

A regular meeting of the Town Board of the Town of Moreau was held at 7:00 p.m. on June 10, 2025 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.

The meeting was held in person and called to order by the Supervisor at 7:03 p.m. with an attendance roll call and the Pledge of Allegiance.

PRESENT:	John Donohue, Jr.	Councilmember
	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	Jesse A. Fish, Jr.	Supervisor

ALSO PRESENT:	Erin Trombley	Town Clerk
	Glen Bruening	Town Counsel
	Josh Westfall	Building, Planning and Development (BPD) Coordinator
	Elizabeth Bennett	Supervisor's Confidential Secretary
	Jeremy Brogan	Recreation Director
	Reed Antis	Town Historian

OTHERS PRESENT: Ken Fish, June Fish, Mike Seale (Adirondack Car Wash), Brian Oliva (Adirondack Car Wash), Jerry Noonan, Michael Cortese, Jerry Tourge, Michele DelSignore, Richie Wiltshire, Cindy Friday, Floyd Billington, Ann Purdue, Chris Koenig (CT Male), George Kotzias (US Light Energy), Dan Krzykowski (Barclay Damen), Carl Hourihan, Maureen Dennis (Schermerhorn Real Estate Holdings), Erin Donegan (Schermerhorn Real Estate Holdings), Judy C., Kathy, Stephen Morrissey, Alex Portal (Post-Star)

PUBLIC HEARING – Local Law No. 7 of 2025

The Supervisor asked the Town Clerk to read a prepared resolution. She read:

“Be it resolved that the Town Board opens the public hearing for Local Law No. 7 of 2025 and for site plan review of the proposed solar project on tax map parcel number 64.-2-80.11 and 64.-2-80.12 at 7:01 p.m. on Tuesday, June 10, 2025.”

Resolution 241-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

Public Comments

The Supervisor opened the floor for comments on proposed Local Law No. 7 of 2025.

Ann Purdue commented that some documents for the proposal had not been posted on the Town website for review that she felt would have been beneficial for comments. She said she was confused about the scope of the project even though she had seen the plans. She said in the solar law there was no provision to take into account community goals. She said this was not particular to this project but for any solar project.

Supervisor Fish asked if the Board had any comments. Councilmember Stewart said the local law had gone through the Town Board, Planning Board, and County Planning Board review. He asked BPD Coordinator Westfall if all requests made from the Planning Board had been made, and where the changes reflected in the

maps. BPD Coordinator Westfall said they were, including increased setbacks and increased vegetation. He said the Town engineers had been asked to look at it as well, and they had signed off on the project. Councilmember Stewart said the Town attorney approved the plan including decommissioning plan for the protection the Town. Attorney Bruening said their recommendation had been a condition requiring execution of a decommissioning plan prior to construction, so a decommissioning agreement was drawn up requiring not only the steps but cost of decommissioning, for which a bond would be obtained so security for decommissioning was in place before operations begin.

Councilmember Stewart said setbacks and view were the Board concerns, all concerns were addressed. Supervisor Fish said 50' of additional setback and extra screening were integrated into the plan. A representative from US Light Energy said there was an 80-foot buffer with additional screening, effectively doubling the original setback. Councilmember Stewart said the "before" photos of the site from Route 197 had a limited view, that the land had been dormant for some time, and neighbors would not be impacted. He said based on the law, input from legal, engineering, and other planning boaides, the proposal meets the requirements, so he said he was okay with passing Local Law 7. Councilmember Killian said he was comfortable with the setback changes and bond.

The Supervisor asked the Town Clerk to read a prepared resolution. She read:

"Be it resolved that the Town Board closes the public hearing for Local Law 7 of 2025."

Resolution 242-2025 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

PUBLIC HEARING – Local Law No. 8 of 2025

The Supervisor asked the Town Clerk to read a prepared resolution opening the public hearing for proposed Local Law No. 8 of 2025, which would replace Chapter 105 of the Town code related to peddler licensing in the Town. She read:

"Be it resolved that the Town Board opens the public hearing for proposed Local Law 8 of 2025 which, if adopted, would repeal and replace Chapter 105 of the Moreau Town Code."

A motion was made by Councilmember Donohue to adopt the resolution. A vote was not held.

The Supervisor opened the floor for comments on proposed Local Law No. 8 of 2025.

No comments were made by members of the public.

Councilmember Killian said he liked the new law, saying that under the old law the fee was high for some vendors, that the new law will bring new vendors and excitement to the Town, and it would be good for the vendors too. Councilmember Donohue thanked Town Clerk Trombley and BPD Coordinator for their work on the law. He said the draft code covers every type of sales you can think of. Councilmember Stewart agreed and

said the proposed code would offer more opportunities, lower fees, and that it was time to update this code.

The Supervisor asked the Town Clerk to read a prepared resolution. She read:

“Be it resolved that the Town Board closes the public hearing for Local Law No. 8 of 2025.”

Resolution 243-2025 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

PUBLIC COMMENT PERIOD

Michele DelSignore said she had come to the rescheduled May 27 meeting and was unable to attend the rescheduled meeting on May 29 because it was hold in the morning, but that she looked forward to hearing the financial arrangement related to the Meadow Drive area drainage issue. She said she favored dissolving the drainage district, which she said was put in place in the 1970s and 1980s without oversight, was not listed on the deeds of homes in the area, nothing had been collected, and she said there were few documents except minutes and a map. She said she had been listening to the audio recording of meetings, and said many people in the drainage district neighborhoods did not know what was happening, so she suggested a letter go out informing the residents.

APPROVAL OF MINUTES

The Supervisor asked the Town Clerk to read a prepared resolution. She read:

“Be it resolved that the Town Board accepts and approves the minutes for both the Month-End Audit and Regular Town Board meetings on May 29, 2025 as submitted and posted on the website in draft form.”

She also indicated Councilmembers Killian and Noonan had not been present at those meetings.

Resolution 244-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to accept the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Abstained
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 3:0.

OLD BUSINESS

Meadow Drive Drainage Update

The Supervisor said MJ Engineering would come for four hours a day until the project was complete for \$6,750 to take photos of the work and document conditions. The Supervisor also said a surface drainage line above the line in question was also removed and that the water was being bypassed and would be replaced when the ground water line is completed. He said it was the Board's decision whether to pay for these services.

Councilmember Stewart said Kubricky already has had engineers on site regularly. BPD Coordinator Westfall said MJ Had been there occasionally also. The Councilmember said they already have no budget for the project, the line is not being redesigned, the contractor is reputable and has two engineers on-site, so he said to hire MJ would just duplicate services. The Supervisor said there was extensive de-watering happening, photos are taken and presented to the Town regularly. He said the trench is 15-feet deep, he visits the site once or twice daily, and corners are not being cut, so he said he didn't see a need for more engineering. He said he favored continuing as-is, with engineers above and below ground level. He said heavy-gauge plastic pipe was being installed that should last 100 years. He also said Kubricky was preparing to dig a trench across Feeder Dam Road. He said a ramp was planned to go over it and the lip would have been 8 or 9 inches high, so the Highway Superintendent is allowing a trench to be dug for a culvert and bypass line covered with stone instead. He said Kubricky has done well under the conditions he's working in and that he was happy with the work.

Councilmember Killian said the general foreman had walked him around, showed him the damage, manifolds that are handling waster stress on houses. He said he asked about the process to completion. He was told 1/2 the road had culverts in now, he said, and they are ready to start the other half. He asked them about compaction tests as well. He asked the Board about other lines that need replacement, if they can get estimates, and whether they can be lined potentially. He said he did not want to hire more engineering at this time, but potentially bringing them in when compaction testing is being done.

Supervisor Fish said to line a pipe, the pipe needs to be dried first, which wasn't possible with the pipe in question. He said the bottom of the pipe had been painted, and that part was intact, but the unpainted side was rotted, allowing sand and roots in. Other pipes in the area, namely Hilton, Marine, Windy, had been examined by camera, and will need work in the near future, he said, including dewatering in preparation to sleeve, if that's the direction they decide to go. He said he did not know if they would need to be replaced.

Councilmember Stewart suggested, based on the consensus of the Board, tabling discussion of getting a third engineer at this time. Supervisor Fish said MJ was willing to assist in the future if they are needed. BPD Coordinator Westfall said the proposal was good for 60 days.

Councilmember Stewart acknowledged those in attendance who were there for an update on the drainage situation. The Supervisor said the Town was in \$275,000-\$375,000 so far, with a final cost projection of \$750,000-\$850,000, depending on what they find in the rest of the project. The Councilmember said the problem is that the expense hadn't been budgeted for, that the Supervisor has discretion to determine if a situation is an emergency. He said the drainage district does exist, that it was formed in the 1980s at a cost to the Town of \$16,000. He said the district is comprised of half of Hilton Drive, Marine Drive, that Meadow Drive wasn't in the district. Then in 1999-2000 development on Meadow Drive was approved with surface drainage on top of this water table line, he said, and that he couldn't believe it had been approved with 30-year old infrastructure below it.

Councilmember Stewart said the drainage line was a way to reduce the water table in an area that today would be considered unsuitable for development. He compared the sewer extension 5, where \$12 million is being billed to only 83 property owners, to the drainage district, which was designed to benefit only a small number of residents. He continued, saying the Board had a tough choice to make; does the Town pay and bill residents in

the district for the expense, or do they dissolve the district with the cost being paid by all the Town residents. He said some residents in the district never knew it existed, and he said no matter what decision is made, some people will be unhappy. He also wanted to clarify that the situation was not caused by lack of maintenance. He said a 30-year pipe had exceeded its life span and the system failed.

The Supervisor said the drainage district was created and payment was collected from the district residents for one year only. He said it was supposed to have been collected annually. The Board did not know this situation existed until the system failed, and said they would do the best that can. He opened the floor to questions from the residents in attendance.

A resident on Middleton asked how many homes are affected. Michele DelSignore said 79 houses were included on the map. Kathy Potter asked if Meadow was in the district. The answer from Councilmember Stewart was no. He said he grew up in that area and asked for concerns to be shared. Ms. Potter said her house was last, and that her yard is falling off the embankment because of another line. Supervisor Fish said she was correct, that there was a line on the lefthand side of Meadow Drive behind the houses that terminates at the bank of the river. Ms. Potter said that drain had been clogged and residents had water in the basements. Supervisor Fish said the lines were supposed to have been removed and drainage should have been run to a line in the road instead by the contractor. A resident asked if there was documentation that the line was supposed to have been removed. Ms. Potter said she said documents, and that this line would cause more problems in the future. She said that the land on the edge of her property would fall if the trees weren't holding it up. Supervisor Fish said unfortunately it is all on private property.

Ms. Potter asked if the issue is a Meadow Drive issue. Councilmember Stewart said no, because the district was designed before the development on Meadow was built, and it was unfortunate that Meadow Drive residents are the ones whose property is being dug up to fix it. Supervisor Fish said on the righthand side of the road, stubs are coming out of the Meadow drive houses that were designed to go to the manholes, but they were covered with bags, never connected.

A resident said that when the cul-de-sac was put in, this was discussed; water, septic tanks, drainage issues. The situation is not a surprise because drainage has been an issue, he said, and that the drain line was supposed to deal with the new development. He said he had had 2 inches of water in his basement for two months when the development was put in, and it resolved when the new drain was installed. He said this would be a long-term problem and that Middleton to Feeder Dam Extension could all have problems. The Supervisor said the district goes almost to the school and cuts across and back. He said it was included in the district because it's been notoriously wet there. He added that when Councilmember Donohue's father was a Board member, he asked why they would put drainage in a swamp and build houses. Judy Komarinetz asked why the Supervisor had asked about water in people's basements. The Supervisor said he was curious since the lines on Meadow Drive were never connected. Ms. Komarinetz said 6 years before they had water in their basement, and they had to pay \$8,000 to have a drainage system installed around the house and two sump pumps. She said they asked the Town engineer to look at it at the time.

Steven Morrissey said he had paid \$38,000 for water protection in his basement. He said some manholes are pits that don't drain, and that his neighbor across the street on Hilton had water in his garage. He said the Town came with a backhoe and dug a pit which is not connected to anything. Councilmember Stewart said there are dry wells that are designed to handle surface water. Mr. Morrissey said with all the rain so far this year, the drywells filled up and the water is in people's basements. He said he didn't know why the Town allowed development there. The Councilmember said he wasn't on the Board at the time, but the discussion at the time was whether you remove ground water to build houses. Now, he continued, houses need to be built five feet above standing ground water, and that he couldn't say why they approved the development at the time. He said many homes there probably have sump pumps and other solutions to water issues.

The Councilmember said they are looking at a nearly \$300,000 bill for a small section of drainage system knowing the same sorts of issues exist in other areas, and trying to determine who should pay for it. Mr. Morrissey asked about financing for the work and questioned if it would be paid by only a few residents, and why shouldn't the cost be shared by the rest of the Town. Councilmember Stewart explained that water and sewer can only be billed to those who benefit. He said it was a tough decision when you look at the sewer and water districts in the Town and how they are billed—people outside of those service areas don't pay for the water and sewer they don't have. Mr. Morrissey said he is on a fixed income, that his taxes go up every year and they don't get anything for the additional money. Councilmember Stewart said he disagreed with part of the resident's statement but was addressing the issue at hand. He continued, saying if all residents pay for this, every special district will want all the Town residents to pay for their services as well. The Councilmember said the Town can't legally pay for it, but can loan the money for the work. The question in the latter case is whether they establish payments for these repairs, setting up funds for future maintenance that should have been established 40 years ago. The Supervisor said at \$100 a year, it would take 25 years for the number of houses in question to repay the debt.

Maureen Dennis said it was illegal for all to pay unless the district is dissolved. Ms. DelSignore asked about dissolving and re-forming the district to include newer homes that benefit. Councilmember Stewart agreed and said he wants an engineer to determine which homes benefit. Supervisor Fish said the Hudson Drive line goes to the river and nobody else pays for it. Ms. Dennis asked if all the lines were installed by the same builder, and said now NYS Department of Environmental Conservation (NYSDEC) approval is needed for all these water issues. Councilmember Stewart said in the 1970s there were probably fewer regulations. He said in 1999 they would have had more regulations when Meadow Drive was built so the Councilmember said he didn't know why it was allowed. Ann Purdue asked if state or federal funds were available to offer relief in this type of situation. Councilmember Stewart said it was a great suggestion and BPD Coordinator Westfall was the right guy to look into it.

Councilmember Stewart asked if the Board could get an updated man-hour bill. The Supervisor said yes. The Councilmember said the total cost does factor into the choice before the Board. He said the Board has had ample time to discuss this to come up with a direction they want to go.

Jerry Tourge said the Town succeeds or fails together, and that the Town should help. Councilmember Stewart said there was no legal way to do it since a drainage district exists. He then directed a question to Counsel: this is a separate district for the purpose of taxes, could outside sales tax from the County be re-directed to a district? Councilmember Stewart said confirmation is needed from Principal Account Clerk (PAC) Cruz and the State Comptroller, but they may be able to defray the cost with sales tax. He continued, saying this would be a legal way for the bigger population to help support this work, but if that's the way they decide to go, those funds would not be available to pay for fire and highway services. He said these funds are used to reduce taxes. The Supervisor said Mr. Cruz had said it could be used, but that it had to be repaid.

Councilmember Killian said using those funds could jeopardize the fire department, and that he thought dissolving the district was a bad idea. He indicated that he favored restructuring the district or another solution. June Fish said they live across town, and don't have Town water or sewer and she said she doesn't want to pay for the water and sewer for others. Mike Seale said he has property near the Northway approved for septic, and now has to pay for sewer going in. He said he doesn't mind paying for it, especially on commercial property, because sewer has many advantages. He said individuals do have the ability to deal with the water on their own properties with pumps or other means. Speaking on increased regulations, he said he had property in Warrensburg and was required to raise two acres of land by six feet in order to build due to a higher flood plain. He said he built in the spring and that winter, flood water came to near the top of the new level. He said as you learn, you plan ahead better. He mentioned the decommissioning plan for the solar project earlier in the

meeting, and that 10 years ago, they probably didn't think about those things ahead of time. He also said if the problem is not addressed, people may not want to buy homes in the area under discussion.

Councilmember Stewart summarized the situation, saying that flooding at one house prompted the Supervisor to act, thinking it could be the Town's responsibility. He said each homeowner could have had to address these issues on their own. He said he wished price information had been available to put before affected homeowners so they could be engaged in making the decision. Ms. DelSignore said a pump wouldn't even help when the drain line failed. The councilmember said lack of maintenance didn't cause the failure, and Ms. DelSignore said the pipe was never checked. Supervisor Fish said it wouldn't have mattered due to the age of the pipe.

Councilmember Stewart said slip line says it will work for 50 years but only has a 1-year guarantee and this is the beginning of a larger issue that will need to be addressed. He said 2/3 of the district still needs a budget plan and if it will remain a district, the district should make the plan to determine how much to spend, how much to repair, and so on. Supervisor Fish said if they do not make a plan, 25 years from now a pipe will fail and nobody on the Board at that time will know anything about it again. Councilmember Stewart said the current work is to deal with the immediate issue of the collapsed pipe. Residents in other areas of the Town have had flooding, he said, and they have contacted him to say the Town did not pay to remedy the issues.

A resident named Kathy asked if they would all drain to a new line, or would they wait five years until another line fails. She said they know there's a problem, so do they fix it all now or wait. Councilmember Stewart said Meadow has a line five feet below the surface for runoff. The line in question is for ground water, he said. The Supervisor said the Town Highway Department is responsible for road drainage, which drops into the other line at the river.

A resident asked for the pros and cons of dissolving the district. Councilmember Killian said it was a bad idea to dissolve because some people will object. The resident said the law says the cost has to be passed to the district, and asked if the district were dissolved, would the whole Town pay. The Supervisor said it would.

Councilmember Stewart said funding has been a long-standing issue. He said the Town has funds to front the cost if the district is maintained, and agrees to send info to all district residents. He projected that at \$100 per year for 25 years would not fix all the issues. He said the decision should be made with the district residents, and not just by the Board. He vowed that the Board would not "bury" affected residents with the expense, but said those who do not benefit should not pay.

BUILDING, PLANNING & DEVELOPMENT DEPARTMENT

Local Law No. 7 of 2025 - SEQR

Attorney Bruening led the Board through the 18 questions of the State Environmental Quality Review Part 2 long form, and Part 3, Determination of Significance.

Resolution 245-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to indicate that the proposed action will not have an adverse environmental impact.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

Local Law No. 7 of 2025 - Adoption

The following resolution was read:

“WHEREAS the Moreau Town Board has considered the adoption of Local Law No. 7 of 2025 entitled ‘A Local Law Amending the Town Zoning Map to Apply the Solar Energy System Overlay District on Parcels 64.-2-80.11 and 64.-2-80.12 Currently Zoned R-3’ pursuant to Municipal Home Rule Law Section 10 and Town Law Article 16; and

WHEREAS the Town board has received an application for the creation of the first Solar Energy System Overlay (SESO) District in accordance with Section 149-28.1 of the Moreau Town Code, which would authorize the site plan review for the Moreau Community Solar Project proposed by US Light Energy on the parcels within the District; and

WHEREAS the proposed change in zoning was referred to the Saratoga County Planning Board which reported that the Zoning Map amendment would have no significant County-wide or intercommunity impact; and

WHEREAS the proposed change in zoning was referred to the Town of Moreau Planning Board which issued a favorable report with specific recommendations by consensus, with one member objecting, and such recommendations have been considered and incorporated by the Town Board; and

WHEREAS the Town Board duly held a Public Hearing on the proposed Local Law on June 10, 2025 and, after hearing all interested persons, closed the hearing; and

WHEREAS the proposed project is a Type 1 action for purposes of review in accordance with the New York State Environmental Quality Review Act (SEQRA), and the Town Board as Lead Agency conducted a coordinated review under SEQRA and determined that the proposed project will not result in any significant adverse impacts to the environment; and

WHEREAS the Town Board has determined that this Local Law would best enhance and protect the health, safety and welfare of the citizens of the Town of Moreau; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts Local Law No. 7 of 2025 in the form attached to this Resolution.
2. The Town Board hereby authorizes and directs that a copy of the relevant portion of the Town Zoning Map consistent with Local Law No. 7 of 2025 be produced and filed in the Town Clerk’s Office.
3. The Town Board hereby authorizes and directs the Town Clerk to file Local Law No. 7 of 2025 with the New York Secretary of State, along with a copy of the relevant portion of the Town Zoning Map consistent with the Local Law, and acknowledges that Local Law No. 7 of 2025 shall take effect immediately upon filing by the Secretary of State.
4. This Resolution shall take effect immediately.”

Resolution 246-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent

Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

Approval of Site Plan Review

The following resolution was read:

“WHEREAS NY USLE Moreau Reynolds A, LLC and NY USLE Moreau Reynolds B, LLC submitted an application for approval of a Large-Scale Solar Energy System dated February 3, 2025 for the construction and operation of two 5.0 MW AC ground-mounted solar arrays (System) on the western portions of the former Tee-Bird South golf course located at 65 Reynolds Road on two parcels of land with Parcel ID Numbers 64.-2-80.11 and 64.-2-80.12; and

WHEREAS the proposed System was referred to the Saratoga County Planning Board which reported that the proposed System would have no significant County-wide or intercommunity impact; and

WHEREAS the proposed System was referred to the Town of Moreau Planning Board which issued a favorable report with specific recommendations, and such recommendations have been incorporated by the applicant into supplemental application submissions dated May 16, 2025; and

WHEREAS the Town Board duly held a Public Hearing on the proposed System on June 10, 2025 and, after hearing all interested persons, closed the hearing; and

WHEREAS the proposed System is a Type 1 action for purposes of review in accordance with the New York State Environmental Quality Review Act (SEQRA), and the Town Board as Lead Agency conducted a coordinated review under SEQRA and determined that the proposed System will not result in any significant adverse impacts to the environment;

WHEREAS the Town Board has reviewed the application and supporting documentation, considered the review by the Town and County Planning Boards, with input from Town staff and the Town Designated Engineer, and having heard the public comments, and upon all proceedings held,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board has considered the SESO standards set forth in Section 149-50.2 (E) of the Town Code and has determined that:

- A. The system is compatible with the Comprehensive Plan and community and neighborhood goals;
- B. The system is properly sized for the parcels of land and potential adverse impacts have been mitigated;
- C. The system is compatible with surrounding natural and build environs;
- D. Adverse visual impacts have been mitigated with no adverse impact to public health and safety; and
- E. The applicant has obtained the proper authority and permission to construct and operate the system; and

2. The Town Board has considered the Site Plan Review criteria set forth in Town Code Section 149-38, including parcel coverage, stormwater management, erosion control, landscaping, buffers, and impacts to

neighboring properties, and determined that the System will be constructed and operated in a manner that will protect the health, safety and general welfare of Town residents; and

3. The Town Board has determined that the project will satisfy the minimum site plan standards set forth in Town Code Section 149-50.2 (D) (4), including area and dimensional requirements, buffering, lighting and anti-glare, fencing, impervious surfaces and signage; and

4. The Town Board approves the Site Plan for the System and, pursuant to Section 149-50.2 (E), such approval is conditioned as follows:

A. The system shall be constructed, monitored and decommissioned in conformance with Section 149-50.2 of the Town Code;

B. The Applicant, owners, successors, assigns and operators shall, at their own expense, decommission the system in conformance with Section 149-50.2 (F) of the Town Code and the Decommissioning Plan to be approved by the Town Board prior to the commencement of construction;

C. The Applicant, owners, successors, assigns and operators shall, at their own expense, execute and file with the Town Clerk a bond or other security in conformance with Section 149-50.2 (F) of the Town Code prior to the commencement of generating operations;

D. The Applicant and Town shall enter into a Host Community Agreement prior to commencement of construction; and

E. The Applicant shall pay all outstanding escrow amounts.

5. [sic] This Resolution shall take effect immediately.”

Resolution 247-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

TOWN CLERK’S OFFICE

The Supervisor said the Board had been advised to postpone passing Local Law 8 of 2025 at this meeting, and asked the Town Clerk to explain the context of some time-sensitive issues she would like the Board to address before the meeting June 24.

Town Clerk Trombley said a representative of P&M Enterprises was present at the meeting, and had a sparkling device application pending. She said the new proposed law would integrate sparkling device sales into the peddler/vendor license, in coordination with the Building Department for site plan approval. She explained that the vendor’s NY State sparkling device documentation wasn’t received in time to apply to vend sparkling devices under the Town’s old process, which is through the Planning Board, and he needed a license before June 24 in order to have his stand set up for required inspections so he could sell for the limited number of days allowed by the State. She said she and BPD Coordinator Westfall had reviewed his documentation and application and that

if proposed Local Law 8 had passed that night, his application would be ready to approve, pending receipt of payment of the license fee and a retainer to ensure trash removal after the booth closes. She said she was looking for approval from the Board to issue him a license prior to the passage of the new law.

The other request, she said, was from an ice cream truck operator who had been hired by a local elementary school to serve ice cream at their school trip to Moreau Recreation Park on June 13. She said the operator had been hired privately and served at the Rec. Park in the past but without a license, and it had been brought to her attention that she should have a license. The Clerk said the three-month license does not exist under the old law, and a fee of \$250 is cost-prohibitive for many vendors of this type. She said the vendor was seeking a three-month license for a proposed fee of \$100 which is suggested under the new law.

Resolution 248-2025 A motion was made by Supervisor Fish, seconded by Councilmember Stewart to authorize the Town Clerk's office to issue a three-month peddler's permit to Cooley's Ice Cream for a fee of \$100, pending successful submission of an application and any additional documents as deemed appropriate by the Town Clerk.

Discussion: Councilmember Stewart asked if the schools are not charged to use the Recreation Park facilities, why can't the Town pass on the same exemption to the vendor? The Town Clerk said since the vendor was requesting a three-month license, it was likely she was interested in doing other sales in the Town as well.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 249-2025 A motion was made by Stewart, seconded by Donohue to authorize the Town Clerk to issue a sparkling device license to P&M Enterprises SGF, LLC for a fee of \$250 to peddle in the Town of Moreau on the New York State allowed dates, pending submission of the fee and retainer.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

HIGHWAY DEPARTMENT

Truck 15, a 2015 Freightliner, needs heavy maintenance, including a rebuilt suspension, the Supervisor said. He added the Town doesn't have the tools to do the repair in-house. He said the truck rolled over in an accident in 2020 during a snowstorm when it was fully outfitted for snow removal. Whether the current repair is related to the 2020 incident, the Highway Superintendent was unsure, the Supervisor said.

Resolution 250-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to authorize the expenditure of up to \$3,400 for repairs to Truck 15 at Adirondack Truck Repair, to be paid from account DB5130.405.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

Resolution 251-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to approve the hiring of Adam Santiago as a highway Department Laborer at a rate set forth in the CSEA contract, pending successful completion of a pre-employment physical and background check.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

WATER & SEWER DEPARTMENT

Supervisor Fish said a public hearing was needed to change sewer rates because Hexion is billed for sewer based on a meter reading, so metered sewer needs to be added to the existing rate sheet. He said the Water Clerk had pulled rates from the past several years and they found that the rate to Hexion had never increased when the cost increased. The new proposed rate, he said, was \$5.99/thousand to Glens Falls, and \$6.07 to the County.

Councilmember Stewart asked if the Town was paying \$5.04. Supervisor Fish said Hexion was paying \$5.04, the Town was paying \$3.71 as of 2024, and the rate to the county is \$3.76. The Supervisor said when the Bluebird pump station upgrade is completed, the Industrial Park effluent will flow South. He said for the next two months it would likely continue to flow to Glens Falls. Councilmember Stewart said he was okay with setting the public hearing but cautioned that there would be questions so they should make sure they have all their facts ready.

Resolution 252-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to set a public hearing for sewer rates for 7:01 p.m., June 24, 2025.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

RECREATION DEPARTMENT

The Supervisor asked the Town Clerk to read resolutions related to life guards at the sand bar beach. She read:

“Be it resolved that the Town Board hires certified lifeguards Tessa Reynolds and Natalie Young at a rate of \$20/hour. Pending successful completion of a pre-employment physical, background check, and presentation of current, appropriate lifeguard certification.”

A motion was made by Councilmember Stewart, to adopt the resolution as read.

Discussion: Councilmember Killian asked how many lifeguards were being hired. There were five people listed in the resolutions presented for the meeting. Councilmember Stewart said that he had spoken with Recreation Director Brogan, who expressed that he had no intention of ever staffing the sand bar beach with only one lifeguard. He said the beach permit had been filled out incorrectly with the State in the past which required more staffing. The Councilmember said technically the beach can operate now with 1 guard, but he will not have only one. Confidential Secretary Bennett said having two guards on at once allows for guards to take required breaks and to cover when a rescue is underway.

The Town Clerk was prompted to read the second recreation resolution. She read:

“Be it resolved that the Town Board hires the following individuals as lifeguards at a rate of \$20/hour pending completion of lifeguard certification, a pre-employment physical, and background check:

- Danielle LaPlanche
- Rowan Estes
- Rowan DeMarco”

Resolution 253-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

SUPERVISOR’S OFFICE

Town Website

Supervisor Fish said his office had been obtaining information and quotes on a new website, which is not inexpensive. He said a number of updates are needed, included ADA compliance, mobile compatibility, and that the Town is required to operate a .gov website.

Councilmember Killian was invited to explain more on the necessity of a new site. The Councilmember said one thing the Town needs to be able to do is integrate payment types so the Town and residents are not paying for duplicate processing and service fees. He said any kind of billing would be under one umbrella. He said the vendor in question, Civic Plus, serves municipalities specifically, would assure ADA compliance, integrated payments, allow for emergency, safety and construction alerts, would facilitate easier communication to constituents. He also said it would integrate recreation sign-ups, pavilion scheduling, dog licensing and more.

He said the Town needs to get up-to-date, and this website could be edited on the fly, whereas the current site is partially broken. He said there was a 4-year contract, and the biggest expense would be set-up. The first year, including the set-up, would be \$28,000, he said, and it would be \$12,000 a year after year 1. Other companies charge less but offer fewer features.

Councilmember Stewart asked if an RFP was needed. Confidential Secretary Bennett said they asked Counsel, who advised that an RFP was not needed because this is professional services. She and Councilmember Killian said they had obtained multiple quotes and saw what was being offered. Ms. Bennett said some vendors don't host .gov websites. Others did have the features the Town needs, she said, and that they compared four companies that host municipalities and felt this vendor was the best choice. Councilmember Stewart said that if the other Board members were comfortable with it and the research that had been done, he would support it. He said it would save money in salaries alone after having spoken to Ms. Bennett and Town Clerk Trombley about how difficult it is to do routine updates and add information to the existing site. Councilmember Killian said the Town is paying hundreds of dollars a year now for software that is not even in use. Supervisor Fish said this update should have been done years before, and there would be no budget impact. Ms. Bennett added that the \$28,000 for the initial set-up year would be funded by the proceeds of the Redmond Road house sale.

Ms. Bennett highlighted that the Recreation Department would be integrated into the site, and that there was a promotion through June 20 that would set up Recreation features for free. She said the Town has been paying for MyRec software for two years which was not in use. Residents will have the ability to reserve pavilions through the site, she said, saving a lot of time and back-and-forth communication between the Town Clerk's office and the Recreation Department, and allow for integrated payments for any type of payment for any service or fee. Each day the Recreation staff can log in and see the day's rentals laid out, she said. NexBillPay and Forte processing for the Town Clerk and Water Department can be integrated into the new site, Ms. Bennett said.

Councilmember Stewart asked about the preference for one-year contracts. Ms. Bennett said it was less expensive to sign for multiple years. He also said that the annual increase in the 5-year contract is a known number that can be budgeted for, where other vendors said there would be no increase for the term of the agreement, which led them to believe there would be a balloon increase when facing a new contract. She said Civic Plus reduced their increase percentage from 5% to 3%.

Attorney Bruening said that when it comes to using Town facilities, a one-year contract is preferable so it doesn't appear as a lease. Councilmember Stewart asked if anyone had confirmed that the new site would be compatible with the current system and server. The Town Clerk said as a cloud-based program, there would be no need for additional server capacity.

Ms. Bennett said reps at Civic Plus answered all the questions she had, and that they know staff turn-over happens, so they will come out and train staff as many times as needed. Related to ADA compliance, Ms. Bennett said that staff doesn't need to know whether something they have posted is ADA compliant—their software scans the site continuously for ADA compliance issues. She said other vendors either said they would train staff on font sizes and other compliance issues and they had to manually make the site compliant themselves, or the vendor would load things to your site a couple of hours a month rather than having staff make updates. She said there were huge differences in the features being offered by the various vendors. For other ways to offset costs, she said they could look at a partial refund from MyRec since the Town never used it, and the Town had been approached about a cell tower, the revenue from which could be applied to the website. Town Clerk Trombley said she has some expertise in web ADA compliance, and it is not only required, and a nice this to do for Town residents, but also a way to avoid having the Town sued, which she has seen happen before.

Councilmember Stewart said the procurement policy had been met by four quotes having been obtained, and that if the Supervisor's office is recommending Civic Plus, and the vendor has been vetted, then he thinks it would be money well spent and sometimes you have to pay to get the best. He asked about the timeline to

implement a new site if they move ahead. Ms. Bennett said it would take months, and it would be a whole new site with the .gov suffix, which is a requirement by the State. Ms. Bennett said the Town Clerk had already obtained the domain for the Town so that step was complete. Supervisor Fish asked the Clerk to read a resolution. She read:

“Be it resolved that the Town Board authorizes the Supervisor to sign the Statement of Work from Civic Plus to engage in website creation, hosting, security, training, and other products as described in the SOW, for a term of four years.”

Resolution 254-2025 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

Cyber Insurance

The Town Clerk read the following resolution:

“Be it resolved that the Town Board approves the cyber insurance policy renewal with Amsure, carried by Lloyd’s of London Underwriters, for an amount not to exceed \$3,777.51 to be paid from account A1910.4.”

Resolution 255-2025 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

Historian

Reed Antis, Town Historian said he was still getting in touch with someone about cleaning veteran’s headstones. He brought a composite map made from two quadrangle maps from around 1900 to be displayed at Town Hall. He also brought a framed enlarged image of a 1903 postcard of the old iron bridge heading into Fort Edward. Councilmember Donohue asked if the Moreau Historian should have a Facebook page to share things like this with a wider audience. Councilmember Stewart suggested inclusion of Historian content on the website as well.

DEPARTMENT HEAD MONTHLY REPORTS

The Town Clerk read the following prepared resolution:

Be it resolved that the Town Board accepts the May monthly department head reports from the Assessor's Office, Building Department, Town Clerk's Office, Highway Department, Recreation Department, Town Historian, Transfer Station, and Water Department.

Resolution 256-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0.

COMMITTEE REPORTS

Councilmember Donohue said the mulch and lights at the Rec. Park look really nice. He said Shawn approached him to ask if he had seen the mulch, and he seemed very proud of what he had done. Councilmember Killian suggested photos from the park be shared on the website so more people can see.

Councilmember Stewart thanked the BOCES program for the excellent work they had done on parking at the Recreation Park. He said he wanted to work with the Supervisor's office to locate funds to remove the remainder of the debris pile at the Park. Supervisor Fish offered to look at it the following day.

Councilmember Killian said the quotes for the 85" screen he had been looking at have expired. There was a 10-day grace period so the requests have to be resubmitted, he said, and that they should have everything together for the June 24th meeting.

PUBLIC COMMENT PERIOD

Maureen Dennis questioned agenda item #8, the public hearing for sewer rates. She said Local Law No. 4 of 2025 was just passed on March 25, 2025 setting the sewer rates based upon EDU. Supervisor Fish said Hexion never had an EDU assignment, that they have metered sewer. Ms. Dennis said Schermerhorn apartments have metered sewer. The Supervisor said they do not. She said for 30 months she has been repeated that her company is being billed incorrectly—an EDU rate for both water and sewer. She asserted that Chapter 145 of the Town Code, relating to water, and Chapter 115, relating to sewer, before filing with NY State of the March 25 local law No. 4 of 2025, stated the rate is based on water that flows through the meter. She said the Board could establish an EDU rate for the Industrial Park, and she said she assumed they were not going to hold Hexion responsible for debt service in sewer District 1, extension 5. Supervisor Fish said they had always had a flow rate at Hexion. Ms. Dennis said the Board had to comply with the local law.

Ms. Dennis said the day before her company had won in court against the Washington County sewer district because the fees they were being charged were illegal according to their local law. She said whether Hexion had a meter or not, the Board could assign Hexion an EDU rate. She said Schermerhorn apartments have a meter. Supervisor Fish asked how the effluent at VanBuren from the various Schermerhorn apartment complexes could be distinguished from each other at the meter. She said that was why they paid for capacity buy-in, and asked what difference it made if the apartment structure effluent could be distinguished. The Supervisor said they were being billed separately. Ms. Dennis said the rate is flat in extensions 1-4 and was supposed to be based on water

through the meter. The Supervisor said each complex is billed separately, so how would they know what to bill with all the flow at one meter. She said it was based upon the number of apartments. She said two months prior she asked about an EDU assignment for Hexion and she said he told her it would be 94. Supervisor Fish said it was going to be 92. She said she had still not received a response to her FOIL response from April 25. Ms. Dennis said Chapter 115 of the Town code covers sewer regulations and 115-70 is related to cost allocation. She said rates can be changed under the Town code, but it can't be changed from EDU rate to capacity per thousand gallons.

Councilmember Stewart said that the rates that were just established were based on the EDU rate and that's why he said earlier that he thought there would be many questions at a public hearing on this subject. He said he was not in favor of one property paying for exactly what they use and others paying on EDU. He asked if they passed another local law, would it supersede Local Law 4 of 2025? Attorney Bruening said Ms. Dennis was pointing out that the new law specifies that all charges should be based upon EDU, so whatever is assigned to Hexion would have to comply with that or the code will have to be revised.

Ms. Dennis asked when her company would be reimbursed for their overcharges. She indicated a lawsuit was a possibility. She said the benefit outweighed the cost of bringing a suit in Washington County. She said in Chapter 115 of the Town code, usage is defined by water that flows through the meter and that O&M was based upon 1,000 gallons at a set rate. She said on 9/12/23 a nonsensical EDU rate was set for a meter that did not exist. Councilmember Stewart asked if that rate was based on minimum usage. The Supervisor said it was. Ms. Dennis said the EDU rate applied to the capital costs. She added that no one in the industrial Park or in Extension 5 paid a capital charge on sewer in 2024. Councilmember Stewart said all residents pay for minimum usage of water unless they exceed the minimum threshold. He said to adjust their rate, it would impact all water users. Ms. Dennis said the law needed to be changed.

She said the 2023 resolution passed with no public information, no public hearing, and without even being listed on the meeting agenda. Councilmember Stewart said if they found they were billing outside of the code, they would work with the Town's attorney to take corrective action. Ms. Dennis said that two years in a row the Town has been refunded by Queensbury and wanted to know why the money wasn't distributed to those who paid instead of to a Town slush fund. She then asked where the out-of-district user agreements were for the Grove at Sisson, and 112 Harrison Avenue. Supervisor Fish said the agreements were done but the NYSDEC was holding it up over the Bluebird Road pump station. Ms. Dennis said the October 2019 NYSDEC letter, item #9, said the Town could not connect sewer District 1, extension 5 to Wilton until the Bluebird Road pump station was finished. Supervisor Fish said that was correct, that the engineers made the connection illegally and it was already being addressed.

Councilmember Stewart said he was among those who were on the Board in 2023, and said the resolution was presented with the attorney Bill Ryan as well as the Water & Sewer special counsel present. Ms. Dennis said Mr. Ryan also tried to extort her company for non-existent connection fees. The Councilmember said that any time he was made aware that notice requirements were not met on an item, he voted against the action. Ms. Dennis said they didn't sue at the time because they were assured that it would be taken care of. Supervisor Fish said he agreed 100% and would not change how he felt, which is that people should only pay for water they use going through the meter. He said at one time past Supervisor Gardner Congdon had passed a resolution to that effect and he didn't know what became of it.

Ms. Dennis asked if there was an update on the Bluebird pump station. Supervisor Fish said the panel was expected that week, the pumps are already delivered, and they were expecting new cable for the panel that week. He had been told it wouldn't be done until the end of September, and he said now he's hopeful it might be done by the end of July. Ms. Dennis said that the Supervisor had previously said the end of June. Dave Vezzi at Emerich Supply was the contact identified by the Supervisor as the person setting the timeline at that point.

Councilmember Stewart referenced minimum usage set in Chapter 145 of the Town code, saying the law should supersede the resolution from 2023. Ms. Dennis said the resolution did not set minimum usage, and only added “EDU” after metered usage. She said prior to September 2023 they were billed per apartment even though they only had 98 meters. She said they were being billed for 694 EDUs. She said they also pay use, and cited Bluebird Trace, where she said they paid \$42,000 of sewer charges before a meter was even installed.

She said she was of the belief that extension 5 users did not pay enough. Supervisor Fish said they didn’t pay anything to Glens Falls for the year they were not connected to the system. She used the words “criminal” to describe the methodologies that have been applied to billing. She and the Board discussed how a sewer consolidation had been pushed in 2022/2023. Councilmember Stewart said again that if the way they are billing doesn’t make sense with Chapter 145 of the Town code, the code should be changed immediately. He continued, saying that if the Supervisor wants to propose a rate system, that it should match actual water usage.

Supervisor Fish said that that week he said he thought they should change Hexion to an EDU rate and was told it should be metered water usage. Ms. Dennis said it had to be EDU and the meter usage could be used to determine the EDUs. Supervisor Fish said they can’t use water usage to calculate sewer because they use the water to make distilled water for their product so their discharge is far less than their intake. Ms. Dennis said they paid an engineer to figure out the EDU rates. Councilmember Stewart agreed. Ms. Dennis said she would bet money that their May sewer bill would still be at the old rate, and that they were due a refund from the month before, but they paid under protest to avoid a 10% late penalty.

ADJOURNMENT

Resolution 257-2025 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to adjourn the meeting.

Asked if all were in favor, the responses were as follows:

Councilmember Donohue	Aye
Councilmember Killian	Aye
Councilmember Noonan	Absent
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 4:0. The meeting was adjourned at 10:07 p.m.

Respectfully submitted,
Erin Trombley
Erin Trombley, Town Clerk