

# **Town of Broadalbin**

## **Special Meeting Minutes**

**April 24, 2025**

The 2025 Joint Meeting of the Town of Broadalbin Town Board and Planning Board was held at 6:30 P.M. on Thursday, April 24th, at the Municipal Complex, 201 Union Mills Rd, Broadalbin, NY

**Joseph DiGiacomo, Town Supervisor**, presided.

### **Call to Order**

The meeting was called to order at 6:30 pm.

### **Roll Call**

Supervisor Joseph DiGiacomo -present  
Councilman Doug Kissinger-present  
Councilman Dave Bardascini - present  
Councilman Dave Bogardus-present  
Councilman Rorick –present

### **Planning Board Members**

Guest speaker Attorney Jeffrey Meyer  
Town Attorney Chris Stanyon  
Mike Crispin  
Mike Gallup  
Jim Magiolda  
Jarrod Abrams  
Phil Comini

\*\*\*\***Guest Speaker** Attorney Jeffrey Meyer from the law firm of Meyer, Fuller & Stockwell PLLC, who reviewed our solar regulations, spoke this evening regarding the Solar Energy Facilities Law for the Town of Broadalbin.

The Special Meeting/ Workshop/Joint Town Board and Planning Board meeting met to discuss the draft of the Solar Energy Facilities Law, which was drafted by the Broadalbin Planning Board, with the help of Fulton County Representative for the Town, Scott Henze. Attorney Jeffrey Meyer was asked to speak to both Boards to answer any questions they may have.

The meeting began with introductions of the Town Board and the Planning Board and their opinions of Solar Energy Farms in the Town. Most believed solar energy is here to stay but want to make sure regulations are in place for both the property owner and the neighbor.

Cont.

Other concerns were;

- Contaminates from the solar panels leaching into ground water, lakes and streams
- Enforcement of solar farm regulations such as setbacks and water testing, etc.
- Fees for applications and fines
- Annual wildlife studies
- Power sources
- Tougher regulations on Commercial Solar vs residential

-Discussion continued to move forward with setting a law in place since the Boards have been working and reviewing solar regulations since @ 2022.

On a motion made by Councilman Bogardus to move forward with a Solar Energy Facilities Law this evening.

-This motion was withdrawn because of no second.

On a motion made by Councilman Rorick and seconded by Councilman Bardascini  
A motion to ban all commercial solar projects in the Town of Broadalbin.

Discussion; Supervisor DiGiacomo disagrees with this motion stating landowners have property rights, the asphalt plant was given permission to operate in the Town but not solar ?

VOTE: Bardascini-aye Rorick-aye Bogardus-nay Kissinger-nay DiGiacomo-nay  
\*\*\*\*Motion failed

-Councilman Rorick stated he would like to send the "Rotterdam" Law to the lawyers for review.

-Resident #1 (Eric Rorick) stated there are many restrictions with property now such as septic, etc. He believes there is no benefit to having solar in the Town and enforcing the regulations will be difficult. Clean up fees for solar farms along with contaminants that we don't even know of yet, and may not know for years to come, is a problem. Also stating wells can be contaminated by farms or road salt.

-Supervisor DiGiacomo stated the solar farm on Route 29 put in @ 2016 does not have a Decommission Bond in place. To put a referendum on the ballot allowing or not allowing commercial solar farms would not be fair to property owners who are interested in having a solar farm.

-Resident #2 stated in the Town of Glen where he used to live there was a 2,000 acre solar farm all around him which effected wildlife and property values. He stated if regulations are in place and enforced, he has no problem with them. Also stating wells should be tested by the solar companies annually.

Cont.

Discussion continued on regulations such as solar companies not in compliance where litigation and stiff fines would need to be in place.

-Attorney Jeffrey Meyer stated tonight he wanted to hear what both Boards wanted in their regulations also stating since there isn't any zoning currently in the Town of Broadalbin, as long as permits are in place, enforcement could be feasible with the Town Laws. Solar laws give the Planning Board tools to allow regulating solar farms by permits. If the Town would like to see wildlife surveys, glare restrictions etc. they can be done on a case by case basis prior to a solar company operating. As far as enforcement issues if a company is not complying with Town regulations, a misdemeanor could be issued. He stated he advises a Decommission Bond be in place for every commercial solar farm prior to any construction by an Escrow Deposit. All regulations need to be stated in law just as any other Town Law.

-Attorney Jeffrey Meyer stated a Relief Clause should be stated in a moratorium. As long as meetings continue and progress is being made with the commercial solar regulations, the moratorium can be as long as the Town deems necessary, adding as long as an application isn't present. Our current moratorium will be for three (3) years at present.

-Attorney Jeffrey Meyer stated the Solar Energy Facilities Law should be in final form so a Public Hearing can be scheduled. There will always be a need for amendments to the regulations as time progresses.

-Supervisor DiGiacomo should fines and fees be set annually?

-Attorney Jeffrey Meyer advised to list the fines and fees with violations being charged per day or a stop work order would be issued. Also there should be the application fee set in advance.

-Councilman Rorick inquired would the litigation be the solar company or land owner's responsibility. Also stating he would like to see an Environmental Study to be performed prior to any construction of a commercial solar farm.

-Town Attorney Chris Stanyon, who advised the Town to contact a Solar Lawyer to review our solar regulations, stated he encourages the Town Board to see what we need to change and move forward with the regulations. He thanked Attorney Jeffrey Meyer for coming this evening and for his expertise in this field.

-Attorney Jeffrey Meyer also advised to proceed with an enforcement paragraph stating any site plan fees, waivers, variances are the decision of the Planning Board. Enforcement should be with the Town Code Enforcer or a Town Engineer. Fees should be set annually at the Organizational Meeting held every January with no Pilots at this time, since the Town opted out.

-Attorney Jeffrey Meyer will review the changes for this evening and put them in draft form, then send them to the County. Once in final form the Town can set a Public Hearing for adoption, stating if we go over the date of the Moratorium it can be extended.

Cont.

On a motion made by Councilman Bardascini and seconded by Councilman Rorick  
A motion to pursue with the modifications of Version #2 of the Solar Energy Facilities Law,  
pending Attorney Jeffrey Meyer's recommendations.

Discussion; Councilman Bardascini stated amendments will probably be needed in the future  
and more regulations the better.

-Supervisor DiGiacomo stated restrictive regulations take away the property rights of taxpaying  
individuals. Councilman Bogardus stated he thought it was too wordy and restrictive.

VOTE: Kissinger-aye Bardascini-aye Rorick-aye Bogardus-nay DiGiacomo-nay

(Planning Board opinions but not vote)

Phil Comini-yes Jim Magiolda-yes Mike Gallup-yes Jay Abrams-yes

**Adjournment 8:30 P.M.**

On a motion made by Councilman Bogardus and seconded by Councilman Bardascini  
The April 24, 2025 Special Meeting/Workshop of the Town Board and Planning Board was  
adjourned.

Respectfully Submitted

Cheryl Briggs, Town Clerk