
Town of Angelica – Regular Board Meeting Minutes – July 13, 2026

Location: Angelica Grange Hall, Meeting Room, 55 Park Circle Angelica NY
Time: Meeting called to order at 7:00 PM
Presiding: Supervisor Girard Kelly
Recorder: Pamela L. Cockle, Town Clerk

1. Call to Order and Pledge of Allegiance

Supervisor Kelly called the meeting to order and led the Pledge of Allegiance at 7 p.m.

2. Attendance

Board Members Present:

- Supervisor Girard Kelly
- Councilmembers: Jeremy Metatos, William Weaver, Brian Jones, Elwyn Gordon

Town Staff Present:

- Town Clerk: Pamela Cockle
- Dog Control Officer Rick Abbott

Public Members Present: See attached sign in sheet

3. Approval of Minutes

The Board reviewed the previous month’s minutes from the June 8, 2026 Regular Town Board meeting. **Motion** to approve minutes made by E. Gordon, Seconded by J. Metatos. **All Ayes, Carried unanimously.**

3. ABSTRACTS: General & Highway

Girard Kelly, Supervisor asked Pamela Cockle, Town Clerk to report on Expenditures:

- General Fund (A & B): Abstract #7-2026 – including prepaids, Voucher #'s 133-164
 - General Townwide (A): \$58,346.22
 - General Outside (B): \$19.03
- Highway Town-Wide (DA): \$2,033.78 (Abstract #7-2026 Highway, **Voucher #'s 89-96 & 105**)
- Highway Outside (DB): \$14,434.47 **Voucher #'s 100-104, 140-143**
- CAPITAL (H): -0-
- **Total Town Expenditures Approved: \$74,833.50**
- **Motion** to approve abstracts made by J. Metatos, Seconded by W. Weaver. **All Ayes, Carried unanimously.**

4. Update on Battery Energy Storage System (BESS) Facility

Resolution No. 8-2026

Proposed Local Law No. 1 of 2026 – Battery Energy Storage Systems

The Town Clerk Pamela Cockle read Resolution No. 8-2026, introducing Proposed Local Law No. 1 of 2026 regarding Battery Energy Storage Systems (BESS).

The resolution:

- Introduced Proposed Local Law No. 1 of 2026.
- Accepted the Environmental Assessment Form for SEQR review.
- Designated the Town Board as Lead Agency.
- Directed referral of the proposed local law to the Allegany County Planning Board pursuant to General Municipal Law §239-m.
- Scheduled a public hearing for **August 24, 2026 at 7:00 p.m.** at the Angelica Grange Hall, contingent upon receipt of the County Planning Board review.
- Directed the Town Clerk to publish and post all required legal notices.

The Supervisor explained the purpose of the proposed local law and the review process. Each Board member was asked if they had any concerns with the law and all members confirmed they had reviewed the proposed law and supported it.

During the public comment period, several residents offered comments and questions concerning the proposed local law, the review process, and related matters. The Board acknowledged the comments and advised that the proposed local law would continue through the required review with the Allegany County Planning Board before the scheduled public hearing on August 24, 2026.

Motion to adopt Resolution No. 8-2026 was made by E. Gordon and seconded by W. Weaver.

Roll Call Vote:

- Elwyn Gordon – Aye
- Jeremy Metatos – Aye
- Gerard Kelly – Aye
- William Weaver – Aye
- Brian Jones – Aye

Resolution adopted. Copy of Resolution 8-2026 and proposed law attached.

Note: The proposed Local Law 1-2026 was provided to citizens via the Angelica Town Website on July 14, 2026.

5. Budget Sheets & Supervisor’s Report

Supervisor Kelly reviewed June account activity based and reports prepared by BBS Accounting.

- General Fund: Revenues - \$38,648.32/ Expenses: \$28,914.58
- Highway: Revenues - \$42,939.57/ Expenses: \$73,9361.66

Motion to approve reports by B. Jones, Seconded by J. Metatos **5 Ayes Motion Carried.**

- **CLASS Investment Account**
 - Total NYCLASS Earnings Current Month: \$12,937.97
 - Interest rate: **3.521%**
 - **TOTAL NYCLASS Balance: \$4,477,940.91**

Motion to approve by W. Weaver, Seconded by B. Jones. **All Ayes, Motion Carried.**

6. Budget Modifications

Resolution No. 6-2026 authorizing budget modifications as recommended by the Towns Accountant’s, BBS Accounting, to properly fund certain budget lines that require additional appropriations for the remainder of fiscal year 2026 was read by Town Clerk, Pamela Cockle.

Motion to adopt Resolution No. 6-2026 was made by E. Gordon, Seconded by J. Metatos.

Roll Call: All Ayes, Motion Carried. Budget modification approval will be sent to BBS Accounting (copy of resolution #6-2026 attached to minutes with detail by fund).

7. Clerk and Department Reports

A. Town Clerk

Town Clerk Report: \$2,911.66 was paid to Town Supervisor G. Kelley

- 1) Dogs: \$64
- 2) DECALS: \$2.66
- 3) ATV: \$115
- 4) Marriage Licenses: \$ -0-
- 5) Cemetery Lot Sales: \$2,250
- 6) Grave Digging: \$400
- 7) Certified Copies: \$60
- 8) Dog Boarding Fees: \$20

Motion to approve Town Clerk report was made by J. Metatos, and seconded by B. Jones. **All Ayes, motion carried.**

B. Town Justice June Monthly Report.

June monthly report was distributed and reviewed with no questions/comments. \$14,136 received from Justice Szucs for June 2026 Fines/Fees. Motion made by B. Jones to approve, Seconded by J. Metatos **All Ayes, Passed unanimously.**

C. Dog Control Report (Rick Abbott) Rick gave a brief update on an unlicensed kennel in the Village/Town and complaints received.

D. Assessor / Real Property. – no report received. Town Clerk Pamela Cockle received the FINAL 2026 Tax Assessment Roll from Dustin Snyder, Assessor. Final Uniform Percentage Value is 92.56% (685 parcels totaling \$71,947,100)

E. M.A.C.E. June report in packets.

Motion made by W. Weaver to accept MACE's report as submitted, Seconded by B. Jones. **All Ayes, Motion Carried.**

8. Highway Department Report:

- Highway report was included in Board Member packets. Highlights were that Buehrings Road, Town Hill Road and part of Van Allen Road were chip sealed. Shuttleworth

Sealcoating sealed the Town Parking lots and basketball court and Zebra Paint Striping has painted the lines throughout the Town. Jeremy Morton resigned effective 7/16/26 from the Highway Department. Ryan McKnight as been appointed as the new Deputy Highway Superintendent.

- **RESOLUTION #7-2026:** Resolution authorizing a budget modification and transfer of equipment reserve funds in the amount of \$166,964 for the purchase of an Everst Body, Plow Equipment, and Warranty was read by Pamela Cockle, Town Clerk. Motion to approve Resolution #7-2026 in the amount of \$166,964 was made by B. Jones, Seconded by J. Metatos. **All Ayes, Motion Carried**
- **RESOLUTION #9-2026:** Resolution authorizing the acceptance of bids and sale of surplus highway equipment through Auction International with a total of \$10,625 in Proceeds to the Town of Angelica was read by Pamela Cockle, Town Clerk. Motion to Approve Resolution #9-2026 was made by J. Metatos, Seconded by B. Jones. Roll Call: **All Ayes, Motion Carried.** Town Clerk to notify Highway Superintendent.

9. ONGOING AND NEW BUSINESS:

A. Hyland Landfill: Received the 1st Quarter Inspection Reports from Antea Group. Report in packets and available for review in Town Clerk's office. Motion to approve by E. Gordon, Seconded by W. Weaver. **Roll Call: All Ayes, Motion Carried.**

B. MJ Mechanical Services: Approval to renew the annual contract with MJ Mechanical in the amount of \$2,032 for annual HVAC maintenance in the Town Hall and Grange Buildings. Motion to Approve by E. Gordon, Seconded by J. Metatos. **All Ayes, Motion Carried.**

C. Salt Storage Shed Update (Wm. Weaver)

- Not much new to report. Pad has been completed by Town Crew.

D. Cemetery Signage (J. Metatos)

- Not much new to report. Signs will be installed soon.

E. Sewage Treatment Plant Update (B. Jones)

- Project continues at standstill pending county feedback.

F. Catherine Schuler Chapter DAR Monument Update:

- Town crew will be pouring the base within the next week and we are on schedule for Heritage Days weekend for dedication.

G. Pickleball/Town Courts Update:

- Girard Kelly and Craig Miller gave an update. Engineering Plans by Labella are nearing completion. Costs are exceeding original proposals so committee needs to reevaluate before moving forward. Jeanne Finnemore, Town Resident questioned why the Town is going to invest so much money when Genesee Valley Central School is adding six new Pickleball courts, with lighting, during their capital improvement project this summer. The Town hopes the Court Projects will bring in outsiders for tournaments, etc.....

H. America's 250th Birthday (July 11, 2026):

- Great Event, well attended. Many town residents would like to see something like this each year. Many thanks to everyone involved and to Casella for sponsoring the fireworks.

I. Croquet Court Cover/Roof: (W. Weaver, B. Jones) Nothing new to report.

J. Grange Acoustics (J. Metatos) Nothing new to report.

K. 83 Center Street, formerly owned by M. Whitney/A. Gregory-Kielbasa:

- Girard Kelly gave a quick update on the status of this parcel. It remains in an Estate with Terri Ross, Executor. The property is currently condemned and no longer holds as much usefulness to the Town as the Salt Storage Shed location was moved. Structure on said parcel will need to be demolished and debris removed. Talk ensued amongst Board members on a fair price to offer for the purchase of this property considering the usefulness to the Town and cost to demolish and dispose of debris. A motion was made by J. Metatos to offer \$5,000 to purchase this property, with a second from W. Weaver. **Roll Call: All Ayes, Motion Carried.** Supervisor Kelly authorized to contact Executor Ross and offer no more than \$5,000 for the purchase of said property located at 83 Center Street.

J. Lisa Clark-Shay:

- **Wreaths Across America:** Darcy Bailor and S. Presutti have taken over the local Wreaths Across America Chapter from Jane Tylenda and Lisa Clark-Shay. Darcy gave a brief update on this year (raffle, etc....) and gave a letter to Pam Cockle, Town Clerk asking the Town for consideration towards a donation to help sponsor this year's program.
- **Lisa's Tractor Show to be held at Allegany County Fairgrounds, 10/3/26:** this is a new location. Parade at 10 will come down thru Town around Park and back to Fairgrounds. Flyers available in the Town Hall for more information.

9. Audience

Dave Haggstrom from the Angelica Booster News gave an update on Heritage Days. The Grange will be filled with Alumni Memorabilia to highlight this being the last year of the Alumni Banquet.

Camping and Overnight Parking in Town Parking lots, especially at Joncy Bridge, was brought up as a concern by Rick Abbott. Jeremy Metatos, Councilman, is also concerned. Discussion ensued and it was agreed upon that 2-hour minimum parking signs and NO OVERNIGHT parking signs would be installed at the Joncy Bridge parking lots. J. Metatos to contact CTC to get a quote on signs.

10. Executive Session

A motion was made by J. Metatos, and seconded by G. Kelley to enter in to Executive Session to discuss the medical, financial, credit or employment history of a particular person or persons. Roll Call: All Ayes. Executive session was entered into at 8:45 p.m.

At 9:05 p.m. the Board came out of Executive Session. No further business was carried out.

11. Adjournment

G. Kelly made a request to adjourn Town Board meeting as all business was now concluded. A motion to adjourn the July Board meeting was made by J. Metatos, Seconded by B. Jones. All Ayes, Meeting adjourned at 9:06 p.m.

Next regular meeting scheduled meeting will be held on **August 10, 2026 at 7 p.m.** in the meeting room of the Grange Hall, 55 Park Circle, Angelica, NY.

Special Board meeting to discuss Local Law 1-2026 creating Regulation for Battery Energy Storage Systems to be held on **August 24 @ 7 p.m.** in the meeting room of the Grange Hall, 55 Park Circle, Angelica, NY

Respectively Submitted:

Pamela L. Cockle, Town Clerk

APPROVED 8/10/2026

TOWN OF ANGELICA
ALLEGANY COUNTY, NEW YORK

RESOLUTION NO. 9-2026

RESOLUTION AUTHORIZING THE ACCEPTANCE OF
BIDS AND SALE OF SURPLUS HIGHWAY EQUIPMENT
THROUGH AUCTIONS INTERNATIONAL

At a Regular Meeting of the Town Board of the Town of Angelica, Allegany County, New York, held at the Town Hall, 49 Park Circle, Angelica, New York, on the 13th day of July, 2026, the following resolution was offered:

Offered by: Jeremy Metatos
Seconded by: Brian Jones

WHEREAS,

The Town Highway Superintendent determined that certain items of highway equipment owned by the Town of Angelica were no longer required for municipal purposes and recommended that such equipment be declared surplus; and

WHEREAS,

The Town Board previously authorized the sale of said surplus highway equipment through Auctions International, Inc., by means of a public online auction; and

WHEREAS,

The online auction has concluded and the highest bids received for the surplus equipment are as follows:

Surplus Equipment	Successful Bid
1961 Austin Western Jaw Crusher Aggregate Processing Plant	\$8,400.00
2011 Gatormade 16' Equipment Trailer	\$900.00
8' x 27' Office Trailer	\$1,325.00
Total Sale Proceeds	\$10,625.00

NOW, THEREFORE, BE IT RESOLVED,

That the Town Board of the Town of Angelica hereby accepts the highest bids received through Auctions International, Inc. for the sale of the above-listed surplus highway equipment; and be it further

RESOLVED,

That the Town Supervisor and Highway Superintendent are hereby authorized and directed to execute any documents and take all actions necessary to complete the transfer of ownership of the above-listed equipment to the successful bidders in accordance with the terms and conditions of the public auction; and be it further

RESOLVED,

That the proceeds from the sale of said surplus equipment, totaling **Ten Thousand Six Hundred Twenty-Five Dollars (\$10,625.00)**, shall be deposited into the appropriate Town account in accordance with applicable law and Town financial procedures; and be it further

RESOLVED,

That the Town Clerk is hereby directed to incorporate this Resolution into the official minutes of the July 13, 2026 Town Board meeting.

ROLL CALL VOTE

Board Member	Aye	Nay	Absent
Girard Kelly, Supervisor	☒	☐	☐
William Weaver, Councilman	☒	☐	☐
Elwyn Gordon, Councilman	☒	☐	☐
Jeremy Metatos, Councilman	☒	☐	☐
Brian Jones, Councilman	☒	☐	☐

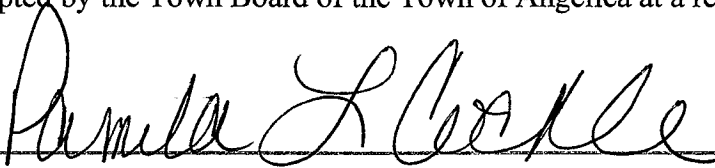
The foregoing Resolution was thereupon declared **duly adopted**.

Dated:

July 13, 2026

CERTIFICATION

I, **Pamela L. Cockle**, Town Clerk of the Town of Angelica, Allegany County, New York, do hereby certify that the foregoing is a true and correct copy of Resolution No. 9-2026 duly adopted by the Town Board of the Town of Angelica at a regular meeting held on July 13, 2026.



Pamela L. Cockle
Town Clerk
Town of Angelica

(seal)

TOWN OF ANGELICA
ALLEGANY COUNTY, NEW YORK
RESOLUTION NO. 8-2026

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 1 OF 2026,
ACCEPTING THE SEQRA ENVIRONMENTAL ASSESSMENT FORM,
ESTABLISHING THE TOWN BOARD AS LEAD AGENCY FOR SEQRA
REVIEW,
REFERRING THE PROPOSED LOCAL LAW TO THE ALLEGANY COUNTY
PLANNING BOARD,
AND SETTING A PUBLIC HEARING**

At a regular meeting of the Town Board of the Town of Angelica, Allegany County, New York, held at the Angelica Town Hall (Grange), 55 Park Circle, Angelica, New York, on July 13, 2026, at 7:00 p.m.

The following resolution was offered by Elwyn Gordon and seconded by William Weaver.

WHEREAS, The Town Board of the Town of Angelica, with the assistance of the Town Attorney, has reviewed regulations governing Battery Energy Storage Systems (BESS);

WHEREAS, The Town and its Town Attorney have prepared Proposed Local Law No. 1 of 2026 (Exhibit A) establishing regulations governing Battery Energy Storage Systems within the Town;

WHEREAS, The proposed regulations are based upon the NYSERDA Model Battery Energy Storage System Local Law together with guidance from NYSERDA, the American Farmland Trust, and the New York State Department of Agriculture and Markets, while incorporating additional provisions addressing public safety, environmental protection, ongoing maintenance, and financial security for decommissioning;

WHEREAS, Adoption of the proposed Local Law may constitute a Type I Action under SEQRA pursuant to 6 NYCRR §617.4(b)(2);

WHEREAS, Part 1 of the Environmental Assessment Form (EAF), attached as Exhibit B, has been prepared;

WHEREAS, The proposed Local Law must be referred to the Allegany County Planning Board pursuant to General Municipal Law §239-m; and

WHEREAS, The proposed Local Law is subject to the notice and hearing requirements of Town Law §264.

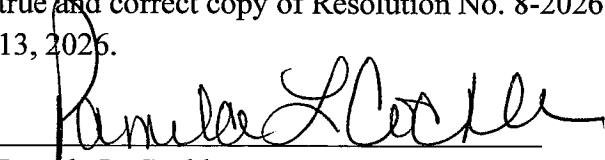
NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby introduces Proposed Local Law No. 1 of 2026 for consideration; and be it further

- RESOLVED, that pursuant to 6 NYCRR §617.6(b)(3)(i), the Town Board shall serve as Lead Agency for the SEQRA review of the Proposed Local Law;
- RESOLVED, that the Town Board accepts the Environmental Assessment Form and authorizes the Town Supervisor to execute the same;
- RESOLVED, that the Town Supervisor is directed to refer the Proposed Local Law, Environmental Assessment Form, and supporting materials to the Allegany County Planning Board pursuant to General Municipal Law §239-m;
- RESOLVED, that contingent upon receipt of the Allegany County Planning Board review, a Public Hearing on Proposed Local Law No. 1 of 2026 and the related SEQRA review is scheduled for Monday, August 24, 2026, at 7:00 p.m., at the Angelica Town Hall (Grange);
- RESOLVED, that the Town Clerk shall publish notice of the Public Hearing in the Hornell Evening Tribune & Olean Times Herald and post notices on the Town sign board and official Town website at least ten (10) days prior to the hearing;
- RESOLVED, that the Town Clerk shall provide notice as required by Town Law §264 to the Town Clerks of Allen, Caneadea, Belfast, Friendship, Amity, Ward, West Almond, and Birdsall, the Village Clerks of Angelica and Belmont, and the Clerk of the Allegany County Legislature.

Board Member	Vote	Vote
Supervisor Girard Kelly	✓	Vote / NAY
Councilman William Weaver	✓	
Councilman Elwyn Gordon	✓	
Councilman Jeremy Metatos	✓	
Councilman Brian Jones	✓	

AYES: 5 NAYS: 2 ABSENT: 0 ABSTAIN: 0

I, Pamela L. Cockle, Town Clerk of the Town of Angelica, certify that the foregoing is a true and correct copy of Resolution No. 8-2026 duly adopted by the Town Board on July 13, 2026.



Pamela L. Cockle
Town Clerk

(seal)

Battery Energy Storage Systems

1. Purpose.

The Town Board of the Town of Angelica adopts this Battery Energy Storage Systems (BESS) Law to regulate the placement of battery energy storage systems to protect the public safety, health, and welfare; to provide a regulatory structure that promotes the protection of the Town of Angelica residents; to minimize adverse impacts on the Town's character, environment, economy, and unique resources, including, but not limited to, waterways, scenic ridge lines, parks and wildlife management areas, and prime farmland.

2. Authority.

This Battery Energy Storage Systems Local Law is adopted pursuant to §261-263 of the Town Law for the State of New York, which authorizes the Town to adopt provisions that advance and protect the health, safety, and welfare of the community.

3. Findings, Home Rule Authority and Statement of Municipal Interest.

A. Findings

The Town Board of the Town of Angelica hereby finds and determines that Battery Energy Storage Systems ("BESS") may present significant impacts to the public health, safety, welfare, environment, emergency response capabilities, agricultural resources, water resources, infrastructure, property values and community character of the Town.

The Town Board further finds that:

1. Battery Energy Storage Systems have experienced documented incidents involving thermal runaway, fire, explosion, toxic gas releases, hazardous material incidents, environmental contamination and prolonged emergency response operations in locations throughout the United States and internationally.
2. The Town of Angelica relies primarily upon volunteer emergency service providers and limited local emergency response resources. Specialized training, equipment, planning and financial resources may be required to adequately prepare for and respond to Battery Energy Storage System incidents.
3. The Town contains significant agricultural lands, groundwater resources, streams, wetlands, drinking water supplies, rural residential neighborhoods, historic resources, and environmentally sensitive areas that warrant protection from potential adverse impacts associated with Battery Energy Storage Systems.

4. The Town Board recognizes that Battery Energy Storage Systems are evolving technologies and that standards, best practices, and safety requirements continue to develop. Accordingly, local oversight and periodic review are necessary to ensure ongoing protection of the public.
5. The Town has a substantial interest in ensuring that Battery Energy Storage Systems are properly sited, designed, constructed, operated, maintained, monitored and decommissioned in a manner that protects the public health, safety and welfare and minimizes adverse impacts upon neighboring properties and community resources.
6. The Town Board finds that the costs associated with the review, inspection, monitoring, enforcement, emergency preparedness, and decommissioning of Battery Energy Storage Systems should not be borne by Town taxpayers.
7. The Town Board finds that local regulation of Battery Energy Storage Systems is necessary to protect residents, property owners, taxpayers, emergency responders, environmental resources, agricultural operations, and the overall character and quality of life within the Town.

B. Home Rule Authority

This Local Law is adopted pursuant to:

1. Article IX of the Constitution of the State of New York;
2. Municipal Home Rule Law §10;
3. Town Law §§261, 262, 263, and all other applicable provisions of the Town Law of the State of New York;
4. The authority of the Town to protect and promote the health, safety and welfare of its residents and property owners;
5. The authority of the Town to regulate land use and protect environmental, agricultural and community resources; and
6. Any and all other powers and authority granted to the Town under New York State law.

The Town Board intends that this Local Law be interpreted and applied in a manner that provides the maximum protection and regulatory authority permitted under New York law.

C. Relationship to Other Laws

Compliance with any federal, state, county, agency, utility, industry or third-party standard, regulation, permit, guidance document, certification, recommendation or approval shall not relieve any person from compliance with the requirements of this Local Law.

Where the provisions of this Local Law impose greater restrictions or more stringent requirements than those imposed by any other law, regulation, permit, guideline, code, standard or approval, the provisions of this Local Law shall govern to the fullest extent permitted by law.

D. No Waiver of Municipal Authority

Nothing contained herein shall be construed as limiting, waiving, impairing, or surrendering any authority of the Town of Angelica to review, condition, deny, regulate, inspect, monitor, enforce, amend, repeal, or otherwise exercise its lawful authority over Battery Energy Storage Systems and related facilities as authorized by New York law.

E. Statement of Municipal Interest

The Town Board declares that the protection of public health, public safety, emergency responders, drinking water resources, agricultural lands, environmental resources, property owners and taxpayers constitutes a substantial governmental interest of the Town of Angelica. The provisions of this Local Law are intended to advance and protect those interests and shall be liberally construed to accomplish those purposes.

4. Definitions.

As used in this law and the permit process, the following terms shall have the meanings indicated:

ANSI — American National Standards Institute.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM — An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

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 article, batteries utilized in consumer products are excluded from these requirements.

CELL — The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING — A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DECOMMISSIONING — A systematic process that provides a narrative and plan for the removal/proper disposal and reclamation of a battery energy storage system, and its site, at the end of its useful life and/or as the result of damage by fire or other event.

DEDICATED-USE BUILDING — A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the New York State Building Code, and complies with the following:

- A. The building's only use is battery energy storage, energy generation, and other electrical-grid-related operations. No other occupancy types are permitted in the building.
- B. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- C. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:
 1. The areas do not occupy more than 10% of the building area of the story in which they are located.
 2. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

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.

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 twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 battery energy storage system as follows:

1. Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
2. Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery

technology in a room or enclosed area.

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.

LOT COVERAGE — Shall include the total square footage of the perimeter of all of the dedicated-use buildings and/or structures housing a battery energy storage system, inclusive of all interior spaces between the dedicated use buildings and/or structures housing a battery energy storage system, in addition to driveways and service roads (paved or stone), and all accessory equipment, buildings and structures.

MONITORING WELLS — a specialized, engineered well installed to sample groundwater, measure water levels and analyze subsurface conditions.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) — U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC — National Electric Code.

NFPA — National Fire Protection Association.

NON-DEDICATED-USE BUILDING — All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NONPARTICIPATING PROPERTY — Any property that is not a participating property.

NONPARTICIPATING RESIDENCE — Any residence located on nonparticipating property.

OCCUPIED COMMUNITY BUILDING — Any building in Occupancy Group A, B, E, I, R, as defined in the New York State Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY — A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate), regardless of whether any part of a battery energy storage system is constructed on the property.

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.

5. Applicability.

- A. The requirements of this article shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Angelica after the effective date of this article, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this article.
- C. Modifications to, 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 article.

6. General requirements.

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. All battery energy storage systems, all dedicated-use buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system and are subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code and the Energy Code.

7. Requirements for Tier 1 battery energy storage systems.

Tier 1 battery energy storage systems shall be permitted on all properties, and are subject to General Requirements section of this local law, and are exempt from special permit requirements but subject to site plan review.

8. Requirements for Tier 2 battery energy storage systems.

Tier 2 Battery Energy Storage Systems or those not qualifying as Tier 1 must include only batteries or energy storage systems of non-flammable/ non-explosive materials.

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a special use permit within the Town of Angelica and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

- A. **Applications for the installation of Tier 2 Battery Energy Storage System shall be:**
 - 1. reviewed by the Code Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this

Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within 30 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

2. subject to a public hearing to hear all comments for and against the application. The Angelica Town Board shall have a notice printed in a newspaper of general circulation in the Town at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 500 feet of the property at least 20 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.
3. referred to the Allegany County Planning Department pursuant to General Municipal Law, if required.
4. upon closing of the public hearing, the Town Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Town Board and Applicant.

B. Utility Lines and Electrical Circuitry:

1. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage:

1. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
2. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all

pad-mounted transformers and substations.

D. Lighting:

1. Exterior lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting:

1. Areas within 15 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible and in no event shall any trees, plants, shrubs be removed that are considered rare or endangered.

F. Noise:

1. The 1 hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 45 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard. The Town shall measure noise levels from time to time with or without notice.

G. Monitoring Wells:

1. Should monitoring wells be required by the town, NYS DEC or any other agency due to the construction of the BESS facility, the applicant/owner/operator will be responsible for all associated costs, including the installation through the decommissioning of the monitoring well(s).

H. State Environmental Quality Review Act (SEQRA):

1. All applications for Battery Energy Storage Systems subject to review under this Local Law shall be reviewed in accordance with the New York State Environmental Quality Review Act (SEQRA), Article 8 of the

Environmental Conservation Law, and its implementing regulations found at 6 NYCRR Part 617.

2. No Special Use Permit, Site Plan Approval, Building Permit, or other local approval shall be issued until all applicable SEQRA requirements have been satisfied.
3. The Town Board may require the applicant to provide environmental studies, technical reports, expert analyses, modeling, or other information deemed necessary to evaluate potential environmental impacts, including but not limited to:
 - a. Fire and explosion risk;
 - b. Thermal runaway events;
 - c. Toxic gas releases and off-gassing;
 - d. Emergency response capabilities;
 - e. Noise impacts;
 - f. Visual impacts and community character;
 - g. Stormwater and drainage impacts;
 - h. Wetlands, streams, groundwater and drinking water resources;
 - i. Agricultural resources and farmland;
 - j. Wildlife habitat and ecological resources;
 - k. Traffic and road use impacts;
 - l. Cumulative impacts associated with the proposed facility and related infrastructure.
4. The Town may retain independent engineers, environmental consultants, fire protection engineers, legal counsel, or other qualified experts to assist in the review of the application. All reasonable costs incurred by the Town for such professional review shall be reimbursed by the applicant through an escrow account established in a form acceptable to the Town.
5. Any mitigation measures identified through the SEQRA process shall be incorporated into the conditions of approval and shall be enforceable as conditions of the Special Use Permit and Site Plan Approval.

9. Professional Review Escrow.

- A. The Town Board may retain independent professional consultants, including but not limited to engineers, fire protection engineers, environmental consultants, planners, hydrogeologists, attorneys, noise consultants, and other experts deemed necessary to assist in review of any Battery Energy Storage System application.
- B. The applicant shall reimburse the Town for all reasonable costs incurred in connection with such professional review.

- C. Prior to commencing review, the Town may require the applicant to establish and maintain an escrow account in an amount determined by the Town Board sufficient to cover anticipated professional review costs.
- D. If escrow funds become depleted during review, the applicant shall replenish the escrow account upon request of the Town. Failure to replenish the escrow account may result in suspension of application review.
- E. Any unused escrow funds shall be returned to the applicant following final action on the application and payment of all outstanding review expenses.

10. Emergency Operations Plan.

- A. A copy of the approved Emergency Operations 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:
 - 1. 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.
 - 2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures must include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - 5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - 6. Procedures for dealing with battery energy storage system equipment

damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

- B. The emergency operations plan shall remain in effect for the operational life of the facility and shall be updated as necessary to reflect changes in technology, emergency response protocols, applicable codes, or operational conditions.

11. Fire Department and Emergency Response Preparedness Requirements.

- A. The applicant shall coordinate with the Angelica Fire Department, Allegany County Emergency Management, and all applicable mutual aid departments during project review and prior to operation of the facility.
- B. The applicant shall provide documented evidence, satisfactory to the Town Board, Code Enforcement Officer, and Fire Department, demonstrating that emergency responders possess adequate training, staffing, equipment, water supply access, and operational capability to respond to and manage battery energy storage system emergencies, including, but not limited to, thermal runaway events, toxic vapor release, explosions, off-gassing incidents and multi-day fires.
- C. At the applicant's expense, the applicant shall provide or fund:
 1. BESS-specific firefighter and emergency responder training prior to operation of the facility and annually thereafter;
 2. Joint emergency response drills involving local and mutual aid departments;
 3. Gas detection equipment, thermal imaging equipment, specialized protective equipment and other equipment deemed reasonably necessary by the Fire Department or Town;
 4. Preparation and maintenance of a pre-incident emergency response plan to be distributed to all responding agencies;
 5. Independent review of emergency response preparedness by a qualified

third-party fire protection engineer if requested by the Town.

- D. The Town Board may require written confirmation from the Angelica Fire Department and mutual aid agencies regarding emergency preparedness concerns identified during review of the application.
- E. All costs associated with emergency preparedness, training, drills, consultants, equipment acquisition, maintenance, and response planning shall be borne solely by the applicant or operator and shall not become a financial burden upon the Town of Angelica or volunteer emergency service providers.
- F. Failure to maintain required emergency preparedness measures shall constitute a violation of this Local Law and may result in permit suspension or revocation.

12. Community Host Agreement.

- A. As a condition of approval, the Town Board may require the applicant to enter into a Community Host Agreement with the Town.
- B. The Agreement may include: annual host community payments, road use and repair obligations, emergency response funding, fire department funding, property value protection programs, environmental monitoring, annual compliance reporting, community benefit programs and reimbursement of Town expenses.
- C. The Agreement shall be binding upon successors and assigns.
- D. Failure to comply shall constitute a violation of this Local Law.

13. Good Neighbor Agreement.

- A. The Town Board may require a Good Neighbor Agreement.
- B. The Agreement may include: community liaison designation, complaint resolution procedures, public contact information, annual community meetings, response timelines for complaints, operating practices to minimize impacts.
- C. The Agreement shall be binding upon successors and assigns.
- D. Failure to comply shall constitute a violation of this Local Law.

14. Decommissioning.

- A. Decommissioning Plan. The applicant shall submit a decommissioning plan along with the initial application, developed in accordance with the Uniform

Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
3. The anticipated life of the battery energy storage system;
4. The estimated decommissioning costs and how said estimate was determined;
5. The method of ensuring that funds will be available for decommissioning and restoration;
6. The method by which the decommissioning cost will be kept current;
7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, soil to a minimum of 4 feet, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
8. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
9. Decommissioning Fund. The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town of Angelica for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

15. Fire Department Cost Recovery.

- A. The owner/operator shall reimburse the Town and responding emergency agencies for costs associated with: fire suppression, hazardous materials response, monitoring activities, environmental remediation, specialized

equipment, mutual aid responses, emergency management operations.

B. Cost recovery shall be in addition to any other penalties or remedies.

C. The Town may require financial security to guarantee payment.

16. Site Plan Application Requirements.

For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- A. Property lines and physical features, including roads, for and to the project site.
- B. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- C. A three line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- D. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters, fire suppression and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- E. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- F. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the energy storage system.
- G. Land use designation for the parcel(s) of land comprising the project site.
- H. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer approved by the Town (but not unreasonably withheld) after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code

shall be provided to the Code Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.

- I. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems ensure no fires or explosions, and are in compliance with the Uniform Code.
- J. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- K. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Allegany County Planning Board.
- L. Prior to the issuance of the building permit or final approval by the Town Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
- M. Emergency Operations Plan. A copy of the approved Emergency Operations 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:
 - 1. 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.
 - 2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures must include sounding the alarm,

notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

N. Special Use Permit Standards.

1. Setbacks. Tier 2 Battery Energy Storage Systems shall comply with twice the setback requirements of the underlying district for principal structures. Any structures must be dedicated use buildings only.
2. Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the existing town regulations.
3. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 10 foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
4. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

17. Special Use Permit Fees.

A. Application Fee

An application for a Tier 3 Battery Energy Storage System (BESS) shall be accompanied by a non-refundable application fee of Ten Thousand Dollars (\$10,000.00), plus One Thousand Dollars (\$1,000.00) for each megawatt (MW) of rated energy storage capacity in excess of five (5) MW, up to a maximum non-refundable application fee of Fifty Thousand Dollars (\$50,000.00).

The application fee is intended to offset the Town's administrative costs associated with receiving, processing, coordinating, and administering the application, including but not limited to record management, public notices, public hearings, administrative staff time, meeting preparation, document management, and other municipal administrative expenses.

The application fee shall not be credited toward any escrow account or other required deposits and shall not be refundable regardless of whether the application is approved, denied, withdrawn, or abandoned.

Examples:

- Up to 5 MW: \$10,000
- 10 MW: \$15,000
- 20 MW: \$25,000
- 45 MW or greater: \$50,000 (maximum application fee)

The Town Board may, by resolution, amend the application fees, inspection fees, administrative fees, and escrow amounts established under this Section from time to time to reflect changes in administrative costs, professional review expenses, inflation, and the complexity of Battery Energy Storage System applications, provided such fees remain reasonably related to the Town's actual costs of administration, review, inspection, and enforcement.

B. Professional Review Escrow

In addition to the required application fee, the applicant shall establish and maintain an escrow account with the Town in the initial amount of Fifty Thousand Dollars (\$50,000.00). The escrow shall reimburse the Town for all reasonable and necessary expenses incurred in reviewing, evaluating, and processing the application.

- Engineering review
- Planning and zoning consultation
- Legal review and drafting
- Environmental review
- Fire protection and emergency response consultation
- Electrical and battery safety consultation
- Financial, appraisal, or economic consultation
- Independent technical peer review
- Inspection services
- Any other professional services deemed reasonably necessary by the Town Board, Planning Board, or Code Enforcement Officer

C. Escrow Replenishment

If the escrow account balance falls below Ten Thousand Dollars (\$10,000.00), the Town shall notify the applicant in writing. The applicant shall replenish the escrow account to Fifty Thousand Dollars (\$50,000.00) within fifteen (15) calendar days. Failure to replenish the escrow may result in suspension of review, permits, approvals, or inspections until the escrow account has been restored.

D. Additional Escrow

If the Town determines that the initial escrow is insufficient to cover the actual costs of review, inspection, monitoring, or enforcement, the applicant shall deposit additional funds as reasonably requested by the Town before further review or inspections continue.

E. Refund of Unused Funds

Any remaining escrow balance shall be refunded to the applicant after final action on the application, completion of all inspections, payment of all outstanding professional invoices, and satisfaction of all obligations.

F. Annual Compliance Inspection Fee

Each operational Tier 3 Battery Energy Storage System shall be subject to an annual compliance inspection. The owner or operator shall pay an annual inspection fee of Five Thousand Dollars (\$5,000.00), or the Town's actual cost of inspection, whichever is greater. The Town may retain independent engineers, fire protection consultants, electrical consultants, environmental consultants, or other qualified professionals as necessary to conduct or assist with the inspection, and the owner or operator shall reimburse the Town for all reasonable costs associated with the annual inspection.

G. Modifications and Ownership Transfers

Applications for substantial modifications shall be accompanied by a Two Thousand Five Hundred Dollar (\$2,500.00) application fee and any additional escrow determined necessary by the Town.

Transfers of ownership shall require a One Thousand Dollar (\$1,000.00) administrative review fee and documentation demonstrating that all permits, financial security, insurance, decommissioning obligations, and operational responsibilities remain in full force and effect.

H. No Cost to Taxpayers

Under no circumstances shall the Town of Angelica or its taxpayers be responsible for any costs associated with the review, permitting, inspection, monitoring, enforcement, emergency preparedness, or decommissioning oversight of a Battery Energy Storage System. All such costs shall be borne solely by the applicant, owner, or operator.

18. Ownership Changes.

1. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. The seller or operator of the battery energy storage system shall notify the Code Enforcement Officer of such change in ownership at least 60 days prior to sale and include qualifications of buyer.
2. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required timeframe including a signed and countersigned agreement that the buyer

is taking over. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

19. Enforcement and Penalties.

Any violation of this Local Law may be enforced by the Town through all remedies available under applicable law, including permit suspension or revocation, fines, injunctive relief, or other lawful enforcement action.

20. Periodic Review and Updates.

1. The Town Board may periodically review this Local Law to address changes in Battery Technology, Fire protection standards, state and federal regulations, emergency response practices and Industry Best Practices.
2. The Town Board may amend this Local Law by resolution and adoption of a local law in accordance with New York State law.

21. Applicability.

- A. The requirements of this local law shall apply to all BESS permitted, installed, or modified in the Town after the effective date of this local law, excluding general maintenance and repair.
- B. BESS constructed or installed prior to the effective date of this local law shall not be required to meet the requirements of this local law.
- C. All BESS shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards.

22. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof.

23. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York in accordance with applicable law.

TOWN OF ANGELICA ALLEGANY
COUNTY, NEW YORK

RESOLUTION NO. 7-2026

A RESOLUTION AUTHORIZING A BUDGET MODIFICATION AND TRANSFER OF EQUIPMENT
RESERVE FUNDS IN THE AMOUNT OF \$166,964 FOR THE PURCHASE OF AN EVEREST BODY
AND PLOW EQUIPMENT

At a regular meeting of the Town Board of the Town of Angelica, Allegany County, New York, held at the Town Hall on July 13, 2026, the following resolution was offered:

WHEREAS, the Town of Angelica has established an Equipment Reserve Fund (Account DA805) for the purpose of financing the acquisition of highway equipment and related capital improvements; and

WHEREAS, the Town Board has previously authorized the purchase of a new 2025 Peterbilt Model 567 truck chassis; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to purchase an Everest truck body and plow equipment, including a power reversible front plow, to be installed on the previously purchased 2025 Peterbilt Model 567 for use by the Town Highway Department; and

WHEREAS, sufficient funds are available in the Equipment Reserve Fund to finance this purchase;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Angelica hereby authorizes the transfer of One Hundred Sixty-Six Thousand Nine Hundred and Sixty Four Dollars (\$166,964.00) from **DA805** – Equipment Reserve to **DA5130.2** – Equipment & Capital Outlay to provide funding for the purchase of an Everest truck body and plow equipment, including a power reversible front plow, to be installed on the previously purchased 2025 Peterbilt Model 567; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town Bookkeeper are hereby authorized and directed to make the necessary accounting entries to effectuate this transfer.

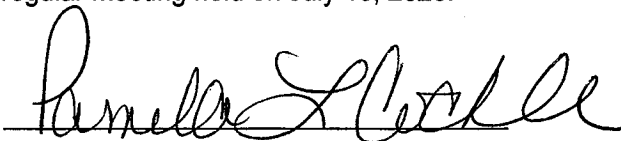
Motion Made by Brian Jones, Seconded by Jeremy Metatos to approved Resolution No. 7-2026, Budget Modifications to 2026 Budget

Board Member	Vote/Aye	Nay
William Weaver, Council Member	☒	☐
Elwyn Gordon, Council Member	☒	☐
Jeremy Metatos, Council Member	☒	☐
Brian Jones, Council Member	☒	☐
Girard Kelly, Town Supervisor	☒	☐

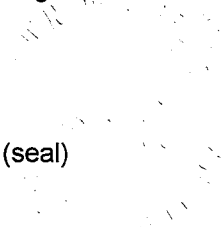
Dated: July 13, 2026

**STATE OF NEW YORK COUNTY OF
ALLEGANY**

I, **Pamela L. Cockle**, Town Clerk of the Town of Angelica, do hereby certify that the foregoing is a true and correct copy of Resolution No. 7-2026 duly adopted by the Town Board of the Town of Angelica at a regular meeting held on July 13, 2026.



Pamela L. Cockle
Town Clerk Town of
Angelica



(seal)



DIMMICK GROUP PETERBILT

Lucky's Truck & Trailer Sales, Inc.
Dimmick Group Peterbilt
472 Summit Point Dr.
Henrietta NY 14467
Phone: (585) 321-5250

Invoice

Contract Date: 06/23/2026
Deal #: DE-01510
Customer #: 7298
Salesperson: Kevin Molinari

Bill To: 7298
TOWN OF ANGELICA
60 OLEAN ST
ANGELICA NY 14709-8621
P:(585) 993-3480 | F:(585) 466-3472

Ship To:
TOWN OF ANGELICA
60 OLEAN ST
ANGELICA, NY 14709-8621

Stock#: SD761445	New 2025 PETERBILT 567	Price:	\$169,312.00
	VIN:1NPCLP0X7SD761445		
	Everest body and plow equipment with provisions for power reversible front plow		\$152,500.00
	Extended warranties, 6yr engine, emission, base vehicle and towing		\$14,464.00
		Total Price	\$336,276.00
		Total	\$336,276.00
		Total Deposit :	-\$168,138.00
		Net Total	\$168,138.00

5 Peterbilt 567 cab/chassis, 22/46k axles on air-trac, full diff lock, 510HP MX-13,18 spd manual trans, all aluminum wheels, set forward front axle.

Town to pay for half the total cost by the end of 1st qtr. 2025, the remaining balance to be paid at time of final delivery to the town, estimated to be late 4th qtr. 2025

Extended warranties will start a time of final delivery to the town estimated to be late 4th. qtr. 2025.
6yr engine, emission system, base vehicle and towing warranties

Check # 15740 was paid on 12/18/2024 for the initial downpayment

This agreement and any documents which are part of this transaction or incorporated herein comprise the entire agreement affecting this Retail Purchase Agreement and no other agreement or understanding of any nature concerning the same has been made or entered into or will be recognized. I have read and accept all of the terms and conditions of this Agreement, and agree to them as if they were printed above my signature. I further acknowledge receipt of a copy of this Agreement. This Agreement shall not become binding until signed and accepted by an Authorized Dealership Representative.

Purchaser's Signature	06/23/2026	Kevin J. Molinari	06/23/2026
	Date	Sales Representative	Date
Co-Purchaser's Signature			06/23/2026
	Date	Manager's Signature	Date

TOWN OF ANGELICA
ALLEGANY COUNTY, NEW YORK
RESOLUTION NO. 6-2026

AUTHORIZING 2026 BUDGET MODIFICATIONS

At a **Regular Meeting** of the Town Board of the Town of Angelica, Allegany County, New York, held at the Town Hall, 49 Park Circle, Angelica, New York, on **July 13, 2026**, the following resolution was offered by Elwyn Gordon, who moved its adoption, seconded by Jeremy Melatos, and duly adopted.

WHEREAS,

The Town Board has reviewed the recommendations of the Town Bookkeeper for budget modifications necessary to provide sufficient appropriations for expenditures during the 2026 fiscal year; and

WHEREAS,

The Town Board has determined that it is in the best interest of the Town to appropriate available **General Fund Unexpended Fund Balance, Highway DA Fund Unexpended Fund Balance**, and a portion of the **General Fund Contingency Account** to properly fund certain budget lines that require additional appropriations for the remainder of the 2026 fiscal year;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Angelica hereby approves the following budget modifications for the 2026 fiscal year:

GENERAL FUND (A)

Transfer From

Account	Description	Amount
A1990.4	Contingency	\$10,000.00
AUB	Unexpended Fund Balance	\$31,484.00
TOTAL		\$41,484.00

Transfer To

Account	Description	Amount
A1010.4	Legislative Board, Contractual	\$182.00
A1220.1A	Supervisor Assistant	\$45.00
A1220.2	Supervisor Equipment & Capital	\$432.00
A1410.2	Town Clerk Equipment & Capital	\$1,726.00
A1410.4	Town Clerk Contractual	\$181.00
A1420.4	Legal	\$3,238.00
A1910.4	Unallocated Insurance	\$1,104.00
A1920.4	Municipal Dues	\$65.00
A1989.4	Other General Government Support, Contractual	\$1,590.00
A5132.4	Garage, Contractual	\$11,258.00
A9060.8	Hospital & Medical	\$20,363.00
A9950.9	Transfer to Capital	\$1,300.00
TOTAL		\$41,484.00

HIGHWAY DA FUND

Transfer From

Account	Description	Amount
DAUB	Unexpended Fund Balance	\$17,224.00
TOTAL		\$17,224.00

Transfer To

Account	Description	Amount
DA5130.1	Machinery, Personal Services	\$17,224.00
TOTAL		\$17,224.00

BE IT FURTHER RESOLVED,

That the Town Supervisor and the Town Bookkeeper are hereby authorized and directed to make the foregoing budget modifications in the accounting records of the Town of Angelica for the 2026 fiscal year.

BE IT FURTHER RESOLVED,

That this Resolution shall take effect immediately upon its adoption.

ROLL CALL VOTE

Board Member	Aye	Nay
Girard Kelly, Supervisor	☒	☐
William Weaver, Council Member	☒	☐
Elwyn Gordon, Council Member	☒	☐
Jeremy Metatos, Council Member	☒	☐
Brian Jones, Council Member	☒	☐

Motion by: Elwyn Gordon

Seconded by: Jeremy Metatos

Adopted this 13th day of July, 2026.

CERTIFICATION

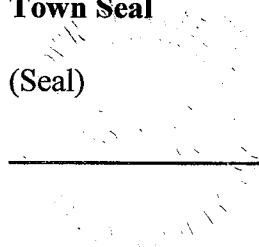
I, **Pamela L. Cockle**, Town Clerk of the Town of Angelica, Allegany County, New York, do hereby certify that the foregoing is a true and correct copy of **Resolution No. 6-2026**, duly adopted by the Town Board of the Town of Angelica at its Regular Meeting held on **July 13, 2026**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Town of Angelica this **13th day of July, 2026**.

Pamela L. Cockle
Town Clerk
Town of Angelica

Pamela L. Cockle

Town Seal
(Seal)



This resolution reflects the budget modifications presented for approval at the July 13, 2026 Town Board meeting, including the General Fund budget modifications totaling **\$41,484.00** and the Highway DA Fund budget modifications totaling **\$17,224.00**.

TOWN OF ANGELICA

PLEASE APPROVE THE FOLLOWING MODIFICATIONS AT YOUR NEXT1 MEETING:

GENERAL A FUND

Transfer From:	A1990.4	Contingency	\$	10,000.00
	AUB	Unexp Balance	\$	31,484.00
		TOTAL:	\$	41,484.00
Transfer To:	A1010.4	Legislative Board, Contr.	\$	182.00
	A1220.1A	Supervisor Assistant	\$	45.00
	A1220.2	Supervisor Equip. & Cap.	\$	432.00
	A1410.2	Town Clerk Equip. & Cap	\$	1,726.00
	A1410.4	Town Clerk Contr.	\$	181.00
	A1420.4	Legal	\$	3,238.00
	A1910.4	Unallocated Insurance	\$	1,104.00
	A1920.4	Municipal Dues	\$	65.00
	A1989.4	Other Gen Gov't Support, Contr.	\$	1,590.00
	A5132.4	Garage, Contr.	\$	11,258.00
	A9060.8	Hospital & Medical	\$	20,363.00
	A9950.9	Transfer, Capital	\$	1,300.00
		TOTAL:	\$	41,484.00

HIGHWAY DA FUND

Transfer From:	DAUB	Unexp. Balance	\$	17,224.00
		TOTAL:	\$	17,224.00
Transfer To:	DA5130.1	Machinery Per Serv.	\$	17,224.00
		TOTAL:	\$	17,224.00