

**TOWN OF WHITEHALL
PUBLIC HEARING AND REGULAR
BOARD MEETING
57 SKENESBOROUGH DRIVE
WHITEHALL, NY 12887
7:00PM**

JANUARY 17, 2024

BOARD MEMBERS PRESENT: John Rozell, Supervisor
David Hollister, Councilperson
Christopher Dudley, Councilperson
Stephanie Safka, Councilperson

OTHERS PRESENT: Patti Gordon, Town Clerk; Erika Seller-Ryan, Attorney; Louis D. Pratt II, Highway Superintendent; E. J. Conzola, Whitehall Times; Tammy Rocque, Brandon Sparks, Wayne Cameron, Dave & Suzi Chapman, Scott & Stacey Ray, Debbie Cline, Amy Michaud

Supervisor Rozell called the Town Board meeting to order at 7:00pm with the Pledge Allegiance.

Supervisor Rozell open the Public Hearing on Local Law #1 or 2024 Enacting A Moratorium on Commercial Solar, Wind Energy and Battery Storage Systems at 7:02pm.

Supervisor Rozell asked for public comments:

Several residents voice their opinions on whether or not they were for or against "solar". The main concern was the environmental impact these systems will have in the future years to come as well as the aesthetics of the project(s). The residents would like to see much stricter regulations in place before any other projects begin. Several of the Town residents have formed a task force at the bequest of the Town Board at December 2023 meeting. The purpose of the task force is to develop a new local law with the restrictions they would like to propose for any future projects. Supervisor Rozell asked who was the contact person for the Task Force in the event someone contacted him or the Town office that wanted to join; Brandon Sparks said that there is a face book page titled Whitehall Solar Coalition that anyone can join. The task force would like the Town Board to consider changing the proposed moratorium from six months to twelve with an additional six month option if necessary. Councilperson Safka asked if the Town could require a bond if they do not do what is in the contract, Attorney Seller-Ryan said that is something that would need to be looked into. Supervisor Rozell stated that there are decommissioning bonds in place for the current solar fields in the Town, the decommissioning bonds are in place if the life of solar field is at an end and the solar panels are not removed by the current owner, the Town will be able to dismantle and dispose of them at no cost to the Town. Supervisor Rozell also read a letter that he received from a resident concerning the new local law and moratorium. Supervisor Rozell asked again if there were any other comments. There were no more new comments.

Supervisor Rozell closed the Public Hearing on 7:32.

Supervisor Rozell opened the Regular Town Board meeting at 7:32.

The Town Board discussed extending the moratorium from six months to twelve months with an option of an additional six month extension if necessary.

MOTION to amend the proposed Local Law # 1 Of 2024 Enacting A Moratorium on Commercial Solar, Wind Energy and Battery Energy Storage Systems from six months to twelve months with and additional six month extension option made by Councilperson Safka and Seconded by Councilperson Hollister.

ADOPTED **AYES** **3 Rozell, Hollister, Safka**
 NAYS **Dudley**

MOTION to approve the monthly minutes made by Councilperson Hollister and Seconded by Councilperson Dudley.

ADOPTED **AYES** **4 Rozell, Hollister, Dudley, Safka**
 NAYS **0**

MONTHLY REPORTS:

Town Recreation Report by Timothy Martindale – No Report

Town Dog Control Report by Kathy Hall – No Report

Town Compliance Report by Martin Rocque – No Report

Town Clerk Report by Patti Gordon – Written

Town Assessors Report by Roberta Stone – Written

Town Supervisors Report by John Rozell – Verbal

-The Town audit as well as the Judicial audit was completed on 1/15/2024.

-Received incoming correspondence from Washington County Planning Board on a parcel that a land owner is seeking to have it be deemed “agricultural”.

-At the County level, I attended the Organizational meeting for 2024 and was placed on the _____ committees.

Town Budget Officer Report and Transfers by Joel Carpenter
Resolution #31 Budget Transfer

MOTION to approve Resolution #31 Budget Transfer by Councilperson Hollister and Seconded by Councilperson Dudley.

ADOPTED **AYES** **4 Rozell, Hollister, Dudley, Safka**
 NAYS **0**

Resolution will be filed in the resolution book, minutes and website.

Town Planning Board Report by Gregg Chappell – Written

Town Highway Report by Louis D. Pratt II – Written

-CHIPS money was received last month.

-Reimbursement for the Bryne tank came in as well.

-Salt has been ordered from Morton salt and Superintendent Pratt would like to have the Town Boards permission to pay the invoice when it comes in to avoid penalties.

MOTION to pay the invoice for Morton Salt when it is received to avoid penalties made by Supervisor Rozell and Seconded by Councilperson Dudley.

ADOPTED **AYES** **4 Rozell, Hollister, Dudley, Safka**
 NAYS **0**

-Superintendent Pratt stated he was approached by a resident who would like to purchase the dog kennel that is in storage at the Troy Shirt Factory building. This was used in the past when the Town used to house dogs there. Attorney Seller-Ryan explained before anything could be done with the dog

kennel it would need to be declared as surplus property. Supervisor Rozell would like to offer it to Kathy Hall, the Town's Dog Control Officer first.

MOTION to accept the monthly reports made by Supervisor Rozell and Seconded by Councilperson Dudley.

ADOPTED **AYES** **4 Rozell, Hollister, Dudley, Safka**
NAYS **0**

BUSINESS TO DISCUSS:

Computer issues:

On January 9, 2024 town's email address townofwhitehall@live.com was compromised. Several hundred unauthorized emails went out in approximately 2-3 minutes before it was shut down by Outlook.com for thirty days. At that point in time, the Town did not have a secure firewall or an actual IT company that could help remedy the situation. A new temporary was set up by a local IT company but they cannot provide the support necessary that needs to be in place but suggested that I not to use it until I could have someone go through it to make sure nothing else was compromised. Supervisor Rozell suggested contacting Washington County IT for guidance. The County does not assist municipalities with IT but Teri McNall who is the head of the IT department at Washington County suggested we contact ABS for immediate assistance due to the emergent situation. (Washington County also contracts with ABS for IT assistance if necessary). ABS made a site visit and Supervisor Rozell and I discussed with them what has happened and what they suggest should be in place. After examining the computer, the technician felt that nothing else had been compromised other than the email but the email will remained locked until 2/8/24 with no access to incoming emails, contacts or documents saved in folders. A proposal was sent just prior to meeting; there is approximate estimate of \$25,000 to complete the project which includes first establishing a .gov domain which is only allowed to government entities and purchasing any licenses associated with it, creating a new email for the Town and other departments within the Town (this is necessary because all emails are currently "private" not "official" and any correspondence from or to them cannot be foiled), running network cables and installing firewall equipment, upgrading the internet speed, upgrading the Mahoney panel box to cellular box instead of phone line, as well a new computer for the Town Clerk. The current computer is a residential computer that is from 2018. Supervisor Rozell also included upgrading the phone system as well; it has been discussed the last couple years but nothing was addressed. Supervisor Rozell explained that there are a lot of onetime expenses for the installation of the network project but the Town will need to budget for license renewals and the IT maintenance contract during the budget workshop in the fall. Some of these fees are not all yearly fees, some are every three years but are necessary going forward. The Town Board discussed the proposal in general and decided that they need some clarification on the proposal so Supervisor Rozell will set up a meeting with ABS, the Town Clerk, Councilperson Safka and Teri McNall to go over the proposal line by line as soon as possible.

Disability and Aged Exemption increase

Washington County increased the current rate for the disability and aged exemptions. The Whitehall Central School follows Washington County with the exemptions rates/income limits

MOTION to schedule a public hearing on February 21, 2024 for Local Law #2 of 2024 amending the current Aged and Disability rate to match Washington County and Whitehall Central School District made by Councilperson Hollister and Councilperson Safka.

ADOPTED **AYES** **4 Rozell, Hollister, Dudley, Safka**
NAYS **0**

The Town of Whitehall annual audit as well as the Town Judicial Audit was completed on 1/15/2024 by Budget Officer Joel Carpenter, Town Supervisor Rozell and Councilperson Dudley.

Resolution #32 Town Justice Audit 2023

MOTION to accept the Town Justice Audit for 2023 made by Supervisor Rozell and Seconded by Councilperson Hollister.

ADOPTED **AYES 4** **ROZELL, HOLLISTER, DUDLEY, SAKFA**
NAYS 0

Resolution to be filed with the minutes, resolution book and website.

ABSTRACT #13 OF 2023

General Fund V/#1-
Highway Fund V/#1-
General Fund V/#1-
Highway Fund V/#1-

ABSTRACT #1 OF 2024

MOTION to approve Abstract #13 Of 2024 and Abstract #1 of 2024 made by Councilperson Hollister and Seconded by Councilperson Safka.

ADOPTED **AYES 4** **ROZELL, HOLLISTER, DUDLEY, SAKFA**
NAYS 0

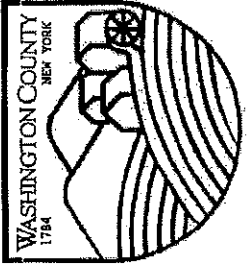
MOTION to adjourn the January Town Board meeting at 8:47pm made by Councilperson Hollister and Seconded by Councilperson Safka.

ADOPTED	AYES	4	Rozell, Hollister, Dudley, Safka
	NAYS	0	

Adjourned

Patti Gordon

Patti Gordon
Town Clerk



WASHINGTON COUNTY
WASHINGTON COUNTY PLANNING
WASHINGTON COUNTY MUNICIPAL CENTER
383 BROADWAY
FORT EDWARD, NEW YORK 12828
TELEPHONE (518) 746-2294
plandi@washingtontownny.gov

January 11, 2024

Erika Sellar Ryan, Esq.
Town Attorney
Town of Whitehall
18 Gray Avenue
Greenwich, NY 12834

RE: Town of Whitehall Moratorium on Commercial Solar, Wind Energy and Battery Energy Storage Systems

Dear Erika Sellar Ryan, Esq.,

The Washington County Planning Agency met on January 11, 2024 to consider the §239-M referral for the Adoption of a Commercial Solar, Wind Energy and Battery Energy Storage Systems Moratorium submitted by the Whitehall Town Board. The Planning Agency found this project to be a *matter of essentially local concern*. The Town Board is therefore free to move forward and take their final action on this project as it sees fit.

If you have any questions regarding this matter, please feel free to contact me directly via phone at (518) 746-2102 or via email at plandi@washingtontownny.gov

Sincerely,


Pamela Landi
County Planner

TOWN OF WHITEHALL
LOCAL LAW NO. 1 OF THE YEAR 2024

DEPARTMENT OF STATE

A LOCAL LAW ENACTING A MORATORIUM ON COMMERCIAL SOLAR, WIND
ENERGY AND BATTERY ENERGY STORAGE SYSTEMS

SECTION 1. Enactment and Title.

The Town Board of the Town of Whitehall does hereby enact the Town of Whitehall Moratorium on Solar, Wind Energy and Battery Energy Storage Systems Law. This Local Law shall impose a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Commercial Solar Energy, Commercial Wind Energy Facility and Battery Energy Storage System that is not a Residential Solar Energy Installation or Residential Wind Energy Installation, within the Town of Whitehall.

The capitalized terms in the foregoing sentence, and as used throughout this Local Law, shall have the following meanings ascribed to them:

Applicant - All landowners and those claiming through or on behalf of the owner(s), whether by license, lease, easement, contract or by owner's designation as an agent for purposes of making any application or any land use review or approval, whether for a permit or otherwise.

Battery Energy Storage System - A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment with an aggregate energy capacity greater than or equal to 600kWH, designed mainly but not exclusively to store and distribute energy produced by a Commercial Solar or Wind Energy Facility.

Commercial Solar Energy Facilities - Any collection of solar panels which are designed to capture photons or sunlight and transform it into electricity and any and all related infrastructure, electrical lines, substations, access roads and accessory structures that cover more than ¼ acre of land, which are designed with the intent of producing electricity to be consumed off site.

Commercial Wind Energy Facilities - Any individual or collection of Wind Turbine Generators designed to convert the kinetic energy in wind into a usable form of electricity, and any and all related infrastructure, electrical lines, substations access roads and accessory structures that cover more than ¼ acre of land, which are designed with the intent of producing electricity to be consumed off site.

Residential Solar Energy Installations - Any collection of solar panels which are designed to capture sunlight and transform it into electricity and require less than ¼ acre of land. This definition shall also include, for purposes of this local law, all traditional agricultural uses and alternative agricultural energy uses that are intended to principally generate power for the agricultural enterprise when located within a designated Agricultural District, or as otherwise protected or recognized under New York State Agriculture and Markets Law Article 25-AA, including, without limitation §305(3), §305(4) and §305-a therein, and all implementing regulations and rules, and further including policies therein implemented and hereby adopted relative to supporting traditional and generally acceptable farming practices, further including but not limited to heat recovery from composting systems, biogas recovery systems, anaerobic digester

gas-to-electricity systems, and other alternative energy systems that significantly support or advance agriculture and agribusiness within the Town of Whitehall and its Agricultural Districts.

Residential Wind Energy Installations – Any wind turbine generator consisting of a wind turbine and tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW, and which is primarily intended to reduce consumption of utility power at that location, and requires less than ¼ acre of land.

Residential Wind Energy Installations shall also include for purposes of this Local Law all traditional agricultural uses and alternative agricultural energy uses that are intended to principally generate power for the agricultural enterprise when located within a designated Agricultural District, or as otherwise protected or recognized under New York State Agriculture and Markets Law Article 25-AA, including, without limitation §305(3), §305(4) and §305-a therein, and all implementing regulations and rules, and further including policies therein implemented and hereby adopted relative to supporting traditional and generally acceptable farming practices, further including but not limited to heat recovery from composting systems, biogas recovery systems, anaerobic digester gas-to-electricity systems, and other alternative energy systems that significantly support or advance agriculture and agribusiness within the Town of Whitehall and its Agricultural Districts.

Section 2. Authorization, Purpose and Intent.

Pursuant to the authority and provisions of the New York State Constitution, and Section 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town of Whitehall to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board (the "Board") of the Town of Whitehall hereby declares a moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction of a Commercial Solar Energy Facility, Commercial Wind Energy Facility, and Battery Energy Storage System within the Town of Whitehall, lasting twelve (12) months from the date of passage of this local law, subject to a six (6) month extension.

The moratorium will allow time for Town officials to review, clarify, amend and update the Town's Regulations for commercial solar, wind and battery development, particularly with regard to where such development may be located within the Town. Additionally, this moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its residents.

Section 3. Scope of Controls.

During the effective period of this Local Law:

- A. Neither the Town Board nor the Planning Board shall conduct any review or consider any grant or any special permit or other permit or approval that will result in the approval, establishment or construction of any Commercial Solar Energy Facility, Commercial Wind Energy Facility or Battery Energy Storage System within the Town.
- B. To the extent permitted by law, this moratorium shall supersede all relevant provisions of the New York State Town Law, the New York State Building Code, any relevant Town Local Law and any other applicable law, rule or regulation, that may be in conflict herewith. If any ambiguity or conflict exists, this local law shall govern and the presumption shall in each case be that the moratorium is in effect.

Section 4. No Consideration of New, Revised or Renewal Applications.

No new, revised or renewal applications shall be accepted for filing, review or consideration, and no approvals or reviews that purport to allow or advance the development, siting, or construction of any Commercial Solar Energy Facility, Commercial Wind Energy Facility, and Battery Energy Storage System shall be undertaken, reviewed, considered or issued by any board, officer, employee or agent of the Town, except as specifically set forth in Section 10 of this local law. Nor shall any language or term in this moratorium effect, or be construed to result in, any default approval, and any matter now pending shall be stayed in place during the pendency of this moratorium and any extension thereof, with all deadlines or other timelines suspended for the same number of days that this moratorium is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for twelve (12) months from its effective date. This moratorium may be extended, or rescinded or removed, by local law.

During the period of this moratorium, the Town shall endeavor to adopt a new local law with regard to the siting, establishment and construction of Solar Energy Facilities, Commercial Wind Energy Facilities, and Battery Energy Storage Systems, and all manner of energy storage and generation.

Section 6. Location.

The moratorium imposed by this Local Law shall apply to the territorial limits of the Town of Whitehall. Any dispute as to whether a property is encompassed within the geographic area detailed above shall be resolved by reference to the official tax maps of Washington County and the official New York corporate boundary maps for the Town of Whitehall.

Section 7. Penalties.

The following provisions shall apply generally, and the violation of this Local Law shall allow and permit enforcement in any one or more of the following manners:

- A. When any term, provision or requirement of this Local Law is violated the Enforcement Officer may issue a written notice of violation to the Applicant (or other person in violation of). The notice of violation shall contain: (1) the name and address of the Person alleged to have violated this Local Law; (2) the address, when available, or a description of the building, structure or parcel upon which the alleged violation is occurring; (3) a brief statement specifying the nature of the violation; (4) a statement of the fine or penalty that may or may not be assessed; and (5) a clear statement identifying whether the notice commences or may commence a civil or criminal proceeding. The failure to comply with a written notice of violation by correcting the violation is in itself a separate violation of this Local Law and may be further enforced as such. In addition, Executive Law §382 may be fully enforced separately from any such notice, and both notices may take the form of a single notice, which must, in addition to the above, contain the information and be served as required by Executive Law §382.

- B. The Enforcement Officer may issue a stop work order for violation of this Local Law. Any person or entity receiving same shall be required to halt all activity until the Enforcement Officer or a court of competent jurisdiction allows work to re-commence.
- C. The Town of Whitehall may also maintain actions or proceedings in the name of the Town in a court of competent jurisdiction to compel compliance with, restrain by injunction the violation of any provision or requirement of this Local Law, including to prevent, enjoin, correct, enforce or abate any violation of, or non-conformance with, any provision or requirement of this Local Law or the terms and conditions set forth in any waiver or approval issued hereunder. In any such proceeding the Town shall not be required to: (1) prove the lack of adequate remedy at law; (2) post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction.
- D. This Local Law may be enforced civilly or criminally. The following civil and criminal fines and penalties shall apply for any violation of this Local Law:
- a. First Offense – (1) A fine of not more than \$500, or (2) subject to a civil penalty of not more than \$500 to be recovered by the Town in a civil action. For the purposes of this Local Law, every week of ongoing violation is deemed a separate offense and violation, subject to a separate and accumulating fine.
 - b. Second Offense – being any violation within two (2) years of the above, (1) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,500 or (2) subject to a civil penalty of not more than \$2,500 to be recovered by the Town in a civil action. Every such person shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.
 - c. The above fines are in addition to any penalty, fine or sentence allowed or imposed pursuant to said Executive Law §382.
- E. Any person violating this Local Law shall be required to restore land to its prior or undisturbed condition. If restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid. In addition, the Town may commence a civil action to recover such costs of restoration.
- F. Criminal matters arising in relation to enforcement matters under this Local Law shall be classified as offenses per the following guidelines: (1) first offense shall be deemed violations, (2) second offenses shall be deemed unclassified misdemeanors; and (3) violations of Executive Law §382 shall be classified as set forth therein.
- G. No remedy or penalty specified in this Local Law shall be the exclusive remedy available to the Town to address any violation of, or non-compliance with, the requirement of this Local Law. The rights and remedies of the Town are independent of each other and cumulative. The grant of any right or remedy in this Local Law is in addition to, and not limitation of or in substitution for any other right or remedy of the Town, whether sounding in law, equity or admiralty. Further, the election by the Town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy, whether relating to enforcement, sentencing, or otherwise.

Section 8. Exemptions and Non-Conforming Uses.

Notwithstanding any provision hereof to the contrary, any Commercial Solar Energy Facility, Commercial Wind Energy Facility, and Battery Energy Storage System that has already been issued all necessary approvals or permits from the Town Board, or Planning Board or other relevant Board (the "Town Approvals") may continue such projects and such support activities that are being conducted in the Town as of the effective date of this Local Law, as long as such supporting activities are in all respects being conducted in accordance with all applicable laws and regulations and any conditions of approval, including all Town Approvals.

Any expansion of a lawful, pre-existing, non-conforming use shall not be grandfathered under this Section and instead shall in all respects be prohibited as contemplated in Section 3 hereof. "Grandfathered" and allowed lawful pre-existing uses neither have nor possess any right to expand such non-conforming use whether above or below ground, and no such right shall be deemed, construed or implied to exist.

Section 9. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 10. Hardship.

The Town Board is hereby authorized to accept and review (after public notice and hearing and in accordance with the requirement of the law and this Local Law) requests for waiver application of the provisions of this Local Law by persons aggrieved hereby.

No such waiver shall be granted by the Town Board without a showing by the Applicant that applicable regulations and restrictions have caused unnecessary hardship.

- A. Unnecessary Hardship. In order to prove such unnecessary hardship the Applicant is required to demonstrate to the Town Board that, with respect to every permitted use under Town land use, each of the following criteria is satisfied: (1) the Applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (2) the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the neighborhood; (3) granting a waiver will not change the essential character of the neighborhood; (4) the alleged hardship has not been self-created.
- B. Reasonable Rate of Return. In evaluating whether the Applicant can realize a reasonable rate of return, the Town Board must examine whether the entire original or expanded property holdings of the Applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed development project). No waiver shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Town Board finds that the Applicant has clearly demonstrated by detailed "dollars and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the area of the Town the property is located.
- C. Unique Hardship. No waiver shall be granted unless, in addition to satisfying all other applicable provisions of the law and this Law, the Town Board finds that the entire parcel

or which the project is a part possesses unique characteristics that distinguish it from other properties in the area.

D. Essential Character of the Neighborhood. In making this determination, of whether the proposed development project will alter the essential character or the neighborhood, the Town Board shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (1) the rural residential and agricultural character of the Town, (2) irreplaceable recreation, historic or tourism sites; (3) the extent of hazard to life, limb or property may result from the proposed development project; (4) health impacts; (5) social and economic impacts on traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances; (6) impact on property values; (7) whether the Applicant will engage in the type of development that will result in degradation to the air quality, water quality or scenic or other natural resources of the Town. In order to find that the proposed development does not alter the essential character of the neighborhood, the Board shall interpret the public interest in said essential character of the neighborhood to require, at minimum, that the project will not do any of the following: pose a threat to public health safety, water quality or air quality, cause extraordinary public expense, or create a nuisance.

E. Self-Created Hardship. The Town Board may find that the Applicant suffers from a self-created hardship in the event that the Board finds that (1) the Applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (2) the Applicant previously divided the property and is left with only a portion which suffers from a unique conditions for which relief is sought and which did not apply to the property as a whole; (3) when the Applicant purchased the property, he or she knew or should have known that the property was subject to land use restrictions; or (4) that the Applicant transferred or obtained property rights with only a unilateral expectation of development or investment character, and it shall be material to this question to examine the degree to which opposed to in fee (actual acquisition of fee simple title), and whether the anticipated income, profits, or receipts were conditional, contingent, or guaranteed.

If the Town Board grants a waiver from the provisions of this Local Law to the Applicant, the Applicant shall be required to comply with all provisions of the Town's then applicable land use regulations and other laws and regulations, together with any amendment to such law or regulations which may be enacted during the term of this Local Law. Any waiver that is granted shall grant only the minimum waiver that the Town Board deems necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and health, safety and welfare of the community.

Section 11. Effective Date.

This Local Law shall take effect immediately.

Resolution No 30 of 2024
State Environmental Quality Review Act (SEQR)

WHEREAS, the Town Board of the Town of Whitehall is considering the passage of a law entitled "Town of Whitehall Moratorium on Solar, Wind Energy and Battery Energy Storage Systems Law" in order to pause development while the Town considers updating, or enacting local rules and regulations on the development of the foregoing.

WHEREAS, review of New York State Environmental Rules and Regulations, 6 NYCRR 617.5(c) provides that the enactment of a local law moratorium is classified as a Type II action, to wit "Adoption of a moratorium on land development or construction" See 6 NYCRR 617.5(c)(36); now therefore

BE IT RESOLVED, that the Town Board of the Town of Whitehall does hereby declare the passage of Local Law # 10 of 2024, entitled "Town of Whitehall Moratorium on Solar, Wind Energy and Battery Energy Storage Systems Law" to be a Type II action, and no further environmental review is necessary to proceed.

On motion by Town Board Member Hollister, and seconded by Town Board Member Safka, the Town Board of the Town of Whitehall voted as follows:

<u>John Rozell</u>	- <u>A</u>
<u>David Hollister</u>	- <u>A</u>
<u>Stephanie Safka</u>	- <u>A</u>
<u>Christopher Dudley</u>	- <u>N</u>

Said Resolution was duly adopted on 11/17, 2024

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town Board of the Town of Whitehall, Washington County, New York.

Dated: 11/17/2024

(Seal)

Patti Gordon
Clerk Patti Gordon

Jan 2024

Resolution # 31 of 2024

Motion made by Hollister

Seconded by Safka

BUDGET TRANSFERS FOR THE TOWN OF WHITEHALL

WHEREAS, from time to time throughout the year, it is necessary for the budget officer to move money from one account to another to cover certain expenditures that have exceeded a certain line item; and

WHEREAS, it is necessary for the board to approve these budget transfers; and

THEREFORE, BE IT RESOLVED, these are the following transfers that the budget officer is requesting:

A1410.4 · TOWN CLERK - CONTRACTUAL EXP.	786.54
A1420.4 · ATTORNEY - CONTRACTUAL EXP.	1,939.92
A1670.4 · PRINTING & MAILING - CONT. EXP.	190.00
A1920.4 · MUNICIPAL DUES	50.00
A1990.4 · CONTINGENT ACCOUNT - CONTRACT	-6,366.64
A6772.4 · PROGRAM FOR THE AGING-Contractu	42.66
A7140.4 · PLAYGR & REC CENTER CONTR EXP	1,600.00
A7140.5 · REC SUPERVISOR	557.52
A7989.4 · MUSEUM CONTR EXP	1,200.00
D9060.8 · HWY - MEDICAL INSURANCE	-339.56
D9089.8 · HIGHWAY-MEDICAL INS BUYOUT	339.56

Motion Carried

John W. Rozell, Town Supervisor

David Hollister, Town Councilperson & Deputy Supervisor

Christopher Dudley Sr., Town Councilperson

Stephanie Safka, Town Councilperson

Vacant, Town Councilperson

CERTIFICATION

I, Patti Gordon, the duly qualified and acting Town Clerk of Whitehall, New York, do hereby certify that the above resolution was adopted at a regular meeting of the Town Board of Whitehall held on 1/17/2024 and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Patti Gordon

Patti Gordon
Whitehall Town Clerk

SEAL

TOWN OF WHITEHALL

57 Skenesborough Drive

Whitehall, NY 12887

Phone :(518)499-1535 Fax :(518)499-1546

Email: townofwhitehall@live.com

Supervisor, John W. Rozell

Councilperson David Hollister

Sole Assessor Roberta Stone

Councilperson Christopher Dudley

Councilperson Stephanie Safka

Town Clerk, Patti Gordon

Councilperson

TOWN JUSTICE AUDIT FOR 2023

RESOLUTION # 32

Motion Made By Sup. Rozell

Seconded by Hollister

WHEREAS, The Town Board of the Town of Whitehall wishes to comply with Section 2019-a of the Uniform Justice Court Act that requires that the town and villages justices annually provide their court records and dockets to their respective town and village auditing boards; and

WHEREAS, an examination of the criminal and civil dockets of the Town Justices for the year ending December 31, 2023 was duly performed by the Town of Whitehall.

WHEREAS, the criminal and civil dockets presented to be accurate and true; and

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Whitehall has conducted an audit and found the criminal and civil dockets to be in order for the year 2023, as well as all accounts for the Town; and

BE IT FURTHER RESOLVED, that a copy of this resolution and said audit will be forwarded to the NYS Office of Court Administration and NYS Comptroller's Office and will be entered upon the minutes of this preceding a copy of this certificate.

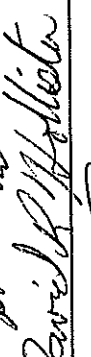
Motion Carried



John Rozell, Supervisor



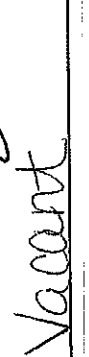
Christopher Dudley, Town Councilperson



David Hollister, Town Councilperson



Stephanie Safka, Town Councilperson



Town Councilperson

CERTIFICATION

I, Patti Gordon, the duly qualified and acting Town Clerk of Whitehall, New York, do hereby certify that the above resolution was adopted at a regular board meeting of the Town Board of Whitehall held on 01/17/2024 and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Patti Gordon



Whitehall Town Clerk



WASHINGTON COUNTY BOARD OF SUPERVISORS

County Municipal Center
383 Upper Broadway, Bldg. B.
Fort Edward, New York 12828

Tel. (518) 746-2210

Fax (518) 746-2219*

*Service by fax not accepted

Email - Supervisors@washingtoncountyny.gov

MEMO

CLERK OF THE BOARD

Debra R. Prehoda

ARYGLE

Robert A. Henke, Chairman

HAMPTON

David O'Brien
Vice Chairman

CAMBRIDGE

Catherine Fedler

DRESDEN

Paul D. Ferguson

EASTON

Daniel Shaw

FORT ANN

Samuel J. Hall

FORT EDWARD

Timothy Fisher

GRANVILLE

Nathaniel C. Baker

GREENWICH

James Nolan

HARTFORD

Scott D. Hahn

HEBRON

Brian Campbell

JACKSON

Jay Skellie

KINGSBURY

Dana Hogan

PUTNAM

Darrell T. Wilson

SALEM

Evera Sue Clary

WHITE CREEK

Lance A. Wang

WHITEHALL

John W. Rozell

TO:

Patti Gordon, Town Clerk
Town of Whitehall

FROM:

Debra Prehoda, Clerk
Board of Supervisors

DATE:

January 8, 2024

RE:

Public Hearing Legal Notice on Parcels Requesting
Inclusion In Certified Agricultural Districts Pursuant
to Chapter 523 of the Laws of 2003

For your information, please find enclosed a copy of Resolution No. 328 adopted by the Washington County Board of Supervisors on December 15, 2023 setting a time and place for a public hearing on Parcels Requesting Inclusion in Certified Agricultural Districts Pursuant to Chapter 523 of the Laws of 2003. The public hearing legal notice is also enclosed.

The Town Supervisor and landowner have also been sent a copy of the public hearing legal notice.

If you have any questions, please contact this office.

Resolution No. 328 December 15, 2023
By Supervisors Griffith, Campbell, O'Brien, Shaw, Skellie

TITLE: Set Time and Place for a Public Hearing on Parcels Requesting Inclusion in Certified Agricultural Districts

WHEREAS, Chapter 523 of the Laws of 2003 amended NYS Agriculture and Markets Law to provide that any county containing a certified agricultural district shall designate an annual thirty-day period within which a landowner may submit to such body a request for inclusion of land which is predominantly viable agricultural land within a certified agricultural district prior to the established review period, and

WHEREAS, pursuant to Resolution No. 318 of 2003, the Washington County Board of Supervisors designated the period of December 1 to December 30 of each year as the amend period for certified agricultural districts in Washington County, and

WHEREAS, one or more requests for inclusion of predominately viable agricultural land within a certified agricultural district has been filed with the County Legislative body pursuant to subdivision three of section 303-b, and

WHEREAS, a request has been received by the following landowners for inclusion in certified Agricultural districts:

Landowner	Parcel ID#	# of Acres	Town	CAD#
Raymond P. Morgan 7381 State Route 40 Fort Ann, NY 12827	149.-1-17.1	.23	Hartford	7
	149.-1-17.2	.06		
		.29		
Brandon Lance Sr. Nichols 323 Burrage St. Lundenberg, MA 01462	87.-2-8.1	1.47	Whitehall	1

, and

WHEREAS, the Washington County Agricultural and Farmland Protection Board has reviewed the requests for inclusion in the certified ag districts and made recommendations to the Washington County Board of Supervisors, and

WHEREAS, such requests also require a public hearing with notice; now therefore be it

RESOLVED, that a public hearing shall be held at 10:05 AM on January 19, 2024 to consider the requests for inclusion of land within a certified agricultural district prior to the established review period; and be it further

RESOLVED, that the proper legal notice be published at least five (5) days prior to said hearing in the legal papers of Washington County; and be it further

RESOLVED, that notice of said public hearing be mailed to those landowners requesting inclusion, those municipalities whose territory encompasses the land which is proposed to be included in an agricultural district and to the Commissioner of Agriculture and Markets.

BUDGET IMPACT STATEMENT: Costs for advertising contained in the budget.

LEGAL NOTICE

WASHINGTON COUNTY BOARD OF SUPERVISORS NOTICE OF PUBLIC HEARING ON PARCELS REQUESTING INCLUSION IN CERTIFIED AGRICULTURAL DISTRICTS PURSUANT TO CHAPTER 523 OF THE LAWS OF 2003

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the County Board of Supervisors of Washington County, State of New York, at Washington County Office Building B in the Town of Fort Edward on the 19th day of January 2024 at 10:05 A.M. on said day to consider approving the following parcels requesting inclusion in certified agricultural districts pursuant to Chapter 523 of the Laws of 2003:

Landowner	Parcel ID#	# Acres	Town	CAD#
Raymond P. & Michelle Morgan	149.-1-17.1	.23	Hartford	7
	149.-1-17.2	<u>.06</u>		
		.29		
Brandon Nichols & Lance Nichols Sr.	87.-2-8.1	1.47	Whitehall	1

FURTHER NOTICE IS HEREBY GIVEN that a map showing the proposed modifications and recommendations of the Agricultural Farmland and Protection Board may be examined in the office of Real Property Tax Services, Washington County Office Building B, Fort Edward, NY (518) 746-2130.

By Order of the Board of Supervisors
Debra Prehoda, Clerk

DATED: Dec. 27, 2023
Fort Edward, NY

AFFIDAVIT OF PUBLICATION
Whitehall Times

State of New York,

County of, Washington,

The undersigned is the authorized designee of **Whitehall Times**, a Weekly Newspaper published in **Washington County, New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

January 04, 2024

This newspaper has been designated by the County Clerk of **Washington County**, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

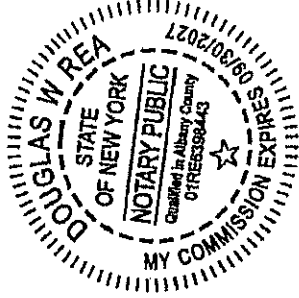
Printed Name

Subscribed and sworn to before me,

This 04 day of January 2024

[Signature]

Notary Signature



Notary Public Stamp

Town of Whitehall

AFFIDAVIT OF PUBLICATION*Whitehall Times*

Town of Whitehall

Legal Notice

**TOWN OF WHITEHALL NOTICE OF RECEIPT
OF TAX ROLL AND WARRANT**

TAKE NOTICE, I Patti Gordon, the Tax Collector for the Town of Whitehall, Washington County, State of New York have duly received the Tax Roll and Warrant for the Collection of the 2024 Town and County taxes and that I will attend at the Whitehall Municipal Center located at 57 Skenesborough Drive, Suite 1 Whitehall NY from January 2, 2024 thru April 1, 2024. Taxes will be collected at the municipal center Monday thru Thursday 9:00pm to 2:00pm either in-person, drop box or mail to the Whitehall Tax Collector at 57 Skenesborough Dr. Whitehall, NY 12887.

TAKE FURTHER NOTICE that taxes can be paid on or before January 2, 2024 thru January 31, 2024 without penalty or interest. Taxes received from February 1, 2024 thru February 29, 2024 a penalty of 1% will be added and from March 1, 2024 thru April 1, 2024 a penalty of 2% will be added. An additional percent for each month or fraction thereof until such taxes are paid until the return of the unpaid taxes to the County Treasurer pursuant to the law.

TAKE FURTHER NOTICE pursuant to the provision of the law the tax roll of the Town of Whitehall will be returned to Washington County Treasurer on the 5th day of April 2024. The failure of the property owner to receive a tax bill SHALL NOT in any way affect the validity of the taxes, of penalties, or relieve the owner of tax obligation.

Patti Gordon

Collector of Taxes, Town of Whitehall

12/21/23

12/28/23 (12/4/23)

Town of Whitehall

AFFIDAVIT OF PUBLICATION

Whitehall Times

State of New York,

County of, Washington,

The undersigned is the authorized designee of *Whitehall Times*, a Weekly Newspaper published in **Washington County, New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

January 11, 2024

This newspaper has been designated by the County Clerk of **Washington County**, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

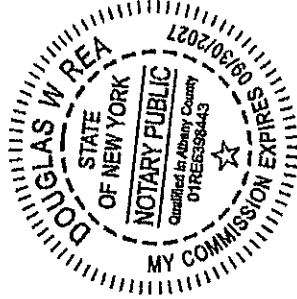
Printed Name

Subscribed and sworn to before me,

This 12 day of January 2024

[Signature]

Notary Signature



Notary Public Stamp

Town of Whitehall

AFFIDAVIT OF PUBLICATION

Whitehall Times

Town of Whitehall

Legal Notice

**NOTICE OF PUBLIC
HEARING,**

PLEASE TAKE

NOTICE, that a Public
Hearing will be held by
the Town Board of the
Town of Whitehall,

County of

Washington, State of
New York, on January
17, 2024 at 7:05pm at

the Whitehall

Municipal building

located at 57

Skenesborough Drive,
Whitehall NY. The

purpose of said

hearing is to consider
the adoption of Local
Law #1 of 2024 titled

A Local Law Enacting

A Moratorium on

Commerical Solar,

Wind Energy and

Battery Storage

Systems. Please Take

Notice, that any

member of the public
is entitled to be heard
upon the said

proposed local law at
such public hearing. In
the event that the

moratorium passes,

the Town is interested
in creating a

renewable energy
task force and is

looking for individuals
from the to populate
such task force to

develop a new local
law regulating such
systems. Copies of

Town of Whitehall

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townofwhitehall@live.com

AFFIDAVIT OF PUBLICATION

Whitehall Times

said proposed law are
available for review at
the Town Clerk's
Office located at 57
Skenesborough Drive,
Whitehall, NY.
BY Order of the Town
Board
Patti Gordon
Town Clerk
1/11/2024