The Town Board met in Regular Session this evening at the Gardiner Town Hall at 7 PM. Present were Supervisor Hartner and Councilmembers Clements and Scandinaro were present. There were approximately 15± audience members. Councilmember Carucci was present via Zoom.

ANNOUNCEMENTS

On January 29th, the Gardiner Drinking Water Protection Committee will host an informational presentation about Gardiner's well water and filtration systems at the library from 5:30 PM to 7:30 PM.

The Supervisor gave an update on the Town Board vacancy, explaining that the Board will be hosting interviews as soon as possible and hopes to make an appointment at one of the February meetings.

PUBLIC HEARING ON B.E.S.S. MORATORIUM EXTENTION

The Town Clerk read the public hearing notice at 7:10 PM. The Supervisor opened the hearing to the public for comments.

Alyce Dolce- Asked about the status of a proposed Local Law and inquired about a community forum.

Adrienne Pisciotta- Thanked the Board for extending the Moratorium.

Joan Parker- In support of the extension.

Mary Meyer- Concerns with a B.E.S.S. facility; referenced the fire in Warwick.

PRESENTATION REGARDING COMPOSTING

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, to authorize an ad-hoc Task Force, led by Joan Parker of the ECC and Holly Shader of Climate Smart Gardiner, to study options to improve and expand composting activity within the Town and to report to the Town Board with recommendations. Councilmember Carucci was absent.

APPROVAL OF DEPUTY TOWN SUPERVISOR AS SIGNATORY FOR PURCHASE ORDERS

On the motion of Supervisor Hartner, seconded by Councilmember Clements and carried, authorizing Deputy Supervisor, Franco Carucci, as a primary or secondary signatory on purchase orders, for the 2026 calendar year, to serve in accordance with the Gardiner Procurement Policy, without additional compensation. Councilmember Carucci was absent.

APPOINT DEPUTY SOCIAL SERVICES OFFICER

On the motion of Supervisor Hartner, seconded by Councilmember Clements and carried, appointing Deputy Supervisor, Franco Carucci, as Deputy Social Services Officer for the 2026 calendar year, with authorization to administer Home Relief programs and perform such other related duties as the Board may prescribe, without additional compensation. Councilmember Carucci was absent.

UPDATE ON HEAT PUMP PROJECT, MARK VARIAN, CLIMATE SMART GARDINER

Mark Varian of Climate Smart Gardiner provided the Board with an update on the Heat Pump Project. Mr. Varian reported that Hot Water Systems, the contractor selected through the RFP process, completed a Manual "N" survey and determined that strip heaters were not required. Instead, a mini-split unit will be added to the Town Hall office. Mr. Varian noted that this revision brings the project cost to $55,476.00, which is approximately $2,500.00 above the allocated $54,763.00 provided through the NYSERDA grant. The Board will need to determine a funding source for the additional amount. He also informed the Board that the project's expected completion date has been delayed. Originally planned for February, the timeline has now been pushed to spring.

EV CHARGER PRICING PROPOSAL, PAUL KIESLER, CLIMATE SMART GARDINER

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, authorizing the Bookkeeper, Arlene Weber, Climate Smart member, Paul Kiesler and Supervisor, Michael Hartner to serve as the administrators for the Blink EV charging account, consisting of 4 new Blink EV Charging units currently being installed in the parking lot on the East side of the Town Hall, and that each of those individuals be authorized to set and reset the charge per Kwh in accordance with the quarterly recommendations of the Climate Smart Committee, with the initial rate be set at $0.25 per Kwh, to be implemented upon completion of the charger installation and upon registration of the three account administrators with the Blink company. Councilmember Carucci was absent.

CLOSE PUBLIC HEARING AND ADOPT B.E.S.S. MORATORIUM EXTENTION

On the motion of Supervisor Majestic, seconded by Councilmember Clements and carried, the Public Hearing for Local Law 1 – Battery Energy Storage System 6-month Moratorium Extension was closed at 7:47 PM. Councilmember Carucci was absent.

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, to adopt Local Law 1 of 2026 - A LOCAL LAW IMPOSING A SIX-MONTH EXTENSION OF THE MORATORIUM ON THE PROCESSING AND APPROVAL OF APPLICATIONS FOR CERTAIN BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF GARDINER. Councilmember Carucci was absent.

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. New York State adopted updated energy storage safety codes based on the FSWG's recommendations. The updated NYS Fire Code provisions will take effect on or about January 1, 2026. 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.

In July 2025, the Town Board adopted a six-month moratorium to temporarily halt the siting and installation of utility-scale Battery Energy Storage Systems. No person or entity applied for a hardship exemption under the original six-month moratorium. The Town Board has discussed its concerns regarding Battery Energy Storage Systems safety and impacts for consideration in a local law; consulted legal counsel on options for a local law; reviewed laws from other Towns and the New York State Energy Research and Development Authority model law for Battery Energy Storage System regulation. Town Board Members have attended several conferences and informational sessions addressing Battery Energy Storage Systems-related issues. The current moratorium is scheduled to expire on or about January 13, 2026.

The Town Board hereby finds and determines that it needs an additional 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 an additional 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 or January 11, 2026, whichever is later, 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, or 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 an extension of 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 9. 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 10. 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 or July 11, 2026, whichever is later.

MINUTES
Minutes of December 3rd were approved as written on the motion of Supervisor Hartner, seconded by Councilmember Clements, and carried. Councilmember Carucci was absent.

AUTHORIZATION TO RELEASE ESCROW FOR THE COMPLETED PB25-04, PITCH PINE PROJECT IN THE AMOUNT OF $3,883.39
On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, authorizing the Bookkeeper to release escrow funds for completed project number PB25-04, entitled Pitch Pine project, in the amount of $3,883.39. Councilmember Carucci was absent.

AUTHORIZATION TO DISPOSE OF OLD PC'S AND HARDWARE
On the motion of Supervisor Hartner, seconded by Councilmember Clements and carried, authorizing the Bookkeeper to dispose of technology items listed on the Assets Disposal List distributed to the Board member and which will be appended to the Minutes of tonight's meetings with the understanding that anything containing memory storage will be permanently erased and disposed of by MCS Tech of Saugerties, the Town's contractor for technology services. Councilmember Carucci was absent.

AUTHORIZATION OF JANUARY WARRANT

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, to approve the January 2026 Warrant, dated January 14, 2026 for a total of $414,697.00, representing the total paid bills paid between December 11, 2025 and January 13, 2026. Councilmember Carucci was absent.

AUTHORIZATION FOR BOOKKEEPER TO PAY VERSALIFT INVOICE

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, to authorize the Bookkeeper to pay invoice No. N25288 in the amount of $147,697.00 to Versalift East, LLC, using 2025 BAN funding obtained for the purpose of purchasing a bucket loader, compliance with NYS cybersecurity mandates including IT upgrades, and moving the Town website to the .gov domain. Councilmember Carucci was absent.

AUTHORIZATION FOR BOOKKEEPER TO PAY STERLING ENVIRONMENTAL INVOICE

On the motion of Supervisor Hartner, seconded by Councilmember Clements and carried, authorizing the Bookkeeper to use funds from the Majestic Park account to pay Sterling Environmental invoice No. 14872 in the amount of $2,504.13 for engineering services in connection with the recent pickleball grant application. Councilmember Carucci was absent.

AUTHORIZATION FOR THE BOOKKEEPER TO PAY INVOICE FROM TOWNWEB DESIGN

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, to authorize the Bookkeeper to pay TownWeb Design, LLC. Invoice No. 9699, in the amount of $3,900.00 for the construction of the new .gov website, with funding from the 2025 BAN. Councilmember Carucci was absent.

AUTHORIZATION FOR BOOKKEEPER TO ATTEND A GFAO CONFERENCE

On the motion of Councilmember Scandinaro, seconded by Councilmember Clements and carried, to authorize the Bookkeeper, Arlene Weber, to attend the Annual NYS Government Finance Officers' Association conference in Albany, April 15th through April 17th at the cost of $555.00 for the conference and hotel, mileage to and from the conference , including tolls, and meal reimbursement not to exceed $50.00. Councilmember Carucci was absent.

AUTHORIZATION FOR SR. ACCT. CLERK TO ATTEND TWO VIRTUAL NYS OFFICE OF COMPTROLLER CLASSES

On the motion of Supervisor Hartner, seconded by Councilmember Scandinaro and carried, to authorize the Sr. Account Clerk, Donna Daley, to attend two virtual NYS Comptroller classes: Intro to Governmental Accounting, and Accounting Principles and Procedures, at a total cost of $85.00 each. Councilmember Carucci was absent.

PRIVLEGE OF THE FLOOR

Brian Stiscia – The Town Hall needs a stand-by generator.

James Ulvestad – Having the New Paltz Rescue sub-station on Route 32 in Modena is a positive asset for Gardiner.

ADJOURNMENT

On the Motion of Councilmember Scandinaro, seconded by Supervisor Hartner and carried, the meeting adjourned at 8:06 PM. Councilmember Carucci was absent.

Respectfully submitted,

Julia Hansen
Town Clerk