

**Town of Genesee
Little Genesee, NY 14754
Regular Board Meeting
September 15, 2026**

ATTENDANCE: Supervisor Alexander Smith, Councilperson Loren Miller, Town Councilperson Alyn Holcomb, Councilperson Jodi Adams, Council Person Brandy Burdick, Town Clerk Rhonda Faulkner, Highway Superintendent Benjamin Reynolds

Town Residents:

This meeting was brought to order by Supervisor Alexander Smith at 6:00 p.m.

Supervisor Smith appointed Brandy Burdick to the Town Board. Oath of Office was given by Town Clerk Faulkner.

Floor Permission: Supervisor Smith offered the floor to members of the public who wished to speak. No one spoke. One member of the public stated that they were in attendance in regards to the Local Law #1 on the agenda.

REPORTS

- Supervisor's Reports for August 2026.
- Town Clerk Report for the month of August 2026 shows \$312.00 collected. \$269.00 was turned over to the Town Supervisor for the General Fund; \$24.00 was sent to NYS Ag and Markets for dog licenses; \$19.00 was sent to Department of Public Works for Landfill Tickets.
- Petty Cash Report for August 2026 indicates that \$100.00 was available.

Review of Court Fines collected during August 2026 totaled \$774.00

- Code Enforcement MACE Report presented for August 2026.

Motion made by CP Holcomb, 2nd by CP Miller to accept all reports as submitted. Ayes all. Motion carried.

COMMITTEE ASSIGNMENTS & REPORTS

Buildings & Repairs – Holcomb and Smith.

Highway Department- Holcomb and Miller.

Park – Adams and Miller.

Cemeteries – Holcomb and Burdick

TOWN OF GENESEE NEW YORK

LOCAL LAW NO. 1 OF 2026

TEMPORARY MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS (BESS)

SECTION 1. TITLE

This Local Law shall be known as the Temporary Moratorium on Battery Energy Storage Systems Law of the Town of Genesee.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to the New York Municipal Home Rule Law §§10 and 20, including §10(1)(ii)(a)(11), and New York Town Law §130, including subsections (5), (15), and (16), for the protection of public health, safety, and welfare.

SECTION 3. LEGISLATIVE INTENT AND FINDINGS

The Town of Genesee currently lacks zoning and regulatory provisions governing Battery Energy Storage Systems (BESS). BESS facilities present evolving risks including thermal runaway events, prolonged fires, toxic emissions, and explosion hazards. The Town relies on a volunteer fire department with limited staffing, training, and equipment to respond to such incidents. The Town lacks regulations addressing setbacks, hazardous material separation, emergency access, and fire suppression planning. The Planning Board and Town Board have been diligently working on drafting a comprehensive BESS law, including reviewing model laws, consulting with emergency services, and evaluating New York State guidance. Without a moratorium, applications could be submitted and approved under incomplete standards, creating vested rights and irreversible land use impacts. This moratorium is necessary to preserve the status quo and allow sufficient time to adopt proper regulations.

SECTION 4. DEFINITIONS

Battery Energy Storage System (BESS): Any system storing electrical energy using electrochemical batteries, including all associated equipment such as containers, inverters, transformers, control systems, and infrastructure.

SECTION 5. MORATORIUM

No application, permit, approval, site plan, or authorization for the siting, construction, installation, expansion, or operation of any BESS shall be accepted, processed, reviewed, or approved. All pending applications are immediately suspended. No person shall attempt to circumvent this moratorium through phased applications, reclassification, or site preparation activities.

SECTION 6. ENFORCEMENT

The Code Enforcement Officer is authorized to issue Stop Work Orders, revoke permits issued in violation, and initiate enforcement actions, including legal proceedings if necessary.

SECTION 6A. PERMIT INVALIDATION

Any permit issued in violation of this Local Law shall be null and void.

SECTION 6B. STOP WORK PROCEDURES

Upon violation, a written Stop Work Order shall be issued, posted at the site, and served to responsible parties. All work must cease immediately.

SECTION 7. PENALTIES

Violations shall be subject to civil penalties not exceeding \$1,000 per day per violation. Each day constitutes a separate offense. The Town may also seek injunctive relief and recover enforcement costs.

SECTION 8. TERM

This moratorium shall remain in effect for one (1) year.

SECTION 9. EXTENSION

This moratorium may be extended for an additional period not to exceed (1) one year upon resolution of the Town Board, if deemed necessary to complete the drafting and adoption of a BESS law. Such extension shall require a finding that the Planning Board and Town Board have continued to act with due diligence, including drafting, consultation, and documentation in meeting minutes.

SECTION 9A. DUE DILIGENCE

The Town shall continue drafting regulations, consulting emergency services, and documenting all progress in official records.

SECTION 10. SEQR

This action is classified as a Type II Action under SEQR and is not subject to further environmental review.

SECTION 11. CONFLICTS

This Local Law shall prevail over any conflicting provisions.

SECTION 11A. NO VESTED RIGHTS

No vested rights shall accrue during the moratorium period.

SECTION 12. SEVERABILITY

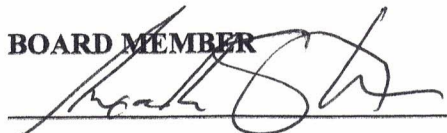
If any provision is invalid, the remainder shall remain in effect

SECTION 13. EFFECTIVE DATE

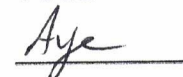
This Local Law shall take effect upon filing with the New York Secretary of State.

ROLL CALL VOTE:

BOARD MEMBER



VOTE



Loren E. Miller
Brady & Boudet
Alma Holt
Jodi Adams

Aye
Aye
Aye
Aye

MOTION BY: Alexander Smith

SECONDED BY: Loren Miller

CERTIFICATION

September 15, 2026 DATE

Rhonda Faulkner

TOWN CLERK

**RESOLUTION AUTHORIZING THE SALE OF
VACANT LAND OFF COUNTY RD 5
IN THE TOWN OF GENESEE, NEW YORK**

WHEREAS, property located off County Route 5 in the Town of Genesee consisting of approximately 0.25 acres of vacant land, which is a portion of the property denoted by Tax ID No. 285.-1-42 and is owned by the Town of Genesee (hereafter “the Property”). See Exhibit A.

WHEREAS, the Town Board of the Town of Genesee has determined that the property is no longer needed by the Town, now or in the future, to serve any municipal purpose.

WHEREAS, the Town Board of the Town of Genesee has determined that the fair market value of the property is \$2,500.00

WHEREAS, the Town Board received a bona fide offer to purchase the property from Hunter Irwin;

WHEREAS, a copy of the Purchase Contract is attached hereto as Exhibit B.

WHEREAS, public hearing was held on September 1, 2026 at 6 o'clock concerning the sale of the property pursuant to Town Law 198 (12).

WHEREAS, on September 1, 2026 the Board determined that the Town would accept the offer attached and outlined in the Purchase Contract attached hereto as Exhibit B.

WHEREAS, the proposed sale is subject to a Public Hearing under Town Law 198(12), and a permissive referendum within thirty (30) days pursuant to Town Law 64(2).

THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Genesee that the property is no longer needed by the Town of Genesee, now or in the future to serve any municipal interest,

BE IT FURTHER RESOLVED, that the fair market value of the property of \$2,500 is hereby accepted.

BE IT FURTHER RESOLVED, that the sale of the said property and acceptance of the attached Contract was approved, and is hereby approved by the Town Board of the Town of Genesee at a meeting held on the 15th day of September 2026 by a unanimous vote of the Town Board.

BE IT FURTHER RESOLVED that the Property shall be sold in an “as in” condition.

BE IT FURTHER RESOLVED, that all seller's costs, fees, including without limitation, surveying costs, TP-584 fees, transfer and recording fees and/or any other cost, fees, or disbursement in connection with this transfer shall be paid in accordance with the Contract attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that the proposed sale as set forth in this resolution subject to a permissive referendum within thirty (3) days pursuant to Town Law 64(2).

BE IT FURTHER RESOLVED, that the Town Clerk shall duly post and publish proper notice setting forth the date of the adoption of the resolution containing an abstract of the resolution in compliance with Town Law 90.

Supervisor Smith made a motion, 2nd by CP Holcomb to approve this resolution.

Roll Call Vote Taken: CP Miller	Aye
CP Burdick	Aye
CP Adams	Aye
Supervisor Smith	Aye

PAYING OF BILLS

_Abstracts totaling \$ 57307.01 were reviewed for paying the Town bills as follows:

Abstract		Voucher Nos.	Abstract Amount	
General Funds	2026	125 - 140	\$	15497.10
Highway Fund	2026 \$	125 - 136	\$	41809.91

Motion made by CP Adams, 2nd by CP Holcomb, to approve the paying of these bills. Ayes all.

Executive Session:

Motion was made by Supervisor Smith and 2nd by CP Adams to go into Executive session to discuss Contract Negotiations.

Time 7:15

Motion was made my Supervisor Smith and 2nd by CP Adams to leave Executive Session and return to Regular Town Board Meeting. Time 7:45.

Motion to adjourn the meeting was made by CP Miller, 2nd by CP Smith. Ayes all.

Meeting was adjourned at 7:50 pm.

Rhonda Faulkner, Town Clerk

Dated: September 15, 2026