

**EXHIBIT A
TOWN OF BERNE
PROPOSED LOCAL LAW NO. 3 OF 2026**

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2025 TO EXTEND THE TEMPORARY
MORATORIUM ON THE DEVELOPMENT AND CONSTRUCTION OF SOLAR ENERGY
SYSTEMS AND BATTERY ENERGY STORAGE SYSTEMS FOR AN ADDITIONAL SIX
MONTHS**

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

SECTION 1. TITLE.

This Local Law shall be known as the "2026 Solar Energy and Battery Energy Storage System Moratorium Extension Law."

SECTION 2. AUTHORITY.

This Local Law is adopted pursuant to the authority granted to the Town by the New York State Constitution, Municipal Home Rule Law § 10, and Town Law §§ 261 and 264 to protect the public health, safety, and welfare and to regulate land use within the Town.

SECTION 3. LEGISLATIVE FINDINGS AND INTENT.

Local Law No. 1 of 2025 established a twelve-month moratorium on the processing and approval of certain land uses relating to solar energy systems and battery energy storage systems so that the Town could evaluate whether revisions to its land-use regulations were warranted.

Section 4 of Local Law No. 1 of 2025 permits the Town Board to renew the moratorium for a cumulative period of up to twelve additional months. By Resolution No. 35 of 2026, the Town Board exercised six months of that renewal authority and continued the moratorium through November 6, 2026.

The Town Board, with input from the Planning Board and interested members of the public, has continued to identify and evaluate potential amendments addressing solar energy systems and battery energy storage systems. Additional time is reasonably necessary for the Town Board and its consultants to complete that review, prepare proposed legislation, obtain required referrals and environmental review, conduct a public hearing, and consider adoption of appropriate permanent regulations.

The Town Board finds that allowing the moratorium to lapse before this work is completed could permit applications to proceed under regulations previously found not to address adequately the land-use and public-safety concerns identified in Local Law No. 1 of 2025. The Board therefore finds that a final six-month extension is necessary, reasonable, and consistent with the purpose and renewal limit of Local Law No. 1 of 2025.

SECTION 4. EXTENSION OF MORATORIUM.

Section 4 of Local Law No. 1 of 2025 is hereby amended by adding the following paragraph:

Following the six-month extension approved by Resolution No. 35 of 2026, the moratorium imposed by this Local Law is hereby extended, without interruption, for one additional and final six-month period. The moratorium shall remain in full force and effect through and including May 6, 2027, unless sooner repealed by the Town Board. This extension, together with the prior extension, does not exceed the cumulative twelve-month renewal period authorized by this Section.

SECTION 5. CONTINUATION OF EXISTING TERMS.

Except for the extension expressly provided in Section 4 of this Local Law, all definitions, prohibitions, requirements, and other provisions of Local Law No. 1 of 2025 shall continue unchanged and remain in full force and effect during the extension period.

SECTION 6. SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this Local Law is adjudged by a court of competent jurisdiction to be invalid or unconstitutional, that judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, section, or part directly involved in the controversy in which the judgment was rendered.

SECTION 7. EFFECTIVE DATE.

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