proposed for the project shall be species native to the region and selected by a Registered Landscape Architect. All landscaping and screening methods shall be maintained and replaced as necessary during the life of the project.
12. U-BESS must have a continuously maintained connection to the municipal water supply, unless otherwise modified or waived by the Planning Commission. The U-BESS application must obtain in writing from the local fire department the type of fire department connection.
13. Unless the requirements of this section and the following subsections are otherwise modified or waived by the Planning Commission,, U-BESS shall not be located within one half mile of public structures that are or can be by the Building Code of New York as designated as follows:
- a. Category III – structures that represent substantial hazard to human life.
 - b. Category IV – structures designated as essential facilities.

XIII. SECTION THIRTEEN – REQUIRED AGREEMENTS

The following applies to Utility-Scale Battery Energy Storage Systems (U-BESS), unless any of the requirements or conditions of this section are waived or modified by the Planning Commission:

- A. Road Use Agreement: The applicant shall execute a road use agreement with the Town if Town roads are to be used for the project. Prior to the issuance of the building permit and commencement of construction, an existing condition assessment of the proposed hauling routes using Town roads shall be undertaken by the applicant at the applicant's expense. Any damage to a Town or County Road during construction caused by the operator or its subcontractors shall be repaired or reconstructed to the satisfaction of the Town Highway or County Highway Superintendent at the operator's expense.
- B. Performance Guarantees: The Town will require the applicant or facility owner to provide, prior to construction, a performance bond or cash escrow that names the Town of Rotterdam as the beneficiary, to ensure proper operation and maintenance of all below noted facilities, both during and after construction and until the U-BESS is removed from operation. If the applicant or facility owner fails to properly operate and maintain below noted facilities, the Town, after giving reasonable notice for non-emergencies, may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs. After which, the account shall be replenished by the applicant or facility owner within 90 days, or else the facility will be considered abandoned, and decommissioning shall be enacted.
1. Facilities for performance guarantees:
 - i. All proposed landscaping and screening for the project in the amount of 50 percent the installed cost.
 - ii. Stormwater management and erosion and sediment control facilities required for the project in the amount of 50 percent the installed cost.
 - iii. Any other facility as part of the proposed project, deemed necessary for inclusion to this section by the Planning Commission.
- C. Decommissioning: The applicant shall execute a decommissioning agreement and financial surety as described in Section Fourteen of this law.
- D. Indemnification: The applicant system shall execute an indemnification agreement with the Town. The agreement shall require the applicant/owner/operator to at all times defend, indemnify, protect, save, hold harmless and exempt the Town and its officers, councils, employees, attorneys, agents and consultants from any and all penalties, damages, costs or charges arising out of any and all claims, suits, demands, causes of action or award of damages whether compensatory or punitive, or expenses arising there from either at law or in equity, which might arise out of or be caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal or restoration of

said U-BESS, excepting however any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages or changes referenced herein, reasonable attorneys' fees, consultant fees and expert witness fees are included in those costs that are recoverable by the Town.

E. Payment in-lieu of Taxes: The applicant shall enter into an agreement for a payment in lieu of taxes (PILOT) with the Town Board pursuant to Real Property Tax Law Section 487. This PILOT agreement shall be reviewed and approved by the Town Board. A PILOT agreement executed with the county IDA, acceptable to the Town Board, in its sole discretion, for the U-BESS may serve to meet the requirements of this section.

1. No building permit shall be issued, or construction commenced for a U-BESS until such time as the PILOT agreement has been executed by all parties and recorded at the Office of the County Clerk.
2. The PILOT shall run to the benefit of the Town and School District and be executed by the operator and the owners of the real property upon which the U-BESS is to be located, and such signatures be notarized in such a way that allows the PILOT agreement to be recorded at the Office of the County Clerk. Prior to commencement of construction, the PILOT agreement shall be recorded at the Office of the County Clerk as a lien on the property and indexed against the property/properties upon which the U-BESS is to be constructed. The intent of this provision is so that should the operator of the U-BESS default with regard to the PILOT agreement, such obligation will become the responsibility of the then owner of the property upon which the U-BESS is sited and failure to satisfy the terms of such agreement will permit the Town to enforce such agreement against the owner.

XIV. SECTION FOURTEEN – SYSTEM OPERATIONS AND SAFETY

The following applies to Large-Scale Battery Energy Storage Systems (L-BESS) and Utility-Scale Battery Storage Systems (U-BESS), unless any of the requirements or conditions of this section or any subsection are waived or modified by the Planning Commission or noted otherwise herein.

- A. Operation, Safety and Maintenance Plan: The applicant shall submit a comprehensive operation, safety and maintenance plan that addresses the following:
1. Contains an executive summary sheet at the front of the document which clearly shows the following:
 - a. Facility owner information and contact, both phone and current email address.

- i. Landowner information and contact, both phone and current email address.
 - ii. An emergency contact phone number for a competent person who can be to the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site and be able to quickly identify electrical disconnect locations.
 - iii. An emergency contact at the Utility Company associated with the L-BESS or U-BESS.
 - iv. Contact information for the company or individual responsible for regular maintenance and landscaping of the site.
2. Describes continuing maintenance and upkeep for L-BESS or U-BESS, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code and all applicable codes and the additional items below:
 - a. Procedure for how damaged or malfunctioning equipment shall be identified, isolated, removed, replaced, or repaired from the site within 30 days of discovery or notification of problem at the expense of the developer, ATIMA/ISAOA.
 - b. Description of internally located components for temperature monitoring, self-extinguishing fire system and off gassing monitoring. Method for how this equipment will be maintained, tested and inspected yearly or more frequently if required by the manufacturer.
 - c. System equipment, grounds, fencing and buffer areas shall be maintained in good condition by the operator.
 - d. Only DEC approved cleaning products applied by DEC approved applicators are allowed.
3. The applicant shall prepare an Emergency Operations Plan in cooperation with Town emergency service providers, which will become part of the Operation, Safety and Maintenance Plan. A copy of the approved 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, controls, temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.
- c. Procedures to be followed in response to notifications from the L-BESS or U-BESS that, when provided, could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed upon notification to fire company personnel for potentially hazardous conditions in the event of a system failure. All means of shutting down the L-BESS or U-BESS shall be clearly marked.
- d. The property must be inspected after a National Weather Service designation of a Severe Weather event to ensure that the property did not sustain damage. Reports of said inspection shall be filed with the Town Building Inspector.
- e. Emergency procedures to be followed in case of fire, explosion, release of liquids, oils, or vapors, damage to critical moving parts, or other potentially dangerous conditions.
- f. Response considerations similar to a material safety data sheet (MSDS) that will address response safety concerns and extinguishment when an MSDS is not required.
- g. Procedures for dealing with L-BESS or U-BESS equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged equipment from the facility. System owner shall provide guaranteed non-emergency and emergency response times of a qualified subject matter expert to the DPW and local emergency responders.
- h. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- i. Procedure to the Town officials and emergency responders on how to inspect components that perform the temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.

- j. Procedures and schedules for conducting drills of these procedures and for training local (all agencies within 15 miles) emergency responders on the contents of the plan and appropriate response procedures. Training shall be taught by a New York State certified instructor, performed annually, and shall include local and mutual aid emergency responders. Training and specialty equipment shall be paid for by the developer, ATIMA/ISAOA.
 - k. The system owner shall notify the local fire department, county emergency management office and the Town building inspector at least one week prior to any scheduled maintenance or equipment swap out.
 - l. In the event of a fire, all contaminated soil must be removed and disposed of properly, in accordance with all applicable laws. After 72 hours and every month for a minimum of 12 months after an emergency event the test wells on the site shall be tested for contaminants. If contaminants are detected testing will continue until the test results return back to predevelopment test well levels.
- B. Consultation with Town Emergency Services: The applicant shall arrange an on-site meeting with the fire department having primary coverage of the project area and any other associated emergency service provider or Town department, to review the components of the system, safety issues and procedures for emergency response. This shall include details on the location of labeled warnings, access to the site, and emergency disconnection of the system. A draft version of the Operation, Safety and Maintenance Plan described above shall be made available to attendees of this meeting at least seven (7) calendar days before. The applicant shall take feedback from attendees and amend the Operation, Safety and Maintenance Plan as needed.
- C. Ownership Changes: If the owner or operator of the L-BESS or U-BESS changes or the owner of the property changes, all requirements of the permit or special use permit shall remain in effect. Approval to operate the system shall continue, provided that the successor owner or operator assumes in writing all the obligations of the special use permit, site plan approval, decommissioning plan, security, escrow, and any other binding agreements. Both the new owner or operator of the L-BESS or U-BESS and the preceding owner shall notify the Code Enforcement Officer and the Town Supervisor of such change in ownership or operator 30 days prior to the ownership change. All the terms set forth herein shall be binding on developers, ATIMA/ISAOA.
- D. Annual Report/Inspection: On a yearly basis, the L-BESS or U-BESS owner shall provide the Town reports showing the following information: rated capacity of the energy charges and discharge (kWh) totals provided to the grid or end user and a report of the inspection of the components that perform the temperature monitoring, self-

extinguishing fire suppression system and off gassing monitoring. The reports shall be submitted no later than 30 days after the end of the calendar year. Additionally, an applicant/operator shall hire an independent, third-party engineer/inspector approved by the Town to oversee compliance with site and operational requirements and the ongoing obligation of the same for the lifetime of the project. The engineer/inspector shall perform a site inspection if a complaint regarding the U-BESS and any of its components is made to the Town of Rotterdam Code Enforcement Officer. Annual inspections of the completed U-BESS shall be performed at the expense of the developer, ATIMA, ISAOA.

E. Project Changes: Any changes and/or augmentation to the U-BESS that occur after final approval from the Planning Commission, except for immaterial modifications as defined herein, shall be done by amendment to the special use permit only and shall be subject to the requirements of this law. Unless expressly limited by a condition imposed in the permit, the Code Enforcement Officer, or other Town designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed by the Planning Commission. Such immaterial modifications shall only be allowed in response to a written request by the applicant. All such requests shall be addressed to the authorized Town designee, with copies to the Chairman of the Planning Commission, and the TDE.

F. Insurance:

1. Unless modified or waived by the Planning Commission, the applicant or facility owner shall agree to secure and maintain for the duration of the project, public liability insurance as follows:
 - a. Commercial general liability covering personal injuries, death and property damage: \$10,000,000 per occurrence, \$20,000,000 aggregate, which shall specifically include the Town and its officers, councils, employees, attorneys, agents and consultants as additional named insured.
 - b. Umbrella coverage: \$300,000,000.
2. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".
3. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of cancellation.

4. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.
5. Copies of Insurance Policy: No more than 15 days after the grant of the permit and before construction is initiated, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.
6. Certificate of Insurance: A certificate of insurance that states it is for information purposes only and does not confer sufficient rights upon the Town shall not be deemed to comply with this law.
7. Construction Inspection: The escrow account required herein shall be used to provide inspection by a Town engineering consultant during construction of the U-BESS. Work shall remain accessible and exposed until inspected and accepted by the town's consultant. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to how the work fails to comply with the Uniform Code or conditions of the special use permit. Work not in compliance shall remain exposed until brought into compliance, reinspected, and found satisfactory as completed. During construction, the Town Building Inspector/Code Enforcement Officer can issue a stop order at any time for violations of the special use permit.
8. Operational Inspection: Upon 24 hours advance notice to the owner/operator or designated contact person, the Town of Rotterdam Code Enforcement Officer/Building Inspector or his or her designee may enter the U-BESS to verify compliance with any requirements or conditions. The U-BESS shall be inspected by a New York State licensed professional engineer, under contract with the Town and paid by the escrow account required herein, to ensure that it is operating according to the conditions of the special use permit. Such inspections shall be done annually, and at any other time, upon a determination by the Town's Building Inspector that damage may have occurred. The engineer shall file an inspection report with the Town Code Enforcement Officer/Building Inspector. All recommendations for maintenance and repair contained in said report shall be completed by the operator within a written schedule agreed on by the Code Enforcement Officer/Building Inspector.
9. Groundwater Testing: For U-BESS, Unadulterated soil samples shall be taken at 4 corners of the proposed site. Testing shall utilize 4-foot-deep holes, with testing at 2-foot increments. One monitoring test well hole shall be at the lowest elevation on the site. In the event groundwater contamination occurs because of the U-BESS, the

operator, at its sole expense, shall provide a reliable alternative water source and address the contamination in accordance with all legal requirements.

XV. SECTION FIFTEEN – ABANDONMENT OR DECOMMISSIONING OF SYSTEMS

The following applies to Utility-Scale Battery Energy Storage Systems (U-BESS). Unless the requirements or conditions under this Section or any following subsection are modified or waived by the Planning Commission, a proposed Decommissioning Agreement shall be provided by the applicant and approved by the Town Board. No building permit shall be issued for a U-BESS until the Decommissioning Agreement has been executed and financial surety provided as set forth below.

A. Cause to Implement Decommissioning Plan.

1. If a U-BESS ceases to perform its originally intended function for more than 12 months or is considered abandoned by the Code Enforcement Officer for lack of maintenance and other provisions of this law, the Code Enforcement Officer shall notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the facility owner shall either restore operation or complete implementation of the decommissioning plan. If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period and restore the site to original conditions as required, the Town may implement the decommissioning plan in accordance with the law, and recover all expenses incurred for such activities from the financial surety described in other sections of this law, and if required, from the defaulted facility owner.
2. If the applicant begins and does not complete construction within eighteen (18) months after receiving final site plan approval, the decommissioning plan may be implemented unless the facility owner can show to the satisfaction of the Code Enforcement Officer good cause as to why this time should be extended for a maximum of 6 months. At which time if the facility is not fully constructed and operating, the Code Enforcement Officer may implement the decommissioning plan in accordance with this law.

B. Decommissioning Plan: The plan shall be submitted as part of the application to the Planning Commission. The decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following provisions:

1. The removal of the U-BESS within the from the facility area, including but not limited to all above and subsurface structures, electrical equipment, wires, footings, ground anchors, cables, utility poles, point of interconnection, concrete, switch gears,

- transformers, fencing, renewable energy electrical substations, inverters, roadways, stormwater management features, roadways, etc.
2. Compacted portions of the site shall be decompacted and excavations shall be backfilled to restore the site. Restoration of the original surface grade and topsoil installation after removal of the facility.
 3. Revegetation of restored topsoil areas with native seed mixes, excluding any invasive species.
 4. The cost of removing the entire U-BESS based upon prevailing wages and any other requirements applicable to municipalities under state or federal law.
 5. No salvage value shall be attributed to any of the components of the U-BESS.
 6. A schedule and methods for the removal of the U-BESS, including any ancillary structures.
 7. A plan for restoring the property to its pre-installed condition, including grading and vegetative stabilization to eliminate any negative impacts to surrounding properties, and, where if it was previously used for farming, with vegetation suitable for farming purposes, i.e. a hay field, crops, or grazing.

C. Financial Surety

1. Financial Surety shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal of the U-BESS and restoration of the site subsequent to removal.
2. Prior to the issuance of a building permit and every five (5) years thereafter, the U-BESS owner shall file with the Town evidence of financial security to provide for the full cost of decommissioning and removal of the U-BESS in the event the system is not removed by the system owner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable letter of credit or other security acceptable to the Town Board. The irrevocable letter of credit shall include an automatic extension provision, to be issued by an A-rated institution solely for the benefit of the Town, substantially in the form attached hereto as Exhibit A.
3. The amount of the financial surety shall be 150 percent of the estimated cost of removal of the U-BESS and restoration of the property, with an escalator of 2 percent annually (or Consumer Price Index change if more than the annual escalator of 2 percent) for the life of the Utility-Scale Battery Energy Storage Systems and shall not

- consider the net salvage value of any such project components. The financial surety established by the agreement shall not be subject to disclaimer or rejection in a bankruptcy proceeding. The amount of the surety shall be determined and certified by the applicant's engineer and shall be reviewed by the TDE. The amount of the surety may be adjusted by the Town during each five (5) year review as required.
4. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The financial surety shall remain in full force and effect until 90 days after the restoration of the property, as set forth in the decommissioning plan, is completed.
 5. Any cost incurred by the Town that exceeds funding available to them from financial surety, which cannot be recovered from the defaulted facility owner, shall be assessed against the property, in a manner appropriate by law, and in the form of tax, lien or other available method enforceable by the Town.

XVI. SECTION SIXTEEN – PUBLIC USE

A Battery Energy Storage System shall not be considered a Public Utility Use.

XVII. SECTION SEVENTEEN - SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

XVIII. SECTION EIGHTEEN – EFFECTIVE DATE

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



Town of Rotterdam
Office of the Planning Commission

Kimberly Ricker Scannell, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number PC 52-2025

Moved by Ms. Flansburg seconded by Ms. Ciampino
Applicant: Town of Rotterdam

**Resolution Adopting a Report and Positive Recommendation on
The Adoption of Battery Energy Storage System code**

WHEREAS, the Town Board of the Town of Rotterdam ("Town Board") has forwarded a proposed amendment to Chapter 270, entitled "Zoning," to enact Local Law No. ____ of the Year 2025 entitled, "Battery Energy Storage System,"; and

WHEREAS, the Town Board referred the proposed amendment to the Zoning Code of the Town of Rotterdam ("Zoning Code") to the Rotterdam Planning Commission ("Planning Commission") on August 13, 2025, for a report and recommendation thereon; and

WHEREAS, the Chair of the Planning Commission introduced the proposed amendment to the Planning Commission at its regularly scheduled meeting held on August 19, 2025, and the Planning Commission tabled action on this matter with an additional discussion with the Town Board appointed Energy Advisory Committee ("EAC") on September 16, 2025; and

WHEREAS, the Planning Commission reviewed the proposed amendment at its regularly scheduled meetings held on August 19, 2025, and September 16, 2025; and

WHEREAS, the Planning Commission has deliberated on the proposed amendment;

NOW, THEREFORE, upon motion of Member Flansburg, seconded by Member Ciampino;

BE IT RESOLVED, by the Planning Commission as follows:

The Planning Commission hereby adopts the following as its report on the proposed Zoning Code amendment:

1. Town Board referred the local law to the Planning Commission on August 13, 2025, and the Planning Commission reviewed the local law at the August 19, 2025, meeting, conducted a workshop with members of the EAC, Attorney for the Town ("Town Attorney"), and Planning Commission members on September 16, 2025.

As part of the Planning Commission report and recommendation, the Planning Commission directed the Town Attorney to incorporate the notes from the August 19, 2025, workshop as well as the comments from Planning Commission members for consideration at their September 16, 2025, meeting. The comments included the following:

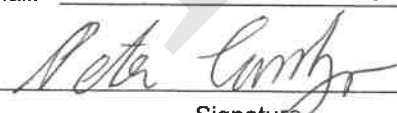
- A. Feedback on the proposed amendment was received from NYSERDA and Zenobe Americas Inc. and reviewed by the Planning Commission.
- B. Feedback from the EAC on NYSERDA's comments to the proposed amendment was received and reviewed by the Planning Commission.
- C. Noted that surrounding communities have prohibited Battery Energy Storage Systems outright.
- D. Recognition by the Planning Commission that the New York State Office of Renewable Energy Siting may consider siting BESS in the Town in the future and it would be a benefit to the Town enact the proposed amendment to protect Town interests in that potential eventuality.
- E. Recommendation by Town Attorney to keep language in Section 2 Legislative Intent and Purpose in order to provide justification of the Town's reasonable interests in enacting the proposed amendment in case of legal challenge.
- F. Recommendation by Planning Commission that the proposed amendment be considered a "living document," due to the speed and nature of technology changes could pose unknown future challenges. If enacted, the Planning Commission recommends a review of the proposed amendment every two years to ensure applicability and comprehensiveness.
- G. Unanimous agreement among the Planning Commission that the Rotterdam Aquifer, a section of the Great Flats Aquifer, is the most critical assets in the Town and requires significant protection from BESS siting.
- H. The Planning Commission notes that there is interest in siting 100MW of Battery Energy Storage Systems in the vicinity of Gordon Road substation, which sits over the Rotterdam Aquifer and water well heads.
- I. The Planning Commission notes that accidents and fires involving Battery Energy Storage Systems in other communities have led to an environmentally compromised water supply.
- J. As water contamination can have unknown long-term effects on a community, the Planning Commission recommends a stringent law that advocates for the prevention of water contamination in the Rotterdam Aquifer and throughout the Town community.
- K. The Planning Commission recommends that PILOT programs be permissive and not required due to known future changes in the method of calculating the total payments to the Town that may not be favorable to the Town's economic interest.
- L. The Planning Commission reviewed the four-page summary of information submitted from American Clean Power and determined that the information was not comprehensive or properly sourced in its assessment of the potential impacts of fires at Battery Energy Storage System facilities.
- M. The Planning Commission reviewed the recommendations of NYSERDA and EAC feedback and concluded that the principal concern of the Planning Commission in review of the proposed amendment was community safety, which aligned with EAC feedback.
- N. The Planning Commission heard feedback from the Senior Town Planner and Town Attorney that the proposed amendment often does not allow for modification or waiver of many requirements by the Planning Commission.
- O. The Town Attorney was requested to provide comments on the proposed amendment with a focus on providing the Planning Commission the ability to modify or waive various requirements in the proposed amendment, which Town Attorney comments were completed on September 18, 2025.

2. Subject to the considerations set forth in Paragraph 3, below, the Planning Commission hereby adopts a **positive recommendation** on the proposed amendment to Chapter 270, entitled “Zoning” to enact Local Law #___ of the year 2025 entitled “Battery Energy Storage System”.
3. Neither a positive recommendation by the Planning Commission, nor any rezoning action taken by the Town Board, should be construed as an approval or other favorable position concerning any proposed conceptual development plan. Any proposed development shall remain subject to full review by the Planning Commission.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>
Kimberly Ricker-Scannell	X	
Danielle Ciampino	X	
Wayne Calder	X	
Clark Collins	X	
Joseph Signore	X	
Lynn Flansburg	X	
Joseph Miglucci	X	


Peter J. Comenzo
Senior Planner


Kimberly Ricker Scannell
Planning Commission Chairman

ZONING COORDINATION REFERRAL SCHENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.		For Use By SCDEDP Received <u>11-18-25</u> Case No. <u>R-35-25</u> Returned <u>12-10-25</u>
FROM:	☒ Legislative Body ☐ Zoning Board of Appeals ☐ Planning Board	Municipality: Town of Rotterdam
TO:	Schenectady County Department of Economic Development and Planning Schaffer Heights, 107 Nott Terrace, Suite 303 Schenectady, NY 12308	(tel.) 386-2225 (fax) 382-5539
ACTION:	☒ Zoning Code/Law Amendment ☒ Zoning Map Amendment ☐ Subdivision Review ☐ Site Plan Review ☐ Special Permit ☐ Use Variance ☐ Area Variance ☐ Other (specify) _____	Received Schenectady County NOV 18 2025 Economic Development and Planning Dept.
PUBLIC HEARING OR MEETING DATE: <u>December 10, 2025</u>		
SUBJECT: Town of Rotterdam – Battery Energy Storage Systems. Report and Recommendation to the Town Board to amend Chapter 270 to include code on Battery Energy Storage Systems (BESS).		
REQUIRED ENCLOSURES:	1. Public hearing notice & copy of the application. 2. Map of property affected. (Including Tax Map I.D. number if available) 3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.	
1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State. 2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following: ☐ the boundary of any city, village or town; ☐ the boundary of any existing or proposed County or State park or other recreation area; ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated; ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.		
SUBMITTED BY: Name: <u>Peter Comenzo</u> Title: <u>Senior Planner</u> Address: <u>1100 Sunrise Boulevard, Schenectady, NY 12306</u> E-mail: <u>pcomenzo@rotterdamny.org</u> Phone: <u>518-355-7575 Ext 338</u>  Signature Date: <u>11 13 25</u>		



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-35-25

Applicant Town Board

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding an amendment to the Town Zoning Code to regulate Battery Energy Storage Systems. Utility scale storage systems (aggregate energy capacity greater than 600kWh) are confined to the I-2 zone. Large scale systems (greater than 150kWh and less than 600kWh) for on-site power consumption are allowed in B-1, B-2, C-1 and I-1. Small-scale are allowed by right in all zones.

RECOMMENDATION

Receipt of zoning referral is acknowledged on November 18, 2025. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

- ☐ *Approve of the proposal.
- ☒ Defer to local consideration (No significant county-wide or inter-community impact)
- ☐ Modify/Conditionally Approve. Conditions:

☒ **Advisory Note:**

As recommended by NYSERDA, the town should avoid duplicating or modifying requirements already comprehensively addressed under the 2025 Fire Code of New York State. Including such provisions in local law can create conflicts and possible confusion.

☐ **Disapprove.** Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

12-4-25

Date

Mark J. Herbst

Acting Commissioner
Economic Development and Planning

Good afternoon Rotterdam Town Officials and Energy Advisory Committee,

It's clear that the Energy Advisory Committee has dedicated significant time and thought to developing this draft, and we appreciate the opportunity to offer feedback. As promised, we've reviewed the draft law and would like to share a few comments where we believe certain provisions may lead to unintended consequences.

As a general note, we recommend avoiding duplicating or modifying requirements already covered under the [2025 Fire Code of New York State](#) (ESS part of Fire Code attached). Any changes to the Fire Code must be made through [Executive Law § 379](#). Including such provisions in local law can create conflicts and would likely raise concerns with the Department of State. For example, requirements related to emergency personnel response times and recurring inspections are addressed in the Fire Code and may not be appropriate for a zoning law. However, we are not lawyers or giving official legal advice, so please rely on your municipal attorney for any final interpretations of law.

Section 12A: Zoning Restrictions

- Current Language: U-BESS is allowed by right in Zone I-2 (General Industrial).
- NYSERDA Comment: Battery storage projects must be sited near substations with sufficient capacity to handle the energy transmission. If a project is located too far from a substation, it can become economically and technically unfeasible. Based on the attached zoning map, there appear to be no I-2 zoned parcels located close to suitable substations. As written, this restriction may unintentionally prohibit BESS development within the Town.
- Recommendation: Consider allowing U-BESS in additional zoning districts using tools such as a BESS overlay district or floating zoning.

Section 12E(12): Maximum Acreage

- Current Language: U-BESS shall not exceed a maximum project size of 5 contiguous acres.
- NYSERDA Comment: Due to required setbacks, buffers, and fire safety considerations, a 5-acre cap may be too restrictive for responsible BESS development.
- Recommendation: Increase the maximum allowable size or remove the size cap to accommodate layout needs while still allowing the Town to control siting of the project in other ways.

Section 13B: Performance Guarantees

- Current Language: Requires a performance bond or cash escrow to ensure proper operation and maintenance.
- NYSERDA Comment: Performance bonds for project operations are not typically required. If a project is not operating properly or ceases operation altogether, it would typically be decommissioned, at which point the decommissioning bond would apply.
- Recommendation: Consider removing the performance bond requirement and instead rely on a decommissioning bond to address end-of-life responsibilities.

Section 14A(1)(ii): Emergency Personnel

- Current Language: An emergency contact phone number for a competent person who can be at the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site, and be able to quickly identify electrical disconnect locations.
- NYSERDA Comment: This timeline is significantly shorter than what is required in the newly adopted 2025 New York State Fire Code.
 - *Section 1207.1.8.1* requires the system owner to be responsible for ensuring that one or more hazard support personnel dispatch within 15 minutes, and arrive to the premise within 4 hours, as required and approved. These personnel shall remain on duty continuously after the fire department leaves the premise until the damaged energy storage equipment is removed from the premises, or earlier if the fire code official indicates the public safety hazard has been abated.
- Recommendation: Remove this provision from local law entirely, and instead rely on compliance with the Fire Code.

Section 14A(3)(h): System Inspection

- Current Language: Procedure to the Town officials and emergency responders on how to inspect components that perform the temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.
- NYSERDA Comment: System inspections should be conducted only by licensed technicians or authorized representatives of the project owner. Allowing Town officials or emergency responders to enter an energized facility or inspect system components presents serious safety risks. Inspections of BESS components are already comprehensively addressed in the Fire Code and should not be duplicated or modified through local law. Specifically:
 - *Section 1207.13* requires BESS owners to develop a first responder pre-incident plan in consultation with the local fire department, to be approved before operation.
 - *Section 1207.13.1* mandates an annual site visit and review of the pre-incident plan by the local fire department unless the fire chief declines in writing.
 - *Section 1207.14* requires third-party fire safety inspections of BESS installations (above size thresholds in Table 1207.5) at least every 3 years. These inspections must be performed by a registered professional engineer or qualified expert and cover items such as system integrity, emergency operations, hazard mitigation analysis, monitoring procedures, and alarm history.
- Recommendation: Remove this provision from the local law. Instead, ensure coordination with local fire officials through the mechanisms already required in the Fire Code. Emergency personnel should be trained on appropriate procedures as outlined in the pre-incident plan and annual familiarization requirements.

Section 14F: Insurance Requirements

- Current Language: General liability insurance: \$10 million per occurrence / \$20 million aggregate, Umbrella coverage: \$300 million
- NYSERDA Comment: These levels of insurance coverage are unusually high for BESS projects and may prevent viable development. Most municipalities either set more moderate baseline requirements or assess insurance needs on a case-by-case basis.
- Recommendation: Consider revising this language to allow the Town to determine insurance requirements on a project-by-project basis in consultation with an advisor or assessor.

We hope these recommendations are helpful as you continue refining your BESS law. We're happy to answer any questions or provide additional information as needed.

Thank you for your time,

Hannah Schanzer (she/her)
Project Manager



NYSERDA
1359 Broadway, 19th Floor | New York, NY 10018-7842
P: 212-971-5342 | F: 518-862-1091 | E: Hannah.Schanzer@nyserda.ny.gov
nyserda.ny.gov
[follow : friend : connect with NYSERDA](#)

Peter Comenzo

To: Peter Comenzo
Subject: RE: Energy Advisory Committee Feedback regarding NYSERDA Draft BESS Code Comments

Town Board:

The Energy Advisory Committee met on 8/14/2025. There was a discussion regarding the NYSERDA comments regarding the draft BESS code. The EAC provides the following responses.

From NYSERDA: Section 12A: Zoning Restrictions

- Current Language: U-BESS is allowed by right in Zone I-2 (General Industrial).
- NYSERDA Comment: Battery storage projects must be sited near substations with sufficient capacity to handle the energy transmission. If a project is located too far from a substation, it can become economically and technically unfeasible. Based on the attached zoning map, there appear to be no I-2 zoned parcels located close to suitable substations. As written, this restriction may unintentionally prohibit BESS development within the Town.
- Recommendation: Consider allowing U-BESS in additional zoning districts using tools such as a BESS overlay district or floating zoning.

EAC response: Utility scale battery energy storage systems do not fit the rural characteristics. The committee agreed that substations should be built or relocated in industrial zones.

From NYSERDA: Section 12E(12): Maximum Acreage

- Current Language: U-BESS shall not exceed a maximum project size of 5 contiguous acres.
- NYSERDA Comment: Due to required setbacks, buffers, and fire safety considerations, a 5-acre cap may be too restrictive for responsible BESS development.
- Recommendation: Increase the maximum allowable size or remove the size cap to accommodate layout needs while still allowing the Town to control siting of the project in other ways.
-
- EAC response: With increased acreage size, the risk of any type of failure, including thermal runaway, increases due to increased quantities of utility batteries. We are not saying more batteries would have some type of group failure just that you are increasing the risk as you have more batteries. Having smaller areas we are trying to protect the people in the town of Rotterdam.

From NYSERDA: Section 13B: Performance Guarantees

- Current Language: Requires a performance bond or cash escrow to ensure proper operation and maintenance.
- NYSERDA Comment: Performance bonds for project operations are not typically required. If a project is not operating properly or ceases operation altogether, it would typically be decommissioned, at which point the decommissioning bond would apply.
- Recommendation: Consider removing the performance bond requirement and instead rely on a decommissioning bond to address end-of-life responsibilities.
- EAC response: The performance bond is meant to protect the town for issues that may arise that are not related to decommissioning. For example a fence requiring repair or mowing.

From NYSERDA:Section 14A(1)(ii): Emergency Personnel

- Current Language: An emergency contact phone number for a competent person who can be at the facility within one (1) hour or less notice. The individual shall have access to the facility gates, knowledge of the site, and be able to quickly identify electrical disconnect locations.
- NYSERDA Comment: This timeline is significantly shorter than what is required in the newly adopted 2025 New York State Fire Code.
 - *Section 1207.1.8.1* requires the system owner to be responsible for ensuring that one or more hazard support personnel dispatch within 15 minutes, and arrive to the premise within 4 hours, as required and approved. These personnel shall remain on duty continuously after the fire department leaves the premise until the damaged energy storage equipment is removed from the premises, or earlier if the fire code official indicates the public safety hazard has been abated.
- Recommendation: Remove this provision from local law entirely, and instead rely on compliance with the Fire Code.

EAC response: In the event of an emergency time is of the essence. The committee agreed that a time limit is important to protect our first responders and the people of the town. This is technology that first responders are not familiar with and would not be able to assist with controlling. There are 2 (two) first responders on the committee. JD Clairmont from Carmen and Dan Brudos from Plotterkill that provided valuable input in making this decision.

From NYSERDA: Section 14A(3)(h): System Inspection

- Current Language: Procedure to the Town officials and emergency responders on how to inspect components that perform the temperature monitoring, self-extinguishing fire suppression system and off gassing monitoring.
- NYSERDA Comment: System inspections should be conducted only by licensed technicians or authorized representatives of the project owner. Allowing Town officials or emergency responders to enter an energized facility or inspect system components presents serious safety risks. Inspections of BESS components are already comprehensively addressed in the Fire Code and should not be duplicated or modified through local law. Specifically:
 - *Section 1207.13* requires BESS owners to develop a first responder pre-incident plan in consultation with the local fire department, to be approved before operation.
 - *Section 1207.13.1* mandates an annual site visit and review of the pre-incident plan by the local fire department unless the fire chief declines in writing.

- *Section 1207.14* requires third-party fire safety inspections of BESS installations (above size thresholds in Table 1207.5) at least every 3 years. These inspections must be performed by a registered professional engineer or qualified expert and cover items such as system integrity, emergency operations, hazard mitigation analysis, monitoring procedures, and alarm history.
- Recommendation: Remove this provision from the local law. Instead, ensure coordination with local fire officials through the mechanisms already required in the Fire Code. Emergency personnel should be trained on appropriate procedures as outlined in the pre-incident plan and annual familiarization requirements.
- EAC response: The committee did not intend that the town would be performing inspections. However, we feel it is important that people who either review inspections or perform inspections for other types of construction are aware of what goes into the inspection. Town code inspectors are required to do yearly training for any inspections performed. Code enforcement officers tend not to be specialists, but rather generalists. Having some knowledge of what the inspection process entails would help them to be generalists to make sure the inspection process appears to be correct.

From Section 14F: Insurance Requirements

- Current Language: General liability insurance: \$10 million per occurrence / \$20 million aggregate, Umbrella coverage: \$300 million
- NYSERDA Comment: These levels of insurance coverage are unusually high for BESS projects and may prevent viable development. Most municipalities either set more moderate baseline requirements or assess insurance needs on a case-by-case basis.
- Recommendation: Consider revising this language to allow the Town to determine insurance requirements on a project-by-project basis in consultation with an advisor or assessor.
- EAC response: We based these costs on similar expenses for water pollution that occurred in Hoosick Falls NY. This was put in place to help protect the residents if there were to be an incident. The thought was to have funding available to help them. Residents should not have to bear the burden of costs incurred by a BESS.

The balance of meeting energy needs, the community safety and community benefit is complex. Protecting the residents of Rotterdam and the aquifer are paramount. Towns across NY and the rest of the nation are implementing BESS moratoriums and adapting laws that ban industrial BESS. In June the Governor directed NYPA to develop and construct at least one nuclear power plant. With the changing political climate and the advances in technology it may benefit Rotterdam to adapt this draft code with a plan to revisit as technology advances.

Respectfully submitted on behalf of the Energy Advisory Committee,

Patty Matelitz



Battery Energy Storage Systems: Main Considerations for Safe Installation and Incident Response

Battery Energy Storage Systems Overview

Battery energy storage systems (BESS) stabilize the electrical grid, ensuring a steady flow of power to homes and businesses regardless of fluctuations from varied energy sources or other disruptions. However, fires at some BESS installations have caused concern in communities considering BESS as a method to support their grids. BESS fires pose challenges to first responders due to the:

- Difficulty in putting out lithium-ion battery fires.
- Potential health impacts from emissions.
- Need to clean up and properly dispose of burned or impacted batteries.

Communities should consult BESS safety experts when considering and designing installations. Communities should also note that despite some high-profile incidents, improvements in BESS quality and design have led to a decrease in the number of failure incidents per gigawatt hour deployed (Figure 1).

In recent years, first responder and industry associations have developed guidance to help communities identify focus areas when planning a BESS, including how to work with local responders to improve incident preparedness. This document is a non-comprehensive collection of existing research and guidance.

Facts about Recent Fires

Since 2020, BESS failure incidents have decreased, but some recent fires have gained attention in the media. On May 15, 2024, Gateway Energy Storage Facility in San Diego, California, experienced a BESS fire with continued flare-ups for seven days following the fire. The facility held about 15,000 nickel manganese cobalt lithium-ion batteries. Following the incident, EPA has required the Gateway facility to conduct extensive environmental monitoring during battery handling and disposal operations and submit detailed work plans and progress reports.¹

This document includes information from first responder and industry guidance as well as:

- Background information on BESS, including challenges and recent fires
- BESS installation considerations
- BESS incident response considerations
- Resources for fire planning and response
- Standards and links to additional resources



Figure 1. Global grid-scale storage deployment and failure statistics. Source: Electric Power Research Institute (EPRI), 2024.

¹ U.S. Environmental Protection Agency. (n.d.). Site profile: Gateway Energy Camino lithium-ion battery fire. https://response.epa.gov/site/site_profile.aspx?site_id=16485.

On January 16, 2025, a BESS fire broke out at the Moss Landing site in Monterey County, California, resulting in a 24-hour evacuation of about 1,200 residents. A joint effort among company personnel and the North County Fire Department kept the fire contained to one building, though with one notable flare-up. Air quality monitoring and sampling occurred during and after the fire and found no risks to public health. Following the incident, EPA continues to work with other regulators to ensure the safe storage, handling, and transportation of undamaged batteries remaining at the Moss Landing site.²

Clear and comprehensive incident response plans are critical when managing BESS sites to ensure preparedness in the event of a battery fire.

Installation Considerations

Proactive safety measures can be included in a BESS site design to minimize the risk of a BESS fire. Consider the following before installing a BESS:

- Comply with state and local siting, zoning, marking, and permitting requirements to ensure site suitability.
- Consider the design of BESS units (battery chemistry, manufacturing quality assurance/quality checks, unit design, battery management system analytic capabilities, and system integration) and consult the most recent industry safety standards.
- Include remote sensors and monitoring (e.g., infrared, thermal, fire detection).
- Communicate with local first responders to develop emergency response plans for incidents.

Incident Response Considerations

Consider the following when developing an incident response plan for BESS:

- Ensure use of Personal Protective Equipment (PPE) including self-contained breathing apparatuses to protect against hazardous air emissions.
- Set an isolation zone for large commercial BESS that is at least 330 feet, depending on the site.
- Position responders upwind and uphill.
- Evaluate the need for community shelter-in-place or evacuation, depending on the incident and site.
- Current guidance is to focus the response on preventing the spread of fire.
 - Direct fire crews to let the fire burn itself out and to use water to prevent the spread of fire to neighboring batteries or other structures.³
- Assess hazardous air emissions:
 - Use modeling to guide on-site decision making and initially monitor for hydrogen, carbon monoxide, hydrogen fluoride, hydrogen cyanide, and hydrogen chloride.
 - As an incident extends, sample air for metals and other combustion byproducts of burning plastics.
- Minimize, contain, and/or redirect runoff from water application, to the extent possible.
- Package contents safely for transport and disposal after the event, considering Department of Transportation and EPA requirements.

² Vistra. (n.d.). *Moss Landing response*. Moss Landing Response. <https://www.mosslandingresponse.com>.

³ Research is ongoing into the most effective method of water application to prevent spread.

Resources for Fire Planning and Response at BESS Installations

In addition to adhering to existing standards, communities and operators of BESS sites should reference existing resources to enhance fire preparedness and response plans. Table 1 includes a list of trainings, standard operating procedure (SOP) guides, toolkits, emergency response plans, and research for BESS sites.

Relevant BESS Standards

[National Fire Protection Association \(NFPA\) Standard 855](#): Standards detailing the requirements for mitigating the hazards associated with energy storage systems (ESS). First edition 2020; current edition 2023; next update 2026.

[Underwriters Laboratory \(UL\) 9540 and 9540A](#): Standards for energy storage systems and equipment: charging and discharging procedures, fire protection, and test methods for BESS. First edition 2016, current edition revised 2025.

Table 1. Additional resources for BESS sites

Resource (Linked)	Description
EPA On-Scene Coordinator Lithium-Ion Battery Outreach Page	• Outreach: The EPA On-Scene Coordinators are available to provide training to city and county fire fighters, Local Emergency Planning Committees (LEPCs), and conference audiences. Contact information is available on the Outreach page. • Resources: Resources for pre-planning with local responders, sample standard operating procedures, presentations, and worksheets. • Web-based: Remote training that covers battery basics, hazards, transport and disposal concerns, and air monitoring (coming soon).
NFPA ESS Safety Fact Sheet	• Fact sheet outlining ESS advantages, hazards, and safety measures.
San Diego Fire Department Toolkit	• Collection of resources on lithium-ion battery fire response, incident reports, research, and public safety education.
Tennessee Emergency Management Agency (TEMA) Toolkit	• Collection of fact sheets and presentations on BESS fire hazards and prevention.
International Association of Fire Chief (IAFC) Fact Sheet	• Fact sheet covering recommended fire department ESS pre-planning and incident response.
Electric Power Research Institute (EPRI) Research Hub	• Collection of energy storage research, including information about EPRI's database of BESS failures and root cause categorizations.
Fire Protection Research Foundation Website	• Information about an ongoing research project examining hazards and mitigation for BESS units.
New York Battery and Energy Storage Technology Consortium Library	• Library of systems safety and best practices resources from various associations and fire codes.



Assessment of Potential Impacts of Fires at BESS Facilities

EXECUTIVE SUMMARY | April 25, 2025



Prepared by Fire & Risk Alliance, LLC. for:
The American Clean Power Association ©

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Revision Notes:

Revision 0	17 March, 2025	Initial Release	Authored: JG, JM, MF	Reviewed: NR	Approved: NR
Revision 1	25 April, 2025	Section 1.3 Correction	Authored: JG, JM, MF	Reviewed: NR	Approved: NR

1 Executive Summary

Battery Energy Storage Systems (BESS) have become an essential component of modern energy infrastructure, supporting grid stability, renewable energy integration, and peak demand management. While concerns about fire hazards have been raised, historical data and scientific studies indicate that BESS remains a relatively safe technology with minimal environmental contamination risks. Furthermore, many reported fire incidents involved legacy systems that were designed, installed, and operational before the development and implementation of comprehensive national safety standards, such as NFPA 855 and UL 9540A.

This report provides an analysis of historical BESS fire incidents and, their causes, a review of the types of contaminants released, the extent of environmental impacts, and how advancements in safety regulations and technology have mitigated risks.

In none of the reviewed cases of environmental sampling related to the BESS fire events were contaminant concentrations found that would pose a public health concern or necessitate further remediation. This finding includes airborne contamination sampling conducted on-site, off-site, and within nearby communities, as well as relevant sampling of water from firefighting activities, automatic suppression system run-off, and groundwater testing in specific instances.

1.1 Historical Incidents: Context and Key Findings

A review of 35 documented large-scale BESS fire incidents in the United States (2012–2024) provides valuable insights into the evolution of ESS safety. These incidents occurred in 16 states, with California reporting the highest number (12). The following key trends emerged from the analysis:

- **Legacy System Involvement:** Many of these incidents involved early-generation BESS units that predate modern safety codes and lacked rigorous testing and integrated safety features.
- **Early Lifecycle Failures:** Nearly half (51%) of incidents reported the age of the system, with almost half of those incidents occurring within the first six months of operation, highlighting potential challenges during the commissioning and initial operational phases of BESS units.
- **Operational State at Time of Incident:** Among incidents where operational status was known, 69% of fires occurred during system use, while 17% took place during assembly, testing, or pre-commissioning.
- **Challenges in Root Cause Analysis:** Investigating BESS fires is complex due to the destruction of components at high temperatures. Available data suggests that failures primarily stemmed from system integration, construction, and assembly issues rather than fundamental battery chemistry concerns.
- **Advancements in Safety and Design:** Newer ESS units benefit from improved safety measures, such as advanced thermal management, suppression systems, and containment enclosures, significantly reducing the likelihood of large-scale incidents.

1.2 Case Studies of Notable BESS Fire Incidents

Several high-profile incidents illustrate the evolution of BESS safety and the limited environmental consequences of such fires. These incidents were also selected because they have published environmental impact assessments. Notable examples include:

- **Valley Center, CA (2022):** A small component-level BESS fire at a 560 MWh system. The fire was contained to a single module within a rack in one enclosure.
- **East Hampton, NY (2023):** A larger component-level fire at a 40 MWh system. The fire reportedly began as a result of a smoldering battery.
- **Surprise, AZ (2019):** A BESS enclosure fire and explosion in a 2 MWh system. Several firefighters were injured due to unexpected gas ignition and to date remains the sole incident in the US in which a person was injured.
- **Escondido, CA (2024):** A BESS enclosure fire at a 120 MWh system. The fire was limited to a single enclosure and had a duration of approximately 13 hours.
- **Lyme (Chaumont), NY (2023):** A BESS enclosure fire in a 15 MWh system. Four enclosures and two transformers were involved.
- **Melba, ID (2023):** A BESS enclosure fire that occurred in an 8 MWh system while in the pre-commissioning stage. The fire caused several battery stacks to be burned, and the fire had a duration of 3 days.
- **Warwick, NY (2023):** Two separate BESS fires occurred within 24 hours at a 36 MWh and a 17.9 MWh system. The BESS were allowed to consume themselves in a controlled manner, illustrating the shift in firefighting tactics from active suppression efforts to passive cooling of targets.

Table 1 summarizes the environmental sampling that was reported in the literature for each of the case studies selected. The documented record of environmental sampling performed for these events showed considerable variation in both the type of sampling conducted and the protocols employed, particularly concerning airborne contamination testing. Sampling was carried out by site personnel, HAZMAT first responders, and State and EPA personnel, often involving third-party consultants or testing laboratories.

Table 1: Summary of Environmental Sampling Performed at Case Study BESS Fires

Event #	Location	Date	Air	Soil	Water
1	Valley Center, CA	5-Apr-22	N/A	N/A	N/A
2	East Hampton, NY	31-May-23	X	X	X
3	Surprise, AZ	19-Apr-19	X	X	X
4	Escondido, CA	5-Sep-24	X		X
5	Lyme (Chaumont), NY	27-Jul-23	X	X	X
6	Melba, ID	2-Oct-23	X		
7	Warwick, NY	26-Jun-23	X	X	X

In addition to the case studies summarized above, a large indoor BESS fire occurred on January 16, 2025 involving a 1,000 MWh system at Moss Landing, CA. As of the drafting of this report, the investigation is ongoing and the environmental impact is being monitored closely.

1.3 Regulatory and Scientific Assessments on Environmental Impact

- **ISO Standard 26367-1** provides a framework for assessing the environmental impact of fires.
- **EPA Risk Management Program** provides guidance on how to conduct off-site consequence analyses under the EPA's Clean Air Act and provides guidance both on establishing the worst-case scenarios for evaluation and data on a variety of toxic substances.
- **EPRI Guidance Documents:** The Electric Power Research Institute (EPRI) has published guidance on the available plume models that may be used for evaluating the potential airborne contamination from BESS fires and these guidance documents provide a modeling framework for performing air modeling simulations of BESS fires.
- **Community Risk Assessment Studies:** Studies performed by various engineering consultants model the spread of acid gases (HF and sometimes HCN and HCl) and conclude that acid gas emissions generally do not reach levels of concern beyond the immediate fire site. This conclusion is supported by limited large-scale BESS fire testing.

1.4 Environmental Impact Assessment

The environmental consequences of BESS fires have been a subject of increasing scrutiny. However, data from real-world incidents, experimental studies, and environmental monitoring efforts indicate that BESS fires have a minimal long-term environmental impact compared to other large industrial and structural fires.

1.4.1 Airborne Emissions from BESS Fires

A key concern in BESS fire events is the release of toxic gases, but studies indicate that emissions are largely confined to the immediate vicinity of the fire, with rapid dissipation and concentration reduction in open-air scenarios. It has also been shown that fires involving BESS share many similarities with conventional fires, particularly those involving plastics, in terms of combustion byproducts. This is because the materials that make up lithium-ion batteries—such as polymer-based separators, electrolytes, and enclosures—contain hydrocarbons and other organic compounds that produce similar combustion emissions when the materials are exposed to high temperatures. Key findings on airborne contaminants include:

- **Common Gases Released:** BESS fires primarily emit CO, CO₂, and volatile organic compounds (VOCs), and may emit other trace gases such as HF, HCN, or others depending on the battery chemistry and overall materials of construction of the BESS unit.
- **Limited Off-Site Impact:** Air sampling from past incidents has found that contaminant concentrations beyond the immediate fire scene do not pose a public health risk. For example, monitoring at the Escondido, CA and NY incidents showed no detectable hazardous concentrations in nearby communities and initial shelter in place and evacuation orders were generally lifted shortly after the measurements were taken.
- **Flammability and Gas Dispersion:** The rapid dispersion of gases in outdoor BESS fires limits the potential for widespread toxic exposure. Studies show that the local concentration of gases rarely reaches flammability limits in well-ventilated environments and toxic gases are rapidly diluted.

1.4.2 Soil and Water Contamination

Concerns about soil and water contamination primarily arise from firefighting suppression efforts, particularly when large volumes of water are used. However, available data from real-world incidents and testing does not support the notion of widespread contamination risks. Key findings include:

- **Firefighting Water Runoff:** The consensus best practice for response to a BESS fire is to allow the BESS to consume itself and provide cooling water to targets if needed. Unless there is direct suppression water applied to the BESS on fire, any cooling water applied will be similar to rain and no potential contaminants will be included in any runoff. While lithium-ion battery fires produce chemical byproducts, studies show that their solubility in water is low, limiting the potential for groundwater contamination if direct suppression efforts are performed. Additionally, standard stormwater management practices help prevent runoff from reaching natural water sources in the event that the fire department determines that suppression efforts are required.
- **Environmental Sampling Results:** In past BESS fire incidents where environmental sampling was conducted, water and soil samples did not reveal hazardous contamination levels requiring remediation.

1.5 Firefighting Strategies and Risk Mitigation

Lessons learned from BESS fire events have impacted the firefighting tactics and safety features for newer BESS installations and provided increased awareness of safety and environmental considerations.

1.5.1 Key Firefighting Considerations

The evolution of BESS firefighting strategies has led to a shift in approach, particularly in cases where deep-seated battery fires occur within enclosed containers. Fire suppression tactics now emphasize containment and cooling of targets rather than active suppression efforts, therefore reducing potential environmental impacts, particularly those associated with soil and water contamination.

- **Controlled Burn Approach:** Many fire departments now adopt a strategy of letting a burning BESS container consume itself rather than applying excessive amounts of water. This minimizes the potential runoff and reduces potential exposures to soil and water.
- **Regulatory Compliance:** Adherence to updated standards such as NFPA 855 and UL 9540A ensures that newer BESS installations include fire safety features designed to limit fire initiation and propagation, therefore reducing potential environmental impacts in the event of a fire.

1.5.2 ESS Safety and Environmental Considerations

While BESS fire incidents have raised safety concerns, it is important to contextualize these events within the broader landscape of industrial and energy-related hazards. Many documented BESS fires involved early-generation systems that predate modern safety standards. The implementation of robust national codes and advancements in ESS design have significantly improved fire safety and reduced risks.

Crucially, environmental monitoring data from real-world BESS fire incidents does not support claims of widespread contamination. Airborne emissions are short-lived and localized, soil and water contamination risks are minimal, and existing firefighting strategies further mitigate potential environmental harm.

As the BESS industry continues to evolve, adherence to best practices in system integration, commissioning, and fire protection will further enhance safety and environmental sustainability. With continuous ongoing research and advancements in technology, ESS remains a reliable and safe energy storage option.

August 8, 2025

To the Town of Rotterdam Town Board:

Zenobe Americas (Zenobe) is a developer, owner, and operator of utility-scale energy storage projects. Our mission is to make energy reliable and cost effective for communities through the deployment of energy storage projects. We are currently exploring the development of a project in the Town of Rotterdam, which we anticipate would bring approximately \$15M in construction contracts to the Town (where we would use local labor to the fullest extent possible), pay \$200,000 annually to local entities as part of the host community/PILOT agreement, as well as lower energy costs, and increased energy reliability and resiliency to the region.

Zenobe has reviewed the proposed Zoning Law Amendment related to battery energy storage systems, as included in the minutes of the Town Board's July 9, 2025 meeting. While the proposal is well crafted and comprehensive, we wanted to raise the below components of the current law amendment that could potentially make development in Rotterdam prohibitive:

- **Utility Substations Zoning** – in the current draft, large-scale battery storage (U-BESS) is limited to I-2 zones. However, there are no existing transmission-level substations located in I-2 zones. As a result, mandating that batteries be sited exclusively in I-2 zones would result in significant build-out of transmission lines between the batteries and existing infrastructure. This would make the cost of energy storage more expensive and would also potentially increase the overall impact of the projects due to the required transmission lines.
- **Five Acre Limitations on Development** – Five acres is not enough room for a typically sized energy utility-scale energy storage system, particularly when considering setbacks, auxiliary equipment/attachment facilities, and fire safety staging areas. We recommend that this number be expanded to at least 15 acres to allow for typical system sizes and equipment spacing.

We would appreciate the opportunity to present our concerns to the Town Board prior to finalization of the code amendment and encourage these changes (and others discussed in more detail in the attached) to the code before finalization. Thank you for your consideration, and we would be happy to discuss further at your convenience, or to submit them through the appropriate channels.

Best,
James Robinson
Head of Project Development
Zenobe Americas

ATTACHMENT A

Zenobe Americas Comments to proposed Rotterdam Zoning Law Amendment

- **Location Restrictions**

- VI A - In line with the Town's prior development allowing substations in Agricultural zones, we suggest U-BESS be allowed in A-1 zones with a Special Use Permit. Alternately, a procedure could be put in place for a "Storage Overlay District," similarly to what is done with solar. While we agree that not all locations are suitable for larger scale energy storage systems, we believe that limiting U-BESS to I-2 zones would effectively prevent energy storage development in the Town. Of note, the existing Gordon Road Substation and Central East Energy Connect transmission lines are not in I-2 zones.
- Question on VI A – Are we understanding correctly that development is permissible in the Watershed Boundary (i.e. Zone 4 is allowed)?

- **Acreage Restrictions**

- XII E 12 – the 5 acre site size limitation should be reconsidered, especially considering the attachment facilities and need for buffer, setbacks, etc. A more reasonable acreage limit is 15 acres, and no acreage limit is in the NY State model law. Note that the existing Gordon Road Substation is approximately 25 acres and is located in an agricultural zone.

- **Escrows, Bonds, Performance Guarantees, Insurance**

- As proposed, there are overlapping and duplicative assurance, escrow, bond, and insurance requirements that could be streamlined for Town management's ease of review. We recommend the following:
- *Escrow and Surety Account Streamlining* -
 - One escrow account, to cover all inspections deemed necessary by the Town (additional detail in the Inspections section below, and listed in the proposed law under XII-D, XII-E-17-B, and XIII-B)
 - One decommissioning surety to cover the amount required to safely decommission the system and restore the site (listed in the proposed law under XV-C)
- *Insurance coverage* –
 - Adding the Town named as additional insured party.
 - Limits to be determined based on insurance industry standards. Insurance requirements are well defined by banks and insurance companies who have experience financing and insuring these types of projects. Policy limits are typically set by the overall project cost and size, and a blanket insurance requirement without taking into account project size could place an undue burden on smaller developers (listed in the proposed law under XIV-F)
- *Performance Bond* is not standard and is not needed. A project's building permit would be contingent on the system being properly installed. Project will have to meet all permitting conditions, otherwise it can be shut down until conditions

are met. If conditions can't be met, then the system will be decommissioned, and the decommissioning bond can cover that process.

- **Inspections and Sign Off**

- XIV – With passage of the 2025 NY Fire Code, below are the areas in the Town law at odds with state code that we suggest aligning to state standards:
 - A1aⁱⁱ – response time requirement is significantly shorter than state code requirements
 - A3h – inspection should only be conducted by licensed technicians and approved counterparties. Having Town officials enter an energized facility can be extremely dangerous and should be avoided at all costs.
 - the Fire Code now includes a requirement that a third-party subject matter expert review the application and provide comments to the Town.
 - the Code also requires a site inspection by this independent Subject Matter Expert, results of which will also be presented to the Town.
 - A3j - scheduled maintenance will be outlined in the O&M manual. We recommend striking the requirement of notice of maintenance, which is not included in NY State's model law and could place undue burden on town officials and delay necessary maintenance.
 - D - projects should have scheduled and annual maintenance according to their operational dates and not on a calendar year basis. Additionally, annual inspections are carried out by approved O&M providers so it would be duplicative for the Town to require an independent third party to do the same which may not be as qualified.
 - E - Immaterial changes are the normal course of any construction project and should not be subject to another layer of approval from the Town. Requiring written approval from the Town for immaterial changes would slow down necessary repair and maintenance processes.

- **Interconnection Requirement**

- XII-E7 – requirement should be for interconnection application to have been submitted, not for interconnection agreement to be signed

**September 10, 2025****To the Town of Rotterdam Town Board:**

Zenobe Americas Inc. (Zenobe) is a developer, owner, and operator of utility-scale Battery Energy Storage Systems (BESS). Our mission is to make energy reliable and cost-effective for communities through the deployment of energy storage. Zenobe owns over 1,200 MW of operational and under construction energy storage systems. We are currently exploring the development of a project in the Town of Rotterdam.

Zenobe previously sent a letter stating that we estimate that the project would generate approximately \$200,000 annually to local stakeholders. We are following up with this letter to further explain how this number was calculated, and which local groups would receive the revenue.

Separately, Zenobe has asked our attorneys at Hodgson Russ LLP to send a letter which offers a general overview of Payment in Lieu of Taxes (PILOT) Agreements and Host Community Benefit Agreements (HCBAs) as they are typically structured in New York State. That correspondence is intended to serve as a non-project-specific introduction to the agreements and to supply indicative agreements executed elsewhere in New York State for the Town's reference.

Projects of this type typically execute two separate agreements related to taxes; a PILOT agreement with the County Industrial Development Agency (in this case the Schenectady Metroplex Development Authority), and a Host Community Benefit Agreement (HCBA) directly with the Town (in this case the Town of Rotterdam). The figures below reflect common New York market practice and Zenobe's typical commercial approach; the amounts discussed below are indicative and would be subject to standard negotiations and approvals.

Payment in Lieu of Taxes (PILOT)

Large scale renewable energy and energy storage projects typically negotiate and execute a PILOT agreement with the County Industrial Development Agency; in the case of this project, the agreement would be executed with the Schenectady Metroplex Development Authority. Zenobe has had preliminary discussions with the Schenectady Metroplex Development Authority, and they have indicated that they would be open to an agreement of this type, contingent upon the project being acceptable to the Town of Rotterdam.

In New York State, PILOT agreements for energy storage projects are typically in the amount of \$1,000/MW annually, subject to an annual escalation of 2%. The agreement is typically for 15-20 years. As the proposed project in Rotterdam is 100 MW, this would result in a Year 1



payment of \$100,000/year, escalating to ~\$132,000/year by the end of a 15-year term and ~\$146,000/year by the end of a 20-year term.

Revenue from PILOT agreements is typically split between the County, Town, and School District where the project is located. The percentage allocations are dependent on local conditions; we have typically seen splits of ~15% to the Town, ~35% to the County, and ~50% to the School District. We have not discussed the split that would be applicable to this Project which would be determined based on the split between jurisdictions applicable to other types of taxes.

Host Community Benefit Agreement (HCBA)

In addition to the PILOT Agreement, energy storage projects typically execute a separate Host Community Benefit Agreement directly with the Town where the project is located. The HCBA is intended to provide more flexibility to the Town in terms of where the funding is directed. Zenobe has previously negotiated HCBA's in which the funding is directed primarily to the Town, with a share directed specifically to the local Fire Department to help with readiness, training, and equipment needs associated with battery energy storage projects.

In previous situations, Zenobe has negotiated Host Community Benefit Agreements in the range of \$1,050/MW annually, subject to an annual escalation of 2%. The agreement is typically for 15-20 years. As the proposed project in Rotterdam is 100 MW, this would result in a Year 1 payment of \$105,000/year, escalating to ~\$138,500/year by the end of a 15-year term and ~\$153,000/year by the end of a 20-year term.

Revenue from Host Community Benefit Agreements typically accrue primarily to the Town, though Zenobe is open to other arrangements that could potentially direct a larger percentage of the funding to the School District. Typical splits are 95% to the Town with the remaining 5% sent to the Fire Department (in cases where the Fire Department is funded separately).



Summary of Typical Revenue

The tables below summarize the information presented above, for a 100 MW system.

Year 1	Town	School District	County	Fire Department	Total Local Revenue
PILOT	\$15,000	\$50,000	\$35,000	\$0	\$100,000
HCA	\$100,000	\$0	\$0	\$5,000	\$105,000
Total	\$115,000	\$50,000	\$35,000	\$5,000	\$205,000

Cumulative (15 years)	Town	School District	County	Fire Department	Total
PILOT	\$259,401	\$864,671	\$605,270	\$0	\$1,729,342
HCA	\$1,729,342	\$0	\$0	\$86,467	\$1,815,809
Total	\$1,988,743	\$864,671	\$605,270	\$86,467	\$3,545,150

Cumulative (20 years)	Town	School District	County	Fire Department	Total
PILOT	\$364,461	\$1,214,868	\$850,408	\$0	\$2,429,737
HCA	\$2,429,737	\$0	\$0	\$121,487	\$2,551,224
Total	\$2,794,198	\$1,214,868	\$850,408	\$121,487	\$4,980,961

Conclusion

Zenobe appreciates the opportunity to present the above information to the Town of Rotterdam while you evaluate your draft Energy Storage Law. Zenobe is prepared to offer the Town and other local entities the annual and cumulative payments outlined above through a combination of a PILOT agreement with the Schenectady Metroplex Development Authority and a Host Community Benefit Agreement directly with the Town of Rotterdam.

Zenobe believes that the proposed energy storage project has the opportunity to provide significant revenue for Town, County and School services, while requiring relatively few local resources. In addition, projects such as ours would bring approximately \$15M in construction contracts to the Town (where we would use local labor to the fullest extent possible), reduce energy costs, and increase energy reliability and resiliency across the region.

Zenobe respectfully encourages the Town Board to enact an energy storage law that allows well-sited and well-developed projects to be advanced within the Town of Rotterdam. Please refer to our previous letter, sent August 14, 2025, for Zenobe's comments on the currently proposed draft law.

Best,
James Robinson
Head of Project Development
Zenobe Americas Inc.

12/10/25

September 8, 2025

To: *The Rotterdam Town Board*
1100 Sunrise Blvd
Rotterdam, NY 12306

From: *The Rotterdam Conservation Advisory Council*
Re: *Draft Energy Committee BESS code*

Dear Supervisor Collins and Town Councilmembers:

We are writing to express our full support for the Town Energy Committee's draft proposed Battery Energy Storage System (BESS) code.

While we endorse the rules in their entirety, we specifically support the restrictions regarding utility-scale BESS. Operating utility-scale batteries upstream from the Town's aquifer and other water resources presents a hazard that should not be allowed.

Large scale battery fires may be rare, however when they do occur they can require tens of thousands of gallons of water to extinguish. Even if a battery fire was allowed to burn, an enormous amount of water would be needed to protect nearby structures and cool surrounding, un-involved batteries. The runoff water would be contaminated with unknown pollutants.

The Energy Committee's proposed zoning rules will protect the aquifer by constraining utility-scale batteries to areas zoned I-2 (Heavy Industrial).

We urge the Town Board to adopt the proposed BESS code to maintain important protections for the Town's water supply.

Respectfully,

The Rotterdam Conservation Advisory Council

Andrea Coppola, Chair

Kathy Fisher, Vice Chair

Bruce Bonacquist

Dan Brudos

Patricia Matelitz

Scott Quinn

Jim Schaefer, PhD

Diane Marco

From: Rebecca Ryan [REDACTED]
Sent: Tuesday, December 9, 2025 8:09 PM
To: Diane Marco
Subject: Regarding battery storage

You don't often get email from rabsryan5@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Marco,

I would appreciate it if you could read my email during Public Hearing Number Two concerning the Town Code for Battery Storage Systems.

I fully support the thorough nature of this code. As currently drafted, the code effectively safeguards our vital aquifer, which is of crucial importance to Rotterdam.

It also appropriately allows industrial development to designated industrial zones and permits utility-scale systems exclusively within these zones. Furthermore, the code addresses the significant water requirements for fire suppression by mandating a municipal water supply.

Thank you for your time,

Rebecca Ryan
29 Miles Standish Rd.
Schenectady, NY 12306

Sent from my iPhone

Jean D. Brown
143 Crawford Road
Schenectady, N. Y. 12306

December 10, 2025

Attn: Ms. Diane Marco

Rotterdam Board Members

I am writing this letter to express my concerns for our towns position on Battery Energy Storage Systems.

I did read the new code being voted on tonight. I was very impressed by the details. To all the Rotterdam Board members, your vote this evening is extremely important to All Residents now and for the future years. I am requesting each of you to adopt a new Article of Chapter 270, Zoning, of the Town Code, Relating to "Battery Energy Storage Systems.

Failure to pass these changes to the Town Code could be extremely detrimental to all of us.

Sincerely,

Jean D. Brown
Proud Resident of 45 years

Diane Marco

From: David Matelitz [REDACTED]
Sent: Wednesday, December 10, 2025 9:28 AM
To: Diane Marco
Subject: 2/10/2025 Public Hearing #2 BESS

You don't often get email from david.matelitz@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Rotterdam Town Board,

I am in full support of the proposed Battery Energy Storage Systems (BESS) as written.

It outlines sensible code for the various types of BESS providing code for homes, businesses and utility scale.

Most importantly the code protects the Great Aquifer from potential contamination. It is the towns obligation to protect this vital resource.

The proposed code appropriately allows utility scale storage in the industrial zone and requires a municipal water source. BESS fires are not predictable, historically have burned for days and require enormous amounts of water.

Please vote yes in support of this important legislation and Home Rule.

Thank you,

Dave Matelitz
457 Sandborn Rd, Pattersonville, NY 12137

Diane Marco

From: Kyle Quinn [REDACTED]
Sent: Wednesday, December 10, 2025 11:42 AM
To: Diane Marco
Cc: Teri Gallucci
Subject: 12/10/2025 Public Hearing #2

You don't often get email from quinnhaulingandexcavating@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please read at public hearing #2 as I am unable to make it in person to the meeting tonight.

To Rotterdam town board,

I'd like to share my support for the proposed Battery Energy Storage Systems (BESS) regulations. The draft lays out practical, common-sense guidelines for all types of systems—whether they're for homes, businesses, or larger utility-scale projects.

One of the most important elements of this code is its focus on protecting the Great Aquifer. This is one of our town's most vital natural resources, and it's our obligation to safeguard it from any potential contamination.

I also appreciate that the proposal places utility-scale storage in the industrial zone and requires access to a municipal water source. This is not unusual—many commercial-scale construction projects already need a dependable municipal water supply before they can even be considered. And with BESS fires being unpredictable and sometimes requiring large amounts of water, this is a sensible requirement.

It's also worth noting that facilities of this scale typically require extensive training for first responders, so they're prepared to manage emergencies safely and effectively. The proposed code helps ensure that these responsibilities are taken seriously.

For these reasons, I encourage you to vote yes and support this legislation and Home Rule. Thank you.

I Reside at 807 Sandborne Road in the town of Rotterdam.

--
Kyle Quinn
Quinn Hauling & Excavating, LLC
Owner / Operator
[REDACTED]

12/10/25

Value of the Schenectady Aquifer: \$4+ Billion

The most critical square mile in Rotterdam – the Aquifer

Historic – formed by the flooding of meltwater of Ancient Lake Iroquois from the Laurentian Lobe of the Continental Glacier 15,000 years ago.

- Evidence of an ice and debris dam near Little Falls that broke, flooding the valley. Source: Nelson Greene (1925 Vol 1-4), "History of the Mohawk Valley: Gateway to the West 1614-1925." Chicago, S.J. Clarke Publishing Co.
- Evidence of the flood being of catastrophic dimensions includes a mastodon skeleton at the base of Cohoes Falls (Mohawk/Hudson) and a mastodon tusk in the banks of the Normanskill in SE Rotterdam.

Geologic – huge deposits of sand, gravel, cobblestone matrix from Rotterdam, Glenville and Scotia from when river materials met Lake Albany at Schenectady shown in stages (Nelson Greene (1925 Vol 2: 83-91. An interesting sand dune structure was uncovered in the normal process of excavating sand and has been a feature photo in a short article I posted on the Historian's Page of the Town. I am sending a batch of recent photos FYI. the post glacial deposits are all around us and underlie the Aquifer lands of the Great Flats. Photos from Rotterdam (sand) Glenville (gravel, cobble).

Economic –

Aquifer worth \$4 Billion/year –

- Gallon of bought water \$8
- Daily amount of water needed per person: 15 gallons/day
$$15 \text{ gal.} \times \$8 = \$120/\text{person/day. (India drought 1975-JMS)}$$
- Approximate number using aquifer water: 100,000 persons
$$\$120 \times 100K = \$12 \text{ Million for Schenectady per day}$$
- Annual cost to buy water for without aquifer for Schenectady
$$\$12 \text{ Million} \times 365 \text{ days} = \$4.4 \text{ Billion per year. (REPLACEMENT)}$$

Calculations by JM Schaefer 2025

12/10/25

Good evening and thank you for your time. My name is Dan Hladik and I live at 1871 Elizabeth street.

I came here tonight to discuss the proposed amendment to the town of Rotterdam zoning law that addresses the building and operation of battery energy storage systems (Chapter 270, Rotterdam BESS law)

I have lived in Rotterdam and Schenectady my entire life. Rotterdam definitely looks a lot different than it did when I moved here. More stores, more businesses and we never stop building homes. That is great and I feel that we have done a good job building up the area while maintaining the open spaces and the country feel on the outskirts of town. That being said when you build something up you need to think about the current and future needs of utilities especially electricity.

I have attended a lot of meetings in the last couple years about New York's green energy push. As I drive around, I see more and more solar fields, windmills, electric vehicles. Everything these days needs electricity. I feel that battery energy storage systems are a very important component to what we have become and where we are headed.

I have reviewed the proposed changes to the Town of Rotterdam zoning laws. I completely understand the concerns that you are trying to address. However, I think there are some aspects that would make building a "BESS" in our town not feasible. The first concern is limiting battery energy storage systems to I-2 zones. The current proposed location (470 Gordon rd.) seems like the perfect location. It is away from densely populated areas, it is near a substation and there is a fire department located within a mile. The other issue would be the insurance requirements. I believe a \$300,000,000 umbrella policy would be required and to my understanding no project in NY carries a policy that big and no insurer provides that policy.

As previously stated, I fully agree with having rules. I just want rules that make sense. Rules that keep our community safe. The construction of a project like this would provide much needed, well-paying jobs for members of our community. Dedicated funding for training and equipment for our local fire departments, and there would be an estimated \$200,000 per year in tax revenue.

Please consider the current proposal and looking into making the changes that protect our values and the safety of our community, but still make projects like the proposed Battery energy storage system on Gordon rd. possible.

BATTERY ENERGY STORAGE PUBLIC HEARING RECORD

TERI A. GALLUCCI, COUNCILWOMAN
December 10, 2025

*Myo/ter
Teri
Gallucci*

On November 14, 2024, the Rotterdam Energy Advisory Council distributed the Battery Energy code to the Town Board, Legal, Planning and our Town Designated Engineer for review and comments. Since this date, the committee has met with interested board members individually to educate, encourage discussion and answer all questions. They have collaborated with surrounding towns and our local firefighters to exchange knowledge and adjust the code as needed.

On February 26, 2025, a professional educator and volunteer firefighter on the Energy Advisory Committee attended the Town Board Meeting to give an incredibly detailed presentation to the Board and public outlining the entire code. This was a wonderful opportunity for our residents and Board to ask additional questions and give input.

In early August of 2025, the Energy Advisory Committee reviewed emailed comments from NYSEERDA and responded thoughtfully and respectfully to each concern. After extensive review it was determined that no changes were required. Later in August of 2025, the Rotterdam Planning Commission put forth a resolution adopting a report and POSITIVE RECOMMENDATION including a detailed 3-page report!

During the months of August and September 2025, the Rotterdam Conservation Advisory Council also reviewed the code which resulted in a strongly worded letter to the Board and residents indicating their full support for the Battery Energy code.

It is important to remind everyone that the advisory committees are made up of diverse and qualified residents who have dedicated over 2 years of volunteer service to our town. By day they are PHDs, educators, architects, engineers, firefighters, nurses, executives, gardeners, data analysts, farmers, project leaders, and environmentalists! In everyday life, they are protectors standing at the gate to ensure local officials like me use a strong voice to protect their families.

I will leave you with a statement from Lee Zeldin, now head of U.S. Environmental Protection Agency (EPA), who has criticized the rapid increase of large-scale battery-storage plants in New York — arguing that they pose serious safety and environmental risks, especially in or near residential communities. He pointed to recent nationwide lithium-battery fires (e.g., in California) as evidence that these storage facilities can pose “explosive and toxic” dangers — releasing hazardous chemicals and endangering water quality, air quality, and public safety.

RESOLUTION NO. 384.25

**TO AUTHORIZE THE SUPERVISOR TO NEGOTIATE AND EXECUTE A
MEMORANDUM OF AGREEMENT WITH THE TOWN OF GUILDERLAND FOR
THE SALE OF WATER**

THEREFORE, UPON MOTION OF Councilmember _____,
seconded by Councilmember _____,

BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

SECTION 1. The Town Board of the Town of Rotterdam hereby authorizes the Supervisor to negotiate and execute a Memorandum of Agreement between the Town of Rotterdam and the Town of Guilderland for the sale of water for a five (5) year term of 2025 – 2029.

SECTION 2. This resolution shall become effective December 17, 2025.

DATED: December 17, 2025

NAME	AYES	NOES	ABSTAIN
Dodson			
Mastroianni			
Gallucci			
Schlag			
Collins			

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: December 12, 2025

TO: Mollie Collins, Town Supervisor

FROM: Jack Dodson, Deputy Supervisor

TITLE OF REQUEST: Rotterdam Guilderland Water Agreement Renewal

TOWN BOARD MEETING: December 17, 2025

Background Information: The five-year water agreement for the sale of water between the Towns of Rotterdam and Guilderland requires renewal.

Evaluation/Analysis: A new five-year agreement was negotiated with representatives from the Town of Guilderland including a 5% annual increase in water rates and payment of Guilderland's pro-rated share of debt service for Rotterdam's \$34M capital water project for the term of 2025-2029.

Recommendation(s): Town Board should authorize the Supervisor to execute the renewal agreement.

Attachment/Document(s): Memorandum of Agreement between the Town of Rotterdam and Town of Guilderland for the sale of water.

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): N/A

LEGISLATION WILL BE PREPARED BY: Supervisors Office

**MEMORANDUM OF AGREEMENT BETWEEN
THE TOWN OF ROTTERDAM AND TOWN OF GUILDERLAND FOR
THE SALE OF WATER**

This Memorandum of Agreement entered into__ of December, 2025 (hereinafter "Agreement") between the TOWN OF ROTTERDAM, a Municipal Corporation, established under the laws of the State of New York, located in the County of Schenectady, with a principal place of business at 1100 Sunrise Blvd, Rotterdam, New York 12306, hereinafter referred to as "Rotterdam," and the TOWN OF GUILDERLAND, a Municipal Corporation, established under the laws of the State of New York, located in the County of Albany, with a principal place of business at 5209 Western Tpk., Guilderland, New York 12084, hereinafter referred to as "Guilderland," and collectively "the Parties," is for the purpose of outlining the terms under Article 5-G of the General Municipal Law of the State of New York, for a mutual emergency water interconnection and permanent water interconnection for the sale of potable water.

DEFINITIONS

Emergency Conditions: Any condition that results in inadequate water supplies within either Parties' water system to meet the health and safety needs of the public and users of the water system, such as transmission main break, major infrastructure failure, source water contamination that cannot be treated to meet applicable federal and New York State Department of Health Drinking Water Standards or the like.

Emergency Interconnection: A manually-operated physical interconnection between the Rotterdam and Guilderland water systems in the vicinity of New York State Route 158 and County Line Road.

Emergency Water Supply: Potable water supply provided under emergency conditions with an expected volume not to exceed one million gallons per day or about 1,100 gpm over a 24-hour period not lasting more than 14 calendar days.

Notice: Verbal, digital and written communications between the Parties outlining the timing, nature, and expected duration of an emergency condition and initiating emergency water supply. Written notice must be provided among the Parties within two (2) hours of any verbal notice.

Permanent Interconnection. A metered, pressurized bi-directional physical interconnection of the Rotterdam and Guilderland water systems in the vicinity of Route 158 and County Line Road allowed under the Water Supply Permit ID No. 4-0130- 00294/0001 issued by the New York State Department of Environmental Conservation, as may be amended.

Permanent Water Supply: Potable water supply provided automatically upon demand by Rotterdam to Guilderland.

TERMS OF AGREEMENT

1. The Parties agree that the mutual provisions for Emergency Water Supply and Permanent Water Supply are in the best interest of the Town of Rotterdam and the Town of Guilderland.
2. The Parties agree that an Emergency Water Supply shall be furnished only upon Notice, with agreement among the Parties, in writing, and for the minimum duration required to respond to Emergency Conditions.
3. The Parties agree that that Permanent Water Supply may be sold under the terms of this Agreement and the Water Supply Permit ID No. 4-0130-00294/0001 issued by the New York State Department of Environmental Conservation, as may be amended.
4. Due to the critical nature of potable water supply, the Parties agree to each maintain their respective water systems in good working order to fulfill the obligations of this Agreement and any subsequent Agreement. The costs to operate and maintain the respective water systems shall be the obligation of each party independently. Each Party shall maintain adequate insurance coverage to protect against loss.
- ~~5. Guilderland, at its own cost, shall construct and own a water line extension on Route 158, within its municipal boundary to a point of Permanent Interconnection with Rotterdam's water system, which shall permit a manually operated interconnection between the Guilderland and Rotterdam water systems.~~
- ~~6. It is agreed that Guilderland shall design the Permanent Interconnection, and provide reports, plans, specifications and other appropriate documentation to Rotterdam for review, comment, and agreement by the Parties.~~
- ~~7. It is agreed that Guilderland shall obtain necessary permits or approvals from other agencies, and Guilderland shall fund and construct the Permanent Interconnection.~~
8. Guilderland shall operate and maintain the Permanent Interconnection and Rotterdam shall be afforded reasonable opportunity to inspect the Interconnection at any time under the terms of this Agreement.
9. The Parties shall comply with all applicable rules, regulations, permits, and approvals for the respective water supply systems, including all local laws, ordinances, and the Water Supply Permit ID No. 4-0130-00294/0001 issued by the New York State Department of Environmental Conservation.
10. All technical data relating to the water systems owned by Rotterdam and Guilderland within the possession of the Parties shall be made available to the

other Parties on an as needed basis without expense.

11. This Agreement contains the entire understanding between Rotterdam and Guiderland and any agreements hereafter made between Rotterdam and Guiderland shall modify this Agreement only when signed by the authorized representatives of Rotterdam and Guiderland, after town board approval.
12. In accordance with Section 118-a of the General Municipal Law, the term of this Agreement shall be for five (5) years. Rotterdam and Guiderland agree to review this Agreement annually throughout the term of this Agreement. Unless a Party notifies the other Party in writing at least 90 days before the expiration of the term, this Agreement shall be extended for an additional five (5) year term. Modifications, amendments or changes to this Agreement must be acceptable to both parties, agreed to in writing and attached to this agreement as an addendum. The addendum shall include all necessary legislative authority to modify this Agreement.
13. The meter within the Emergency Interconnection and Permanent Interconnection shall be maintained in good working order by Guiderland with an annual calibration certificate, as applicable, a copy of which shall be provided to Rotterdam upon request.

SCHEDULE OF PAYMENT

14. The Parties agree that the cost of Emergency Water Supply shall be based on increased costs incurred during the Emergency Conditions.
 - a. Invoicing for Emergency Water Supply shall be submitted from the selling Party to the purchasing Party as soon after the event of Emergency Water Supply as practical but not later than 30 days hence.
 - b. Payment for Emergency Water Supply shall be remitted by the purchasing Party to the selling Party as soon after the receipt of the invoice for Emergency Water Supply as practical but not later than 30 days hence.
 - c. Fees: See Paragraph No. 19 – Water Rate Table.
15. The Parties agree that the cost of Permanent Water Supply shall be paid by Guiderland at the purchase rate per 1,000 gallons pursuant to the attached Water Rate Table on an annual basis.
- ~~16. The Parties agree that the cost of Permanent Water Supply shall be paid by Guiderland at the purchase rate of \$2.75 per thousand gallons for purchases in excess of 45 million gallons of water on an annual basis.~~
17. On or before January 15th of each year, Guiderland shall make a pre-payment to Rotterdam for the amount calculated with the water rate listed in the Phased Rate

Table below towards the purchase of the first 50 million gallons of water for the year.

18. Guilderland water usage shall be limited to maximum month of 25,000,000 gallons, a flow rate not to exceed 1,100 gpm, and an annual maximum withdrawal of 100,000,000 gallons.

19. Water Rate Table – Cost(\$) per 1,000 gallons

<u>Year</u>	<u>Minimum Annual Usage(MG)</u>	<u>Water Rate/1,000gallons</u>
<u>2025</u>	75	\$3.00
<u>2026</u>	75	\$3.15
<u>2027</u>	75	\$3.31
<u>2028</u>	75	\$3.47
<u>2029</u>	75	\$3.65

Rates include prorated share (5% Guilderland Annual Water Use) of \$34M Capital Improvement Project debt service.

SIGNATORY

In witness of accord reached by this Agreement, the Parties thereto hereby set their hands

TOWN OF ROTTERDAM

Mollie A Collins, Supervisor

Dated: December_, 2025

On behalf of the Town Board, Town of Rotterdam by Resolution dated_____

TOWN OF GUILDERLAND

Peter G. Barber, Supervisor

Dated: December __, 2025

On behalf of the Town Board, Town of Guilderland by Resolution dated_____