The Town Board met in Regular Session this evening at the Gardiner Town Hall at 7 PM. Present were Supervisor Majestic and Councilmembers Wiegand, Richman, Carucci, and Hartner. There were approximately 25± audience members.

ANNOUNCEMENTS

The Town Board received a letter from Ahmad Jamal from Chestnut Mobil requesting to appear before the Board to discuss matters.

Rich Cerruto of the Sewer Task Force is available to meet with Board members if anyone would like to meet with him.

The Town received notification from Ulster County that in 2024, the County collected an excess of $128,561,331.00 in sales tax, of which the Town will receive a share.

On June 30th, the CCA program with Direct Energy through the Town will conclude. Residents can either subscribe to a solar project through HVCP to save up to 10% on their bills or choose another energy service company.

Thursday, July 17th, the Gardiner Fire Department is hosting its annual Gardiner 5K Classic. The race starts at 6:30 at Majestic Park and is followed by a BBQ.

Music in the Park this Thursday, July 10th, from 6 pm – 8 pm. Broken Heartstrings will be performing.

PRIVILEGE OF THE FLOOR

Jerry Brown- Has concerns with phone and email etiquette with Town officials and employees, issues with Zoom.

PUBLIC HEARING ON BATTERY ENERGY STORAGE SYSTEM 6-MONTH MORATORIUM

The Town Clerk read the public hearing notice at 7:15 PM. The Supervisor opened the hearing to the public for comments.

Adrenne Pisciotta - Owns property on Misty Ridge Rd. - In full support of the proposed Moratorium on the battery storage facility so that Gardiner can have an opportunity to take a look at where and if it is appropriate in the Town. Has great concerns.

Alyce Dolce - Misty Ridge Rd. Has great concerns. For the Moratorium and thankful to have the 6 months to investigate and research. Against having the facility at the proposed location on McKinstry Rd. What should residents expect for the next six months? And how should residents be involved and informed?

Dave Wingfield – Clarify that the zoning on McKinstry is zoned Residential/Agricultural (RA). How can it move forward by putting an industrial site into the vineyard?

Wolfe Scandinaro – Agrees with everyone's concerns. Concerned about having the ability to extinguish a fire at a battery facility.

Nancy Geller – In favor of the Moratorium. Thinks it is wise to take the time to review whether this is the type of production the residents would like to see in a mostly residential/agricultural community. An industrial park is already established; increase the industrial park on Steve's Lane.

Clea Bowdery – In support of the Moratorium. Should the Moratorium be renewed, what is the time frame with that? A state entity looking into the fire safety of battery storage facilities, which may take time, and having a state-wide set of policies would be useful. Could the Moratorium be extended?

On the motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried, the Public Hearing for Local Law 3 – Battery Energy Storage System 6-month Moratorium was closed at 7:30 PM.

On the motion of Supervisor Majestic, seconded by Councilmember Carucci and carried, to adopt Local Law 3 of 2025 – **A LOCAL LAW IMPOSING A SIX-MONTH MORATORIUM ON THE PROCESSING AND APPROVAL OF APPLICATIONS FOR CERTAIN BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF GARDINER**

Be it enacted by the Town Bord of the Town of Gardiner as follows:

Section 1. Legislative Intent and Purpose.

In 2008, the Town of Gardiner adopted the current Town Zoning Law in Chapter 220 of the Town of Gardiner Code. The Zoning Law does not specifically regulate the installation, siting, screening, and use of utility-scale Battery Energy Storage Systems separate from public utility facilities. No such utility-scale Battery Energy Storage Systems are currently operating in the Town of Gardiner.

The Town Board finds that Battery Energy Storage Systems are an advanced technology that presents risks different from conventional public utility facilities operating in the Town of Gardiner at the time that the current Town Zoning Law was adopted. The Town Board finds that without adequate regulations governing the location and placement of utility-scale Battery Energy Storage Systems, the installation of same may have a detrimental impact on nearby properties and on the community in general. The Town of Gardiner understands that in the Summer 2023 fires occurred at three energy storage facilities and a fire at a solar farm that is believed to have sent potentially toxic smoke across the Albany area. These events prompted the Governor to establish an Inter-Agency Fire Safety Working Group (FSWG), which recently made recommendations for changes to the New York State

Fire Prevention and Building Code Council. Those recommendations have not been added to the Fire Prevention and Building Code at this time. Thus, utility-scale Battery Energy Storage Systems may have adverse impacts on the community including safety and fire risk, and may have a detrimental effect on the value of properties and may impair important agricultural resources within the Town of Gardiner. The New York State Energy Research and Development Authority has developed guidance, including a model law, for regulating Battery Energy Storage Systems to mitigate and address potential adverse impacts on the municipality.

The Town Board hereby finds and determines that it needs a period of time covered by the moratorium imposed herein in order to carefully complete its review of utility-scale Battery Energy Storage Systems, and to prepare and adopt any needed amendments to the zoning law, which will necessarily involve scheduling and holding the required public hearing, performing

the appropriate environmental review, compliance with applicable provisions of law, and filing with the Secretary of State of the State of New York.

The purpose of this moratorium is to allow the Town of Gardiner to temporarily halt the siting and installation of utility-scale Battery Energy Storage Systems for a period of six (6) months to enable the Town to adopt appropriate regulations and appropriate local laws regarding the installation, siting, screening, and use of utility-scale Battery Energy Storage Systems in the Town of Gardiner. It is intended that regulations will be drafted to govern the installation, siting, screening, and use of utility scale Battery Energy Storage Systems within the Town while enabling such facilities to be developed in the interest of promoting the use of renewable energy sources. The Town Board declares the enactment of this local law as necessary to protect the public interest and the public health, safety and welfare during the course of this moratorium.

Section 2. Authority.

This local law is adopted pursuant to Municipal Home Rule Law Sections 10 and 22.

Section 3. Scope.

This Local Law applies to any Battery Energy Storage System having an aggregate energy capacity greater than 600kWh proposed to be installed in the Town of Gardiner during the effective period of the moratorium adopted in this Local Law. For purposes of this Local Law, "Battery Energy Storage System" shall mean one or more devices or systems, assembled together, capable of storing energy in order to supply electrical energy at a future time through electrochemical units (batteries) characterized by an anode and cathode connected together electrically in series, in parallel, or combination of both to charge, discharge, and store energy electrochemically, not including electric motor vehicles. **Section 4. Moratorium.**

A. For a period of six (6) months from the date that this local law is filed with the Secretary of State of the State of New York, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Code Enforcement Officer of the Town of Gardiner shall not accept, process, interpret, or approve any application for the installation, siting, or use of a Battery Energy Storage System except as set forth in Section 5 below.

B. This moratorium shall apply to all currently pending applications and any future applications for Battery Energy Storage Systems during the course of this moratorium.

Section 5. Hardship.

A. Should any owner of real property believe that they have suffered any unnecessary and extreme hardship through the application of the terms of this local law, said owner may apply to the Town Board of the Town of Gardiner in writing for a waiver from strict compliance with this local law. Such owner must submit such proof as they deem appropriate to demonstrate an unnecessary and extreme hardship. However, a mere delay in being permitted to make an application or in waiting for a decision on an application or a special permit site plan subdivision variance relating to the use of their property for a Battery Energy Storage System shall not be deemed to be an unnecessary hardship.

B. Upon submission of a written application to the Town Clerk by the property owner seeking a waiver of the local law, the Town Board shall within 30 days of receipt of said application schedule a public hearing at a future date, which date shall be no later than 60 days after receipt of the written application. Notice of said public hearing shall be made upon five days prior written notice in the official newspaper of the Town and notice of said public hearing shall be made by regular mail to all adjoining landowners of the application as such addresses are shown upon the tax rolls.

C. At said public hearing the property owner and any other party wishing to present evidence or testimony with regard to the application shall have an opportunity to be heard. Within 30 days of the close of said public hearing, or such additional time as agreed to between the Town Board and the property owner, the Town Board shall render its decision either granting or denying the application for a variation of the strict compliance of this local law.

Section 6. State Environmental Quality Review Act Determination

The Town Board finds that pursuant to 6 NYCRR § 617.5 this local law adopting a moratorium on land development or construction is a Type II action under the New York State Environmental Quality Review Act ("SEQRA"), which has been determined not to have a significant impact on the environment. As a Type II action under SEQRA, this local law is not subject to further review under 6 NYCRR § 617 or Environmental Conservation Law Article 8.

Section 7. Penalties for Offenses.

Any person or entity that violates the terms of this local law shall be guilty of a violation and subjected to a fine of not less than $250.00 per day and for imprisonment of 15 days. Each day that the violation continues shall be deemed a separate offense. In addition, the Town may enforce this local law by seeking an injunction or any other legal remedy it deems appropriate.

Section 8. Conflicts.

In the event that any provision of the Town of Gardiner Code is in conflict with the provisions of this local law such provision is hereby superseded by the requirements of this local law during the moratorium set forth above.

It is the intention of the Town Board to supersede any inconsistent provisions in the following sections of New York State Town Law § 265, § 267, § 267-a, § 267-b, § 274-a, § 274-b, § 276, and § 277 pursuant to Municipal Home Rule Law Section 10.

Section 5. Severability.

Each provision of this Law is severable from the others. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be illegal, invalid, or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remaining clauses, sentences, paragraphs, sections, or parts of this Local Law which shall remain in full force and effect.

Section 6. Effective Date.

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

BUILDING INSPECTOR'S REPORT

The Town Board reviewed the Building Inspector's Report. Councilmember Carucci expressed his concerns that Lazy River's complaints may be getting lost.

CLIMATE SMART ITEMS: AUTHORIZE SUPERVISOR TO SIGN THE SUNCOMMON CONTRACT, AUTHORIZE THE BOOKKEEPER TO MAKE 1ST

PAYMENT TO SUNCOMMON AND UPDATE ON NYSERDA $175,000.00 GRANT MODIFICATION

On the motion of Councilmember Carucci, seconded by Councilmember Richman and carried, to authorize the Supervisor to sign the contract with SunCommon, leaving the indemnification clause in the contract.
On the motion of Councilmember Carucci, seconded by Councilmember Richman and carried, to authorize the Bookkeeper to make the 1st payment in the amount of $48,094.00 to SunCommon through a loan from the General Fund.

On the motion of Supervisor Majestic, seconded by Councilmember Carucci, authorizing the Supervisor to sign the revised NYSERDA contract for $175,000.00 with the change being 4 locations going to 1 location.

Paul Kiesler updated the Board that the outdoor lighting is now complete. In August, Climate Smart hopes to have proposals for the EV Station.

ROBERTA CLEMENTS PRESENTATION ON AGRIVOLTAICS

Roberta Clements delivered an informative presentation on Agrivoltaics, demonstrating how solar farms can be integrated with agricultural practices to enhance land use efficiency. Ms. Clements aims to review the Town's Solar Law to allow for Agrivoltaics on solar farms in Gardiner. Additionally, she plans to reach out to local farmers who could benefit from these practices.

DISCUSS FUND BALANCE POLICY

Councilmember Wiegand provided an overview of the proposed Fund Balance Policy he drafted. After discussing the proposal, the Board agreed to increase the Fund Balance range from 15% to 20%. Mr. Wiegand will make the necessary changes to the policy for the next month's meeting, where the Board will continue the discussion.

AUTHORIZE SUPERVISOR TO EXECUTE THE WALLKILL VALLEY LAND TRUST AGREEMENT

On the motion of Supervisor Majestic, seconded by Councilmember Wiegand and carried, authorizing the Supervisor to execute the agreement with the Wallkill Valley Land Trust.

LEAD AGENCY REQUEST, FALL PARK BLUEPRINT, LLC 93.4-2-1.110 & 93.4-2-1.200

On the motion of Councilmember Richman, seconded by Councilmember Hartner and carried, to become Lead Agency on the Fall Park Blueprint LLC a/k/a Riverbend.
Supervisor Majestic and Councilmember Wiegand were opposed.

RESOLUTION FOR MUNICIPAL ENDORSEMENT TO SUPPORT MOHONK PRESERVE – NYSOPRHP GRANT

Resolution 76 - Offered by Councilmember Hartner;

WHEREAS, the Mohonk Preserve is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located in the Mohonk Preserve, a site located within the territorial jurisdiction of this Town Board; and
WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";
NOW, THEREFORE, be it resolved by this august body that the Town Board of the Town of Gardiner hereby does approve and endorse the application of Mohonk Preserve for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as Mohonk Preserve, Inc. – Trailhead Redesign Planning and located within this community.
Seconded by Councilmember Wiegand and carried.

AUTHORIZE SUPERVISOR TO WRITE LETTER OF SUPPORT FOR UCRRA – CLIMATE SMART COMMUNITIES GRANT

On the motion of Councilmember Wiegand, seconded by Councilmember Carucci and carried, authorizing the Supervisor to write a letter of support for UCRRA – Climate Smart Communities Grant.

RESOLUTION TO AUTHORIZE CREATION OF A MAP, PLAN AND REPORT FOR NEW AMBULANCE DISTRICT

Resolution No. 77 - Offered by Supervisor Majestic;
WHEREAS, the Town Board has determined that the creation of an ambulance district in the Town is in the public interest pursuant to Article 12 of the Town Law; and
WHEREAS, the Town Board determines that a Map, Plan and Report should be created to address the establishment of an ambulance district in the Town and is to be prepared in such a manner and in such detail as determined by the Town Board to assist the Town Board in considering the costs and benefits of establishing such a District: and
WHEREAS, the boundaries of said District shall encompass the Town and include the geographical boundaries of the Town of Gardiner.
WHEREAS, when completed and approved, such Map, Plan and Report must be duly filed in the office of the Town Clerk of the Town and be available for public inspection thereat:
NOW THEREFORE BE IT RESOLVED by the Town Board that a "Map, Plan, and Report for the Establishment of an Ambulance District in the Town of Gardiner: be prepared and presented to the Town Board at a Regular or Special Meeting on or before December 31, 2025.
Seconded by Council Carucci and carried.

AMEND SUMMER RECREATION RESOLUTION

Resolution No. 78 - Offered by Supervisor Majestic;

Resolved, pursuant to Section 27 of Town Law and upon the recommendation of the Director of the Summer Recreation Program, the following named persons are hereby employed in the position indicated to be compensated at the hourly wage rate indicated for 2025, to be paid bi-weekly:

Counselors:	Callie Borrello	$16.25
	Eden Adamek	$16.25
	Lila DiSciullo	$16.25
	Doug Borrello	$16.25
	Amanda Caso-Sobon	$16.25
	Ella McDonough	$16.25
	Chloe Mayle-Towne	$16.25
	Aiden Caso-Sobon	$15.50
	Ally Aurecchione	$15.50
	Chris Delcotto	$15.50
	Russell Patterson	$15.50
Sports Director:	Holden Atkins	$17.00

All positions are Part-Time with no insurance benefits.
Seconded by Councilmember Carucci and carried.

RESOLUTION TO APPOINT TIMOTHY MCGOWAN TO 6-YEAR TERM

Resolution No. 79 - Offered by Supervisor Majestic;
Pursuant to RPTL § 310, the Town Board hereby appoints Tim McGowan as Sole Appointed Assessor for a six-year term beginning October 1, 2025 ending September 30, 2031. The State Board's Rules for Real Property Tax Administration requires Timothy W. McGowan to meet and maintain minimum qualification standards.
Seconded by Councilmember Wiegand and carried. Councilmember Hartner abstained.

MINUTES

Minutes of June 3rd were approved as written on the motion of Supervisor Majestic, seconded by Councilmember Wiegand, and carried. Councilmembers Carucci and Richman abstained.
Minutes of June 10th were approved as written on the motion of Supervisor Majestic, seconded by Councilmember Hartner, and carried.

FINANCIALS

On the motion of Councilmember Wiegand, seconded by Supervisor Majestic and carried, to accept the warrant dated July 8, 2025, in the amount of $456,731.86.

Update on the Legal Expense Budget Line:

The budgeted amount in the General Fund for Town Board is $45,000.00. The Town Board has spent $17,823.00, leaving a balance of $27,276.00. However, the Zoning Board of Appeals (ZBA), which had a budget of $4,000.00, is over-encumbered by $10,105.00. This overage will be covered by the Town Board's legal line, resulting in a new balance of $17,276.00 for the remainder of the year. The Planning Board budgeted $20,000.00 and has spent $1,900.00,

leaving $18,100.00. The Building Department budgeted $1,250.00, having spent $100.00, which leaves $1,150.00 remaining.

ACCEPT HIGHWAY SUPERINTENDENT RECOMMENDATION ON TRACTOR SALE THROUGH AUCTIONS INTERNATIONAL AND DISCUSS RFEQUEST FOR 9TH EMPLOYEE

On the motion of Supervisor Majestic, seconded by Councilmember Wiegand and carried, to accept the resignation from Robert Caston.

On the motion of Supervisor Majestic, seconded by Councilmember Wiegand and carried, based on the Highway Superintendent's recommendation to hire Anthony Tarantino at the contracted rate.

On the motion of Supervisor Majestic, seconded by Councilmember Hartner and carried, to accept the Highway Superintendent's recommendation on the bid for the New Holland Tractor of $18,100.00.

The Highway Superintendent requested that the Board consider hiring an additional highway employee. Mr. Stiscia is seeking authorization to hire a potential ninth employee following the departure of Johnathan Pine, who left for deployment in May 2025. The budget currently includes salary, benefits, and insurance buyout that are not being utilized. Mr. Stiscia explained that he is now down to seven employees and is facing increased workloads. He has been requesting an additional employee since 2023. After much discussion, the Board decided to postpone the decision until the budget season.

EXECUTIVE SESSION

On the motion of Supervisor Majestic, seconded by Councilmember Wiegand, and carried, to go into Executive Session at 10:00 pm to discuss union contract negotiations.

On the motion of Supervisor Majestic, seconded by Councilmember Wiegand and carried, to leave Executive Session at 10:30 pm to go back into regular session.

ADJOURNMENT

On motion of Supervisor Majestic, seconded by Councilmember Wiegand and carried, the meeting was adjourned at 10:35 PM.

Respectfully submitted,

Julia Hansen
Town Clerk