

SEPTEMBER 9, 2026

**RESOLUTION NO. 72 OF 2026
INTRODUCING PROPOSED LOCAL LAW NO. 3 OF 2026, DIRECTING REFERRAL
AND NOTICE, AND SCHEDULING A PUBLIC HEARING**

Offered by _____; seconded by _____:

WHEREAS, Local Law No. 1 of 2025 established a temporary moratorium on the processing and approval of certain land uses relating to solar energy systems and battery energy storage systems within the Town of Berne; and

WHEREAS, Section 4 of Local Law No. 1 of 2025 authorizes renewal of the moratorium for a cumulative period of up to twelve additional months; and

WHEREAS, by Resolution No. 35 of 2026, the Town Board extended the moratorium for six months through November 6, 2026, leaving authority for one final six-month extension; and

WHEREAS, the Town Board and its consultants require additional time to complete their review and consideration of potential amendments to the Town's regulations governing solar energy systems and battery energy storage systems, and the Board finds that allowing the moratorium to lapse before that work is completed could undermine the purposes for which Local Law No. 1 of 2025 was adopted; and

WHEREAS, a proposed local law extending the moratorium, without interruption, through and including May 6, 2027 has been presented to the Town Board; and

WHEREAS, the Town Board intends to follow the procedures applicable to the adoption of a local law amending interim zoning regulations, including Municipal Home Rule Law § 20, Town Law § 264, and General Municipal Law § 239-m; and

WHEREAS, by separate resolution adopted on September 9, 2026, the Town Board classified the Proposed Local Law as a Type II action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED, that Proposed Local Law No. 3 of 2026, in the form attached to this Resolution as Exhibit A, is hereby introduced for consideration by the Town Board; and

BE IT FURTHER RESOLVED, that the Town Clerk shall distribute and place the Proposed Local Law upon the desks or tables of the members of the Town Board in the manner required by Municipal Home Rule Law § 20(4); and

BE IT FURTHER RESOLVED, that a public hearing on the Proposed Local Law shall be held on October 14, 2026 at 6:30 p.m., or as soon thereafter as the matter may be heard, at the Berne Community & Senior Services Building, 1360 Helderberg Trail, Berne, New York 12023, at which time all persons interested shall be given an opportunity to be heard; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause notice of the public hearing to be published at least once in The Altamont Enterprise, the official newspaper of the Town, not less than ten days before the public hearing, and shall post the notice on the Town signboard and website in accordance with the Town's customary practice; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide, not less than ten days before the public hearing, all written notices required by Town Law § 264(2); and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to transmit a full statement of the proposed action, including the complete text of the Proposed Local Law and all required supporting materials, to the Albany County Planning Board for review pursuant to General Municipal Law § 239-m, and to request an expedited recommendation; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a roll-call vote, which resulted as follows:

DULY ADOPTED by the Town Board of the Town of Berne at a regular meeting held on _____, 2026, upon a motion by _____, seconded by _____, and carried by the following vote:

Affirmative:

Negative:

Affirmative Vote Tally: _____ **Negative Vote Tally:** _____ **Abstain:** _____

Adopted this _____ **day of** _____, **2026**

I, Kristin De Oliveira, Town Clerk of the Town of Berne, do hereby certify that Resolution 69 of 2026 was passed at a meeting of the Town of Board on _____ of 2026.

In affirmation thereof, I hereto set my hand and affix The Seal of the Town of Berne this _____ day of _____, 2026.

Kristin De Oliveira, Town Clerk

**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.