

A public hearing of the Town Board of the Town of Moreau was held on February 11, 2020 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of hearing public comment on proposed Local Law 1 of 2020

The Supervisor called the meeting to order at 6:05 p.m.

Town Board Members Present

John Hogan	Councilman
Kyle Noonan	Councilman
Gina LeClair	Councilwoman
John Donohue, Jr.	Councilman
Theodore T Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Tammy Daley, Deputy Town Clerk; Karla Buettner, Attorney for the Town; Pete Olesheski, Recreation Leader; Kathleen Moore, Post Star Reporter; Town Residents: Chris Barden, Dennis Davall, Sean Marry, Laura Killian, Joanne Carruthers, Pete Killian, Jim Hooper, Kasey O'Brien, Martha Winsten, Mike Smith, Eleanor Stein, Ellen O'Brien, Jeanne Hayes, Margie Killian, Liam Smith, Greg McCarty, Virginia Livsey, Bruce Flayer, Kris Killian, Scott Fitzsimmons, Erin Trombley, Ron & Will Zimmerman, Anne Kusnierz, Harvey Stein, John Creaser, Cynthia Kennedy, Jan Killian, Jim Czub; Village Resident: Brigid Martin; Gary Squires, Roohan Realty; Jackie Killian, Resident of Wilton; various solar company representatives; Boralex representatives. There were other names on the attendance sheet that were not legible.

The following Notice of Public Hearing was posted as a legal ad in the Post Star Newspaper on February 1, 2020.

**TOWN OF MOREAU
NOTICE OF PUBLIC HEARING
TO CONSIDER ADOPTION OF LOCAL LAW**

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on February 11, 2020 at 6:00 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 1 of 2020. If adopted, Local Law No. 1 of 2020 would extend the moratorium contained in Chapter 75 of the Moreau Town Code – Temporary Moratorium on Permits for and Installation of Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems Within the Town of Moreau. This extension continues the moratorium prohibiting the permitting of new Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems for a period of one-hundred eighty (180) days from filing of this Law with the Department of State. Written comments on Local Law No. 1 of 2020 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 1 of 2020 can be obtained at the Moreau Town Municipal Complex and on the Town's website.

Leeann M. McCabe
Town Clerk

Published: February 1, 2020

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The Supervisor welcomed everyone to the public hearing and gave a brief description on Local Law 1 of 2020. It would be amending Chapter 75 of the Town of Moreau Code for the extended temporary moratorium on permits for ground mounted solar systems and large-scale solar energy systems in the Town of Moreau. He stated that this public hearing is to determine if the public wants to support the establishment of the moratorium.

The Supervisor stated that his office and the Clerk's office have received letters and comments from various people on the public hearing. He asked if anyone present would like to comment.

Pat Killian, who lives at 169 Burt Road was the first to speak. Mr. Killian stated that famers are losing 175 acres an hour, 3 acres a minute to sub-divisions and contractors for houses. He stated that they are advocating for fourth generation farming members that are his kids. They want to keep their operation going. The solar will keep their business going. They must sometimes have to work two and sometimes three jobs to make ends meet. They have a lot of expenses to keep the farm going. Buildings need repair and are falling apart. They would like to put some solar on the 500 acres that they have, not on all of it. He stated that they didn't want to see another six-month moratorium. If it needed to be extended, he would like to see it shorter than six months, if at all.

Laura Killian lives at 169 Burt Road was next to speak. She stated that she also disagrees with the 180-day extension. She feels that the last six months was plenty of time to decide. She stated that the bills are still coming in. She stated that she understands the Town needs to make decisions that are best for all involved.

Harvey Stein from Northway Farms, who lives at 210 Washburn Road, supports the moratorium. He doesn't disagree that the farms, especially dairy farms, have lost money over the past decade. The moratorium would give more time to investigate what could incur, and the unintended consequences. He stated the more permits you give out for solar farms, the less money they pay you. Eventually you will have solar farms all over New York State and it won't be profitable for anybody. He suggested maybe having the farmers have solar on their buildings if their structures would allow it. This would save them money.

Martha Winsten, from Old West Road, was for extending the moratorium. She doesn't think it should be a rushed decision. She stated with Global warming, our farms will be the producers of food for the rest of the country in the future. Martha Winsten submitted a letter. The letter will be included at the end of this set of minutes.

James Hooper who lives at 46 Reynolds Road, stated he thinks that you should look at these big farms and maybe put the solar farms on the backside of them.

Elinor Stein lives at 210 Washburn Road. She had received a letter from a solar company asking to use 25 acres of their land. She stated that she told them no, that they grow hay on that land. She supports the moratorium. She stated she hopes they consider where the solar would be. She doesn't think it should be set up in front of any houses where children would be playing.

Mike Fingart from US Flight Energy commented next. He is not in support of the moratorium. He thinks it should be in place effectively and in tune with the Master Plan. He stated there is a technical limit on how much solar can be placed in the Town of Moreau.

James Czub, who is a property owner in the Town of Moreau, stated everyone is trying to find ways to make money on their farms to pay the bills. Infrastructures are falling apart. As landowners they don't know what is going to happen in 20 years. He stated that he doesn't want to see houses built on farmland, because there is no turning back if houses are built instead.

Mike Smith who lives on West River road thinks the moratorium should be lifted.

Cindy Kennedy from Old West Road wants the Town to take their time on this and think about what it will do to the value of the property.

Dave Byrne, who lives at 10 Doe Run, stated the he is in the Solar Industry. He believes it is wise for the Town Board to take their time on making their decision. In his opinion, he doesn't think that the Town should tell landowners what to do with their personal property. He stated, that if it doesn't affect another persons property, it should be ok.

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Darren Suarez from Boralex works in the Town of Moreau. He appreciates the Town working with them. Boralex would provide additional revenues in taxes for the Town. He stated there would be continued farming around and near the solar arrays, and only a limited amount would be seen from the road.

Gregory McCarty, of Reservoir Road, stated that he is not in favor of the moratorium. He explained that when he came into the meeting tonight he was, but after listening to everyone's comments, he has changed his mind. He knows there are other areas the Town is looking to change the code on, and there are no moratoriums on those.

Will Zimmerman of Gansevoort Road stated that he wants to see the moratorium stay in place. This would give the Town more time to make the decisions that they won't regret in the future.

Chris Barden from Washburn Road stated that his land has been in the family for over 170 years. He believes these people need an answer and shouldn't have to wait. He stated that an all-out bail out of solar would be a mistake. The farmers can't buy any new equipment or fix the things that need to be fixed. He believes you can find a way to preserve the Agriculture and accommodate the solar.

The Supervisor asked if there were any more comments. There were no other comments.

With no objection from the Board the Supervisor closed the public hearing at 6:45 p.m.

Respectfully submitted,

Tammy Daley
Deputy Town Clerk

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February 11, 2020

further at risk. This could cause the Town to miss out on tax and other community benefits from this project by the passage of time and the availability of grants.

Lastly, USLE would like to highlight the benefits that a Community Solar Project can provide to the Town of Moreau:

1. Community members of the town who are renters can benefit from the savings on their electric bill by participating in this solar project.
2. Community members of the town who do not have a viable roof for the installation of a solar array can benefit by participating in this project.
3. Town buildings can participate in the energy production of the array and benefit from the savings on their electric bill.
4. Small Community Business can participate in the savings on their electric bills.
5. It benefits the beauty of our local environment by producing clean energy.
6. There will be no additional strain on Town, County or School resources created by this project.
7. There would be no increase in traffic, lighting, public utilities, or noise by this project.
8. This project creates jobs during planning, installation and operation. As well as management of the financial transfer of savings for the lifetime of the project.

Thank you for consideration of our comments and commitment to developing a law to ensure solar can be safely and effectively developed in the Town of

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Moreau. Please contact us should you have any questions regarding our project or solar development.

Sincerely,



Michael Fingar

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Dear Council

I wanted to contact you today, because there is a matter that will be coming before you at the upcoming Town Board meeting which I want to discuss with you. Specifically, I am asking that you allow the Town solar moratorium to lapse.

I spoke with you about this matter and I have to start by saying that I love the place I live, over seventy years ago my father started farming in Moreau, my parents raised my eight sisters and three brothers on this farm. We all pitched in and together we got done what was needed to get done and kept the farm going.

During those seventy years a lot has changed, farming is not the same, farmers use bigger more specialized tractors, no one milks by hand, now some farms have robot milkers, but every day it is harder and harder for farmers to keep farms in operations, we have more pressures as the price of milk and farm products have not kept pace with other farm cost. Many farmers are now seeking ways to increase our outside income. Many just can't afford to keep farming the same way.

My family has explored several different ways we can help to support our farm. I have leased part of our farm to tenant but that doesn't even cover the cost of the taxes. Co-locating solar would give us an opportunity to keep the Killian farming going. I say co-locating because we are exploring ways to design the site in a manner that continue to allow farming.

I own 500 acres in our Town, only a small percentage are to be used for solar. I looked at ten different solar companies and had said no to all of them. I signed a contract with a local company who has been a good neighbor for over fifteen years. Furthermore, they have experience with continuing farm operations on solar farms.

When the moratorium was adopted, I was not pleased, but understood that Town committed to spending six months to listen to the public, explore the technology and then consider the adoption of a local law. But I am concerned that little has changed in those six months. We have had no public hearing on the new law, and I am worried that we won't have a new law until the spring.

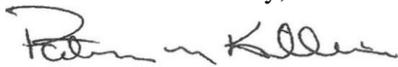
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A moratorium is a local enactment which temporarily suspends a landowner's right to obtain development approvals while the community considers and potentially adopts changes to its land use regulations, moratoriums need to end in a reasonable timeframe and have to have a valid purpose. The six-month moratorium was a more than reasonable time frame to show some public progress.

Moratorium are intended to "alleviate or prevent a crisis condition" but there is no crisis. We intend to develop the solar facility as a dual-use facility, which will allow the continuation of agricultural activities on the land to co-exist with the solar. Furthermore, solar facilities are a temporary land use (unlike a house) and preserve agricultural land from other permanent development. The current crisis we are facing is the loss of the economic viability of our farms. A continuation of the moratorium will further the crisis condition and not elevate it.

In closing, I ask that you consider the negative impacts of extending the moratorium. Solar and agriculture can co-exist, together we can get this right, but we can't keep waiting. We have lost one building season and we are at risk of losing another, in the meantime farming has not become any more profitable. Around us other towns have adopted solar zoning providing their farmers with an opportunity to save their farms. Please Ids offer our farmers the same opportunities.

Sincerely,




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Dear Council

I wanted to make you aware that I support solar and farming. Solar is not a threat to agricultural activity, but rather a harmonious development that can assist the farming community. Farmers can utilize solar as a steady revenue stream to help smooth out the impact of low agricultural prices. Installations of utility-scale solar continue to expand; however, they are still not a significant cause of the loss of agricultural land.

Solar projects are decommissioned at the end of their life span and the land is fully restored to its original condition.

Responsible solar development can improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy to local communities.

It is important that the Town of Moreau not extend the solar moratorium. We can't wait until spring to have a new law; we are losing opportunity and our farmers are losing resources. Please support progress to our green energy future.

Sincerely,

Thank you
Patrick Killian

Thank you,
Kathleen Congdon
6 Michael Terrace
Moreau, Ny

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Dear Council,

Six months is a long time, now I hear people want another six month moratorium, we can't keep waiting and postponing. The Town of Moreau has reached a critical junction and needs to act. We can't wait spring to have a new law; we need action now.

Town moratoriums are intended to provide a community time to consider and potentially adopt changes to its land use regulation to "alleviate or prevent a crisis condition", but there is no crisis.

A well-designed solar project can assist the local economy, by generating tax revenue and creating construction jobs. Please support solar and don't extend the solar moratorium for another six months.

Sincerely,
Chris O'Brien

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Re: Solar is Not Permanent, but Housing is.

Solar farms are a temporary and preserve agricultural land from other permanent development.

Don't say no to solar- don't extend the moratorium

Thank you

.Patrick Killian

William Congdon

In support of solar

Advantages of Solar Energy

- Marginal cost of generation is zero. ... • Insurance against rising power prices. ...
- Renewable. ...
- Environmentally friendly. ...
- Geographically widely available. ...
- Reduces electricity costs. ...
- Community Solar can be used to overcome installation issues. ... • No moving parts mean no noise and little maintenance.

Thank you ; William Congdon

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Dear Todd Kusnierz,

I have lived in Moreau for much of my life. I enjoy living in a community that values agriculture. But I am concerned that sometimes people focus on saving the farmland and not the farmer. Farming is not simple, it's extremely challenging, so farmers seek new ways to innovate. Some farmers have expanded operations, some farmers are *processing their own milk, some farmers are raising ornamental crops and others are interested in hosting solar. Solar is not a threat to agricultural activity, but rather can assist the farming community. Farmers can utilize solar as a steady revenue stream to help smooth out the impact of low agricultural prices. Solar farms can be designed as a dual-use facility, which will allow continued agricultural activities within the solar facility area, like livestock grazing. Dual-use allows for the continuation of agricultural activities in a more economically sustainable manner.

It is worthy to note that solar projects are decommissioned end of their life span and the land is fully restored to its original condition. Responsible solar development can improve soil health, retain water, nurture native species, produce food, and provide even lower-cost energy to local communities.

We can't wait until spring to have a new law; we are losing opportunity and our farmers are losing resources. Please support progress to our green energy future.

Sincerely,

Ellen Killian O'Brien

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Dear board members

Six months ago, the Town of Moreau adopted a moratorium on new solar. Now is not the time to extend the law for another six months. We need to act now to adopt a local law to facilitate the installation of solar.

Solar farms are a temporary land use and preserve agricultural land from other permanent development. Additionally, Solar Farms create local jobs, generate local economic benefits during the construction and operation, would increase tax revenues, while supporting farm jobs.

Numerous other New York towns have determined that there are no significant adverse impacts associated with ground mounted solar energy facility, now the investments that could be occurring in Moreau can go elsewhere. It's time for the Town of Moreau to do something that will help the environment, the community and the farm community. Please publicly comm:t to working on a sensible local solar law, and don't extend the solar moratorium for another six months.

I have known the Killian family for years and fully support them. They have always had the best intentions for anything they have done, including this matter.

Sincerely,

Shannon O'Brien
150 Selfridge Rd
Gansevoort, NY 12831

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Dear Council Members,

The Town of Moreau has reached a critical junction. I am asking you to take an affirmative step to support solar. Six months ago, the Town adopted a moratorium on new solar. We can't wait six more months. We need to take action now.

Solar panels provide clean, green energy. They are our future. Solar facilities are a temporary use. Numerous other New York towns have determined that there are no significant adverse impacts associated with ground mounted solar energy facilities.

Town moratoriums are intended to provide a community time to consider and potentially adopt changes to its land use regulation to "alleviate or prevent a crisis condition," but there is no crisis.

Well-designed projects assist the local economy, by generating tax revenue and creating construction jobs.

Please support solar now and don't extend the solar moratorium for another six months.

Sincerely,

Sean H. Marry

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I am pro solar and one reason is that
Solar panels can be used by the landowner for income from their land as needed and the next landowner would be able to turn the land back to its original state if they choose.

Joe sharpe
E 150 Selfridge Rd
Gansevoort ny 12831

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150 Old West Rd
Hanseroort, N.Y. 12
Feb. 11, 2020

To the Entire Town Board,

I am very upset by what is happening in our neighborhood. Almost all of us feel like we are totally disenfranchised and unrepresented. Have we no rights? We don't want a solar array, as we didn't want commercial development in the form of a bar, distillery, and brewery. We wanted our water rights protected as well.

We did not want the cell tower, and presented a lot of information on the health effects. My neighbor who was closest to it and responsible for it died within just a few years of multiple myeloma in his 40's. My young son attended a lot of the hearings, and when he grew up now calls Finland home.

A Finnish doctor found "Round up" in his cells, so in a way the Cyclus left their mark or brand. They

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have been planting Round up ready corn and soy beans for years when the farm was owned by John Toeb. John Toeb was very considerate of us, his neighbors. He even spent a good deal to help us try to keep the cell tower out.

A solar array just represents a desecration of perfectly good farm land, and an ugly industrial display as well.

I think my son realized when he relocated to Finland that if you don't have money and connections you don't have representation here. I hope that you will prove us wrong.

Sincerely,

Martha Winsten