

TOWN OF PUTNAM

LOCAL LAW NO. ____ OF THE YEAR 2026

A LOCAL LAW REGULATING BATTERY ENERGY STORAGE SYSTEMS WITHIN THE TOWN OF PUTNAM

Be it enacted by the Town Board of the Town of Putnam as follows:

ARTICLE I: TITLE, AUTHORITY, PURPOSE AND LEGISLATIVE FINDINGS

§ 101. TITLE

This Local Law shall be known and may be cited as the "Battery Energy Storage Systems Safety and Licensing Law of the Town of Putnam."

§ 102. AUTHORITY

This Local Law is adopted pursuant to the authority granted by: A. Article IX of the New York State Constitution; B. New York Municipal Home Rule Law §§ 10 and 20; C. New York Statute of Local Governments § 10; D. New York Town Law §§ 64 and 130; E. The State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and its implementing regulations; and F. The inherent police powers of the Town of Putnam to protect the public health, safety, and welfare of its residents, and to regulate hazardous activities, fire risks, and environmental threats independently of a general zoning ordinance.

§ 103. PURPOSE

The purpose of this Local Law is to establish standards, licensing requirements, and procedures governing the siting, construction, operation, maintenance, modification, and decommissioning of Battery Energy Storage Systems within the Town of Putnam in order to: A. Protect the public health, safety, and welfare; B. Protect the environmental resources of the Town of Putnam, the Lake George watershed, and the Adirondack Park; C. Promote compatible land uses; D. Minimize adverse impacts upon neighboring properties, community character, and scenic vistas; E. Protect groundwater, surface waters, wetlands, and wildlife habitat; F. Reduce risks associated with fire, explosion, hazardous material releases, toxic thermal runaway gases, and other emergencies; G. Ensure that Battery Energy Storage Systems are properly maintained and ultimately removed upon abandonment without financial burden to the Town or its taxpayers; and H. Provide a predictable and uniform process for review of Battery Energy Storage System safety and licensing applications.

§ 104. LEGISLATIVE FINDINGS

The Town Board of the Town of Putnam hereby finds and determines as follows: A. The Town of Putnam contains significant environmental, scenic, recreational, agricultural, and residential resources within the Adirondack Park that contribute substantially to the quality of life of its residents and the economic well-being of the community. B. A substantial portion of the Town lies within the Lake George watershed, one of the most environmentally significant freshwater resources in the State of New York. C. Lake George and its tributaries constitute a unique and irreplaceable public resource whose protection is essential to the public health, welfare, and economy of the Town of Putnam, Washington County, and the surrounding region. D. Battery Energy Storage Systems have become an increasingly important component of the electrical grid and may assist in enhancing electrical reliability, integrating renewable energy resources, and reducing energy costs. E. Battery Energy Storage Systems, particularly utility-scale lithium-ion battery facilities, present unique risks that differ substantially from traditional land uses, including but not limited to: (1) Thermal runaway events; (2) Fires that may burn for extended periods of time; (3) Re-ignition following apparent extinguishment; (4) Explosions; (5) Release of hazardous and toxic gases and contaminants; (6) Contaminated fire suppression runoff; and (7) Potential catastrophic impacts to groundwater and surface waters. F. Nationally reported incidents involving Battery Energy Storage Systems have demonstrated that such facilities may require specialized firefighting equipment, specialized training, and prolonged emergency response efforts. G. The Town of Putnam has no municipal zoning ordinance, no Planning Board, and relies primarily upon volunteer emergency service providers and volunteer fire departments whose personnel, equipment, and resources are limited in responding to large-scale Battery Energy Storage System emergencies. H. The Town Board finds that additional review, regulation, and licensing under its police powers are necessary to ensure that Battery Energy Storage Systems are sited, constructed, and operated in a manner that minimizes risks to the public and the environment. I. The Town Board further finds that contamination of Lake George, its tributaries, wetlands, groundwater resources, or associated ecosystems resulting from a Battery Energy Storage System failure, fire, explosion, or emergency response activity could have significant adverse consequences for public health, property values, tourism, recreation, and natural resources. J. The Town Board recognizes that Battery Energy Storage Systems can provide public benefits when properly sited and operated and that such benefits should be balanced against the Town's obligation to protect public health, safety, and environmental resources. K. The Town Board therefore finds that it is necessary and appropriate to adopt regulations and licensing requirements governing Battery Energy Storage Systems within the Town of Putnam.

§ 105. INTERPRETATION

This Local Law is intended to supplement all applicable provisions of federal, state, and county law. Where this Local Law imposes greater restrictions or more stringent requirements than are imposed by other laws, regulations, codes, or ordinances, the provisions of this Local Law shall control.

§ 106. TOWN BOARD REVIEW AND LICENSING AUTHORITY

The Town of Putnam does not maintain a Planning Board or a Zoning Board of Appeals. Accordingly, whenever this Local Law refers to safety review, environmental review, operational review, or any administrative authority over Tier 2 systems, such authority shall be exercised directly by the Town Board of the Town of Putnam. The Town Board shall possess and may exercise all powers necessary to administer, grant, condition, deny, and enforce the special public safety licenses required herein, completely independent of a formal zoning map.

ARTICLE II: DEFINITIONS

§ 201. DEFINITIONS

For purposes of this Local Law, the following words and phrases shall have the meanings set forth below:

- **ANSI:** The American National Standards Institute.
- **BATTERY:** A single electrochemical cell capable of charging, discharging, and storing electrical energy. Batteries utilized solely in consumer products are excluded from this definition.
- **BATTERY ENERGY STORAGE SYSTEM (BESS):** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, including all associated controls, power conversion equipment, transformers, switchgear, wiring, safety systems, enclosures, and accessory equipment. Battery Energy Storage Systems shall be classified as follows:
 - **(A) Tier 1 Battery Energy Storage System:** A Battery Energy Storage System having an aggregate energy storage capacity less than or equal to 250 kWh and consisting of a single energy storage technology.
 - **(B) Tier 2 Battery Energy Storage System:** A Battery Energy Storage System having an aggregate energy storage capacity greater than 250 kWh or consisting of more than one battery storage technology.
- **BATTERY MANAGEMENT SYSTEM (BMS):** An electronic system that protects, monitors, and balances battery modules and battery strings and automatically

places the system into a safe condition when hazardous operating conditions are detected.

- **BATTERY MODULE OR BATTERY PACK:** A group of battery cells connected together electrically in series, parallel, or a combination thereof.
- **BATTERY STRING:** A group of battery modules connected together electrically in series to achieve a desired voltage.
- **BESS OPERATING SPECIAL LICENSE:** The administrative approval and public safety license issued by the Town Board authorizing the construction and operation of a Tier 2 Battery Energy Storage System pursuant to this Local Law.
- **CELL:** The basic electrochemical unit used to store and deliver electrical energy.
- **COMPLIANCE OFFICER:** The duly appointed Compliance Officer of the Town of Putnam or his or her authorized designee, tasked with inspecting facilities and verifying compliance with local approvals, running separate from Uniform Code enforcement.
- **COMMISSIONING:** A systematic process of testing and verification demonstrating that a Battery Energy Storage System operates in accordance with its design specifications and applicable code requirements.
- **DEDICATED-USE BUILDING:** A building constructed primarily for the purpose of housing Battery Energy Storage System equipment and related electrical equipment.
- **ENERGY CODE:** The New York State Energy Conservation Construction Code, as amended from time to time.
- **ENERGY STORAGE MANAGEMENT SYSTEM (ESMS):** An integrated electronic system which monitors and controls Battery Energy Storage Systems and associated equipment and automatically responds to hazardous operating conditions.
- **FIRE CODE:** The Fire Code portion of the New York State Uniform Fire Prevention and Building Code, as amended from time to time.
- **LAKE GEORGE:** The body of water commonly known as Lake George located in Warren, Washington, and Essex Counties, New York, together with its shoreline and associated waters.

- **LAKE GEORGE WATERSHED:** All lands, streams, tributaries, wetlands, drainageways, and watercourses within the Town of Putnam that directly or indirectly drain into Lake George.
- **MAJOR TRIBUTARY:** Any perennial stream, watercourse, drainageway, or tributary which directly or indirectly discharges into Lake George.
- **NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A testing laboratory recognized by the United States Department of Labor and authorized to certify electrical equipment and systems.
- **NEC:** The National Electrical Code, as amended.
- **NFPA:** The National Fire Protection Association.
- **NON-PARTICIPATING PROPERTY:** Any property that is not a Participating Property.
- **NON-PARTICIPATING RESIDENCE:** Any dwelling located upon a Non-Participating Property.
- **OCCUPIED COMMUNITY BUILDING:** Any building used for educational, religious, governmental, commercial, institutional, public assembly, or residential purposes, including but not limited to schools, churches, libraries, municipal buildings, fire stations, community centers, nursing homes, hospitals, and apartment buildings.
- **PARTICIPATING PROPERTY:** A parcel upon which a Battery Energy Storage System is located or any parcel whose owner receives compensation, lease payments, easement payments, or other consideration related to a Battery Energy Storage System.
- **PERSON:** Any individual, partnership, corporation, limited liability company, association, trust, governmental entity, or other legal entity.
- **POWER CONVERSION EQUIPMENT:** Equipment used to convert electrical energy from one form or voltage to another and to facilitate the transfer of electrical energy to and from a Battery Energy Storage System.
- **PROJECT SITE:** The parcel or parcels upon which a Battery Energy Storage System and its associated equipment are proposed to be located.
- **SEQRA:** The State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, together with all regulations promulgated thereunder.

- **TOWN BOARD:** The Town Board of the Town of Putnam, Washington County, New York.
- **TRIBUTARY:** Any stream, creek, brook, watercourse, drainageway, ditch, or channel, whether perennial or intermittent, which directly or indirectly contributes flow to Lake George.
- **UL:** Underwriters Laboratories or its successor organization.
- **UNIFORM CODE:** The New York State Uniform Fire Prevention and Building Code, as enforced within the Town of Putnam by Washington County or its designated enforcement agency.
- **UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEM:** A Tier 2 Battery Energy Storage System designed primarily for wholesale power markets, utility grid support, commercial energy storage, or similar large-scale purposes rather than serving the electrical needs of a single residence or business.
- **WATERSHED PROTECTION AREA:** Any area located within one thousand (1,000) feet of Lake George, a Major Tributary, a regulated wetland, or a watercourse that directly or indirectly discharges into Lake George.

ARTICLE III: APPLICABILITY AND GENERAL REQUIREMENTS

§ 301. APPLICABILITY

A. This Local Law shall apply to all Battery Energy Storage Systems proposed, constructed, installed, enlarged, modified, operated, or decommissioned within the Town of Putnam after the effective date of this Local Law. B. This Local Law shall apply to all Tier 1 Battery Energy Storage Systems and Tier 2 Battery Energy Storage Systems unless specifically exempted herein. C. Any expansion, enlargement, modification, or replacement of an existing Battery Energy Storage System that increases generating capacity, storage capacity, discharge duration, or operational footprint shall be subject to the provisions of this Local Law.

§ 302. EXISTING FACILITIES

A. Battery Energy Storage Systems lawfully installed and operating prior to the effective date of this Local Law shall be permitted to continue as legal pre-existing facilities. B. Routine maintenance and repair of a lawful pre-existing Battery Energy Storage System shall not require compliance with this Local Law. C. Any expansion or modification of a lawful pre-existing Battery Energy Storage System that materially increases storage

capacity, physical footprint, or operational characteristics shall comply with this Local Law.

§ 303. COMPLIANCE WITH OTHER LAWS AND REGIONAL JURISDICTIONS

A. All Battery Energy Storage Systems shall demonstrate compliance with: (1) The New York State Uniform Fire Prevention and Building Code; (2) The New York State Energy Conservation Construction Code; (3) The National Electrical Code (NEC); (4) National Fire Protection Association (NFPA) standards; (5) UL 9540, UL 9540A, and related testing standards; (6) All applicable provisions of federal law; (7) All applicable provisions of New York State law; (8) All applicable regulations of the Adirondack Park Agency (APA), with local licenses explicitly conditioned upon receipt of necessary APA permits where regional jurisdiction applies; (9) All applicable regulations of the Lake George Park Commission (LGPC); and (10) Any applicable permit requirements imposed by Washington County, New York State, or federal agencies. B. Compliance with this Local Law shall not relieve any applicant from the obligation to obtain permits or approvals required by any other governmental entity. The Town of Putnam does not independently issue Building Permits or Electrical Permits. No local BESS authorization or license issued under this law shall be effective until the applicant presents to the Compliance Officer proof of a valid Building Permit and subsequent Certificate of Compliance issued by Washington County or its designated Uniform Code enforcement entity.

§ 304. ENVIRONMENTAL REVIEW

A. Every application submitted pursuant to this Local Law shall be subject to review under the State Environmental Quality Review Act ("SEQRA"). B. The Town Board shall serve as Lead Agency or participate as an Involved Agency where appropriate under SEQRA in a coordinated review with the DEC, APA, and Washington County. C. The Town Board may require the preparation of: (1) Environmental Assessment Forms; (2) Environmental Impact Statements; (3) Hydrogeologic Studies; (4) Stormwater Management Reports; (5) Traffic Studies; (6) Noise Studies; (7) Visual Impact Assessments; (8) Fire Safety Analyses; (9) Emergency Response Analyses; and (10) Such other reports as the Town Board deems necessary to evaluate the impacts of a proposed Battery Energy Storage System.

§ 305. COMPLIANCE OFFICER

A. The Town Board may designate a Compliance Officer to administer and enforce the provisions of this Local Law. B. The Compliance Officer shall have authority to: (1) Receive and review applications; (2) Conduct inspections; (3) Investigate complaints; (4) Issue notices of violation; (5) Monitor compliance with local license and permit conditions; (6) Report violations to the Town Board; (7) Recommend enforcement actions; and (8) Perform

such other administrative duties as may be assigned by the Town Board. C. The Compliance Officer shall not act as a Building Inspector or Code Enforcement Officer under the NYS Uniform Code, which remains the exclusive jurisdiction of Washington County. D. Nothing herein shall limit the authority of the Town Board to undertake any action authorized by this Local Law.

§ 306. LOCAL AUTHORIZATION REQUIRED

A. No person shall construct, install, enlarge, modify, or operate a Battery Energy Storage System within the Town of Putnam without first obtaining all approvals and local authorizations required by this Local Law. B. Tier 1 Battery Energy Storage Systems shall require: (1) Administrative Clearance from the local Compliance Officer; and (2) Proof of an approved Building Permit and Electrical Certificate issued by Washington County or its designated enforcement agency. C. Tier 2 Battery Energy Storage Systems shall require: (1) A Tier 2 BESS Operating Special License from the Town Board; (2) Proof of a valid Building Permit and Electrical Permit issued by Washington County or its designated enforcement agency; (3) Completion of SEQRA review; and (4) Any permits otherwise required by regional, state, or federal law.

§ 307. INSPECTIONS

A. The Compliance Officer, members of the Town Board, consultants retained by the Town, and local emergency service officials may conduct administrative inspections of Battery Energy Storage Systems upon reasonable notice. B. The owner and operator of a Battery Energy Storage System shall provide reasonable access for inspection purposes. C. Refusal to permit inspection shall constitute a violation of this Local Law and grounds for immediate license suspension.

§ 308. PROFESSIONAL REVIEW

A. The Town Board may retain engineers, planners, attorneys, hydrogeologists, fire safety consultants, environmental consultants, and other professionals to assist in the review of any application submitted pursuant to this Local Law. B. All reasonable costs associated with such review shall be reimbursed by the applicant in accordance with the escrow provisions in Article IX of this Local Law.

§ 309. INTERPRETATION

Where this Local Law imposes standards more restrictive than those imposed by any other law, ordinance, regulation, or code, the provisions of this Local Law shall govern. Nothing contained herein shall be construed to limit the authority of the Town Board to impose reasonable safety and operational conditions upon any BESS Operating Special License

granted pursuant to this Local Law where necessary to protect public health, safety, welfare, or environmental resources.

ARTICLE IV: TIER 1 BATTERY ENERGY STORAGE SYSTEMS

§ 401. PURPOSE

The purpose of this Article is to permit small-scale Battery Energy Storage Systems within the Town of Putnam while ensuring compliance with applicable building, electrical, and fire safety standards. The Town Board finds that Tier 1 Battery Energy Storage Systems generally present lower risks than utility-scale Battery Energy Storage Systems and may provide benefits to residences, farms, businesses, municipal facilities, and renewable energy systems.

§ 402. PERMITTED INSTALLATIONS

A. Tier 1 Battery Energy Storage Systems shall be permitted throughout the Town of Putnam, subject to compliance with this Local Law. B. Tier 1 Battery Energy Storage Systems may be installed: (1) At residential properties; (2) At agricultural properties; (3) At commercial properties; (4) At industrial properties; (5) At municipal properties; and (6) In conjunction with renewable energy systems, including solar energy systems. C. Nothing contained herein shall require an Operating Special License or formal approval by the Town Board for a Tier 1 Battery Energy Storage System.

§ 403. PERMIT REQUIREMENTS

A. Prior to installation and operation of any Tier 1 Battery Energy Storage System, the applicant shall obtain: (1) Proof of a valid Building Permit and approved Electrical Certificate issued by Washington County; and (2) Any permits otherwise required by federal, state, or regional law. B. Applications for administrative clearance shall be submitted to the Compliance Officer upon forms approved by the Town Board. C. The Compliance Officer may require submission of plans, specifications, equipment data sheets, and such other information as reasonably necessary to determine compliance with this Local Law.

§ 404. EXEMPTION FROM TOWN BOARD REVIEW

Tier 1 Battery Energy Storage Systems shall be exempt from: A. Formal Site Plan Review; B. Special License/Special Use Permit Review; C. Public Hearing Requirements; D. Escrow Requirements; E. Decommissioning Security Requirements; and F. Town Board Approval.

§ 405. TECHNICAL REQUIREMENTS

A. All Tier 1 Battery Energy Storage Systems shall comply with: (1) The Uniform Code; (2) The Energy Code; (3) The National Electrical Code (NEC); (4) National Fire Protection Association (NFPA) standards; (5) UL 9540 standards; and (6) Manufacturer specifications. B. Equipment shall be installed in accordance with all applicable listing and labeling requirements. C. All wiring and electrical components shall be installed by qualified persons authorized under applicable law.

§ 406. LOCATION AND INSTALLATION

A. Tier 1 Battery Energy Storage Systems may be installed: (1) Within a residence; (2) Within a farm building; (3) Within a commercial or industrial building; (4) Within an accessory structure; (5) Within a dedicated equipment enclosure; or (6) Outdoors. B. Outdoor installations shall not obstruct: (1) Emergency access routes; (2) Required building exits; (3) Fire lanes; or (4) Utility easements. C. Outdoor installations shall be protected from accidental vehicle impact where reasonably necessary to protect public safety.

§ 407. SAFETY REQUIREMENTS

A. Appropriate warning labels and emergency shut-off information shall be maintained on all Tier 1 Battery Energy Storage Systems. B. Disconnect devices shall be clearly identified and accessible. C. Owners shall maintain all equipment in accordance with manufacturer recommendations. D. Any Battery Energy Storage System determined by the Compliance Officer to present an imminent threat to public health or safety may be ordered removed from service until the hazardous condition has been corrected.

§ 408. INSPECTION AND APPROVAL

A. No Tier 1 Battery Energy Storage System shall be placed into operation until inspected and granted administrative clearance by the Compliance Officer. B. The Compliance Officer may require certification from a licensed electrician or professional engineer verifying compliance with applicable codes. C. The Compliance Officer may conduct periodic inspections to ensure continued compliance with this Local Law.

§ 409. ABANDONMENT

A. Any Tier 1 Battery Energy Storage System that remains abandoned for a period exceeding twelve (12) consecutive months shall be removed by the owner. B. Upon failure of the owner to remove an abandoned system after notice from the Town, the Town Board may commence enforcement proceedings pursuant to this Local Law.

§ 410. ADMINISTRATIVE APPROVAL

Tier 1 Battery Energy Storage Systems that comply with the requirements of this Article shall be approved administratively by the Compliance Officer without further action by the Town Board.

ARTICLE V: TIER 2 BESS OPERATING SPECIAL LICENSES

§ 501. PURPOSE

The purpose of this Article is to establish standards and procedures governing the review, approval, construction, operation, and decommissioning of Tier 2 Battery Energy Storage Systems within the Town of Putnam. The Town Board finds that larger Battery Energy Storage Systems may present significant concerns relating to public safety, emergency response, environmental protection, groundwater quality, stormwater management, aesthetics, property values, and the protection of Lake George, the Adirondack Park, and its watershed. Accordingly, such facilities shall be subject to enhanced review.

§ 502. TIER 2 SYSTEMS PERMITTED UPON APPROVAL

A. Tier 2 Battery Energy Storage Systems may be constructed and operated within the Town of Putnam only upon obtaining: (1) A Tier 2 BESS Operating Special License from the Town Board; (2) Completion of SEQRA review; (3) Proof of a valid Building Permit and Electrical Permit issued by Washington County; and (4) Any permit required by regional, state, federal, or county agencies. B. No Tier 2 Battery Energy Storage System shall be constructed, installed, or operated until all required approvals and local licenses have been obtained.

§ 503. TOWN BOARD REVIEW AUTHORITY

A. Because the Town of Putnam does not maintain a Planning Board or Zoning Board of Appeals, the Town Board shall exercise all administrative review and licensing authority granted under this Local Law pursuant to its municipal police powers. B. The Town Board shall possess all powers reasonably necessary to: (1) Review license applications; (2) Conduct public hearings; (3) Perform comprehensive safety, environmental, and site layout reviews; (4) Issue BESS Operating Special Licenses; (5) Conduct and oversee environmental reviews; (6) Retain independent expert consultants; (7) Impose reasonable conditions of approval; and (8) Approve, approve with conditions, or deny applications.

§ 504. APPLICATION REQUIREMENTS

An application for a Tier 2 Battery Energy Storage System Operating Special License shall include: A. A completed application form; B. A boundary survey prepared by a licensed land surveyor; C. A detailed site layout plan prepared by a New York licensed professional engineer; D. Construction drawings and specifications; E. Electrical diagrams; F.

Equipment specifications; G. Manufacturer safety information, including UL 9540A fire test data; H. Stormwater management plan; I. Erosion and sediment control plan; J. Landscaping and screening plan; K. Emergency Operations Plan; L. Fire Safety Compliance Plan; M. Commissioning Plan; N. Operation and Maintenance Plan; O. Decommissioning Plan; P. Proof of liability and environmental insurance; Q. Evidence of site control; R. Proof of application or preliminary filings with the Adirondack Park Agency and Washington County Code Enforcement; and S. Such additional information as the Town Board may reasonably require.

§ 505. APPLICATION COMPLETENESS REVIEW

A. The Town Board shall determine whether an application is complete. B. The Town Board may request additional information necessary for meaningful review. C. No application shall proceed to public hearing until deemed complete by the Town Board.

§ 506. PUBLIC HEARING

A. A public hearing shall be conducted upon every Tier 2 application. B. Notice of the public hearing shall be: (1) Published in the Town's official newspaper at least ten (10) days prior to the hearing; and (2) Mailed by first-class mail to all property owners within 2,000 feet of the project site boundaries at least ten (10) days prior to the hearing. C. Proof of mailing shall be submitted to the Town Board before the public hearing.

§ 507. COUNTY REFERRAL

Applications shall be referred to the Washington County Planning Board pursuant to General Municipal Law § 239-m whenever such referral is required by law.

§ 508. CONSULTANT REVIEW

A. The Town Board may retain: (1) Engineers; (2) Planners; (3) Hydrogeologists; (4) Environmental consultants; (5) Fire protection and emergency response consultants; (6) Attorneys; and (7) Such other experts as may be reasonably necessary. B. All consultant expenses shall be reimbursed by the applicant pursuant to Article IX.

§ 509. CONDITIONS OF APPROVAL

The Town Board may impose reasonable conditions necessary to: A. Protect public health and safety; B. Protect environmental resources; C. Protect Lake George and its watershed; D. Protect neighboring properties; E. Ensure compliance with this Local Law; and F. Mitigate adverse impacts identified during environmental review.

§ 510. EXPIRATION OF APPROVALS

A. A BESS Operating Special License shall expire twelve (12) months after issuance unless substantial physical construction has commenced. B. The Town Board may grant one extension not exceeding twelve (12) additional months upon good cause shown. C. Failure to commence substantial construction within the approved time period shall result in automatic expiration of all local license approvals.

§ 511. MODIFICATIONS

A. Any material modification to an approved Tier 2 Battery Energy Storage System shall require approval by the Town Board. B. Material modifications include: (1) Increases in storage capacity; (2) Expansion of the facility footprint; (3) Changes to safety systems; (4) Changes to stormwater facilities; (5) Changes affecting setbacks or screening; or (6) Changes determined by the Town Board to have the potential to affect public health, safety, or environmental resources.

§ 512. TRANSFER OF APPROVALS

A. A Tier 2 BESS Operating Special License may be transferred to a successor owner or operator only upon written notice to the Town Board. B. The successor owner shall assume in writing all obligations imposed by this Local Law, all conditions of approval, and all escrow, insurance, and decommissioning requirements. C. Failure to provide notice and execute such assumption within thirty (30) days of transfer shall constitute a violation of this Local Law and result in the automatic suspension of the operating license.

ARTICLE VI: LAKE GEORGE WATERSHED PROTECTION STANDARDS AND TIER 2 DEVELOPMENT REQUIREMENTS

§ 601. PURPOSE

The purpose of this Article is to establish development standards applicable to Tier 2 Battery Energy Storage Systems in order to: A. Protect Lake George and its watershed; B. Protect groundwater and surface waters; C. Protect neighboring properties; D. Minimize fire, toxic gas, and hazardous material risks; E. Protect community character and scenic resources; and F. Ensure compatibility with surrounding land uses.

§ 602. LAKE GEORGE WATERSHED PROTECTION

A. Except as provided in Subsection E below, no Tier 2 Battery Energy Storage System shall be located within one thousand (1,000) feet of the ordinary high-water mark of Lake George. B. No Tier 2 Battery Energy Storage System shall be located within one thousand (1,000) feet of any Major Tributary or any watercourse that directly or indirectly discharges into Lake George. C. No Tier 2 Battery Energy Storage System shall be located within one thousand (1,000) feet of any regulated wetland that is hydrologically connected to Lake

George or a tributary thereof. D. No Tier 2 Battery Energy Storage System shall be located within a designated flood hazard area identified by the Federal Emergency Management Agency (FEMA). E. **Limited Engineering Exception:** The Town Board, in its sole administrative capacity, may grant an exception to reduce the 1,000-foot watershed setback by up to twenty-five percent (25%), provided the applicant proves by clear and convincing evidence—including an independent, peer-reviewed hydrogeologic study and zero-runoff containment engineering—that the proposed location presents zero risk of chemical, thermal, or fire-water runoff contamination to Lake George or its tributaries.

§ 603. MINIMUM SETBACKS

A. Tier 2 Battery Energy Storage Systems shall maintain the following minimum setbacks: (1) Two hundred (200) feet from all property lines; (2) Five hundred (500) feet from any non-participating residence; (3) Five hundred (500) feet from any occupied community building; (4) Five hundred (500) feet from any public park, playground, or recreational facility; and (5) One thousand (1,000) feet from Lake George and protected tributaries as provided in § 602, subject to the limited exception in § 602(E). B. Where multiple contiguous parcels are under common ownership or control of the applicant, the exterior boundary of the combined parcels shall be considered the property line for purposes of setback calculations.

§ 604. SLOPES AND EROSION CONTROL

A. No Tier 2 Battery Energy Storage System shall be located upon slopes exceeding fifteen percent (15%) unless the applicant demonstrates to the satisfaction of the Town Board that: (1) Adequate engineering controls exist; (2) Soil stability has been comprehensively addressed; (3) Erosion and sedimentation impacts have been fully mitigated; and (4) Surface water resources will be protected. B. The Town Board shall require geotechnical reports prepared by qualified professionals.

§ 605. GROUNDWATER AND STORMWATER PROTECTION

A. The applicant shall prepare and submit a Stormwater Management Plan prepared by a licensed professional engineer, demonstrating compliance with Lake George Park Commission standards. B. The Town Board shall require groundwater monitoring plans, hydrogeologic studies, and spill containment plans where appropriate. C. All drainage systems shall be designed to prevent contamination of groundwater, tributaries, and Lake George. D. The Town Board shall require post-construction monitoring where warranted by site conditions.

§ 606. SCREENING AND LANDSCAPING

A. Tier 2 Battery Energy Storage Systems shall be screened from adjoining properties and public roadways to the maximum extent reasonably practicable. B. Screening may consist of: (1) Existing vegetation; (2) Supplemental plantings; (3) Berms; (4) Fencing; (5) Architectural screening; or (6) A combination thereof. C. Landscaping shall consist primarily of native species suitable to the Adirondack region. D. Dead or diseased plant material shall be replaced promptly.

§ 607. HEIGHT LIMITATIONS

A. No structure associated with a Tier 2 Battery Energy Storage System shall exceed thirty-five (35) feet in height unless the applicant demonstrates that additional height is necessary for safe operation. B. The Town Board may impose lower height limitations based upon site-specific conditions.

§ 608. FENCING AND SECURITY

A. All Tier 2 Battery Energy Storage Systems shall be enclosed by fencing not less than seven (7) feet in height. B. Gates shall be secured and equipped with locking mechanisms. C. Security measures shall be designed to prevent unauthorized access while allowing emergency access. D. Security fencing shall be designed to minimize visual impacts to the extent reasonably practicable.

§ 609. LIGHTING

A. Lighting shall be limited to the minimum amount necessary for safety and operational purposes. B. All lighting shall be dark-sky compliant, fully shielded, directed downward, and designed to minimize off-site glare. C. Motion-activated security lighting shall be encouraged where feasible.

§ 610. NOISE

A. Noise generated by a Tier 2 Battery Energy Storage System shall not exceed: (1) Forty-five (45) dBA measured using the L_{eq} (one-hour continuous sound level) metric at any non-participating residence; or (2) Fifty (50) dBA measured using the same L_{eq} metric at any property line. B. The Town Board shall require pre-construction noise studies and post-construction testing. C. The applicant shall correct any violation of the noise standards established herein.

§ 611. SIGNAGE

A. Signage shall comply with all applicable safety requirements. B. Signage shall identify: (1) Emergency contact information; (2) System hazards; (3) Emergency shutdown

procedures; and (4) Hazardous material information where applicable. C. Advertising signs shall be prohibited.

§ 612. VISUAL IMPACTS

A. The Town Board shall consider visual impacts upon public roads, Lake George, public recreational areas, historic resources, and scenic vistas. B. The Town Board may require visual simulations, photo renderings, or other visual impact assessments. C. The Town Board may require design modifications to reduce visual impacts.

§ 613. ARCHITECTURAL COMPATIBILITY

A. The Town Board may require structures associated with Tier 2 Battery Energy Storage Systems to utilize colors, materials, and design features compatible with the surrounding area. B. The Town Board may encourage building designs that resemble traditional agricultural, commercial, or municipal structures commonly found within the Town of Putnam and the Adirondack Park. C. Architectural treatment shall not interfere with fire safety or operational requirements.

§ 614. GENERAL PERFORMANCE STANDARD

No Tier 2 Battery Energy Storage System shall be approved unless the Town Board determines that the facility can be constructed, operated, and maintained in a manner that adequately protects: A. Public health and safety; B. Lake George and its watershed; C. Groundwater resources; D. Neighboring properties; E. Community character; and F. Environmental resources within the Town of Putnam.

ARTICLE VII: FIRE SAFETY AND EMERGENCY RESPONSE REQUIREMENTS

§ 701. PURPOSE

The purpose of this Article is to establish fire safety, emergency response, and hazardous materials requirements applicable to Tier 2 Battery Energy Storage Systems in order to protect public health, safety, and welfare and to ensure that emergency responders possess sufficient information, access, and resources to respond effectively to emergencies involving Battery Energy Storage Systems.

§ 702. COMPLIANCE WITH FIRE SAFETY STANDARDS

A. All Tier 2 Battery Energy Storage Systems shall comply with: (1) The New York State Uniform Fire Prevention and Building Code; (2) The National Fire Protection Association (NFPA) standards applicable to Battery Energy Storage Systems; (3) UL 9540 and UL 9540A standards; (4) Applicable provisions of the National Electrical Code; and (5) Any additional

fire safety requirements imposed by the Town Board. B. Equipment shall be listed and certified by a Nationally Recognized Testing Laboratory.

§ 703. FIRE SAFETY COMPLIANCE PLAN

A. Every application for a Tier 2 Battery Energy Storage System shall include a Fire Safety Compliance Plan. B. The Fire Safety Compliance Plan shall include: (1) Identification of all battery technologies proposed for use; (2) Identification of hazardous materials associated with the facility; (3) Fire suppression systems; (4) Detection and monitoring systems; (5) Emergency shut-down procedures; (6) Isolation procedures; (7) Thermal runaway mitigation measures; (8) Site access provisions for emergency responders; (9) Emergency contact information; and (10) Such other information as the Town Board may require.

§ 704. EMERGENCY OPERATIONS PLAN

A. Every Tier 2 Battery Energy Storage System shall maintain an Emergency Operations Plan approved by the Town Board. B. The Emergency Operations Plan shall include: (1) Emergency notification procedures; (2) Fire response procedures; (3) Explosion response procedures; (4) Hazardous material release procedures; (5) Evacuation procedures; (6) Emergency shut-down procedures; (7) Procedures for handling damaged batteries; (8) Procedures for post-incident remediation; and (9) Twenty-four-hour emergency contact information. C. Copies of the Emergency Operations Plan shall be provided to: (1) The Town of Putnam; (2) The Putnam Volunteer Fire Department; (3) Washington County Emergency Services; and (4) Any other agency designated by the Town Board.

§ 705. FIRE DEPARTMENT CONSULTATION

A. Prior to approval of any Tier 2 Battery Energy Storage System, the applicant shall consult with the Putnam Volunteer Fire Department. B. The Town Board shall request written comments from the Putnam Volunteer Fire Department concerning: (1) Emergency access; (2) Water supply availability; (3) Fire suppression concerns; (4) Training requirements; (5) Equipment requirements; and (6) Site-specific risks. C. Such comments shall be carefully considered by the Town Board prior to the issuance of any license.

§ 706. EMERGENCY ACCESS

A. Adequate emergency vehicle access shall be provided at all times. B. Access roads shall be designed to accommodate fire apparatus and emergency vehicles. C. Access roads shall remain unobstructed and maintained throughout the life of the facility. D. The owner shall be responsible for snow removal and maintenance of emergency access routes.

§ 707. WATER SUPPLY AND FIRE SUPPRESSION

A. The Town Board shall require a demonstration that adequate water supplies exist to address a fire or emergency involving the facility. B. The Town Board may require dry hydrants, cisterns, storage tanks, drafting points, or other fire suppression infrastructure where appropriate. C. The applicant shall identify all available water sources within one mile of the facility.

§ 708. FIRE WATER AND THERMAL RUNOFF CONTAINMENT

A. Any Tier 2 Battery Energy Storage System shall include a professionally engineered fire-water and thermal containment plan prepared by a licensed professional engineer. B. The system must utilize a closed-loop or zero-runoff retention design (such as lined containment vaults, diversion structures, or underground storage systems) engineered to capture 100% of the maximum calculated volume of water, chemical suppressants, and cooled runoff generated during a prolonged fire suppression or thermal runaway event, preventing any discharge into the soil, groundwater, or the Lake George watershed.

§ 709. TRAINING REQUIREMENTS

A. The owner or operator shall provide and fund annual training concerning facility-specific emergency response procedures. B. Such training shall be made available without cost to: (1) The Putnam Volunteer Fire Department; (2) Washington County Emergency Services personnel; and (3) Other emergency responders designated by the Town Board. C. Training materials shall be updated whenever significant modifications are made to the facility.

§ 710. INSPECTIONS

A. The Town Board, Compliance Officer, and emergency officials may conduct inspections to ensure continued compliance with this Article. B. The owner shall provide access to all areas of the facility reasonably necessary for inspection. C. Refusal to permit inspection shall constitute a violation of this Local Law and cause for license suspension.

§ 711. EMERGENCY CONTACTS

A. Current emergency contact information shall be maintained on-site at all times. B. The owner shall designate at least two emergency contacts available twenty-four (24) hours per day. C. Emergency contact information shall be updated within ten (10) days of any change.

§ 712. OPERATIONAL MONITORING

A. Tier 2 Battery Energy Storage Systems shall continuously monitor: (1) Temperature; (2) Voltage; (3) Fire detection systems; and (4) Hazardous operating conditions. B. Monitoring systems shall be capable of providing immediate, automated notification of emergency conditions to Washington County 911 Dispatch and designated facility personnel.

§ 713. TOWN BOARD FINDINGS

No Tier 2 Battery Energy Storage System shall be approved unless the Town Board determines that: A. Adequate emergency response capabilities exist; B. Fire risks have been adequately mitigated; C. Appropriate containment measures have been established; D. Emergency responders have sufficient access to information and training; and E. The facility can be operated in a manner that protects public health, safety, and environmental resources.

ARTICLE VIII: DECOMMISSIONING AND FINANCIAL SECURITY

§ 801. PURPOSE

The purpose of this Article is to ensure that Tier 2 Battery Energy Storage Systems are properly removed at the end of their useful lives and that sufficient financial security exists to protect the Town of Putnam and its taxpayers from bearing any costs associated with decommissioning, removal, site restoration, or environmental remediation.

§ 802. DECOMMISSIONING PLAN REQUIRED

A. Every application for a Tier 2 Battery Energy Storage System shall include a Decommissioning Plan prepared by a qualified professional. B. The Decommissioning Plan shall identify: (1) All major equipment and infrastructure to be removed; (2) Removal methods; (3) Disposal and recycling methods; (4) Transportation procedures; (5) Site restoration procedures; (6) Estimated decommissioning costs; and (7) Proposed financial security.

§ 803. DECOMMISSIONING OBLIGATIONS

Upon decommissioning, the owner shall remove: A. Battery modules and battery packs; B. Containers and enclosures; C. Transformers and switchgear; D. Electrical equipment; E. Foundations extending more than four (4) feet below grade; F. Fencing and security structures; G. Accessory structures; H. Hazardous materials; and I. Any other equipment associated with the facility.

§ 804. SITE RESTORATION

Following removal of the facility, the owner shall: A. Restore disturbed areas to a safe and stable condition; B. Remove debris and construction materials; C. Regrade disturbed areas; D. Stabilize soils and prevent erosion; E. Restore drainage patterns to the extent reasonably practicable; F. Reestablish vegetative cover using native species suitable to the Adirondack region; and G. Remedy environmental contamination caused by the facility.

§ 805. ABANDONMENT

A. A Tier 2 Battery Energy Storage System shall be deemed abandoned if: (1) It ceases operation for twelve (12) consecutive months; or (2) The owner states in writing that the facility has been permanently retired. B. Temporary interruptions caused by maintenance, repairs, equipment replacement, casualty losses, or force majeure shall not constitute abandonment. C. The owner shall notify the Town Board within thirty (30) days after permanent cessation of operations.

§ 806. DECOMMISSIONING DEADLINE

A. Decommissioning shall commence within six (6) months after abandonment. B. Decommissioning shall be completed within twelve (12) months after abandonment unless extended by the Town Board for good cause shown.

§ 807. FINANCIAL SECURITY REQUIRED

A. Prior to the local activation of any Tier 2 license, the applicant shall provide financial security acceptable to the Town Board. B. Acceptable forms of security may include an Irrevocable Letter of Credit or a Cash Escrow account maintained by the Town. C. Financial security shall be maintained continuously throughout the life of the facility.

§ 808. AMOUNT OF FINANCIAL SECURITY

A. The amount of financial security shall equal one hundred twenty-five percent (125%) of the gross estimated decommissioning cost. B. Estimated costs shall be prepared by a qualified professional retained by the applicant and reviewed by independent consultants retained by the Town. C. Salvage value shall not be deducted from decommissioning cost estimates.

§ 809. PERIODIC REVIEW AND INFLATION ADJUSTMENT

A. Every five (5) years, the owner shall submit an updated decommissioning cost estimate. B. The Town Board shall require additional reviews and adjustments to the financial security instrument to account for inflation, technological shifts, or disposal cost changes. C. Financial security shall be adjusted upward within thirty (30) days of notice to maintain compliance with this Article.

§ 810. FAILURE TO DECOMMISSION

A. If the owner fails to complete decommissioning within the time required by this Article, the Town Board may: (1) Enter the property; (2) Perform or contract for decommissioning activities; (3) Draw upon the financial security; and (4) Recover all costs incurred by the Town. B. Any costs not covered by financial security shall remain the joint and several responsibility of the owner and operator.

§ 811. ACCESS TO FINANCIAL SECURITY

The financial security instrument shall expressly authorize the Town of Putnam to draw upon the security upon a determination by the Town Board that: A. The facility has been abandoned; and B. The owner has failed to comply with the decommissioning requirements of this Local Law.

§ 812. TRANSFER OF OWNERSHIP

A. Any successor owner shall assume all obligations imposed by this Article. B. Financial security shall remain in full effect notwithstanding any transfer of ownership or operation. C. No transfer shall be effective unless the successor owner demonstrates continued compliance with this Article and updates the financial security instrument in the name of the new entity.

§ 813. ENVIRONMENTAL REMEDIATION

Nothing contained herein shall limit the authority of the Town Board to require remediation of environmental contamination resulting from the construction, operation, failure, or decommissioning of a Battery Energy Storage System. Such remediation obligations shall be in addition to the decommissioning requirements imposed by this Article.

§ 814. TOWN BOARD FINDINGS

No Tier 2 Battery Energy Storage System shall be approved unless the Town Board determines that adequate financial security exists to ensure complete decommissioning and restoration of the project site without expense to the taxpayers of the Town of Putnam.

ARTICLE IX: APPLICATION ESCROW AND PROFESSIONAL REVIEW

§ 901. PURPOSE

The purpose of this Article is to ensure that applicants for Tier 2 Battery Energy Storage Systems bear the costs associated with professional review of their applications and that the Town of Putnam and its taxpayers are not required to subsidize the review, permitting, monitoring, or enforcement of privately owned Battery Energy Storage Systems.

§ 902. AUTHORITY TO RETAIN CONSULTANTS

A. The Town Board may retain such professional consultants as it deems reasonably necessary to review any application submitted pursuant to this Local Law.

B. Such consultants may include: Professional engineers; Environmental consultants; Hydrogeologists; Fire protection consultants; Emergency response consultants; Land use

planners; Attorneys; Financial consultants; Appraisers; and such other experts as the Town Board determines are reasonably necessary.

§ 903. INITIAL ESCROW DEPOSIT

A. At the time of application, the applicant shall deposit with the Town an initial escrow amount established by resolution of the Town Board.

B. The Town Board may establish different escrow amounts based upon project size, project complexity, anticipated review costs, and potential environmental impacts.

C. The initial escrow shall be held in a segregated account maintained by the Town.

§ 904. ADDITIONAL ESCROW DEPOSITS

A. If the Town Board determines that the escrow account contains insufficient funds to cover anticipated review costs, the applicant shall deposit such additional sums as may reasonably be required.

B. Failure to replenish escrow funds within thirty (30) days after written notice shall constitute grounds for the immediate issuance of a Stop Work Order by the Compliance Officer, or an administrative stay of all application and procedural review timelines. No permit or approval shall be issued, and no scheduled public hearing shall proceed, while an escrow deficiency exists. Revocation of prior approvals for non-payment shall only occur following notice and a formal due process hearing before the Town Board.

C. No application shall be deemed complete while required escrow deposits remain unpaid.

§ 905. AUTHORIZED USE OF ESCROW FUNDS

Escrow funds may be utilized to reimburse the Town for reasonable costs incurred in connection with:

A. Engineering review;

B. Environmental review;

C. Hydrogeologic review;

D. Fire safety review;

E. Emergency response review;

F. Legal review;

G. Financial review;

- H. Site inspections;
- I. Peer review of applicant submissions;
- J. SEQRA review;
- K. Enforcement activities related to application review;
- L. Preparation of permit conditions.

§ 906. ACCOUNTING

- A. The Town shall maintain records of expenditures made from escrow accounts.
- B. Upon written request, the applicant shall be provided with a summary of expenditures.
- C. Professional invoices may be reviewed by the applicant, subject to redaction of privileged attorney-client communications and attorney work product.

§ 907. RETURN OF UNUSED FUNDS

- A. Upon final completion of the application review process and payment of all outstanding charges, any remaining escrow funds shall be returned to the applicant.
- B. The Town may retain sufficient funds to satisfy outstanding invoices not yet received at the time the application review is concluded.

§ 908. POST-APPROVAL ESCROW

- A. The Town Board shall require establishment of a continuing escrow account following project approval.
- B. Such escrow shall be utilized to reimburse the Town for: Compliance inspections; Monitoring activities; Independent testing; Enforcement actions; Review of modifications; and Review of ownership transfers.
- C. The amount of any post-approval escrow shall be reasonably related to anticipated costs.

§ 909. DISPUTED CHARGES

- A. An applicant disputing a professional charge shall submit written objections to the Town Board within thirty (30) days after receipt of notice.
- B. The filing of objections shall not excuse compliance with escrow replenishment requirements.

C. The Town Board shall determine whether the challenged charge was reasonably and necessarily incurred in accordance with applicable New York State legal standards. The Town Board's audit shall verify that expenditures reflect standard regional rates for equivalent professional services.

D. The determination of the Town Board shall constitute a final administrative determination for purposes of exhausting administrative remedies.

§ 910. REIMBURSEMENT OF EXTRAORDINARY COSTS

A. If the Town incurs extraordinary costs associated with emergency response planning, environmental review, litigation, technical review or other project-related activities, the Town Board may require reimbursement by the applicant.

B. Such costs shall be limited to those reasonably related to the proposed Battery Energy Storage System.

§ 911. CONDITION OF APPROVAL

Compliance with this Article shall constitute a continuing condition of every approval issued pursuant to this Local Law. Failure to maintain required escrow deposits shall constitute grounds for the enforcement procedures, stays, and stop work orders detailed in § 904 of this Article.

§ 912. TOWN BOARD FINDINGS

The Town Board finds that Battery Energy Storage Systems present highly technical issues requiring specialized expertise and that it is reasonable and necessary for applicants, rather than taxpayers, to bear the costs of professional review and oversight associated with such projects.

ARTICLE X: ADMINISTRATION, ENFORCEMENT AND PENALTIES

§ 1001. PURPOSE

The purpose of this Article is to establish procedures for administration and enforcement of this Local Law and to provide remedies and penalties for violations thereof.

§ 1002. ADMINISTRATION

A. The Town Board shall have primary responsibility for administration of this Local Law.

B. The Compliance Officer shall assist the Town Board in administering and enforcing the provisions of this Local Law.

C. The Town Board may adopt forms, procedures, application requirements and administrative rules necessary to implement this Local Law.

D. The Town Board may delegate ministerial functions to the Compliance Officer.

§ 1003. RIGHT OF ENTRY AND INSPECTION

A. The Compliance Officer, members of the Town Board and authorized consultants retained by the Town may enter and inspect any Battery Energy Storage System at reasonable times upon reasonable notice to verify operational compliance.

B. In the event of an active emergency presenting an imminent threat to public health, safety, or welfare (including, but not limited to, an active fire, thermal runaway event, or uncontained chemical release), Town emergency personnel and authorized officials may enter the premises immediately and without prior notice. For non-emergency administrative compliance checks, if entry or consent is refused, the Compliance Officer is authorized to apply to a court of competent jurisdiction for an administrative search warrant.

C. Owners and operators shall provide access reasonably necessary to determine compliance with this Local Law and any permit conditions.

D. Refusal to permit lawful inspection shall constitute a distinct violation of this Local Law.

§ 1004. OPERATIONAL REPORTS

A. The Town Board shall require owners and operators of Tier 2 Battery Energy Storage Systems to submit annual reports demonstrating compliance with this Local Law.

B. Annual reports shall include: Operational status; Maintenance records; Inspection records; Emergency response incidents; Environmental monitoring results; Changes in ownership or operation; and Insurance certifications.

C. Reports shall be submitted in a form approved by the Town Board.

§ 1005. NOTICE OF VIOLATION

A. Whenever the Town Board or Compliance Officer determines that a violation of this Local Law exists, a written Notice of Violation may be issued.

B. The Notice of Violation shall: Identify the nature of the violation; Identify the corrective action required; Establish a reasonable time for correction; and Advise the recipient of potential administrative, civil, or criminal penalties.

C. Service may be made personally or by certified mail.

§ 1006. STOP WORK ORDERS

A. The Town Board or Compliance Officer may issue a Stop Work Order whenever construction, installation, operation, or modification is occurring in violation of this Local Law or any permit condition.

B. Upon issuance of a Stop Work Order, all specified work or operations shall immediately cease except work expressly authorized to correct unsafe or non-compliant conditions.

C. A Stop Work Order shall remain in effect until rescinded in writing by the Town Board or Compliance Officer.

§ 1007. SUSPENSION OR REVOCATION OF APPROVALS

A. The Town Board may suspend or revoke any approval issued pursuant to this Local Law after notice and an opportunity to be heard if: Material misrepresentations were made in an application; A permit condition has been violated; The facility presents a threat to public health or safety; The owner fails to maintain required financial security; The owner fails to maintain required insurance; or The owner fails to comply with this Local Law.

B. Revocation shall not relieve the owner or operator of any obligation to safely decommission the facility.

§ 1008. PENALTIES FOR VIOLATION

A. Pursuant to New York State Town Law § 268, any person, firm, or corporation who violates, disobeys, or refuses to comply with any provision of this Local Law shall, upon conviction thereof in a proceeding before the Town Justice Court, be guilty of an unclassified misdemeanor, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00) per day.

B. Each day a violation continues shall constitute a separate and distinct offense.

C. Alternatively, or concurrently with the criminal penalties set forth above, the Town may maintain a civil action or proceeding in a court of competent jurisdiction to compel compliance, restrain violations, or recover civil penalties in the amount of One Thousand Dollars (\$1,000.00) per day for each violation.

§ 1009. INJUNCTIVE RELIEF

In addition to any other remedy available under law, the Town Board may commence an action or proceeding in a court of competent jurisdiction to: Prevent violations; Restrain unlawful activity; Require compliance with permit conditions; Compel removal of unlawfully installed facilities; or Compel decommissioning of abandoned facilities.

§ 1010. EMERGENCY ORDERS

A. Whenever the Town Board determines that a Battery Energy Storage System presents an imminent threat to public health, safety, welfare, property or environmental resources, the Town Board may issue an Emergency Order.

B. An Emergency Order may require: Immediate cessation of operations; Emergency repairs; Temporary shutdown; Emergency stabilization measures; or Emergency environmental protection measures.

C. Emergency Orders shall remain effective until the dangerous condition has been corrected and verified by the Town.

§ 1011. RECOVERY OF COSTS

A. The Town shall be entitled to recover all reasonable costs incurred in enforcing this Local Law.

B. Recoverable costs include: Engineering expenses; Environmental consultant expenses; Hydrogeologic consultant expenses; Fire safety consultant expenses; Legal expenses; Inspection expenses; Emergency response expenses; and Remediation expenses.

C. Such costs may be recovered through legal action or by drawing upon available financial security or decommissioning bonds.

§ 1012. CUMULATIVE REMEDIES

The remedies provided by this Local Law shall be cumulative and not exclusive. The exercise of any one remedy shall not preclude the Town from pursuing any other remedy authorized by law or equity.

§ 1013. NO TOWN LIABILITY

Approval of a Battery Energy Storage System pursuant to this Local Law shall not create any liability upon the Town of Putnam, its officers, employees, agents, consultants or representatives. Neither the issuance of a permit nor the inspection of a facility shall constitute a representation, warranty or guarantee concerning the safety or performance of the facility.

§ 1014. CONTINUING OBLIGATION

Compliance with this Local Law and all permit conditions shall constitute a continuing obligation of every owner and operator of a Battery Energy Storage System. Failure to comply with such obligations shall constitute grounds for immediate enforcement action under this Article.

ARTICLE XI: INSURANCE AND INDEMNIFICATION

§ 1101. PURPOSE

The purpose of this Article is to ensure that owners and operators of Tier 2 Battery Energy Storage Systems maintain adequate financial resources to respond to claims arising from the construction, operation, maintenance, failure, abandonment or decommissioning of such facilities and to protect the Town of Putnam and its taxpayers from liability associated with privately owned Battery Energy Storage Systems.

§ 1102. INSURANCE REQUIRED

A. As a condition of approval and throughout the operational life and decommissioning phase of a Tier 2 Battery Energy Storage System, the owner and operator shall maintain insurance coverage meeting the requirements of this Article.

B. Evidence of insurance shall be submitted to the Town Board prior to commencement of construction and annually thereafter.

C. All insurance shall be issued by companies authorized to conduct business within the State of New York and possessing an A.M. Best rating of A- or better, or equivalent financial rating acceptable to the Town Board.

§ 1103. COMMERCIAL GENERAL LIABILITY INSURANCE

A. The owner and operator shall maintain Commercial General Liability Insurance with limits of not less than \$5,000,000 per occurrence and \$10,000,000 aggregate.

B. Coverage shall include: Bodily injury; Property damage; Personal injury; Contractual liability; and Products and completed operations liability.

§ 1104. ENVIRONMENTAL IMPAIRMENT INSURANCE

A. Environmental Impairment Liability (EIL) Insurance shall be mandatory for all approved Tier 2 Battery Energy Storage Systems to safeguard against chemical releases, thermal runaway contaminants, and groundwater impacts.

B. Such insurance shall provide explicit coverage for: Hazardous material releases; Groundwater contamination; Surface water contamination; Environmental remediation costs; and Third-party claims arising from environmental or chemical damage.

C. The minimum limits of such coverage shall be not less than \$5,000,000 per occurrence, which may be scaled upward by the Town Board based upon the megawatt-hour (MWh) storage capacity, technology choice, or localized environmental sensitivity of the facility.

§ 1105. PROPERTY INSURANCE

The owner shall maintain insurance covering damage to the Battery Energy Storage System and associated improvements in amounts reasonably sufficient to repair or replace the facility, ensuring that damaged assets do not result in blighted or abandoned conditions.

§ 1106. ADDITIONAL INSURED STATUS

A. The Town of Putnam, its officers, employees, agents, consultants and representatives shall be named as additional insureds under all liability policies required by this Article.

B. Such coverage shall be primary and non-contributory with respect to any insurance maintained by the Town.

§ 1107. CERTIFICATES OF INSURANCE

A. Certificates of Insurance and endorsements required by this Article shall be filed with the Town Clerk.

B. Certificates shall provide that no policy may be canceled, materially modified or allowed to expire without at least thirty (30) days' prior written notice to the Town.

C. Failure to maintain required insurance shall constitute an immediate violation of this Local Law and cause for suspension of operating approvals.

§ 1108. INDEMNIFICATION

A. The owner and operator of every Tier 2 Battery Energy Storage System shall jointly and severally defend, indemnify and hold harmless the Town of Putnam, the Town Board, the Compliance Officer, the Town Clerk, and all Town officers, employees, consultants, agents, and representatives from and against any and all claims, demands, causes of action, damages, losses, liabilities, judgments, penalties, costs and expenses (including reasonable attorneys' fees) arising out of or relating to: the application, construction, operation, maintenance, or failure of the facility; fire, explosion, or thermal runaway events; hazardous material releases; environmental contamination; decommissioning activities; or violations of any permit condition or this Local Law.

B. This indemnification obligation shall survive the transfer of ownership, expiration of permits, termination of operations, or decommissioning of the facility.

§ 1109. DEFENSE OF CLAIMS

A. Upon written notice from the Town, the owner or operator shall promptly assume the defense of any claim subject to the indemnification provisions of this Article.

B. If the owner or operator fails to assume such defense, the Town may undertake the defense and recover all costs, including attorneys' fees, from the owner, operator, or available financial security.

§ 1110. NO LIMITATION OF LIABILITY

The insurance and indemnification requirements established by this Article shall not be construed to limit the liability of any owner, operator, contractor, manufacturer or other responsible party.

§ 1111. FAILURE TO MAINTAIN INSURANCE

A. Failure to maintain insurance required by this Article shall constitute immediate grounds for: Suspension of permits; Revocation of approvals; Issuance of stop work orders; and enforcement proceedings.

B. Operations shall be suspended immediately until proof of compliant insurance has been restored and accepted by the Town Board.

§ 1112. CONTINUING CONDITION OF APPROVAL

Compliance with this Article shall constitute a continuing condition of every approval issued pursuant to this Local Law. Failure to maintain insurance or comply with indemnification obligations shall constitute a severe violation of this Local Law.

ARTICLE XII: EXISTING FACILITIES, TRANSFERS AND MODIFICATIONS

§ 1201. PURPOSE

The purpose of this Article is to establish procedures governing existing Battery Energy Storage Systems, modifications to approved facilities, transfers of ownership and operational changes occurring after project approval.

§ 1202. EXISTING FACILITIES

A. Battery Energy Storage Systems lawfully existing on the effective date of this Local Law shall be deemed lawful pre-existing facilities.

B. Nothing contained herein shall require removal or modification of a lawful pre-existing facility solely because of the adoption of this Local Law.

C. Existing facilities shall remain subject to all applicable provisions of state and federal law, permit conditions, and fire and safety requirements.

§ 1203. CONTINUED MAINTENANCE

Routine maintenance, repair and replacement of components shall not require amendment of approvals issued pursuant to this Local Law provided that:

- A. No increase in storage capacity occurs;
- B. No increase in facility footprint occurs;
- C. No material change in chemistry or operations occurs.

§ 1204. MODIFICATIONS REQUIRING APPROVAL

- A. The following modifications shall require prior approval from the Town Board: Expansion of facility boundaries; Increase in battery storage capacity; Addition of battery technologies or chemistries not previously approved; Material modification of emergency response systems; Material modification of stormwater facilities; Modification of approved screening or landscaping; or any modification that may increase environmental impacts.
- B. The Town Board may determine whether a proposed change constitutes a material modification requiring formal approval under this Article.

§ 1205. PROCEDURE FOR MODIFICATIONS

- A. Applications for modification shall be submitted to the Town Board.
- B. The Town Board may require updated engineering reports, updated environmental review, updated fire safety plans, supplemental studies, and public hearings where warranted.
- C. The Town Board may approve, approve with conditions, or deny any modification request.

§ 1206. TRANSFER OF OWNERSHIP OR OPERATIONAL CONTROL

- A. No permit, approval, or facility operating rights issued pursuant to this Local Law shall run to a successor owner or operator unless and until the Town Board explicitly reviews and approves the transfer.
- B. The proposed successor shall submit a comprehensive application for transfer to the Town Board at least forty-five (45) days prior to the intended transfer date, demonstrating full, uninterrupted continuity of the financial security (decommissioning bond) and insurance requirements established under this Local Law.
- C. No transfer shall be effective, and the original permittee shall remain fully liable under all legal and financial provisions, until the Town Board executes a written finding that the

successor has established adequate financial resources, valid proof of insurance, and equivalent operating qualifications.

§ 1207. SUCCESSOR LIABILITY

A. Any approved successor owner or operator shall assume all responsibilities and obligations imposed by: This Local Law; All permits and approvals; All conditions of approval; Any decommissioning obligations; and any financial security requirements.

B. Transfer of ownership shall not extinguish, diminish, or release any obligation or liability imposed by this Local Law.

§ 1208. CHANGE IN OPERATOR

A. The owner shall notify the Town Board within thirty (30) days following any change in the designated facility operator.

B. The notice shall identify: The new operator; Emergency contacts; Responsible operations personnel; and updated Insurance information.

§ 1209. UPDATED CONTACT INFORMATION

Owners and operators shall maintain current, 24-hour emergency contact information with the Town Clerk at all times. Updated information shall be provided within ten (10) days following any change.

§ 1210. COMPLIANCE AUDITS

A. The Town Board may require periodic compliance audits to determine continued adherence to this Local Law, permit conditions, fire safety protocols, environmental standards, and decommissioning readiness.

B. Compliance audits may be performed by independent professional consultants retained by the Town at the owner's sole expense pursuant to the escrow mechanisms of Article IX.

§ 1211. REOPENING OF APPROVALS

A. The Town Board may reopen an active permit or approval if: Material violations are discovered; Material misrepresentations are identified; Significant unmitigated environmental impacts occur; Significant shifts in technology create unanticipated regional risks; or severe public health or safety concerns arise.

B. Prior to reopening an approval, the Town Board shall provide the owner/operator with detailed notice and a formal opportunity to be heard.

§ 1212. NO VESTED RIGHT TO FUTURE MODIFICATIONS

Nothing contained in this Local Law shall be construed as granting a vested right to expand, enlarge, or modify a Battery Energy Storage System without complete review and discretionary approval by the Town Board.

§ 1213. CONTINUING OBLIGATIONS

The obligations imposed by this Local Law shall run with the land and the facility, and shall remain strictly binding upon all future owners, operators, successors, and assigns.

ARTICLE XIII: TRANSITIONAL AND MISCELLANEOUS PROVISIONS

§ 1301. PENDING APPLICATIONS

A. Any application for a Battery Energy Storage System pending before the Town of Putnam on the effective date of this Local Law, and for which no final approval has been issued, shall be reviewed in strict accordance with the provisions of this Local Law.

B. The Town Board may require applicants with pending applications to submit additional information necessary to demonstrate compliance with this Local Law.

C. Time periods established by this Local Law shall commence upon the Town Board's formal determination that a pending application has been supplemented as required and deemed complete.

§ 1302. EXISTING APPROVALS

A. Any Battery Energy Storage System approval lawfully issued prior to the effective date of this Local Law shall remain valid according to its original terms.

B. Any modification, expansion or enlargement of a previously approved Battery Energy Storage System shall be subject to the full provisions of this Local Law.

§ 1303. NO WAIVER OF GOVERNMENTAL AUTHORITY

Nothing contained in this Local Law shall be construed as limiting the statutory authority of the Town Board to enforce any applicable law, protect public health, safety and welfare, respond to emergencies, protect environmental resources, or impose reasonable conditions upon approvals.

§ 1304. RELATIONSHIP TO OTHER LAWS

A. Compliance with this Local Law shall not relieve any person from concurrent compliance with Federal law, New York State law, Adirondack Park Agency (APA) requirements, Lake George Park Commission (LGPC) requirements, or Washington County requirements.

B. Where a project falls within the jurisdiction of the APA or LGPC, the Town's local law review shall proceed concurrently. However, no local building permit, clearing permit, or operational authorization shall be issued by the Town until final, unconditioned permits from those respective state agencies have been filed with the Town Clerk.

C. Where the provisions of this Local Law are more restrictive than those imposed by another law, regulation, or ordinance, the strict provisions of this Local Law shall govern.

§ 1305. NO PRIVATE RIGHT OF ACTION

Nothing contained in this Local Law shall be construed to create any private cause of action against the Town of Putnam, the Town Board, the Compliance Officer, or any Town employee, officer, consultant, or representative.

§ 1306. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or portion of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the specific provision directly involved in the controversy. The Town Board hereby declares that it would have adopted this Local Law even if such invalid provision had not been included.

§ 1307. SUPERSESSSION

To the extent permitted by the Municipal Home Rule Law and other applicable provisions of New York law, this Local Law shall supersede any inconsistent local law, ordinance, resolution, rule or regulation of the Town of Putnam.

§ 1308. EFFECTIVE DATE

This Local Law shall take effect immediately upon formal filing with the New York State Secretary of State pursuant to Municipal Home Rule Law § 27.