

Agenda
Town of Moreau
Town Board Meeting
July 23, 2024
7:00PM

6:45 p.m. Month End Audit Meeting
7:00 p.m. Regular Town Board Meeting

Roll Call / Pledge of Allegiance

1. Public Hearing - Bakers Falls Solar (7:01pm)
2. Set Future Meetings, Public Hearings and Workshops
3. Approval of Minutes
 - June 18, 2024 - Bid Opening
 - June 18, 2024 - Special Meeting
 - June 25, 2024 - Solar Workshop/Month End Audit/Town Board Meeting
 - July 1, 2024 - Jacobie Farms PUD Workshop
 - July 9, 2024 - Town Board Meeting

Public Comment Period

***This is solely for comments and questions which pertain to agenda items.*

3. Old Business - Eagle Scout Project - Logan Kibling
4. Nexamp/Bakers Falls Solar - Hardship Waiver Application
5. Building, Planning & Development Office
 - PUD - 1345 Route 9
 - 532A Selfridge - Zoning Request (set public hearing)
 - Grant Application - NYSOPRHP EPF
7. Hydrant valve usage form
8. Authorize Litigation

Public Comment Period

***This is open to any comments pertaining to town business from the audience.*

9. Committee Reports
10. Supervisor's Items
11. Executive Session
12. Motion to Adjourn

A bid opening was conducted on June 18, 2024, in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York, for the Bluebird Pump Station Upgrade.

The Deputy Town Clerk started the bid opening at 9:00 a.m.

Present

Dianne Lewis Deputy Town Clerk
John Donohue, Jr. Councilmember

The following notice to bidders appeared in the legal ad section of the Saratogian newspaper on June 13, 2024:

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that the Town of Moreau is accepting bids for the upgrade of the Bluebird Village pump station in accordance with the specifications on file with the Moreau Town Clerk at the address listed below.

The Moreau Town Clerk will receive the sealed proposals at the Moreau Town Hall located at 351 Reynolds Rd, Fort Edward, NY 12828, until **9:00 AM on Tuesday, June 18, 2024** and will then be publicly opened and read aloud. The Moreau Town Clerk will then submit the Bids to the Town Board for consideration and approval, if any, at its next regularly scheduled meeting.

The right is reserved to reject any or all Bids, waive any informalities, and accept any bids considered advantageous to the Town of Moreau.

No proposal may be withdrawn, without the consent of the Town Board, for 45 days after the time for opening bids has passed.

Specifications for the work to be done are as follows, and complete bid documents may be examined and obtained at the Town Clerk's office at 351 Reynolds Rd, Fort Edward, NY 12828, during regular weekday business hours until **9:00 AM on Tuesday, June 18, 2024**.

The project generally consists of the following work:

- Bypass the wet well to avoid interruption of service, with adequate pump.
- Remove (2) existing 3hp Landustrie pumps.
- Remove existing guiderail system and base elbows.
- Plan to reuse the existing base elbow system with guiderails, as the larger pumps use the same Landy coupling/adaptor system as the existing.
- Removing existing 33"x33" access hatch, cut a larger opening in the concrete and install a 36"x36" access hatch. Final measurements would be required as the space in that area of the station is limited.
- Reinstall guiderail system with base elbow system to larger hatch opening.
- Modify/Move/Rework the discharge piping (4" PVC SCH80), reconnect to existing above ground header. This may require widening the hole in the concrete, that the existing discharge pipe is fed through, inside a green fiberglass enclosure to connect to header.
- Install (2) new 20hp Landustrie pumps.
- Provide and install new Duplex control panel. If unable to install inside the fiberglass enclosure, where the old Gorman Rupp panel is currently located, a weather rated panel would be required, if outside installation is necessary.
- The successful Bidder may utilize the existing mounting stand, that the Aqualogic panel is installed on. However, that will be dependent on new panel dimensions.
- Site restoration.

Proposals must be made upon, and in accordance with, the form of the proposal included with the bid documents, prepared for this solicitation. The formal proposal contains a Notice to Bidders, Instructions to Bidders, an Affidavit of Non-Collusion, Certification of Compliance with the Iran Divestment Act, a

A bid opening was conducted on June 18, 2024, in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York, for the Bluebird Pump Station Upgrade.

Bid Proposal, and Bid Specifications. All statements and requirements of this advertisement, Bid Proposal, Instruction to Bidders, Certification of Compliance with the Iran Divestment Act, and the Affidavit of Non-Collusion shall be deemed a part of the Contract to Purchase entered into by the Town, with the successful Bidder.

An email copy of the Bid Documents may be requested by calling the Town Clerk's office at 518-792-1030 or by emailing townclerk@townofmoreau.org.

Publication Date: June 13, 2024

Erin Trombley, Town Clerk

Town of Moreau

The following bids were received, opened, and read aloud:

Emerick Associates, Inc	\$74,500.00
1107 Loudon Rd	
Cohoes, NY 12047	

The bid results were forwarded to the Town Board, for review and discussion at the Special Town Board meeting on June 18, 2024 at 9:30 a.m.

The bid opening concluded at 9:01 a.m.

Respectfully submitted,

Dianne Lewis
Deputy Town Clerk

A special meeting of the Town Board of the Town of Moreau was held on June 18, 2024, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Fish called the special meeting to order at 9:30 a.m.

Town Board Members Present

Mark Stewart	Councilmember
John Donohue, Jr.	Councilmember
Jesse A. Fish, Jr.	Supervisor

Town Board Members Absent

Kyle Noonan	Councilmember
Patrick Killian	Councilmember

Also Present: Dianne Lewis, Deputy Town Clerk; Elizabeth Bennett, Supervisor's Confidential Secretary

Resolution #2024-218

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, and carried to purchase the Bluebird Road pump station located at SBL 50-2-1.11 for \$1.00 and accept the deed from Bluebird Village LLC for the same.

Asked if all in favor, the following responses were given:

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

Resolution #2024-219

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, and carried to accept the bid from Emerick Associates in the amount of \$74,500.00 to upgrade the Bluebird Road pump station as defined in the bid specifications, and authorize the Supervisor to sign the necessary documents.

Asked if all in favor, the following responses were given:

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

The Supervisor stated that we need to do this so that we may have development on Route 9, because of the need of flushing purposes of that line. The changing of direction of our Industrial Park station, to flush both to Glens Falls and to our pump station on Route 9, has made this a necessary thing to do.

Councilmember Stewart put on the record why he thinks it is important to purchase and upgrade this pump station, because he had received some questions. This is a necessary step towards further development along the Route 9 corridor and other extensions throughout the Town. There are two projects in the works that will receive benefit from the Town owning and upgrading this pump station. There is not going to be any cheaper option to purchase and upgrade this pump station currently, for the remainder of growth that is available in the residential and commercial development areas. For that reason, the Town Board has been very transparent. It has been discussed openly in regular Town Board meetings; Councilmember Stewart made the motion for the special Town Board meeting. He wanted to clarify for the written record that there has been nothing but transparency in this process, and Councilmember Stewart supports it.

A special meeting of the Town Board of the Town of Moreau was held on June 18, 2024, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Resolution #2024-220

A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to close the meeting for the morning at 9:38 a.m.

Asked if all in favor, the following responses were given:

Councilmember Noonan	Absent
Councilmember Killian	Absent
Councilmember Donohue	Aye
Councilmember Killian	Aye
Supervisor Kusnierz	Aye

Meeting Adjourned.

Respectfully Submitted,

Dianne Lewis
Deputy Town Clerk

The workshop was held in person. The Supervisor called the meeting to order at 6:00 p.m. with an attendance roll call.

PRESENT:	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	John Donohue, Jr.	Councilmember
	Jesse A. Fish, Jr.	Supervisor
ALSO PRESENT:	Erin Trombley	Town Clerk
	Josh Westfall	Building, Planning and Development Coordinator

OTHERS PRESENT: Nick Schepp, Olivia Feldman

Supervisor Fish opened the workshop by explaining the subject and format of the workshop; no public comments would be entertained.

DISCUSSION:

Building, Planning and Development (BPD) Coordinator Westfall stated that the draft Solar law currently under review was based on the previous law that had not been adopted. Some of the updates he outlined include a rezoning, site plan review, special permit, all with Town Board approval. Additionally, he detailed provisions for small- and large-scale projects—small-scale projects would include residential roof- and ground-mount arrays, the latter of which would be limited to fifteen feet tall with shielding from public right-of-way, and large-scale projects have a height limit of twenty feet, and other regulations including a decommissioning bond. He said the main consideration is where these could be placed in the Town, and that they had sought guidance from Saratoga County in the month prior, which had provided a map similar to the Corinth solar map. The issue he wanted to discuss was whether to limit solar to areas that were mapped at 1000 feet to transmission lines and 2000 feet to substations, or everywhere in Town within boundaries of the code.

Councilmember Donohue said the majority of the new law is from 2 or 3 years ago, doesn't include a no line district, though such a thing had been recommended by the former Zoning Administrator Jim Martin and former counsel. He continued, saying Josh Westfall and Jim Martin worked with him to establish a district like a PUD – people apply based on fit. In reference to large arrays or so-called solar farms, he said he didn't want to see panels everywhere, but this kind of project will work well somewhere in Town. He said he is in favor of visual screening, so neighbors don't have to look at hundreds of panels. Rather than designating parts of Town as a Solar zone, he said it will be the whole Town as long as the project in question meets the criteria and is approved by the Board.

BPD Coordinator Westfall said a letter from the utility company stating that the power would be added to the grid is one element of consideration. Councilmember Donohue said the decommissioning plan is important, but the law is largely the same as the past version with some revision, definitions, and clarifications. BPD Coordinator Westfall said the language of the new law is cleaner and easier to understand.

Councilmember Stewart said three years ago the courtroom was full of members of the community talking about Solar in Moreau. He asked how the Town should handle pre-existing solar that doesn't have a decommission plan. Mr. Westfall said this is accessory use, where a decommission plan isn't needed. A decommission plan is for large-scale projects only, he said, and a permit is required to install residential solar even now. Councilmember Stewart said large-scale projects are most applicable to the M1 district and with the potential for large arrays to be allowed anywhere, people may have objections. He added that in the past, solar companies identified only three areas in the Town compatible with large-scale solar. He said after hearing that information at the time they reviewed the previous law, he felt more comfortable with the idea.

Councilmember Donohue said solar in the agricultural district was the hot topic last time, and NYS Department of Agriculture and Markets has strict criteria. Solar will not take agricultural land out of existence, he said, but if farmers sell land to developers, the land is gone forever. He continued, adding that New York State can override the Town if regulations are too restrictive, and said it is happening somewhere South of Moreau in the state. In other words, he said, the law needs to make sense. BPD Coordinator Westfall said NYS can override the Town decision, but will work with the Town to meet the criteria of the Town code. He said there is a 110% capacity cap set by NYS Ag & Markets in agricultural areas.

Councilmember Stewart asked if the proposed law requires connection to the grid, and whether that would mean smaller operations couldn't produce solar power just for use on their farms. Mr. Westfall stated that on page 4 of 16 the 110% of consumed power cap is defined. Councilmember Donohue asked whether it would be a good idea to make a statement within the law that says the Town will follow all the NYS Ag & Markets guidelines in the agricultural district. Councilmember Stewart said he agreed with the idea of making the statement about adhering to Ag & Markets standards. He went on to ask about setbacks, set at 50 feet from the front, and 40 feet on the side, asking if these are consistent with other municipalities. BPD Coordinator Westfall said they are. Councilmember Stewart said if the farms are sold into 5-acres development parcels, they can never be brought back. He said the main issue in the previous law was the designation of "prime farmland," and giving he final say to the Board is giving the law a second chance.

Councilmember Donohue said Ag and Markets guidance is extra insurance to protect the land. Mr. Westfall went on to say he believes the overlay district is important because many places could benefit. Councilmember Donohue said both NYSEDA and NYS Ags & Markets believe these projects are beneficial, and Town Board review will ensure a good fit for each project in the Town.

Councilmember Stewart asked about abandonment, §149-5 on page 2 of 16. Mr. Westfall said this only applies to large-scale projects, and that he will clarify the wording. Councilmember Donohue said he is willing to move forward. Councilmember Killian said, as a former dairy farmer, when you look at statistics, development is taking over farmland at a rate of an acre every 3 minutes nationwide, or 175 acres an hour. The new solar law can bring opportunity and needs to be shaped, he said, adding he knew of farmers struggling with inflation and margins, returns on investment. He also many solar companies had reached out and it could be a great opportunity, though he also did not want to see panels everywhere. He said each farmer has different opportunities, and good things could happen. He said that in the past 92% of those polled supported solar and 8% did not, and they should think the law through carefully. He also said he would abstain from voting on items that could impact him.

Councilmember Stewart said moving forward to the next step of a public hearing, there are three things he would like the public to weigh-in on: percentage, setbacks, and screening requirements. He said this way people can make money, use energy, and still respect their neighbors. He said in other municipalities he has seen large installations set much farther back than 50 feet with significant screening.

Councilmember Donohue asked Mr. Westfall if he could make the discussed changes and get them out to the public so they could set a public hearing. Councilmember Stewart agreed and asked if the hearing could be set for the 1st July meeting. Mr. Westfall said the hearing date has to be set at a Town Board meeting. Councilmember Stewart asked if requested changes could be made before the first July Town Board meeting. Mr. Westfall said he could. Supervisor Fish asked if it would be wise to set a separate public hearing for the solar law, since it was a topic of much debate in the past. Councilmember Stewart agreed saying if the public hearing goes as it did in the past, it could last for hours.

ADJOURNMENT

Resolution 221-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to adjourn the meeting.

The Town Board of the Town of Moreau held a solar workshop at the Moreau Municipal Building,
351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley, Town Clerk

The Town Board of the Town of Moreau held a month-end audit at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

The audit meeting was held in person. The Supervisor called the meeting to order at 6:45 p.m. with an attendance roll call.

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

ALSO PRESENT:	Erin Trombley	Town Clerk
	Anna Labiak	Water Clerk

OTHERS PRESENT: none

There were no items for discussion presented.

MONTH-END AUDIT

Resolution 222-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to increase appropriations by \$674.75 from account A7990.4 for the community garden using funds donated to the Town in 2022.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 223-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to accept the June warrant as audited.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

ADJOURNMENT

Resolution 224-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adjourn the meeting.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye

*The Town Board of the Town of Moreau held a month-end audit at the Moreau Municipal Building,
351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.*

Councilmember Donohue Aye
Supervisor Fish Aye

The motion carried 4:0

The meeting was adjourned at 6:48 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley, Town Clerk

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

The meeting was held in person. The Supervisor called the meeting to order at 7:00 p.m. with an attendance roll call and the Pledge of Allegiance.

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

ALSO PRESENT:	Erin Trombley	Town Clerk
	Glen Bruening	Town Attorney
	Chris Abrams	Highway Superintendent
	Elizabeth Bennett	Confidential Secretary

OTHERS PRESENT: Tom Masso, Ann Purdue, (unknown) Wiltshire, Dominic Tom, Bruce Lant, Maureen Dennis

There were no items for discussion presented.

PUBLIC HEARING, LOCAL LAW 5 of 2024

Resolution 225-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to open the Public Hearing for Local Law 5 of 2024.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

No comments were made by the public.

Resolution 226-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to close the public hearing.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

FUTURE MEETINGS & WORKSHOPS

Resolution 227-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to set a workshop for the Jacobie Farms PUD for July 1 at 6:16 PM.

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

APPROVAL OF MINUTES

Resolution 228-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to accept the special Town Board meeting minutes from 5/31 as presented.

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

Councilmember Killian	Aye
Councilmember Stewart	Abstain
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 3:0

Resolution 229-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to accept the 6/11 Town Board meeting minutes as presented.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

PROCLAMATION

Supervisor Fish explained that the prior week there had been a ceremony to honor deceased veterans at Saratoga County. He said he had nominated Air Force veteran and New York State Trooper Timothy Pratt to receive this honor on behalf of the Town. He asked the Town Clerk to read the proclamation which was read at the ceremony into the record. She read:

"PROCLAMATION of the Town Board of the Town of Moreau
Honoring Timothy P. Pratt, US Air Force 1979-1986
January 9, 1961 - October 26, 2016

WHEREAS, Timothy Patrick Pratt was born on January 9, 1961 to Edward and Ruth (Wilsie) Pratt of South Glens Falls, NY, was one of seven children, grew up on Clark Street, participated in the first South High Marathon Dance in 1978, graduated from South Glens Falls School District in 1979; and

WHEREAS, upon entering the US Air Force on September 7, 1979, Tim served his time as a Security Specialist with the 42nd Security Forces Squadron, was charged with protecting the installation, strategic air command aircraft, infrastructure; and

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

WHEREAS, Tim Pratt was stationed at Loring Air Force Base in Northeastern Maine, which was one of the largest Strategic Air Command bases in the United States from 1954-1994, during the Cold War Era, was home of B-52 bombers and strategic assets; and

WHEREAS, Tim Pratt honorably served our Country with distinction, receiving the AF Training Ribbon, AF Commendation medal, AF Good Conduct Medal, AF Longevity Award and was discharged at the rank of Staff Sergeant on May 1, 1986, then continued to honor his military service as a member of the American Legion Post 574; and

WHEREAS, New York State, particularly the greater Moreau community, was fortunate to have Tim return to his hometown following his military service, he raised his children James, Sarah and Shane, continued to serve his community as an unwavering volunteer and supporter of the Marathon Dance; and

WHEREAS, Tim Pratt began his career as a New York State Trooper on March 30, 1987, serving the entirety of his nearly 30 year career assigned to Troop G and the Wilton Barracks, was a member of the Traffic Incident Management detail; and

WHEREAS, utilizing his love for motorcycles, Tim continued his service to others, on two wheels, through his involvement with NY State Police Motorcycle Unit, leading the 9/11 Memorial Ride from Albany to NYC, participating in rides for Toys for Tots, in memory of his friend Jimmy Caccavo, and with Jess' Double H Ride for the Kids, where he was also an entertaining auctioneer; and

WHEREAS, the world came full circle for Tim when he returned to his childhood home on Clark Street, with his fiancée Sue; and

WHEREAS, an outgoing nature, silly laugh, larger than life personality and dedication to helping others will forever be synonymous with the name Tim Pratt;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau does hereby extend its appreciation and gratitude to Timothy P. Pratt for a lifetime of selfless service to his country, state and to the people of our community."

Resolution 230-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to accept the proclamation in honor of Timothy Pratt.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

PUBLIC COMMENT PERIOD

No comments were made.

LOCAL LAW 4 OF 2024

Resolution 231-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to close the public hearing for Local Law 4 of 2024.

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

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 232-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to close the public hearing for Local Law 4 of 2024.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Supervisor Fish asked counsel to take the Board through a short EAF SEQR completion process. Attorney Bruening prefaced the disclosure by saying proposed Local Law 4 of 2024 makes minor amendments to Town code chapter 104, dealing with the construction of highways within a subdivision. He said at the last Town Board meeting updated drawing attachments were added to the proposed law. He asked if the Board was prepared to go through the NY State Environmental Quality Review (SEQR) Act. Continuing, he said in a document the Board had in-hand or email was a part 1 disclosure form completed by the Highway Superintendent stating that the updated language and drawings would not negatively impact the environment—in fact they will improve environmental impacts. The part 2, impact assessment, and part 3 determination of significance, were yet to be completed, he explained. He recommended that he read each of the 11 questions, with the Board answering each question. A record would be kept of the consensus, and based on those findings, a determination of impact can be completed, he said.

Attorney Bruening read each of the 11 questions and the Board responded “no” or “no or small impact” to each. Counsel said that if they felt they could make a determination on the environmental impact, the Board should pass a resolution, which would complete the SEQR process.

Resolution 233-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to declare there are no or small environmental impacts in part two, and that there will not be significant environmental impacts in part three, the determination of significance.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Supervisor Fish then asked the Town Clerk to read a resolution adopting Local Law 4 of 2024. She read:

“MOREAU TOWN BOARD RESOLUTION ADOPTING LOCAL LAW NO. 4 OF 2024

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

AMENDING CHAPTER 124 OF THE CODE OF THE TOWN OF MOREAU RELATING TO HIGHWAY CONSTRUCTION WITHIN SUBDIVISIONS

WHEREAS, the Moreau Town Board has considered the adoption of Local Law No.: 4 of 2024 to amend provisions of Chapter 124 of the Town Code relating to highway construction within realty subdivisions pursuant to New York State Municipal Home Rule Law § 10; and

WHEREAS, the Town Board has determined that this proposal would clarify certain responsibilities of the developer and highway superintendent during the design and construction of highways within realty subdivisions, clarify and update certain design drawings to be followed in the design and construction of such highways, and clarify that such highways shall include a subbase course and an intermediate finish course consisting of specified materials, which is expected to result in better highways constructed within subdivisions; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Local Law on June 11, 2024 where it considered non-substantive revisions to the proposed Local Law, the proposed Local Law as revised has been published on the Town's website, and the Public Hearing was continued and closed on June 25, 2024 where the Town Board heard all interested persons; and

WHEREAS, the proposed Local Law is an unlisted action as defined in Title 6 of the Compilation of Codes, Rules and Regulations of the State of New York § 617.2, and the Town Board undertook review pursuant to the New York State Environmental Quality Review Act and determined that the proposed Local Law will not result in any significant adverse impacts to the environment.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts Local Law No. 4 in the form attached to this Resolution.
2. The Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing by the Secretary of State.
3. This Resolution shall take effect immediately."

Resolution 234-2024 A motion was made by Councilmember Killian, seconded by Councilmember Stewart to adopt the resolution for Local Law No. 4 of 2024 as read.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

LOCAL LAW 5 OF 2024

Supervisor Fish explained that counsel advised that Local Law 5 of 2024 is not subject to SEQR because it only involves a change of title. He asked the Town Clerk to read a resolution. He read:

"MOREAU TOWN BOARD RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2024

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

AMENDING CHAPTERS 84 AND 120 OF THE CODE OF THE TOWN OF MOREAU RENAMING THE POSITION OF STORMWATER MANAGEMENT OFFICER TO STORMWATER PROGRAM COORDINATOR

WHEREAS, the Moreau Town Board has considered the adoption of Local Law No.: 5 of 2024 to amend provisions of Chapters 84 and 120 of the Town Code renaming the position of Stormwater Management Officer to Stormwater Program Coordinator, under the authority of Municipal Home Rule Law § 10; and

WHEREAS, the Town Board has determined that this proposal would bring the Town into compliance with certain obligations under the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems, permit number GP-0-24-001 issued effective January 3, 2023 by the New York State Department of Environmental Conservation; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Local Law on June 25, 2024 and heard all interested persons; and

WHEREAS, the proposed Local Law is an unlisted action as defined in Title 6 of the Compilation of Codes, Rules and Regulations of the State of New York § 617.2, and the Town Board undertook review pursuant to the New York State Environmental Quality Review Act and determined that the proposed Local Law will not result in any significant adverse impacts to the environment.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts Local Law No. 5 in the form attached to this Resolution.
2. The Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing by the Secretary of State.
3. This Resolution shall take effect immediately."

Resolution 235-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt the resolution for Local Law No. 5 of 2024 as read.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

STORMWATER PROGRAM COORDINATOR

Supervisor Fish said with the adoption of Local Law 5 of 2024 it was an opportune time to appoint someone to the position. He said Josh Westfall (Building, Planning and Development Coordinator) came to Moreau with stormwater management experience so it made sense to appoint him to the role of Stormwater Program

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

Coordinator as well. Supervisor Fish added that Josh had hit the ground running when he was hired and has been a huge asset to the Town.

Resolution 236-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to appoint Josh Westfall to the role of Stormwater Program Coordinator.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

INSURANCE RENEWAL

Supervisor Fish explained that it was time to renew the Town's insurance with NYMIR, and that for next year, they may ask Amsure to look into other insurers that may be less expensive, but at this time the Town's commercial insurance policy will be with NYMIR.

Resolution 237-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to authorize the Supervisor to sign an insurance renewal with Amsure in the amount of \$110,854.55 from accounts A1910.4, DB5130.499, and CW8310.4.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 238-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to approve a cyber liability insurance policy in the amount of \$3,777.51 from account A1910.4.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 239-2024 A motion was made by Councilmember Killian, seconded by Councilmember Stewart to add insurance renewals to the June 2024 warrant.

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

Councilmember Killian	Aye
-----------------------	-----

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

DEPARTMENT MONTHLY REPORTS

Resolution 240-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to accept monthly reports from the Assessor's Office and Water Department.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

NEXBILLPAY

Supervisor Fish stated that when Nexbillpay was established for water payments, access to Town bank accounts was authorized for monthly fees, which is a violation of New York State law. He continued, saying that an addendum had been negotiated with Nexbillpay which will pass on the cost of using credit cards to pay water bills to the individual users.

Discussion: Councilmember Stewart asked if forms needed to be reworded to let users know this will be in addition to their bills. Supervisor Fish answered affirmatively. There was clarification that the next round of bills would go out in September, and what notice needed to be provided. Counsel advised that in addition to a notice on bills, a statement be added to the Town website. Councilmember Stewart said he wanted to be transparent about the additional fee.

Resolution 241-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to authorize the Supervisor to sign a Nexbillpay addendum

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

EXECUTIVE SESSION

The Board entered into Executive Session to go into executive session for the purpose of discussing the employment history of a particular person or persons, matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons.

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

Resolution 242-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to enter into Executive Session for the purpose of discussing the employment history of a particular person or persons, matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

The motion was amended by Councilmember Stewart and Supervisor Fish to request the presence of Highway Superintendent Chris Abrams and to state that there would discussion of an appointment for employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or persons.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The amended motion carried 4:0

The Executive Session began at 7:27 p.m. and ended at 7:55 p.m. When the Board reconvened Councilmember Stewart and Supervisor Fish stated that no action had been taken in Executive Session.

WATER DEPARTMENT

Supervisor Fish stated that a new position was needed in the Water Department. He said it was time to get back to the way things once were done.

Resolution 243-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to create the position Water & Sewer Operator.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Supervisor Fish said there was no current Civil Service list for the position and that it would be subject to Civil Service testing if it becomes available.

Resolution 244-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to hire Kristian Mechanick as the Water & Sewer Operator at an annual salary of \$62,000, beginning July 8, pending successful completion of a background check and pre-employment physical.

Discussion: Councilmember Stewart said this was a good move for the Town, that Mike Mooney had been working on an hourly basis and this would bring the department back to having full-time, in-house staff who can handle issues when they arise. He said Kristian had been an employee in the past and has a base of knowledge of the department and Town operations. He wanted Town residents to also know that this role works at the pleasure of the Supervisor, who had been a Water Superintendent in the past himself. He continued, saying now is a good time to expand the Department, with Supervisor Fish on the Board, with his institutional and technical knowledge. Councilmember Donohue added that as a past employee, Kristian brings a wealth of knowledge, all required licenses and certifications, and that it's time to get back to basics—have Town employees provide services to save taxpayer money. He said he was aware of a cost of over \$20,000 on just two repairs that could have been completed by Town employees. Councilmember Killian said this helps set standards as they should be, setting the expectation that things in the Town are being taken care of with urgency and expertise. Supervisor Fish added that by having two employees, more work could be done, such as digging out water lines or digging up hydrants that need repair—tasks that cannot be completed by a single employee. Current employee, Jeff, he said, has done a very good job with the first grinder pumps and would be an asset to Kristian to help train him in this aspect of the new sewer system. He said Kristian can also teach Jeffrey ways they can save taxpayers' money.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

PUBLIC COMMENTS

Tom Masso said Saratoga Biochar had applied for \$100 million grant from the Department of Agriculture to build the proposed Moreau fertilizer plant. He said the USDA has about \$.5 billion to invest in expanded domestic fertilizer production, and on June 19, the USDA issued notice via the Times Union that they would be accepting public comments on Saratoga Biochar's application. The Environmental Specialist tasked with evaluating and managing the request, Josef Simme (NEPA Senior Environmental Specialist), is a contractor for the USDA, he said. Mr. Simme is the person who should receive public comments, and who was quoted in the Times Union saying that "no significant impacts" were expected from construction of the project, according to Mr. Masso, who had spoken to Mr. Simme at length the day prior. He said Mr. Simme had been candid, admitting most of the input to date had been from Saratoga Biochar.

Mr. Masso said he had spoken of the comments submitted to the NYSDEC, and that Mr. Simme was smart, open-minded, and wanted as much input as possible before the funding decision would be made. A 14-day comment period ending July 3rd can potentially be extended, according to Mr. Masso, who added that he believed attorney Bill Nikas and Tracy Frisch (of Clean Air Action Net [CAAN]) had already requested extensions. Mr. Masso said Mr. Simme had spoken to the NYSDEC and was expecting the comments submitted to their public comment period the previous winter to be sent to Mr. Simme. Mr. Masso said he sent his comments from the NYSDEC hearings to Mr. Simme. Columbia University Professor emeritus of Environmental Science, David Walker, had been contacted initially by Saratoga Biochar, according to Mr. Masso, and has high level concerns he was sharing with the USDA. Many members of the community are submitting their comments to Mr. Simme, and to Congressman Tonko and Senator Schumer, he said, and went

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

on to urge Town Board members to give their comments as well because Town officials' opinions carry some weight. The more information Mr. Simme gets, he said, the better the chances are that he will make the right decision. He provided Mr. Simme's email for submissions: josef.simme@usda.gov, and phone number for comments: 540-613-1119.

Councilmember Stewart remarked that he found it odd that the notification of public comment period was only published in the Times Union, and he said he wondered if he had the resources or was open to publishing it in a more local outlet to the Town. Mr. Masso said he did not know and hadn't thought to ask, but he said Mr. Simme is located in Roanoke, Virginia and worked for the USDA as a consultant. He said he had explained to Mr. Simme that the original justification for the project was based on theory and limited small sample tests, many of which concluded more study was needed. Mr. Masso said unless the results could be scaled to 20-ton loads, which has never been done, they can't definitively say all the contaminants are eliminated from the waste. Supervisor Fish said the more emails are sent, the more it will help, particularly when more technical information can be shared. He went on to say in Texas 3 cattle were found dead who had been feeding on fields that had been spread with this type of fertilizer, and when they were tested, he said they were found to have high levels of PFOAs.

Dominic Tom said all the information Mr. Masso shared was available on the CAAN website and the Grow Moreau Facebook page. He also wanted to say thank-you to the Board for hiring Kristian, because he has urged the Board to take similar action several times since the new administration arrived. On another topic, he said he had touched base with Councilmember Donohue about Twin Bridges picking up garbage between 6 a.m. and 6:15 a.m., in violation of local code. He said last year Councilmember Donohue spoke with Building Inspector Matt Dreimiller and Twin Bridges. The activity stopped for 3 or 4 weeks, he said, and now are back to business as usual. He urged the Board to crack down on Casella and Twin Bridges for flouting Town code, issue fines and take them to court, he said.

He continued saying that the County Treasurer's office confirmed that no foreclosures are being conducted, despite the best efforts of Town employees. He said these hurdles are contributing to the Town "looking like a dump" and referencing the property next to the firehouse as an illustration, where he said it looked "like a bomb went off." He said it had been like that for years, according to someone he spoke with at a fundraiser at the firehouse, adding that the entrance to Moreau has had rusted trailers and junk cars in the same places for years. He said he would like to see the Town cleaned up and back in compliance with code within the scope of what can be done locally. He also said attendees at the meeting that night had held their own "executive session" while the Board was in executive session, where Confidential Secretary Bennett stated that elected officials cannot be removed for non-attendance of meetings. He referenced Councilmember Noonan's absence from recent meetings and said something had to be done because in 2023 the previous Supervisor demanded Councilmember Donohue resign after missing a meeting to Covid-19, missing a meeting when his father died, and a third due to vacation. He called it ironic. He said years ago the Post-Star did an article about a Warrensburg Board of Education member who had missed 30 out of 32 meetings. The district had the right to remove that member on that basis, but did not, Mr. Tom said, and that member was reelected as well.

COMMITTEE REPORTS

Transfer Station: Councilmember Donohue said Confidential Secretary Bennett had found a company that could take electronics for free to the Town and residents. Currently, he said, there is no place to dispose of electronics so people stash their unwanted trash in various places. He said registration with NYSDEC is required, which Ms. Bennett was working on, and then a contract would need to be signed. He said it looked like the company could take just about everything people want to discard, including tube TVs. The Company is called E-Waste and he hoped to have information by the next meeting so he could move forward with the support of the Board. The Town of Corinth has this service currently so he was going to check it out.

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 25th day of June, 2024.

Community Center: Councilmember Donohue also said the community pantry idea that had been raised at a past meeting is in the works thanks to Ms. Bennett and the Community Center, who pledged to supply food for the shelves.

Recreation Department: Councilmember Stewart gave kudos to the Recreation Park staff for doing an amazing job preparing and turning over fields for large tournaments over the weekend, even in heavy rain. The Community Center had been in touch as well, he said, regarding donating the former preschool play equipment to the Recreation Dept. Councilmember Killian asked if it could be put on a flatbed and transport. Councilmember Stewart said yes, and perhaps he could call on the Highway Dept. for support in that area. South Glens Falls Youth Baseball has worked on field expansion, he said, and made fantastic progress which he hoped would continue after the summer hiatus.

SUPERVISOR'S ITEMS

Supervisor Fish said with the exception of a single dip in Fortsville Road, Bellamy Construction has finished its work. He said with all the financial transactions back and forth, in the end the Town and Bellamy owe \$82 to each other. He said he was glad to know they are able to finish the project for less than \$50,000 and be on the way to running the sewer line to Mechanicville. The pump station at Ace in Wilton still needs to be finished, he said, but it is on course for completion.

ADJOURNMENT

Resolution 245-2024 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 Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,
Erin Trombley
Erin Trombley, Town Clerk

*The Town Board of the Town of Moreau held a workshop for Jacobie Park-Side Farms PUDD at the
Moreau Municipal Building,
351 Reynolds Road, Moreau, Saratoga County, New York, on the 1st day of July 2024.*

The meeting was held in person. The Supervisor called the meeting to order at 6:15 p.m. with a roll call and the Pledge of Allegiance.

PRESENT:

Mark Stewart	Councilmember
John Donohue, Jr.	Councilmember
Jesse A. Fish, Jr.	Supervisor

ALSO PRESENT:

Mike Shaver	Planning Board Member
Brad Nelson	Planning Board Member
Ann Purdue	Planning Board Member
Josh Westfall	Building, Planning and Development Coordinator
Maria Jennings	Deputy 2 Town Clerk

OTHERS PRESENT:

Joseph Dannible	Environmental Design Partnership
Anthony Cerrone	Cerrone Builders
Stephen Cerrone	Cerrone Builders
Gianni Simone	Cerrone Builders

Other Attendees: Keith Gilligan

Joe Dannible began with a presentation for the Jacobie Park Side Farms project. He started by defining the three different building styles, the first being the cottage style homes targeting both families as well as empty nesters. The second he described is the duplex style which would be next to the single-family dwellings. Lastly, he discussed the apartments overlooking the park which will be multifamily targeting seniors. Joe said the design was looking to go back in time with a community where there was camaraderie, thus, the placement of the front door and porch setting design came to fruition. There will be sidewalks throughout as well as a Hobby Barn encouraging neighborhood exchanges. He said that this will offer a greenhouse, woodworking space or any other hobbies that could draw people together. As of this meeting he said the group did not have a projected cost per unit.

The presentation then touched on a traffic study which had been completed that had determined the road would need to be refigured. Councilmember Stewart notified the group that since that study, there had been a road code change so it would need to be redone. Supervisor Fish stated that any work on the road could not shut the road off to traffic. Supervisor Fish suggested that the group strongly consider which time of year would be best to not interrupt traffic flow. There was conversation regarding peak access as a concern for all vehicles.

Councilmember Stewart addressed the volume of road traffic in and out of the park as well as the increased use by the residents. He suggested they consider a sign making right turn only when exiting from the west side of the complex onto Gansevoort Road. He said the road leading in, that intersects with Gansevoort Road, will be owned and maintained by the. The development roads within will be privately owned and covered and maintained by the Homeowners Association.

Councilmember Donohue addressed the third story overlooking the park as being a source of pushback from the town residents. He then asked the group if there was any flexibility in the skyline concerns, Gianni Simone's response was that there are options for the visual views to break the roofline up by having an open rooftop gathering space. The board members asked if just an architectural rendered drawing could be submitted for board review to share with the concerned individuals.

*The Town Board of the Town of Moreau held a workshop for Jacobie Park-Side Farms PUDD at the
Moreau Municipal Building,
351 Reynolds Road, Moreau, Saratoga County, New York, on the 1st day of July 2024.*

Councilmember Donohue asked about the commercial concerns also shared with him by residents and the group was willing to take that out. Councilmember Donohue reiterated that Kristine Orr and Tim Dawkins both welcomed the increase in enrollment to the South Glens Falls Central School District, and that residential growth would spark commercial growth in the area. Councilmember Stewart asked if there was a plan to establish a property line on the East Side near the tennis courts. Joe Dannible said that the contractor did not plan on a fence but offered a foliage option. Councilmember Stewart was concerned about the park being accessed by the residents of the neighborhood after hours.

Supervisor Fish mentioned water capacity concerns but said it would be a burden that the Town of Moreau would bear. Councilmember Stewart brought up sewer being routed through Arrowhead Meadows to tie in service expansion, he asked if density was in design? The original design for the single-family dwellings was to be connected to sewer and a year and a half ago it was a one-million-dollar project. Would the Route 32 homes within one half mile be able to connect he asked? The conversation went on to reference 3-inch lines and involved individual grinder pumps. While the Rental portion of the property would have combined pump stations.

Councilmember Stewart asked where they were regarding the Planning Board's concerns and asked if and how they would all be addressed. Gianni Simone asked the board to look at his position as the businessman with the time he put into this project over the past two years. He said he was not feeling respected, and he did not want to make waves and wants to maintain a good relationship with the Town of Moreau. He said that he was offering flexibility in design. At that point Joe Dannible did acknowledge the planning board's checklist and the concerns were all going to be satisfied.

ADJOURNMENT

Resolution 246-2024 A motion was made by Mark Stewart, seconded by Supervisor Fish, to adjourn the meeting.

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

Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 3:0

The meeting was adjourned at 7:14 p.m.

Respectfully submitted,
Maria Jennings
Maria Jennings
Deputy Town Clerk 2

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

The meeting was held in person. The Supervisor called the meeting to order at 7:00 p.m. with an attendance roll call and the Pledge of Allegiance.

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

ALSO PRESENT: Erin Trombley Town Clerk
Glen Bruening Town Attorney
Chris Abrams Highway Superintendent
Elizabeth Bennett Confidential Secretary

OTHERS PRESENT: Dan Cahalane, Amy Noonan, Nicole Haddadnia, Ann Purdue, Tom Masso, Dominic Tom, Michelle Smith, (illegible), Jorge Padron, Carl Hourihan

Supervisor Fish explained that the Town Board had received a hardship waiver application from NexAmp/Bakers Falls Solar, and a public hearing would be needed. He asked the Town Clerk to read a prepared resolution. She read:

“RESOLUTION SCHEDULING PUBLIC HEARING ON APPLICATION OF BAKERS FALLS SOLAR, LLC FOR A WAIVER PURSUANT TO LOCAL LAW NO. 3 OF 2024

WHEREAS, the Site Plan Review Application of Bakers Falls Solar, LLC for a ground mounted solar photovoltaic system at 11-15 Electric Drive Rear, SBL 50.-4-26, 50.-4-27 and 50.-4-28 received approval from the Town of Moreau Planning Board on May 16, 2022 with the sole condition that the decommissioning bond is in place for the life of the project; and

WHEREAS, while the applicant was completing post-approval work, which includes the ongoing negotiation with the Town of a Consent and Acknowledgment of Easement Agreement, the Town Board adopted Local Law No. 3 of 2024 imposing a temporary moratorium on, among other things, the issuance of any permits or approvals allowing any manufacturing or industrial uses or operations in Moreau's Industrial/Manufacturing Zones; and

WHEREAS, by letter application dated June 25, 2024, Bakers Falls Solar, LLC and Nexamp submitted an application for a waiver from the temporary moratorium, and such application is subject to a public hearing to be held on 10 days public notice.

NOW, THEREFORE, BE IT

RESOLVED, that the Moreau Town Board shall meet and hold a public hearing at the Moreau Town Hall, 351 Reynolds Road, Moreau, New York 12828, beginning at 7:01 p.m. on Tuesday, July 23, 2024 to hear all interested persons and take any necessary action provided by law concerning the waiver application; and be it

FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Clerk to provide notice and/or referrals regarding the proposed Local Law as required by State and Local Laws, including where applicable notice and referral to the Town of Moreau Planning Board, the Saratoga County Planning Board and any municipalities within 500 feet of properties that would be impacted by the proposed project; and be it

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

FURTHER RESOLVED, that the Town Board further authorizes and directs the Moreau Town Clerk to publish and post a Notice of Public Hearing concerning the waiver application in the manner provided by law and to make a copy of the proposed waiver application available for public inspection in the Town Clerk's office, and on the Town's website, following the adoption of this Resolution and until the Public Hearing is closed."

Resolution 247-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to adopt the resolution as read.

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

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

The motion carried 5:0

Councilmember Donohue gave some background on a previous Solar Law that had been worked on but never adopted, and how it had been revised leading up to this meeting. He said a public hearing would be needed to move forward with the law and opened discussion on a date and time for the hearing, suggesting July 22 so there would be ample time for comments, since it would not be a regular meeting night. Upon Board members agreeing on Monday, July 22 at 6:30 p.m., Councilmember Donohue asked the Town Clerk to read a prepared resolution. She read:

"RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 6 OF 2024 AMENDING CHAPTER 149 OF THE CODE OF THE TOWN OF MOREAU TO ESTABLISH REGULATIONS FOR SOLAR ENERGY SYSTEMS

WHEREAS, the Town Board is considering the adoption of proposed Local Law No. 6 of 2024 entitled, "A Local Law Amending the Town of Moreau Town Code o Establish Regulations for Solar Energy Systems;" and

WHEREAS, adoption of this Local Law is authorized by the New York Municipal Home Rule Law § 10 and Town Law Article 16; and

WHEREAS, the Town Board is required to hold a Public Hearing prior to the adoption of such Local Law; and

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the State Environmental Quality Review Act, the Moreau Town Board shall serve as the Lead Agency for the review of the proposed Local Law; and be it

FURTHER RESOLVED, that the Moreau Town Board has classified the adoption of the proposed Local Law as an Unlisted Action pursuant to the State Environmental Quality Review Act; and be it

FURTHER RESOLVED, that the Moreau Town Board shall meet and hold a public hearing beginning at the Moreau Town Hall, 351 Reynolds Road, Moreau, New York 12828, beginning at 6:30 p.m. on Monday, July 22, 2024 to hear all interested persons and take any necessary action provided by law concerning proposed Local Law No. 6 of 2024; and be it

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Clerk to provide notice and/or referrals regarding the proposed Local Law as may be required by State and Local Laws, including notice and referral to the Town of Moreau Planning Board, the Saratoga County Planning Board and any municipalities within 500 feet of properties that would be impacted by the proposed Local Law; and be it

FURTHER RESOLVED, that the Town Board further authorizes and directs the Moreau Town Clerk to publish and post a Notice of Public Hearing concerning proposed Local Law No. 6 of 2024 in the manner provided by law and to make a copy of the proposed Local Law available for public inspection in the Town Clerk's office, and on the Town's website, following the adoption of this Resolution and until the Public Hearing is closed."

Resolution 248-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to adopt the resolution as read.

Councilmember Noonan said he did not want to enter into discussion but said July 22 was his daughter's birthday so he would not be in attendance at the hearing.

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

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

The motion carried 5:0

PUBLIC COMMENT PERIOD

Ann Purdue asked in relation to the Bakers Falls Solar waiver that the Town publish the site plan, decommissioning plan agreement, and bond a week ahead of the hearing if possible. Likewise, she asked that the draft Local Law No. 6 of 2024 be published at least 1 week prior to its public hearing to allow for review.

Carl Hourihan said he believed agenda item #5 related to him (Planning Board Alternate) and he thanked the Board in advance.

OLD BUSINESS

No old business was brought for discussion.

WATER DEPARTMENT REQUEST

Resolution 249-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to approve Jeff Parish to attend Adirondack Water Works Conference July 17, 2024 at Century House Restaurant in Latham, NY at a cost of \$75 with use of a Town vehicle.

Supervisor Fish added that this is continuing education, and Kristian does not need it at this time.

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

Councilmember Noonan	Aye
----------------------	-----

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0

MONTHLY REPORTS

Resolution 250-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to accept monthly reports from the Recreation Department, Building Department, and Assessor's Office.

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

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

The motion carried 5:0

PLANNING BOARD

Resolution 251-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to appoint Carl Hourihan as a Planning Board Alternate for a term to end December 31, 2027.

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

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

The motion carried 5:0

OVERTIME (Water Dept.)

Discussion: Supervisor Fish introduced the topic of overtime for Water employees now because there are two full-time employees in the department whose schedules include alternating weekends and no weekend person. He explained that currently those employees are required to get pre-authorization for any overtime hours they work, and if an emergency arises, that can cause delays that compound the problem. At present, Jeffrey Parish adjusts his work schedule to offset any excess hours he works. Supervisor Fish asked the Board to consider setting a policy approving overtime pay for the Water Department as needed, which means the Town would know who is working and who has a phone at any given time.

Councilmember Stewart said this sounds reasonable, these are non-union employees, he said, adding that it seems like this would be required by NYS Labor Law unless an arrangement had been made with the employee in advance to offset their hours. Supervisor Fish said this way if they get a call at 3 a.m. stating that there's a leak somewhere, the employee doesn't have to call the Supervisor, Councilmember, or anyone else to ask if it's ok to go address it. Councilmember Killian asked about protocol, and Supervisor Fish said there is a dedicated phone people are supposed to call, and the employee working that day will have the phone. When they get a call about an accident, a leak, etc., the employee has to go get the truck, go to the location to ensure it's safe to work there,

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

and so on. Councilmember Killian agreed it's a good idea to simplify the process for the employees. Supervisor Fish said when he was the Water Superintendent, he was on salary, so he went and dealt with issues and didn't receive overtime pay but things were different then.

Resolution 252-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian to approve emergency overtime pay for the Water Department.

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

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

The motion carried 5:0

172 REDMOND ROAD

Supervisor Fish stated that everyone has been aware of the problems at 172 Redmond Road for some time, and that Code Enforcement was able to locate the owner, who agreed to donate the property to the Town. The process, following acceptance of a resolution by the Board, according to Supervisor Fish, would be that documents will be signed, Town attorneys will complete and file documents with the County, then Code Enforcement, in collaboration with the Sheriff's Department, will clear, clean, and secure the property, board it up, and then a public notice will be published offering the property for sale at fair market value. Supervisor Fish continued, saying interested parties will submit sealed offers to the Town Clerk's office by a designated date. He said that the Assessor believes the funds from the sale of the house should cover the back taxes, clean-up costs, and attorney fees. He said documents had been prepared by the Town's attorneys to advance the process, and that the documents were before the Board members. He also said the Confidential Secretary had also worked hard to bring this opportunity to the Board. He then asked the Town Clerk to read a prepared resolution. She read:

"RESOLUTION ACCEPTING A GIFT OF REAL PROPERTY LOCATED AT 170-172 REDMOND ROAD, TOWN OF MOREAU; AND AUTHORIZING THE TOWN TO CLEAN-UP, SECURE AND SELL THE PROPERTY LOCATED AT 170-172 REDMOND ROAD, TOWN OF MOREAU

WHEREAS, the Town of Moreau has sought to compel the owner of a parcel of real property located at 170-172 Redmond Road in the Town of Moreau, SBL 62.-1-30, to remedy code violations which have resulted in the accumulation of significant trash inside and outside of the structure on the property; and

WHEREAS, the owner of the property does not reside at the property or within the County of Saratoga, and is unable to remedy the code violations, but has offered to convey the property to the Town as a gift; and

WHEREAS, the Town Board is authorized to accept a gift of real property pursuant to Town Law § 64 (8); and

WHEREAS, in accordance with Town Law § 64 (3), the Town is responsible for the management, custody and control of all Town lands, buildings and property of the Town and for keeping them in good repair; and

WHEREAS, upon receiving title to the property, the Town intends to remedy the code violations, secure the property and sell it at fair value.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board authorizes the Town Supervisor to accept the gift of the real property located at 170-172 Redmond Road in the Town of Moreau.
2. The Town Board authorizes Town officials to remedy the code violations and secure the property in conformity with applicable Town procurement policies.
3. The Town Board authorizes the Supervisor to publish a request for offers to enter into a contract for sale of the property for fair value after it has been remedied and secured, with the understanding that any future sale of the property is subject to permissive referendum pursuant to Town Law § 64 (2).
4. This Resolution shall take effect immediately.”

Discussion: Councilmember Stewart questioned the address listed in the resolution of 170-172 Redmond Road. Attorney Bruening responded that when the property title search was run, both parcels were listed as one SBL. Supervisor Fish asked if the house itself could be located on both lots. Counsel indicated it was on a single lot. Councilmember Stewart said he was okay with it because the process includes a title search and that these issues will be clarified in the process. Councilmember Killian asked how long the process would take. Supervisor Fish asked Counsel. Attorney Gruening said the title pass will happen as soon as the deed comes back to the Town. He said he was told it was on its way, and once it is filed, the Town will attain ownership, after which the property can be secured. He continued, saying that once the property is ready to sell, and the Town enters into contract with the buyer the Town Board chooses, the next step is to wait for an opportunity for a permissive referendum.

Councilmember Stewart questioned whether the property had to be deemed surplus first, to which counsel applied in the negative. Counsel said some government entities need to operate in that manner to sell property, but the Town Board is not among them. He continued saying the Board had complete discretion, but that the “catch” is that it has to be done through permissive referendum. Councilmember Stewart said the way foreclosures are going at the County presently, the Supervisor’s office and attorneys did a great job making these arrangements to resolve the issues with the problematic property and recover any taxpayer dollars spent on addressing the issues. He called it a good and faster outcome.

Councilmember Donohue said the proposed resolution for the Redmond Road house was a big win for the neighbors, including himself. He said the Board, Code Enforcement (Pete Bachem) and Zoning Inspector (Matt Dreimiller) received much criticism because people assumed nothing was being done about this property. He said there are procedures the Town has to follow, and the homeowner has rights that cannot be violated. As a result, he said this process has been long, drawn out, and exhausting for many people. Code Enforcement had a thick file on the property, he said, and past solutions that looked like they would work fell apart. He mentioned Matt Dreimiller and Liz Bennet from the Supervisor’s office as having put a lot of work into this solution. He asked the public to be patient because the wheels of government turn slowly.

Councilmember Killian said as another step to the process, he said when current occupants should not be given another 30 or 60 days to vacate the property, and that it should be cleared and clean-up should begin that day the Town takes ownership. He said the neighbors should not see tents or any garbage beginning that day so it is no longer an eyesore.

Resolution 253-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to approve the resolution as read.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0

BELLAMY CONSTRUCTION

Supervisor Fish introduced the topic of a payment to Bellamy Construction, saying the payment in question should be the final payment on the County sewer line. He said the original figure for the cost of the line was over \$363,000, and in the end it will have cost \$47,700.

Resolution 254-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to approve payment to Bellamy Construction.

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

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

The motion carried 5:0

PUBLIC COMMENT PERIOD

Dominic Tom thanked anyone who was involved in the Redmond Road property situation. He said when all the legal processes were explained and the current resolution was in progress, he backed off from commenting further on the property. He also wished to follow-up on previous comments he had made regarding solar. He referenced and handed the Town Clerk an article from the Chronicle newspaper depicting a ribbon-cutting ceremony on a 6.9-megawatt solar array on the Fort Edward landfill that will serve over 800 households. He said the power generated will be revenue for Fort Edward and help the State meet clean energy goals. He went on to say Moreau also has a capped landfill off Butler Road that he thought should be used similarly since it gets lots of sun and already has vegetation screening it. He also brought a recent utility bill as evidence of the cost savings to users of solar, saying his bill had been reduced from \$22.04 + \$17.88 (service & use totaling \$39.92) to credit of \$.72. He encouraged others to explore the option with their utility company as well, adding that HEAP eligibility will also have an effect on user billing.

Councilmember Stewart said he had met with solar companies in the past about the viability of placing solar arrays on Moreau's landfill, and he said the layout of the stacks that were placed upon closure were haphazard, not laid out in a grid or pattern that would create a workable layout for an array. He said he had spoken with 2 or 3 companies when he was first elected, so maybe technology had changed in that time. He also said it was a good idea because there is a suitable substation on Butler Road, and suggested perhaps Councilmember Killian could explore this further since he's speaking with companies now.

Mr. Tom also said that he did realize that Board members are working on things in the background, so if he commented at a meeting on something they were working on, to take it as words of support and not criticism. Councilmember Stewart said he appreciated Mr. Tom's input and just wanted him to know his comments were not falling on deaf ears. Councilmember Killian said he had spoken to a solar company that was optimistic and that he would check into it further.

Tom Masso wanted to follow up on his remarks at the previous meeting related to the USDA Saratoga Biochar Solutions (SBS) application comment period. He said the comment period had been extended to July 19 thanks to the volume of comments received so far, and by multiple requests. He said the 2022 Fertilizer Production Expansion Program was put in place, he said, because of the war in Ukraine, because Russia is the largest exporter of fertilizer in the world, the US is third the largest user and there have been disruptions in the supply chain. By introducing new, innovative methods of production, the hope was to reduce cost for farmers, he said. He continued, saying the grant was initially \$500 million which went to 66 applicants, then \$300 million was added in 2024. Most applications are not controversial, he said, but Saratoga Biochar Solutions' is not and 100 responses to a call for public comments is more than any other applicant. Mr. Masso said SBS is required to publish three notices; July 11, 12, & 13 and a public paper, which he believes is because the initial notice was somewhat obscure, being published in the Albany Times Union. Mr. Masso said he had spoken to Aaron Shellow-Lavine of WAMC the morning of the meeting, who said there had been misinformation according to Ray Apy of SBS—who clarified that the grant SBS applied for was not \$100 million. \$100 million was the maximum amount that could be applied for, he said, and SBS applied for \$25 million. SBS had allocated \$20.5 if approved, according to what Mr. Masso was told. Mr. Masso said whether it's \$100 million, \$25 million, or \$20, it's too much where taxpayer dollars are concerned, and the application should not be approved. He urged anyone who wanted to make comments to email them to: josef.simme@usda.gov.

Jorge Padron asked when the Planning and Development think tank group would meet because he is interested in attending. Councilmember Killian said he believed the meetings are open to the public. Councilmember Noonan asked when the next meeting was. Councilmember Killian said it had not yet been set. He and Supervisor Fish said they would get in touch with Mr. Padron with the information when it was available. The Town Clerk added that Zoning Task Force meetings will be posted on the Town website as dates are provided to the Clerk's office. Mr. Padron said the Clean Air Action Network (CAAN) had posted the USDA Saratoga Biochar Solutions application and in it, he said he is actually listed as the only neighbor who would be impacted by the SBS project. This spurred his interest in the think tank meetings.

COMMITTEE REPORTS

Councilmember Donohue reported on Big Bend Trail progress saying he had spoken to Tom Wolfe, that paving had just been completed and the next step would be some landscape work which was expected to be complete in August.

Councilmember Donohue also spoke about Betar Recreation Park improvements, for which he said grants are available. He said the Town owns the land between the park and Fort Edward Road, and he said perhaps a road could be brought into the park which would assist in future expansion of the park and relieve traffic issues at the other entrances. He said he, Josh Westfall, Building, Planning & Development Coordinator, and Recreation Director Jeremy Brogan had talked, and after looking into it, Mr. Westfall said there are up to \$500,000 in reimbursable grants available to apply for toward a project like this, but the deadline is the end of July. Councilmember Donohue said there are two ways to go; apply for a 2024 grant for planning & engineering, and a 2025 grant for implementation, or apply for both phases together this year. He said the planning/engineering should be about 15% of the total cost, and construction would be 85%. He said the grant can take 40 hours to write so the Board needs to give Mr. Westfall direction right away.

Councilmember Stewart said it's a good idea to bring in another road to relieve traffic issues on Jacobie Road, which had come up recently in a workshop to discuss a proposed housing development for the road. And he said it will add better access to the softball field areas of the park. Seeing if 75% of the cost of a project like this can be paid for with a grant was worth exploring, he said, adding that previous Boards had discussed the idea and the land in question had been attained, seemingly toward this goal. He said he supports moving forward with the project. Councilmember Killian said it's the right idea because traffic is tight and a new road would relieve dangerous bottlenecks.

Councilmember Donohue said to get started they need two engineering firms to provide estimates. Mr. Westfall is prepared to make contacts and take care of that aspect, he said. Councilmember Stewart asked if the cost needed to be capped for the engineering proposals. He said since the grants aren't guaranteed, he was hesitant to incur excessive cost for these estimates. He said he would work with Jeffrey Cruz, Principal Account Clerk, in the Supervisor's office to find the funds and said he would be comfortable with a \$5,000 cap to move the project forward. He then asked if a motion was an acceptable way to move forward.

Councilmember Noonan said the Jan Avenue entrance was intended to be temporary and asked how many years it's been. Supervisor Fish said the Town is fortunate to have a staff member who is able to write the grant, in reference to Josh Westfall. Councilmember Donohue agreed and added that the grant in question is targeted specifically to park accessibility. Councilmember Stewart mentioned the Town has a new engineering firm and another firm would have to be contacted as well. He asked Councilmember Noonan what it has usually cost for engineering estimates in his time on the Board, to avoid setting a cap that is too low. Councilmember Noonan said he thought it had been \$6,000-\$7,000 per grant with LA Group. Supervisor Fish said the sewer project cost \$25,000. Councilmember Noonan said for other park engineering he believed it had been \$6,000-\$7,000, but he said that was a few years ago so prices may have gone up. Supervisor Fish asked if the figure is higher, can they revisit it at another meeting. Councilmember Stewart said they could modify it at a meeting.

Resolution 255-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to request that Josh Westfall move forward with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) grant, working with two engineering firms, in coordination with the Supervisor's office, to not exceed \$5,000.

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

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

The motion carried 5:0

Councilmember Donohue also said he and Confidential Secretary Bennett were still working with E-Waste for the Transfer Station, and that the paperwork is in motion, that registration with the New York State Department of Environmental Conservation (NYSDEC) is required. E-Waste can accept anything deemed acceptable by NYSDEC. First a permit from NYSDEC is required, he said, and once that is issued, he still wants to get exact details on what can be accepted and how it works. He said right now it looks like everything is free.

Councilmember Stewart reported on Recreation, saying that when BOCES expanded the Recreation Department parking lot with the assistance of the Highway Department, the cost of materials was taken directly from the Recreation Department budget. The plan, he said, was to get solid numbers to finish clearing the smaller t-ball field and clear the fields. He said that was not budgeted for, so he wants to meet with Youth Baseball and review the plans with them.

Big 3 Basketball camp numbers have been good Councilmember Stewart said, with 15+ children participating the first week and 10+ the second week. He also reported that he had met with the Fire Department that day, at which he had been given a copy of their private audit. He said he had given it to the Supervisor's Office for distribution to the Board. He said the Board had been requesting this for years, which was corroborated by Councilmember Noonan. Councilmember Stewart said he is working to maintain a good working relationship with the Fire Company. They requested dry hydrants on River Road, he said, which they believed had been budgeted for in previous years. He said they would like one on the corner of Clark Rd., and one in the area of

1695 River Road. He said he learned from the Fire Co. that a dry hydrant is a pipe that leads to the river or the nearby creek. Councilmember Stewart asked the Board what direction they should go—should the water department handle the request? The Highway Department? He asked if permitting was required, or if it should be referred to Town engineers. He said there had been a large fire in that area which raised their concerns. Supervisor Fish said tapping into the river is difficult and has to be done professionally because when high water comes, it can get swept away. He said this is beyond the scope of the Water Dept. but the creek may be possible.

Another concern brought up by Councilmember Stewart on behalf of the Fire Company was whether it is possible for the Town Highway Department to assist with snow removal. He said they want to be prepared to go out to bid if necessary, but wanted to know if it is possible for the Town to help. Highway Superintendent Abrams said that in the past the Fire Company complained that the Highway Department hadn't gotten there quickly enough. Councilmember Stewart said he would go back to the Supervisor's Office and Highway to see if that is something the Town can commit to. He said they asked the Fire Company to come to the Town sooner with concerns, and they came in July.

Councilmember Stewart brought up a proposed Eagle Scout project in relation to the Community Garden. He said the proposal includes a pergola, walkway, and hardscaping, and that the scout had referenced the Town rec plan and reports in his plan, and that the Boy Scout is required to complete the Eagle project before he turns 18. The Councilmember said the scout projected the cost, above and beyond materials donations he can secure, will be \$4,000 for additional materials including concrete. The scout expects to be able to fundraise \$2,000, and the councilmember asked if the Town would be willing to match the fundraised dollars. Councilmember Stewart said the scout would give the Town any additional funds he raises toward the project and that the scout needs to bring his Eagle award project proposal before the Council for approval. Councilmember Stewart said he was impressed by the detail of the plan, wanted to support the scout, and since the Town had moved the Community Garden to the Town Hall property, \$2000 was a small investment into something that will be exponentially nicer for residents while supporting a young man in trying to reach his goal. Councilmember Killian said it was a great idea. Supervisor Fish asked for a timeline. Councilmember Stewart said if he had support for the project at that meeting, he would be prepared to take action on the proposal at the next meeting. Supervisor Fish said he would speak with Principal Account Clerk Cruz to see where the funds could be directed from for the project. Supervisor Fish has the scout's father had come in and spoke in detail about the project. Councilmember Stewart said if the project does not have the Board's support, he would look for private donations to help bring the project to fruition and thinks the Town should support it. Councilmembers Donohue and Noonan signaled their approval. Supervisor Fish said he would look into the funding and the Board could take action at the next meeting.

SUPERVISOR'S ITEMS

Supervisor Fish said that the Town had been awarded a \$10,000 economic development grant by the County to be used to upgrade bathrooms at the Harry J. Betar Jr. Recreational Park. He thanked Joshua Westfall, BPD Coordinator, for writing the successful grant.

He said multiple Town departments are working together to update the Town's Peddlers Permit application, which regulates food trucks and other vendors. The current code was written in 1973, when food trucks were less common, he said, and there will be more to come on this topic at a future meeting. Supervisor Fish went on to say if someone comes in and things don't go the way they want them to due to a technicality of the written code, he wished they would stop and think before they come and take it out on Town staff. He said a couple of staff members received "nasty emails" around this issue and he was not happy about it.

EXECUTIVE SESSION

Councilmember Noonan said he would like to enter into executive session to discuss the work performance of an unnamed employee. Councilmember Stewart said it was relating to an employee or employees and was carried

A meeting of the Town Board of the Town of Moreau was held at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 9th day of July, 2024.

over from the previous meeting. Councilmember Stewart then invited Highway Superintendent Abrams to join the Board in executive session.

Resolution 255-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to move to Executive Session to discuss the employment history of a particular person or corporation or matters related to the appointment, employment, or dismissal of a particular person or corporation

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

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

The motion carried 5:0

Resolution 256-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Killian, to exit Executive Session where no action was taken.

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

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

The motion carried 5:0

ADJOURNMENT

Resolution 257-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to adjourn the meeting.

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

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

The motion carried 5:0

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley, Town Clerk

Logan Kibling- Eagle Project Proposal

Town of Moreau Community Garden



Prepared. For Life.®

Why I chose this Project:

I am proposing to enhance the community garden by adding a Pergola, walkway and landscaping (see last page for diagram).

I chose this project because I know the value that outdoor recreation can have on a persons physical, mental and spiritual health. My involvement with Troop 99 has provided me with opportunities to canoe the boundary waters, backpack the mountains of New Mexico and hike, rock climb and ride horses in the Adirondacks. Having a connection with nature is unmatched for a persons well being and should be experienced by everyone. The second reason I chose this project is because I have a passion for eating healthy and have a new hobby of gardening. The feeling I have eating healthy food that I grow is a rewarding experience.

I chose to propose this project to you because it combines my love of nature and passion for healthy eating. I hope that my project provides an opportunity for our residents to experience nature and find the passion for growing and eating healthy food. I also hope that this project reduces the financial impacts that may be a barrier for some residents by providing a garden box, tools, and starter seeds to start a garden. Last, I hope that this project can reduce food insecurity in our community if residents choose to donate excess fruits and vegetables.

Why this project is important to the Town:

1. This project is consistent with the Town of Moreau 5 year recreation master plan that was established in 2019 because it utilizes unused space, provides recreation options for all ages and abilities, and expands program offerings to residents.
2. I feel that the project will provide a recreational opportunity to our community members by providing a space to gather and socialize over the common interest of gardening.
3. Gardening can also have positive physical and cognitive impacts for members of our community by helping them increase time getting fresh air, exposure to sunshine, engaging in physical activity and learning a new hobby.

4. This project will help people reduce stress and improve mental health by adding the features that I proposed. These features will add to the relaxing nature of the space and improve the well-being of our community.
5. The project will provide a space that is accessible to everyone in the community, especially those who can't access more rigorous outdoor activities.
6. This space could be used for educational purposes to host classes on gardening and would be a great space to host a farmers market.

What I need from you:

In order to move this project forward the following four things:

1. **Interest from the Town to complete the project.** If the Town is interested in the project, I would need a representative to sign my application authorizing the project.
2. **Time to complete the project.** Every Eagle project needs to be completed by a Scouts 18 Birthday. I have 1 year to plan, fundraise and complete the project. With the winter weather, my timeline for an outdoor project is greatly reduced. My goal for this project is to have the planning and approvals completed by July, Fundraising completed by August and project completed by October.
3. **Expertise to complete the project.** Scouts are not allowed to use power tools or operate equipment, among other rules. This project needs people with specialized skills. I have contacted local professionals to seek assistance with this project and their involvement is critical to completing this project. I am currently working on securing help from local contractors and volunteers for this project.
4. **Funding for the project.** The average eagle project is \$500-\$800. This project will cost approximately \$4000 in materials alone. I do have plans for fundraising, but due to my timeline, I would need some help with covering material costs if funding is available. I would like the Town to consider contributing \$2000 towards materials for the project. I will raise the remaining \$2000 for the project. I will also reach out to local contractors and volunteers to request donations for the thousands of dollars in work hours for excavating, framing, and concrete work.

Not included in this initial project but
opportunities for future growth if funding is
available:

Install donation box to provide excess fruits and vegetables to community members

Install bird feeders (enhances the atmosphere)

Additional seating (benches)

Water feature (if power and water are available)

In the ~~final version~~ ^{\$1000} will appear on front of the ~~exported images~~

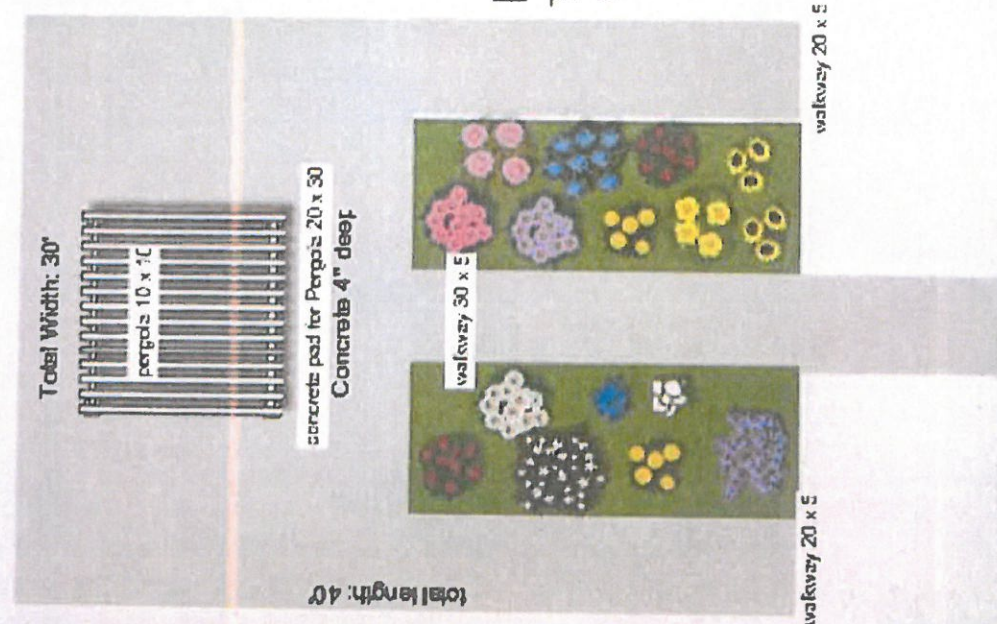
Providing Planter Boxes 4 x 12

planter box

Material cost:
 Concrete: 12 yards \$2040
 Pergola: \$1300
 Landscaping and flowers: \$400
 Concrete Forms: 240 ft 2 x 6 \$230
 stakes 1 x 2 \$30

Total: \$4000

Donated labor cost:
 Excavation cost- local contractor
 Stamped concrete- local contractor
 concrete forms - local contractor
 landscaping and pergola building- volunteers



Eagle Project Plan

Town of Moreau Community Garden
 Logan Kibling 2024



June 25, 2024

Town Board of the Town of Moreau
351 Reynolds Road
Moreau, NY 12828

Bakers Falls Solar, LLC
101 Summer Street, Floor 2
Boston, MA 02110

Regarding: Bakers Falls Solar, LLC – Application for Moratorium Waiver to Town Board of Moreau

Dear Honorable Members of the Town Board:

Bakers Falls Solar, LLC and Nexamp (collectively, "Petitioner") have received approval from the Town of Moreau Planning Board to construct and operate a 2.5 MWAC community solar energy system ("Project") at 11-15 Electric Drive Rear, SBLs 50.-4-26, 50.-4-27, and 50.-4-28 in the Town ("Property"). In May of 2022, the Planning Board issued a negative declaration pursuant to the State Environmental Quality Review Act ("SEQRA") and approved the Project's Site Plan.

Following this approval, the Petitioner completed post-approval work with state agencies, finalized the interconnection process with National Grid, and carried out preliminary site work. The Petitioner was positioned to obtain its building permit and commence construction; however, the Town adopted Local Law No. 3 of 2024 – a nine (9) month moratorium on the issuance of permits and approvals for uses involving disposal of waste or waste materials not originating within the Town Boundaries, and uses that include disposal or processing of waste or waste materials that may release contaminants into the environment ("Moratorium"). The Moratorium also affects "operations in Moreau's Industrial/Manufacturing Zones." Moratorium Section 1(a). Although, the Project has no relation to waste or waste processing, it is located in the M-1 district and is therefore subject to the Moratorium.

The Petitioner will suffer unnecessary hardship as a result of the Moratorium and respectfully requests a waiver pursuant to Section 4 thereof. The Petitioner agrees to pay all reasonable expenses of the Town Board to evaluate and consider the merits of this petition for a waiver.

Enclosed, please find the following exhibits:

1. Town of Moreau Waiver Application Form
2. NYSEDA NY-SUN Award Letter
3. Owner Authorization

Moratorium Waiver Analysis

Pursuant to Section 4 of the Moratorium, the Town Board, in its sole discretion, may waive the Moratorium if Petitioner suffers an unnecessary hardship. Section 4.b provides that no relief shall be granted unless the Town Board finds and determines that:

- 1. Failure to grant a waiver to the petitioner will cause the petitioner substantial, irrevocable and unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the waiver; and**

101 Summer Street, 2nd Floor, Boston, MA 02110

2. The grant of the waiver will clearly have no adverse effects upon any of the Town's goals or objectives in adopting this moratorium; and
3. The project or activity for which the petitioner seeks a waiver is in harmony and consistent with any interim data or recommendations or conclusions that may be drawn from the Town Board's review and planning effort then in progress

As set forth more fully below, the Petitioner will suffer an unnecessary hardship absent waiver of the Moratorium.

1. **Failure to grant a waiver will cause the Petitioner substantial, irrevocable, and unnecessary hardship, and the hardship is substantially greater than any harm to the general public welfare resulting from the granting of the waiver.**

The Moratorium, though temporary, imposes significant hardship on the Petitioner by forcing it to bear development costs, miss the 2024 construction season, and potentially forfeit the NYSEDA NY-Sun award due to expiration.

The nine-month Moratorium, ending in December 2024, would cause a six-month construction delay for the Company. After a year-long review and site plan approval in May 2022, the Project worked extensively on license and recognition agreements with National Grid for the necessary transmission corridor crossing. The Project was set to begin mobilizing in July 2024; however, the Moratorium now delays the construction start date to January 2025 at the earliest.

This six-month delay would financially impact the Project accounting for increased costs due to winter construction conditions, an extended construction timeline, and delayed revenues. With a reasonable degree of certainty given their experience in the solar and construction industries, Petitioner estimates a 50% productivity loss for winter build conditions and a three month extension of construction timeline. Both electrical installation and labor costs increase under an extended timeline, and Petitioner calculates a \$91,872 additional construction cost. Further, delaying the Project's milestones, like permission to operate (PTO) and mechanical completion (MC) by at least nine months (moratorium delay plus extended construction timeline) results in an approximate \$45,936 loss. Combined, the additional construction cost and revenue loss—all stemming from the Moratorium—results in a \$137,808 negative financial impact to the Project,

Furthermore, the Project received incentives under NYSEDA's NY-Sun program in July 2022, following site plan approval. According to the award requirements, the solar facility must be completed within thirty (30) months of the approval date, expiring in January 2025. While NYSEDA allows for one six-month extension, this only extends the deadline to July 2025. If the Project does not achieve PTO by this extended deadline, it risks losing the entire NY-Sun award. This creates an urgent need to proceed without delay to avoid forfeiting these critical incentives.

Under the current NY-Sun award, the Project secured MW Block 18 (\$0.17/watt) and Community Adder (\$0.05/watt) incentives available at the time. These incentive blocks have been filled and are no longer available. If the Project were to apply for the award program today, it would receive a MW Block of only \$0.05/watt and a Community Adder of \$0.07/watt. The Project under this

award is \$398,517.60^{half} of the \$797,035.20 in incentives the Project secured in July 2022 following site plan approval by the Planning Board. Moreover, the currently available MW Block, MW Block 21, only has approximately 118 MW left to be allocated before filling up and being closed. No additional incentives have been announced. It is impossible to predict what future incentives might be available in July 2025 if the award expires and the Project needs to reapply, but it is likely that the award would be significantly reduced, if available at all.

Without a waiver from the Moratorium, the Project's viability is severely threatened, as construction would potentially be delayed until at least January 2025—the same date the NYSEDA award expires. Even if with a NYSEDA award extension, there is little guarantee construction would be completed and the Project would receive PTO in time. This would jeopardize the entire Project, making the waiver essential for its continuation and success.

As part of the previously issued site plan approval, the Planning Board conducted a coordinated environmental review under the State Environmental Quality Review Act ("SEQRA"). The SEQRA review evaluated numerous considerations including air emissions, waste production, community character, traffic, and other elements of the "environment," which is defined broadly under SEQRA. The Planning Board determined that the Project would have no potentially significant adverse environmental impact and issued a negative declaration of environmental significance. Accordingly, the Project will not have a significant impact on the environment or any relevant negative impacts on the Town as a whole.

In fact, the Project will bring clean and alternative forms of energy to the area, aid in meeting state climate goals, and enhance grid resiliency. Therefore, granting the waiver request—allowing the previously approved project to proceed—will not harm the public. On the contrary, continued strict application of the Moratorium severely undermines the Project's viability and threatens the substantial benefits it can bring to the community. Granting the waiver is essential to ensure these benefits are realized and the Project can continue to support the Town's and state's environmental and energy objectives.

2. The grant of the waiver will clearly have no adverse effects upon any of the Town's goals or objectives in adopting this moratorium.

The Project is a solar array and has no relation to the disposal or processing of waste. It falls under the Moratorium solely due to its location in the Town's Industrial/Manufacturing Zone. The primary goals and objectives of the Moratorium are explicitly focused on addressing waste processing and related environmental impacts, not renewable energy projects. Specifically, Section 2 of the Moratorium details the Town Board's intent to review and potentially revise land use laws concerning permitted manufacturing and industrial uses/operations, the disposal or processing of waste not originating within the boundaries of the Town of Moreau, and the commencement of any business that disposes or processes waste material via incineration, landfilling, pyrolysis, or any other method that may release contaminants into the environment.

Granting a waiver for the Project will not adversely affect the Moratorium's goals. The development and construction of the solar facility do not involve the importation, processing, or disposal of waste material. The Moratorium specifically addresses activities related to waste processing, which are entirely unrelated to the nature of the solar facility. Furthermore, the

Project does not include the importation, processing, or disposal of waste or waste material, nor does it emit harmful air contaminants. As a solar facility, it aligns with sustainable development principles and supports environmental stewardship.

The Project complies with the Solar Energy System Pilot Law of the Town (Local Law No. 4 of 2021). This law was adopted following the Town's previous moratoria on solar development (Local Law No. 1 of 2019 and Local Law No. 1 of 2020), reflecting the Town's proactive approach to renewable energy projects. Additionally, the Project has already received approval, and preliminary site work is complete. This indicates that the Project has already undergone thorough scrutiny and meets the Town's regulatory standards.

Any potential revisions to zoning provisions regarding waste processing will not impact the Project, as it does not involve waste processing activities. Therefore, allowing the Project to proceed will not undermine the goals and objectives of the Moratorium. The Project is entirely separate from the waste processing issues that the Moratorium aims to address and aligns with the Town's commitment to sustainable development and environmental protection.

- 3. The project or activity for which the petitioner seeks a waiver is in harmony and consistent with any interim data or recommendations or conclusions that may be drawn from the Town Board's review and planning effort then in progress.**

The Project is wholly unrelated to waste materials processing and is therefore in harmony with the data, recommendations, or conclusions relevant to the uses targeted by this Moratorium. Given that the primary focus of the Moratorium is on the processing and disposal of waste materials, the development of the Project does not conflict with the Moratorium's objectives. The Petitioner reserves the right to review any data, recommendations, or conclusions, produced by the Town Board's ongoing review and planning efforts and will revise this answer as necessary based on that information.

Conclusion

The Petitioner respectfully requests the Town Board grant a waiver from the Moratorium, allowing the Project to proceed without further delay. The Project is aligned with the Town's commitment to sustainable development, supports state climate goals, and brings significant environmental and economic benefits to the community. Granting the waiver will not undermine the Moratorium's objectives, as the Project is unrelated to waste processing and disposal activities. The substantial hardship imposed on the Petitioner by the Moratorium outweighs any potential harm to the public welfare, making the waiver essential for the Project's success.

Thank you for your consideration of this request.



Chris Clark, SVP
Bakers Falls Solar, LLC

**APPLICATION FOR MORATORIUM WAIVER
TO TOWN BOARD OF MOREAU**

Name of Applicant: Bakers Falls Solar, LLC and Nexamp

Address of Applicant: 101 Summer Street, Floor 2

Boston, MA 02110

I. Description of Project: 2.5MWac Community Solar Solar Energy System

Project Tax Map No.: SBLs 50.-4-26, 50.-4-27, and 50.-4-28

II. Describe hardship caused by moratorium: Please refer to the enclosed letter.

III. Will a waiver of the moratorium create any adverse effects upon the goals or objectives of the Town as defined in section 2 of the moratorium?

Explain: No. Please refer to the enclosed letter.

IV. Do any aspects of the project operations include the importation, processing or disposal of waste material:


Answer: No If yes, explain: Please refer to the enclosed letter.

Do any aspects of the project operations release air emissions or contaminants into the environment?

Answer: No If yes, explain: Please refer to the enclosed letter.

The undersigned agrees to provide an undertaking in an amount determined by the Town Board to pay all expenses necessary to evaluate and consider the merits of the above application.

DATE: 6/25/2024


Chris Clark, SVP
Signature of Authorized Project Representative



NYSERDA

KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

July 14, 2022

Bakers Falls Solar, LLC
101 Summer St
Boston, MA, 02110

Customer/Payee: Bakers Falls Solar, LLC
Contractor: Nexamp, Inc.

NYSERDA is pleased to inform you that we have approved project application 471196, contract 189334 for incentives under the NY-Sun Program.

Your award in the amount of \$797,035.20 is contingent upon the installation and grid interconnection of a 3,320.98 kW solar electric system for: Bakers Falls Solar, LLC at 11-15 Electric Dr Rear, Moreau, NY 12803 as outlined in the project application.

Your award is inclusive of the Community Adder in the amount of \$232,468.60. The Community Adder is only awarded to Community Distributed Generation projects that are ineligible for the Market Transition Credit or Community Credit. In the Event NYSERDA confirms that your project qualified for the Community Credit at the time of this award or anytime thereafter, NYSERDA shall rescind \$232,468.60 in the Community Adder funding and revert your project to the base incentive in the amount of \$564,566.60. While NYSERDA shall notify the contractor, customer, and payee prior to removing the Community Adder funding, the contractor remains responsible for ensuring the customer and payee have received NYSERDA email notification. NYSERDA's portal shall be updated to reflect the base incentive award.

Your solar electric system must be completed within 30 months of the Program approval date. NYSERDA will require a satisfactory field inspection of the completed project. Contractor and or builders are required to take construction photos for each project.

Refer to the Program Manual for all Program rules and requirements.

Thank you for your participation in the NY-Sun Initiative, and for your commitment to the promotion of renewable energy in New York State.

Signature: Cheryl
Glanton

Digitally signed by Cheryl
Glanton
Date: 2022.07.13 15:30:25
-04'00'

NYSERDA Authorized Signatory

New York State Energy Research and Development Authority

Albany
17 Columbia Circle, Albany, NY 12203-6399
(P) 1-866-NYSERDA | (F) 518-862-1091
nyserda.ny.gov | info@nyserda.ny.gov

Buffalo
726 Exchange Street
Suite 821
Buffalo, NY
14210-1484
(P) 716-842-1522
(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

AUTHORIZATION

Moreau Industrial Park, LLC, record property owner of 11-15 Electric Drive, SBL 50.-4-26, 50.-4-27, and 50.-4-28, in the Town of Moreau, hereby authorizes Bakers Falls Solar, LLC and Nexamp, Inc., and its affiliates/consultants, including but not limited to Barclay Damon LLP and the Environmental Design Partnership LLP, to file any and all applications and supporting documentation, with the Town in connection with approvals sought for the above referenced property.

DocuSigned by:

Alan Oppenheim

534CB8A0AEF0455...

By: Moreau Industrial Park, LLC
Alan Oppenheim
Date: 6/25/2024

July 15, 2024

Town Board of Moreau
Care of Joshua Westfall, AICP
351 Reynolds Road
Moreau, NY 12831

Re: Petition to Request Extension of Zoning
532A Selfridge Road (77.-1-27.1)

Dear Members of the Moreau Town Board,

We hope this letter finds you well. We are writing to formally request a zoning change for parcel ID number 77-1-27.1. Which is currently zoned as Residential R-2. We are seeking to have the zoning designation changed to Agricultural R-5.

The 532A Selfridge Road parcel is developed with a farmhouse style dwelling dating to the mid-1970's and was purchased in 2008 with an existing free standing 3 stall horse barn that was previously used for housing horses and other animals. The parcel is 7.82 acres and is a keyhole style lot with approximately 50 feet of frontage along Selfridge Road. In addition to the 532A parcel we also own 532B Selfridge Road, parcel ID number 77-1-27.2. This parcel is 1.44 acres for a total of 9.26 acres for both parcels.

While it is believed that at one time the property was zoned within the R-5 district, the property currently falls within two zoning districts, with the southern portion zoned R-5 (Agricultural and One-Family Residential) and the northern portion zoned R-2 (One- and Two-Family Residential). Via this petition, we are asking for the Town Board's consideration to extend the R-5 district to include the entirety of the parcel to allow the use of the property for agricultural purposes, specifically for pasture and allow the barn to be used for housing animals and as it did in the past.

The primary reasons for this request for rezoning are as follows:

1. **Agricultural Use:** The intended use of the parcel is for agricultural purposes, which aligns more appropriately with an Agricultural R-5 zoning. This change will facilitate the intended agricultural activities and ensure compliance with local zoning laws. Our intention is to relocate our 2 horses that are currently being boarded off property to 532A Selfridge Road.
2. **Community and Environmental Benefits:** Transitioning this parcel to Agricultural R-5 will support local agriculture, promote sustainability, and contribute to the rural character and economic vitality of the Moreau community. This request aligns with Chapter 68 of the Town of Moreau's Right to Farm Law which states that the general purpose and intent is to maintain and preserve the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses.

3. **Consistency with Surrounding Areas:** Several adjacent and nearby parcels are currently zoned for agricultural use. The area is populated by farms, large tracts of vacant wooded land and rural residential properties, which are generally situated on larger lots. The parcels located directly to the south, 516 Selfridge Road (77.-1-29) and 359 Gansevoort Road Rear (77.-1-28.5), are currently zoned R-5 and are home to 2 horses. To the southeast is Candy Cane Farms, at 320-336 Gansevoort Road (78.-1-50), a tree farm which also houses cattle and horses. East of the site, an equine boarding stable, Buck Creek Ranch and Stables, exists at 342 Gansevoort Road (78.1-91). Additional farms are located northeast including Heartland Stables at 434 Gansevoort Road, as well as farms located east and south of the property, and in the past the property itself was used to house horses.

This rezoning request is reasonable and should be considered due to the consistencies and support found in the following Town of Moreau Planning Documents:

1. **Consistency with the Comprehensive Plan:** A plan goal outlined within the 2019 Town Comprehensive Plan includes: "Revised zoning should preserve agricultural characteristics while promoting future agricultural uses which will ensure the viability of rural lands". We are requesting to go from two-family zoning to Agricultural/ Residential Zoning, in an area unserved by sewer and water, where no plans for sewer and water connections currently exist. Further adjacent lands are zoned as R5 to the south, a zoning change made by the Moreau Town Board in 2021. An additional recommendation in the Comprehensive Plan includes the following: 2014 Moreau Farmland Protection Plan.
2. **Consistency with the Moreau Farmland Protection Plan:** The 2014 Moreau Farmland Protection Plan includes many recommendations which would be applicable to this zoning request. Those recommendations and connections to the request are outlined below:
 - **Save agriculturally viable soil.**
The Soil at this location was mapped to be soil of medium statewide importance. This zoning request would reduce developability on this lot and as such work to promote the preservation of important state soils.
 - **A priority was outlined for parcels that were actively used for agriculture.**
The rezoning of this parcel would allow agricultural uses and put this parcel in an active agriculture category.
 - **Farm Friendly Zoning:**
The intent of this request is to downzone the parcel to a less intensive possibility of use. As such, the rezoning of this parcel will work to meet the goal as outlined in the plan by promoting farm friendly zoning, allowing the property to have agricultural uses.

We believe that this zoning change will benefit both the property in question and the broader Moreau community by fostering agricultural development and sustainability and is supported in

Town Planning Documents. We look forward to continuing to raise our children to respect our agricultural heritage and to keep with the traditions of the beautiful area in which we live.

We kindly request the Moreau Town Board to grant this zoning change. We are available to provide any additional information required to facilitate this request.

Thank you for your time and consideration. We look forward to your positive response.

Sincerely,

Benjamin T. Murphy
518-361-2608
benmurph6200@gmail.com

Leah R. Murphy
518-361-3270
bellamurph@gmail.com

July 15, 2024

Supervisor Jesse A. Fish, Jr.
Deputy Supervisor Pat Killian
Councilmembers John Donohue, Kyle Noonan and Mark Stewart
Town of Moreau
Town Hall
351 Reynolds Road
Moreau, New York 12828

Re: *Letter in Support of Request for Extension of Zoning
Lands of Murphy
532A Selfridge Road (77.-1-27.1)*

Dear Supervisor, Deputy Supervisor and Councilmembers:

I am the owner and tenant, along with my husband Paul Smith, of the property located at 516 Selfridge Road (77.1-29) in the Town of Moreau. Our property adjoins the Murphy property to the south. As indicated in the Murphy's July 15, 2024 letter to the Town Board, our property as well as several others in the neighborhood and in close proximity to the Murphy's property are used for agricultural purposes, many specific to equine use.

By this letter, we would like to share our support for the zoning extension to R-5 to include the Murphy's property. In the day and age where we see agricultural properties converted to solar farms and residential subdivisions it is nice to see that other properties are being proposed for agricultural use. Having spent 45 plus years around horses and raising them for the past 35 years I do not see limitations with the Murphy's property that would inhibit raising horses on their property.

If any additional information is needed or if you have any questions please feel free to contact me via either telephone or email.

Respectfully Submitted,



Aimee Smith
518-223-2413
gatesaimee@yahoo.com

EC: Josh Westfall, AICP Town of Moreau Zoning Administrator via email:
zoningadministrator@townofmoreau.org
Benjamin and Leah Murphy
Paul Smith

Grant to NYS Parks EPF Fund under the parks program

- Up to \$675,000 with Town Match of 25%. (Due to ZCTA income)

Funds will be used for:

- Construction of new entrance off Ft. Edward Road
- Internal ADA accessible trails
- Stormwater Mitigation improvements using green infrastructure

Purpose:

- Provide alternate entrance to Park
- Utilize recently acquired lands funded from Saratoga County in 2009 (Open Space Program), and lands acquired in 2021.
- Provide a vital link for trails as envisioned in accordance with the Town Trails Plan

Need:

- Necessary now due to recently approved and proposed residential developments along edges of Park.
- Provide easier access to park facilities including winter sports offerings and court sport facilities as identified in the SCORP as needed.
- Recreational improvements in ZCTA with high poverty rate as defined by Parks.

Details:

- Reimbursable Grant
- 5-year period of performance
- 15% to develop bids and specs; rest for capital improvements.
- Working with Town Engineers for final cost estimates and schematic designs

Due:

- July 31, 2024 at 4pm

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Betar Park Upgrades			
Project Location (describe, and attach a location map): 19 Jan Avenue; Moreau, NY			
Brief Description of Proposed Action: The Town of Moreau, in accordance with the Trails Master Plan, Town Comprehensive Plan, and Recreation Plan seek to expand uses at Betar Park in the Town of Moreau. Specific improvements will involve a new entrance off Fort Edward Road, several trails and linkages to existing trails and stormwater mitigation measures.			
Name of Applicant or Sponsor: Town of Moreau Town Board		Telephone: 518-792-4762	
		E-Mail: BPD@Townofmoreau.org	
Address: 351 Reynolds Road			
City/PO: Fort Edward		State: NY	Zip Code: 12828
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSOPRHP			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		212.45 acres	
b. Total acreage to be physically disturbed?		9.75 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		212.45 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stormwater mitigation measures will be designed along roadways _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Joshua Westfall, AICP on Behalf of the Town Board of Moreau</u> Date: <u>7/19/2024</u>		
Signature: _____ Title: <u>Bldg, Planning and Dev. Coordinator</u>		

TOWN OF MOREAU HYDRANT USAGE REQUEST FORM

351 REYNOLDS ROAD, MOREAU, NY 12828

(518) 792-1030

At a meeting of the Town Board of the Town of Moreau, held on July 23, 2024, it was resolved that:

Developers and contractors will pay a flat fee of \$260.00 for water usage for up to 100,000 gallons. In addition, a deposit of \$750.00 will be taken for use of the Town's hydrant valve and meter. The water is to be metered, and the contractor or developer will be charged an additional \$2.60 per 1,000 gallons of water, or portion thereof, for any metered usage over 100,000 gallons.

The \$260 flat fee can be paid by cash, check or credit card. If a credit card is used for payment, the Town Clerk's Office will charge the \$260.00 flat fee and keep the credit card information on file for any water charges above 100,000 gallons.

The \$750.00 deposit may be paid with a check or credit card. If the hydrant valve and meter is not returned, disappears, or is found to be in a non-working or damaged condition, the Town Clerk will either deposit the check or charge the credit card on file for the deposit fee of \$750.00.

LOCATION OF HYDRANT: _____

Name of Applicant: _____

Address: _____

Phone Number: _____ Hydrant Use Request Date(s): _____

By signing this form, you agree to the terms and conditions set forth by the Town of Moreau.

Signature: _____ Date: _____

Please call the Water Department with any problems or concerns using the hydrant (518) 307-2186

FOR OFFICE USE ONLY:

Method of Payment for \$260 flat fee: CASH _____ CHECK # _____ CREDIT CARD _____

Method of Payment for \$750 deposit: CHECK # _____ CREDIT CARD _____

Name on Credit Card: _____

Address of Account Holder: _____

Card #: _____ Expiration Date: _____ Security Code: _____

Start Reading on Meter: _____ End Reading on Meter: _____

Flat Fee \$260 + \$2.60/1000gal overage _____ = Total Amount Due: _____

Date usage ended: _____ Valve Return Approval by Water Dept _____

COPY TO THE WATER DEPARTMENT - REDACT CC INFO