

**TOWN BOARD WORK SESSION**

**March 26, 2026**

**6:00pm**

**Call to Order**

Supervisor Holdridge called the Town Board meeting to order at 6:00pm.

**Attendance**

Town Clerk Zappala called the roll:

- Supervisor Holdridge: Present
- Council Member Becker: Present
- Council Member Cassara: Present
- Council Member Courtenay: Present
- Council Member Diffley: Present

**Determination of Quorum:** Yes X No \_\_\_\_\_

Also Present: Attorney Cassidy

**Pledge of Allegiance**

All present stood for the Pledge of Allegiance.

**EXECUTIVE SESSION – LITIGATION**

The Board entered into executive session to discuss litigation and later returned to open session.

**MOTION BY** Council Member Courtenay and second by Council Member Diffley to enter into Executive Session at 6:02pm on a matter of litigation.

**VOTE: AYES(5): Holdridge, Becker, Cassara, Courtenay, Diffley** **ADOPTED**

**MOTION BY** Council Member Courtenay and second by Council Member Becker to adjourn the Executive Session at 6:20pm.

**VOTE: AYES(5): Holdridge, Becker, Cassara, Courtenay, Diffley** **ADOPTED**

**Special Statement Regarding Highway Superintendent John Riley**

Town Attorney Elizabeth Cassidy addressed the Board, stating that Highway Superintendent John Riley, an elected official, had been convicted that afternoon by a jury in Orange County Criminal Court on multiple felony counts, specifically two counts of assault and nine weapons charges.

Attorney Cassidy cited Public Officers Law § 30(1)(e), which provides that “upon conviction of a felony, every office shall be deemed vacant upon the happening of that conviction”. She further cited Criminal Procedure Law § 1.20(13), defining a “conviction as the entry of a plea of guilty to, or a verdict of guilty upon, an accusatory instrument”. She clarified that, for the Board's purposes, the conviction was in effect as of the moment the jury's verdict was read to the court; meaning the vacancy occurred as of that day.

Attorney Cassidy reported that she had already been in contact with the Town Comptroller and stated that John Riley's service to the Town had come to a conclusion effective immediately, with all pay and benefits ceasing

effective the following morning. She further stated that she had instructed the Comptroller to prepare the necessary COBRA paperwork with respect to health insurance benefits, noting that she could not speak to pension benefits, as those are controlled by the New York State Retirement System.

Attorney Cassidy also reported that Mr. Riley's town-owned vehicle had been returned to the town barn and was in the Town's possession.

Attorney Cassidy emphasized that, under New York State law, the Board was not required to take action to terminate the position, as the vacancy had already occurred by operation of law. She advised the Board that it may, if it chose, authorize Town Clerk Zappala to issue a notice seeking letters of interest from individuals wishing to potentially serve in an appointment for the unexpired portion of the term, which she believed ends the following year. She noted this approach was consistent with how the Board had handled prior vacancies and indicated she would coordinate with the Town Comptroller and Town Clerk Zappala on the appropriate notices and would obtain a written notice of entry of the conviction from the criminal court for Town Clerk Zappala's file.

**MOTION BY** Council Member Courtenay and second by Council Member Diffley to direct Town Clerk Zappala to send out a notice for the open position of Highway Superintendent

**VOTE: AYES(5): Holdridge, Becker, Cassara, Courtenay, Diffley**

**ADOPTED**

### **BATTERY STORAGE IN COMPREHENSIVE PLAN**

Supervisor Holdridge introduced the agenda item, noting that representatives from AYPa Power and the Fire and Risk Alliance were present to speak to the topic of battery storage as it relates to the Town's comprehensive plan.

#### **Presentation by AYPa Power and Fire and Risk Alliance**

Raymond Riley, Senior Manager of Development at AYPa Power and a resident of Cornwall, introduced himself and his colleagues — Brian Fink of the Fire and Risk Alliance, and Michael Schwab from the government relations team. He explained that while AYPa Power does not currently have a project proposed within the Town, the Board is considering updated ordinance language, and in light of recent events, he wanted to bring in an independent expert to present on advances in battery technology and the types of systems AYPa would employ. He turned the floor over to Brian Fink.

Brian Fink, a retired New York City firefighter with 38 years of experience, introduced himself and explained that since retiring approximately three years ago, he has focused on training firefighters on the hazards and response tactics for battery energy storage system (BESS) facilities. He also consults with authorities having jurisdiction (AHJs) that are grappling with ordinance questions, setback distances, and related regulatory issues. He noted that the Fire and Risk Alliance, the firm he works with, is a nationally recognized testing laboratory and fire engineering firm.

#### **Indoor vs. Outdoor Storage Facilities**

Mr. Fink began by distinguishing between indoor and outdoor battery storage facilities. He cited well-known events at Moss Landing in California and Gateway on Long Island as examples of large indoor facility fires. He explained that indoor storage requires sprinkler systems, but when a thermal runaway event occurs, activating sprinkler heads causes water to short out additional, uninvolved racks of batteries, dramatically spreading the fire throughout the facility. He expressed his personal view that indoor battery storage facilities should not be built at this time, pending better engineering solutions, and emphasized that what AYPa Power is proposing for Chester would be an outdoor facility.

#### **The Warwick Fires**

Mr. Fink acknowledged the three fires at the Warwick facility, including a recent one. He explained that the design used at that site was fundamentally flawed; specifically, the cabinet design allowed sideways rain during heavy weather to enter the cabinets and short out additional batteries, much like the sprinklers do in an indoor facility. He also noted that the operator had pierced holes through one cabinet into another to run conduit, allowing flammable gases to spread between containers and propagate the fire. He stated this design was specific to one company, now in bankruptcy as a result, and that no responsible developer should be using that cabinet design.

### Cell Chemistry, Modules, and Container Design

Mr. Fink walked the Board through how lithium-ion battery systems are structured: individual cells are assembled into modules, modules are placed into racks, and racks are installed in outdoor shipping containers. He explained that the specific cells used by AYPa Power are prismatic cells, approximately the size of a motorcycle battery and described a typical configuration of 96 cells per module.

He noted that modern outdoor containers are now required to include deflagration panels or ventilation systems to prevent gas buildup, referencing a 2019 incident in Arizona where firefighters were injured partly due to the absence of explosion protection and inadequate training.

### Thermal Runaway and Fire Suppression

Mr. Fink explained that once a battery module enters thermal runaway, the pressure venting from each individual cell exceeds 100 PSI, making it impossible to introduce a cooling agent into the cell. While firefighters had theorized that cooling adjacent cells could stop propagation, it was discovered that damaged cells inside a module can reignite even after apparent cooling which is also why many tow companies refuse to transport electric vehicles that have experienced a thermal runaway. The best option, he said, is to allow that entire module to burn up. If it burns up, there's no energy left in the cells. They cannot reignite. He compared the approach to how firefighters handle overturned CNG tankers; protecting exposures and letting the fuel burn rather than attempting to extinguish it.

When asked whether the gases could be smothered, Mr. Fink described an experiment in which a single prismatic cell in thermal runaway was submerged in a five-gallon bucket of water with absolutely no effect. He noted that no product on the market has been demonstrated to reliably stop a thermal runaway event, despite many claims to the contrary.

Council Member Tom Becker raised concerns about transit tunnels and enclosed spaces. Mr. Fink acknowledged the concern but stated his greater worry, from a fire safety standpoint, is electric vehicles in parking garages and, most urgently, e-bikes and scooters being charged indoors in residences, citing multiple deaths and structural fires in New York City.

### Gases Released During a Fire

Mr. Fink addressed Board' questions about off-gassing, explaining that the three primary gases released by lithium-ion batteries are carbon monoxide, carbon dioxide, and hydrogen — with hydrogen being particularly flammable. He noted that when an outdoor facility is involved, these gases dissipate rapidly. He drew an analogy to running a gasoline-powered vehicle inside a garage versus outside, saying the same principle applies. Confined spaces create dangerous concentrations, but outdoors they drift off. He stated the gases of concern are essentially the same as those produced by a standard house fire, largely a product of burning plastics and insulation, though he acknowledged a Board member's point that concentration levels may differ.

### Battery Chemistry — NMC vs. LFP

Mr. Fink discussed the two primary battery chemistries used in grid-scale storage. He explained that older systems used nickel manganese cobalt (NMC) batteries, which contain heavy metals that theoretically could contaminate soil and water. Newer systems, including those being proposed by AYPa Power, use lithium iron phosphate (LFP) batteries, which contain only iron and phosphate not heavy metals. He clarified that lithium-ion batteries do not actually contain metallic lithium; rather, they use a lithium salt. He noted that even in events involving NMC batteries, post-fire soil and water sampling, including extensive testing after the East Hampton Gateway fire did not return harmful levels of contaminants, which he attributed in part to the extremely high temperatures consuming most of the material during combustion.

### Air, Water, and Soil Contamination Studies

Mr. Fink presented data from contamination studies conducted after several battery fire events. He referenced a fire in Escondido, California, an indoor facility at which over one million gallons of water were flowed. Extensive air, water, and soil testing afterward found no harmful levels of contaminants, and the runoff water was ultimately repurposed for wetting down construction sites. Testing for hydrofluoric acid, a concern raised in firefighting communities, also returned negative results. He noted that when Freon burns, it also produces hydrofluoric acid, so this is not a hazard unique to battery systems.

He presented a summary of New York State data collection from three events, including Warwick. In all three cases, there were no reported injuries and no harmful levels of contaminants were detected. He expressed that

when the first report came out he was skeptical, but as additional reports from around the country confirmed the findings, his confidence in the data increased.

Mr. Fink concluded by comparing a photo of a large outdoor battery container fire in Australia to a photo of a Home Depot fire in California, suggesting that communities are often more alarmed by batteries than by other fire hazards that are far larger in scale.

### Board Questions on Zoning and Placement

Council Member Becker asked about zoning and what types of zones tend to host battery storage facilities. Mr. Fink acknowledged that placement varies widely. In New York City, NFPA 55 requires a minimum of 10 feet of separation from exposures, meaning battery containers are sometimes placed 10 feet from structures. He stated that in areas where substations and transmission infrastructure exist, typically commercial or industrial zones, those are the most logical locations for battery storage because of the need to tie into that infrastructure.

Supervisor Holdridge noted that the preferred site for the AYPa Power project is in an agricultural zone (AG-3) in Chester, surrounded by residences, woods, and related natural features. Mr. Fink responded that most battery sites end up screened by trees at the community's request regardless of zone, and expressed confidence that, based on available data, there would be no meaningful soil, water, or contamination impact even in the event of a fire. He stated that the Board's draft ordinance requirement of 400-foot setbacks from residences is very well-positioned, noting that the EPA recently released guidance recommending potential evacuation zones of up to 330 feet, placing the Board's 400-foot proposal comfortably outside that range.

Council Member Becker also raised a question about whether setbacks from heavily used roadways, such as Route 17, should be considered. Mr. Fink acknowledged it was a reasonable consideration for an outdoor facility, though he suggested 400 feet from roadways may be more than necessary, proposing that 40 to 50 feet might be more appropriate in that context. Council Member Becker discussed the scenario of backed-up summer traffic on the highway. Mr. Fink agreed it was worth factoring in.

The conversation touched briefly on the relationship between battery storage and solar energy. Mr. Fink noted that many of the projects he has worked on are standalone storage, but that pairing batteries with solar dramatically increases solar efficiency by capturing generated energy that would otherwise be wasted. He expressed that he would be surprised if upcoming solar projects in Chester did not eventually pair with battery storage for that reason. Council Member Becker noted that the county and state are beginning to restrict how much farmland can be dedicated to solar, citing concerns about soil contamination from panels and permanent loss of agricultural land.

Supervisor Holdridge thanked the presenters and opened the floor to Board questions. Raymond Riley reminded the Board that Brian Fink and the Fire and Risk Alliance are an independent, third-party organization, not representatives of AYPa Power. He noted that AYPa Power is awaiting the finalized zoning ordinance before completing any site design.

Attorney Cassidy committed to pulling together draft comprehensive plan and zoning documents into a shared folder for all Board members so that, as direction is sought, members would have full context.

### DATA STORAGE CENTERS IN COMPREHENSIVE PLAN

Supervisor Holdridge introduced the topic, noting that data storage centers have become a major national issue, with communities across the country pushing back against proposals to site such facilities in their towns. He explained that these facilities are largely being built to support artificial intelligence infrastructure and are widely understood to be contributing to strain on the electrical grid — the same strain that the fire safety expert had just referenced as an emerging crisis.

He stated that residents had personally approached him with concerns and that he strongly agreed with their position. Supervisor Holdridge outlined his concerns: data centers are contributing to power distribution shortfalls on the grid, are consuming massive quantities of water, in some cases to the degree of causing localized droughts and are poisoning soil. He noted the substantial community backlash documented nationally and said that, given these risks, he would like the Town to proactively incorporate a prohibition or restriction into the comprehensive plan or zoning code before any such project arrives in Chester.

Council Member Diffley acknowledged that it was the first time he was hearing of the issue. Council Member Becker stated that setting aside all other concerns, the Town simply does not have an abundance of water, noting

that the Village water supply is already being extended to areas outside the village. He suggested that the water capacity issue alone might serve as a practical deterrent.

Supervisor Holdridge agreed that water management is a critical issue.

The Board agreed that Council Member Diffley would consult with Bob on the topic, and that Attorney Cassidy would speak with the town's planner, Kristen, to explore what action could be incorporated into the ongoing comprehensive plan update. The Board agreed to revisit the matter at a future date with a more informed recommendation.

### **CHESTER TV CHANNEL**

Supervisor Holdridge brought up the Chester TV channel, which exists as part of the Town's franchise agreement with Optimum. He noted the channel has been essentially defunct since before he joined the Board and that it periodically comes up for discussion. He explained that previously the cost to upgrade the equipment and make the channel functional was estimated at between \$15,000 and \$20,000. He acknowledged the matter was not budgeted and stated that he raises it simply to allow the Board to weigh in on whether to pursue it, potentially using fund balance. He noted the Town has already migrated to YouTube, Facebook, and other online platforms.

Attorney Cassidy offered a forward-looking consideration: when the franchise agreement comes up for renewal, companies are often required to provide funds toward public access as part of the agreement. She noted that while the amount might not reach \$15,000, it could potentially be in the range of \$3,000 to \$5,000 in equipment or funds that could be applied toward the channel or related purposes.

The Board reached a consensus to allow the channel to remain inactive, with no current expenditure, and to revisit the matter only in the context of a future franchise agreement renewal.

### **NEW BUSINESS**

No new business was raised by Board members.

### **PUBLIC COMMENT**

Christine Maurer, Creamery Pond, addressed the Board. She opened by stating she is not opposed to clean energy or technology, but argued that the Town must prioritize public safety, families, farms, and our community's character over profits and industry promises.

Ms. Maurer challenged the credentials and independence of the evening's presenter, stating that the Fire and Risk Alliance is a for-profit engineering firm that helps battery energy storage system developers navigate codes, dispel myths, train responders, and secure approvals for these exact projects, and that their work directly benefits battery storage companies and the data centers that rely on them. She called on the Board to demand transparency about whose interests the firm truly represents.

She recounted the history of fires at the Convergent Energy lithium-ion battery facility on Church Street in Warwick, noting that on December 19, 2025, the site experienced its third fire in two years. The Village condemned the operator for running without a required certificate of compliance. She stated the fire burned for hours, releasing toxic smoke containing hydrogen cyanide, burning out while endangering air and land."

Ms. Maurer argued that in Chester, near homes, farms, schools, and waterways, a single incident could force evacuations, contaminate the environment, and overwhelm the Town's volunteer fire departments.

On the subject of data centers, she described them as massive energy hogs that strain our grid, drive up electrical bills, and worsen air pollution linked to respiratory issues and premature deaths. She noted their consumption of millions of gallons of water daily as unacceptable for the Town's farms and reservoirs, and cited the continuous industrial noise as a quality-of-life concern. She also raised wildlife impacts, arguing that large-scale battery and data center installations cause direct habitat loss, disrupt animal communication and migration through noise and light pollution, and destroy farmland, forests, and wetlands critical to local biodiversity.

Ms. Maurer urged the Board to enact two separate local laws: first, a clear prohibition on large-scale lithium-ion battery storage to eliminate fire and toxic threats; and second, a targeted prohibition on data centers to protect

the Town's electricity supply, water, land, and quality of life. She noted that other New York communities are taking such action and urged Chester to act before projects arrive. She added, urging the council to listen to the people who live here every day, not paid consultants.

Tracy Shuh, Pickerel Road, addressed the Board speaking to the Chester TV channel discussion. She agreed that the current price tag does not make sense as presented, but cautioned the Board against dismissing the idea entirely without more fully exploring its possibilities.

She argued that the channel's potential use extends far beyond broadcasting town meetings — suggesting it could serve as a platform to promote Parks and Recreation programs, Sugar Loaf, local businesses, summer camps, musical performances, and other community activities. She pointed specifically to the Town's aging population, and residents who simply surf through TV channels that might stop on locally relevant content, something they would not seek out online.

She suggested the Board consider whether grants, including tourism-related grants the Town had recently pursued, might help offset the cost. She also asked whether advertising revenue or sponsorships could be solicited to defray costs.

Supervisor Holdridge clarified that the Town cannot solicit advertising revenue but can accept donations, adding that if anyone wishes to contribute, they are welcome to do so. He acknowledged that he has been searching for grants applicable to this purpose since joining the Board, and while such funding is rare, he stated he would not stop looking. Shuh thanked the Board and noted she only wanted to ensure broader possibilities had been considered before the idea was set aside.

Following the public comment period, Council Member Becker raised an additional observation regarding data centers. Drawing on his experience, he noted that data centers typically rely on large industrial diesel generators for backup power. He asked whether the Town's current zoning or regulations address fixed industrial diesel generators.

Attorney Cassidy responded that such generators would generally fall under the uniform building or fire code, but indicated she would have a conversation with planner Kristen O'Donnell to determine whether additional local regulations may be appropriate. Council Member Becker noted that most businesses in the Chester Industrial Park already have diesel generators and that, for a facility the scale of a data center, only diesel generation would be a realistic power backup option.

## **ADJOURNMENT**

**MOTION** by Council Member Courtenay, and second by Council Member Becker to adjourn the meeting at 7:40pm there being no additional business brought before the Board.

**VOTE: AYES(5): Holdridge, Becker, Cassara, Courtenay, Diffley**

**ADOPTED**

Respectfully submitted,

Linda A. Zappala, RMC  
Town Clerk  
2026-3-26