

Agenda  
Town of Moreau  
Town Board Meeting  
September 24, 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. Set Future Meetings, Public Hearings or Workshops
2. Approval of Minutes
  - July 23, 2024 – Month End Audit Meeting
  - August 27, 2024 - Month End Audit & Regular Town Board Meetings

Public Comment Period

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

3. Water & Sewer Department
  - 1606-1608 Route 9 – Water EDUs & Billing
  - Sewer Buy-In Capacity Fee
  - Landmark Billing
4. Local Law 7 of 2024 – Solar Law
5. Highway Department Requests
  - Grinding
  - Tree Work
6. Transfer Station Requests
  - 30' apron on Butler Rd.
7. Recreation Department Requests
  - Water Department Truck
  - RFP - Galvanized building
  - Inflatables – Trunk or Treat
  - New Hire

Town Clerk Request

- October Overtime

Public Comment Period

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

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

*A Month-End Audit Meeting was held at 6:45 PM on July 23, 2024 at the Moreau Municipal Building,  
351 Reynolds Road, Moreau, Saratoga County, New York.*

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The meeting was held in person. The Supervisor called the meeting to order at 6:50 p.m. with an attendance roll call.

PRESENT: Kyle Noonan Councilmember  
John Donohue, Jr. Councilmember  
Jesse A. Fish, Jr. Supervisor

ALSO PRESENT: Erin Trombley Town Clerk  
Anna Labiak Water Clerk  
Elizabeth Bennett Confidential Secretary

**OTHERS PRESENT:** Liza Schepps, NEXAMP/Bakers Falls Solar

**Resolution 261-2024** A motion was made by Councilmember Donohue, seconded by Councilmember Noonan, to transfer \$200 from account A1990.4 General Contingent Account to account A1010.4 General Town Board Contractual.

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

Councilmember Noonan	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion passed 3:0

**Resolution 262-2024** A motion was made by Councilmember Noonan, seconded by Councilmember Donohue, to approve the warrant as audited.

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

Councilmember Noonan	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion passed 3:0

#### **ADJOURNMENT**

**Resolution 263-2024** A motion was made by Councilmember Noonan, seconded by Councilmember Donohue, to adjourn the meeting.

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

Councilmember Noonan	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 3:0. The audit meeting was adjourned at 6:52 p.m.

Respectfully submitted,  
*Erin Trombley*  
Erin Trombley, Town Clerk

*A Month-End Audit Meeting was held at 6:45 PM on August 27, 2024 at the Moreau Municipal Building,  
351 Reynolds Road, Moreau, Saratoga County, New York.*

The meeting was held in person. The Supervisor called the meeting to order at 6:50 p.m. with an attendance roll call.

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 Counsel
	Anna Labiak	Water Clerk

**OTHERS PRESENT:** Dan Cahalane, Bob Vittengl, Liza Schepps (Nexamp), Nick Schepp, Shawn Brazo, Olivia Feldman (Lightstar), Vince Sparrer, Bruce Lant, James Hooper, Richie Wiltshire, Maria Jennings, Mike Shaver, Brandon Hayes, Tim Bennett, Benjamin Vaillancourt, Carl Hourihan, Nicole Haddadnia, Ben Murphy

#### **ITEMS FOR DISCUSSION**

Supervisor Fish said that following a tree falling on the backstop of Recreation Park baseball field 3, quotes had been obtained from Adirondack Tree Surgeons and Tree Masters. He said that while Adirondack Tree's quote was higher, Tree Masters could not complete the work for at least a month. He also noted that Mr. Vittengl had planted the tree 40 years before and joked that the tree incident, therefore, was Mr. Vittengl's fault. Laughing, Mr. Vittengl said he would take full responsibility.

**Resolution 288-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to pay Adirondack tree Surgeons \$5,745.

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 289-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to pay Dave Lock \$2900 for clean-up at 172 Redmond Road.

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

## **TRANSFERS**

**Resolution 290-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to transfer \$25,000 from account A1355.401, General Assessor Legal Services, to account A1420.4, General Attorney Contractual.

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 291-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to transfer \$3,946.85 from account A1990.4, General Contingent Account, to account A3989.4, General Other Public Safety Contractual.

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

## **WARRANT APPROVAL**

**Resolution 292-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the warrant as audited.

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 293-2024** 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:



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

The motion carried 5:0. The audit meeting was adjourned at 6:50 p.m.

Respectfully submitted,

*Erin Trombley*

Erin Trombley, Town Clerk

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

The meeting was held in person. The Supervisor called the meeting to order at 6:45 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 Counsel  
Josh Westfall Building, Planning and Development (BPD) Coordinator

**OTHERS PRESENT:** Dan Cahalane, Bob Vittengl, Liza Schepps (Nexamp), Nick Schupp (Renua Energy), Shawn Brazo, Olivia Feldman (Lightstar), Derek Long (US Light Energy), Vince Sparrer, Bruce Lant, James Hooper, Richie Wiltshire, Maria Jennings, Mike Shaver, Brandon Hayes, Tim Bennett, Benjamin Vaillancourt, Carl Hourihan, Nicole Haddadnia, Ben Murphy

## **PUBLIC HEARING**

Supervisor Fish explained that a public hearing would be held on Proposed Local Law 7 of 2024, related to 532A Selfridge Road rezoning from R2 to R5. He said the Town had received feedback from both the Town and County Planning Boards. He asked the Town Clerk to read the comments. She read:

"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.

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

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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”

The Town Clerk also read a letter from Saratoga County Planning Board:

“Joshua Westfall, Building, Planning and Development Coordinator  
Town of Moreau Town Hall”

“Sent via email...”

“Regarding SCPB Referral Review #24-122 – Zoning Amendment – Map Review – Town of Moreau  
A proposal to re-zone one of two parcels that is owned by the Murphy family, 7.82 acres, from One- and Two-Family Residential District (R-2) to Agriculture, One- and Two-Family Residential Districts (R-5) in order to allow the keeping of horses. This lot has existing residential improvements.

Location: 532A Selfridge Road (County Reforestland)  
Tax Map #: 77.-1-27.1  
Zoning: One- & Two-Family Residential (R-2)

Received from the Town of Moreau Town Board on July 25, 2024.

Reviewed by the Saratoga County Planning Board on August 15, 2024.

**Decision:** Approve

Please contact the Saratoga County Planning Board if you have any questions regarding this matter.

Sincerely,

Kimberly Lambert, Senior Planner  
Authorized Agent for Saratoga County”

**Resolution 294-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to open the public hearing on Proposed Local Law 7 of 2024, 532A Selfridge Road rezoning from R2 to R5.

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

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## **PUBLIC HEARING**

No comments were made.

**Resolution 295-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to close the public hearing on Proposed Local Law 7 of 2024.

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**

Nick Schupp identified himself as a Project Manager for Renua Energy and said he wished to reiterate his comments from July in regard to the proposed solar law, which was that one concern about the proposed law was that there would be solar arrays all over Town. He said numbers show this will not be the case, and that there are only 3 or 4 locations possible based on the number and capacity of substations. He said he also wanted to mention that with solar it is possible for the Town to gain energy independence, which is important for national and local security, which he said he observed during his time in the military. He said laws like the proposed solar law help strengthen the community.

Jim Hooper said he was amazed that a 5-Megawatt limit is not listed in the proposed Solar law. He said everywhere in the State community solar guidelines, a 5-Megawatt limit is listed to prevent obtrusive arrays. He said a project proposed for the property across the street from his is two 5-megawatt plans with a fence in between. He suggested the Board look carefully at that aspect. He also referenced a proposed RV park in conjunction with the aforementioned solar project, saying that whatever else is included in a solar proposal should have to be completed first. He asked what would stop a solar company from putting up panels after their PUD is approved and then neglecting to complete the rest of the proposal. He said the company had never run an RV park, and if they don't do the work, the Town could have a 10-Megawatt array and no RV Park.

Derek Long, of US Light Energy said he wanted to reiterate his company's support for the draft ordinance as written, and that they look forward to working with the Town.

Bob Vittengl said he was involved with the Town in the past, and said he didn't think the Town was seeing the problem coming in the future in terms of energy use and demand. He said between 2020 and 2040, the demand for electricity would double. He said in 2020, 28% of electricity was renewable, 30% was nuclear, and 42% was everything else, including natural gas. In the present time, he said, Indian Point (nuclear) has been shut down and by the same time in 2025, the rest of the nuclear plants will be shut down. That means there will be decreased production even as consumption continues to grow, he said, and that the Town will need all the renewables it can get. He continued, saying he was amazed that 125 years ago, a big renewable energy plan was passed in much less time than the solar law that's being proposed in the present day. He said Spier Falls Dam was the largest construction project in the United States at the time it was built. He said that since then, five other hydroelectric dams have been built. He suggested the Town embrace, rather than restrict, residential, commercial, and industrial solar to combine with the hydroelectric resources of the Hudson River surrounding the Town on three sides, to make Moreau a "powerhouse for the State of New York."

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## **OLD BUSINESS**

Supervisor Fish gave an update on the closure of Speakman Street. He said an engineering report had been received by the Board, and that they needed to speak with the Engineers and Highway Department to develop a plan. No funds were budgeted for work on this road, the Supervisor said, and if anyone wanted to see the report, he said they could make a Freedom of Information request with the Town Clerk's office. He then asked if Highway Superintendent Abrams had any comments on the report. Superintendent Abrams said the report details approximately \$100,000 to do some 70-foot test wells, wherein hopefully bedrock would be found. If not, he said the price increases substantially, adding that ten years ago the projection for the work on Speakman Street was in the multiple millions of dollars. Supervisor Fish said not only is the work millions of dollars, but there is also no guarantee this will permanently repair the road. Councilmember Stewart asked what the point of the test would be. Superintendent Abrams said bedrock would be something to anchor to. Councilmember Stewart asked if the engineering survey would also be looking at the cause of the issue. Superintendent Abrams said they know the spoils from the development being built were dumped at this location and the road was put on top. Now, he said, it's going into wetlands en route to the river.

## **PROPOSED LOCAL LAW No. 6 of 2024 (Solar)**

Supervisor Fish said the public hearing on the proposed solar law was opened July 22<sup>nd</sup> and that comments had been received from the Town and County Planning Boards. He asked the Town Clerk to read the comments.

She said it had been addressed to her at Town Hall. She read:

"Re: SCPB Referral Review #24-119 - Zoning Text Amendment Review - Town of Moreau Solar Law (Local Law#6)

A proposed Local Law to incorporate into the Town's Zoning Chapter 149 to regulate Solar Energy Systems.

**Location:** Town-wide

Tax Map #: N/A

Received from the Town of Moreau Town Board on July 22, 2024.

Reviewed by the Saratoga County Planning Board on August 15, 2024.

**Decision:** Approve

**Comments:** The Saratoga County Planning Board reviewed the draft law and questioned if there were specific qualifications of the environmental monitor. There was concern about how soil stockpiles will be managed and mitigated to ensure best practices are used, especially since some of these soils may be stored for extended durations.

Please contact the Saratoga County Planning Board if you have any questions regarding this matter.

Sincerely,

Kimberly Lambert, Senior Planner  
Authorized Agent for Saratoga County"



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She also said there was a memorandum addressed to Supervisor Fish dated July 18, 2024 from Josh Westfall, Town of Moreau Building, Planning & Development Coordinator, regarding the solar law review—County Planning Board and Town Planning Board. She read:

“For your review in relation to proposed Local Law #6, please find the following information based on discussion of the Town Planning Board and Town Staff discussion with County Planning staff.

Should you have any questions, need additional information, or have any concerns please do not hesitate to contact me in advance of the July 22, 2024 Town Board Meeting.

**County Planning Board:**

The Building, Planning and Development Coordinator has worked with the Town Clerk’s Office to refer this legislation to the County Planning Board for their review. The next County planning Board meeting will be August 15, 2024 in Ballston Spa at the County Office Building.

In Accordance with NYS Town Law and General Municipal Law, Saratoga County must review the text of this proposed legislation as it is intended to be included in the Zoning Chapter. It is assumed the County may provide comments and give approval. If the County disapproves the Solar Law, then a supermajority (majority plus one) of votes would be needed by the Town Board in order to pass the legislation.

As the County Planning Board has not formally reviewed this application, the Town Board may wish to keep the Public Hearing open in order to fully consider any County Planning Board Comments.

**Town Planning Board**

At the July Planning Board meeting, the Board made the following comments:

- Not compatible with Comprehensive Plan and Farmland Protection Plan. May need a Comp Plan update/amendment
- Should be greater stakeholder engagement. Should hold a public workshop to get more robust input.
- Site Plan Review is outside of typical TB parameter. Voiced concerns with no Planning Board review.
- Should have a public workshop to gain better understanding of resident’s perspectives
- Mowing and site maintenance not addressed.
- Language considering visual assessment should be added.
- The Town Board should ensure that the use is not detrimental to adjacent uses/ properties. Some language to this effect may be beneficial.
- Concerns about safety (code enforcement capability, man gates in fencing for emergency, etc.).
- 60% lot coverage is high.
- Small scale is restrictive in that it requires electricians to wire installations.
- The Town Board should look at T/O Glenville law for guidance.”

**Resolution 296-2024** A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to close the public hearing on Proposed Local Law 6 of 2024.

**Discussion:** Attorney Bruening asked the Supervisor if he would like BPD Coordinator Westfall to enumerate some changes that had been made to the draft legislation before closing the hearing. He said hearing about the changes may prompt additional questions or comments.

BPD Coordinator Westfall said some of the changes occurred on pages 14 and 16, especially §E. He said in the many instances where the phrase “the degree to which” occurred, it would have required the Board to quantify

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something. The text of §E was revised to say: "The Town Board in reviewing the SESO Rezoning application for installation and operation of a Large-Scale Solar Energy System shall consider the public health, safety, and welfare including the following factors: ..." This change would make the listed items in that section factors rather than specific conditions, he said.

Councilmember Noonan asked what prompted this change, to which Mr. Westfall replied that he had conferred with Town Counsel, and they felt that the old language was too restrictive for the Board in considering a Special Use Permit, and that the updated language gave the Town Board more discretion. Attorney Bruening also said multiple comments raised the issue of certain types of projects being excluded, but that they are included in the proposed law already. BPD Coordinator Westfall said the language had been simplified to address large scale and small scale projects.

Councilmember Stewart asked if it was appropriate to close the hearing without members of the public outside of those in attendance at the meeting knowing about the changes that had been made. Town Counsel said those present could be queried, but he opined that the changes were wordsmithing that slightly alter the way the law would direct the Board, and did not change the draft legislation in substance. He continued, saying the Board had the discretion to determine whether the change was significant and proceed with closing the public hearing, or to keep the hearing open.

Councilmember Noonan asked if discussion would end if the Public Hearing closes. He said the Board had not had an opportunity for discussion since the July 22 workshop. He continued, saying he felt the Public Hearing wasn't an opportunity for the Board to discuss, but rather to listen. Attorney Bruening said they would advise that the end of the Public Hearing is when the Board's deliberation process begins. He said discussing public comments, environmental review (SEQR) and other steps are yet to be completed even after public hearings close. Councilmember Stewart indicated that he favored closing the public hearing so they could begin to address Planning Board concerns and other comments.

Supervisor Fish asked for a roll call vote, the results of which were:

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

The motion carried 4:0

Following the vote, the Town Board opened discussion with Councilmember Stewart directing questions to BPD Coordinator Josh Westfall. He began by asking if it is uncommon for the Town Board to have the final decision on an overlay district, to which Mr. Westfall responded that this legislation is modeled on the PUD process. Councilmember Stewart asked if it is uncommon that the body that writes the law also governs the process of approval. Mr. Westfall said there are cases like this, but not the majority. Next, Councilmember Stewart asked whether maintenance should be written into the law as part of zoning. The BPD Coordinator said it is typically a code enforcement issue.

Councilmember Stewart directed Mr. Westfall to [page 9, §C] of the draft law, where smaller arrays are addressed. His question was whether the requirement of an electrician for small, household solar energy was too restrictive. He asked why they couldn't install it themselves and then have an electrical inspection just as if they had built their own house. He voiced concern that this would force homeowners to pay for installation when they might otherwise be qualified to do the work themselves.



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Councilmember Noonan noted that the Planning Board had commented that 60% for a maximum area use is high. He followed up by asking if the 60% was of the total land or just 60% of the total area suitable for solar within a site. Mr. Westfall said it would be 60% of the aggregate of acreage in the solar project area. Councilmember Noonan said the question had been asked by someone at the New York State Department of Agriculture and Markets. He said in review of the Planning Board comments, he was uncomfortable with excluding the Planning Board, whose terms of service are longer than that of Town Board members, and who have more experience with some of the considerations of these projects. He cited remarks submitted by Planning Board member Ann Purdue and her expertise. He did not think enough revision work could be done by a proposed September 10 date and was concerned about acting in haste.

Councilmember Donohue commented that this law has been in the works for four-and-a-half years, that Councilmember Noonan had participated in past workshops, and that they were certainly not rushing. In the process so far, he said they had consulted with current and past attorneys, Mr. Westfall, former Zoning Administrator Jim Martin, NYSEDA, the Department of Agriculture and Markets, Saratoga County, other community laws, as well as public comments, which had been integrated into the draft law under consideration. He said he wanted to move the law forward at that meeting.

Councilmember Stewart said he respected Councilmember Donohue's opinion but respectfully disagreed in part. He said they have moved the current legislation ahead, but that the Town and County Planning Boards had commented recently and the Public Hearing had just closed. He said he took some offense to the suggestion that the process was being unnecessarily delayed, but rather he urged his colleagues on the Board to take the time to get the law right. He mentioned again his discomfort with a requirement for small scale projects to be installed by a qualified installer per the Building Department. He cited the ambiguity of the 60% figure for site use which he said may need rewording. He also asked if the Planning Board should approve these projects based on their training. He said he would be okay with a few weeks more to iron out these issues. He specifically said he would like to review §C3 to eliminate the language restricting installation to installers determined to be qualified by the Building Department. Supervisor Fish said there should also be wording requiring whoever is installing the panels to be certified to do so and have insurance.

BPD Coordinator Westfall said he re-read the language and said it could be revised—the intention was to require the installer to be qualified, not to restrict installation to a certain list of installers. Councilmember Killian chimed in saying there are regulations dictating voltages that people can or cannot install, and considerations for direct current and alternating current. He said it would not be a typical homeowner or electrician that would have the right qualifications to do this type of work. He said there are regulations and certifications that limit who can. Supervisor Fish said the Building Department could have a list to choose from if a homeowner doesn't already have a qualified installer. Councilmember Stewart asked again if the Town Board is the right body to be looking at these issues to make determinations. He asked why on this one subject the Town Board does not defer to the Planning Board. Supervisor Fish posited that it could be because some Town Board members have been involved in developing this law for years. He said if the right thing is to pass the authority to another body, he's okay with that, but he wanted to get the law right the first time.

Attorney Bruening suggested the parts of the process are 1) the legislation of the overlay district, and 2) the special permit review. Councilmember Noonan asked if SEQR wasn't a third step in the process. Counsel said there is one SEQR for the entire thing. Councilmember Stewart asked about the (former Tee Bird South golf course) solar project proposal referenced by Mr. Hooper during public comments, and whether it was a loophole that would allow them to operate a 10-Megawatt project. Mr. Westfall said he was not familiar, but said at 10 Megawatts, a project would be eligible for commercial rates. Supervisor Fish asked what leverage the Town had if the other components of the proposed project don't come to fruition. Councilmember Stewart said that could be part of the PUD approval. If the law passed as it was, he said, the PUD on the former golf course would end and they would seek approval for their solar array based on the solar law, and would not have any requirement to build or maintain an RV park there. Mr. Hooper asked from the audience if they would be allowed to continue

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to let the property become overgrown and unkempt, as he said it is now. Mr. Hooper asked if the law didn't have any restrictions or regulation on the other 40% of the property. Councilmember Donohue said it was private property and the Town cannot tell them what to do with it any more than they can with any homeowner in the Town. Attorney Bruening said there is a site review built into the current legislation, so the plan for the entire property would be reviewed prior to potential approval. Mr. Westfall said currently that review authority rests with the Town Board.

Supervisor Fish asked if he could move on with the agenda or if they wanted to continue discussing the topic. Councilmember Stewart said unless they plan a workshop, this is the time to discuss it. He asked Mr. Westfall what the benefit would be of leaving approval in the hands of the Town Board vs. the Planning Board. Mr. Westfall responded that if any part of the process were to be delegated to another body, the site review would be most appropriately reviewed by the Planning Board, who could make a recommendation to the Town Board, as with the current PUD process. Councilmember Stewart said he thought it would be better to have a fresh set of eyes on the project for site review, and that no Board should have the power to control all parts of the process. Councilmember Donohue said he agreed with this change, saying it gave the process more structure. He asked if everyone agreed, and they nodded.

Councilmember Donohue asked for clarification on the exact regulating body that determines who is qualified to install solar panels and the percentage of site question. BPD Coordinator Westfall said he would look into it further. Supervisor Fish said they should send the law back for additional revision. Councilmember Stewart said they could get the revisions, open another Public Hearing on the changes, then close the Public Hearing on September 10, and put it back on the agenda for the end of September for a vote.

**Resolution 297-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to hold a public hearing on changes to Proposed Local Law 6 of 2024 (solar) on September 10 at 7:01 p.m.

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

### **PROPOSED LOCAL LAW 7 of 2024 (Rezoning)**

Supervisor Fish explained that because the Board would be acting on the rezoning law ahead of the proposed solar law, the proposed Local Law No. 7 of 2024 will become Local Law No. 6 of 2024 hereafter.

Attorney Bruening reviewed the process of this legislation up to this point; it was determined that the action was unlisted and SEQR part 1 had been completed by BPD Coordinator Josh Westfall in July, the Board had received public comments, as well as feedback by both the Town and County Planning Boards. Counsel then led the Town Board through the SEQR Part 2 (environmental assessment) process. In response to each of the 11 questions read by Counsel, the Board responded "no" or "small impact." Counsel explained Part 3, the determination of significance was to be completed next by way of resolution.

**Resolution 298-2024** A motion was made by Councilmember Stewart, seconded by Councilmember

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Donohue, to check the box indicating the determination has been made based on information and analysis of any supporting documentation that the proposed action will not result in any significant adverse environmental impact.

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

Supervisor Fish asked the Town Clerk to read a prepared resolution to adopt Local Law No. 6 of 2024. She read:

**“MOREAU TOWN BOARD RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2024, A LOCAL LAW AMENDING THE TOWN ZONING MAP CHANGING THE ZONING OF TAX MAP PARCEL 77.-1-27 AT 532A SELFRIDGE ROAD FROM R-2 TO R-5 ZONING DISTRICT**

WHEREAS, the Moreau Town Board has considered the adoption of Local Law No. 6 of 2024 entitled “A Local Law Amending the Town Zoning Map Changing the Zoning of Tax Map Parcel 77.-1-27 at 532A Selfridge Road from R-2 to R-5 Zoning District” pursuant to Municipal Home Rule Law Section 10 and Town Law Article 16; and

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

WHEREAS, the proposed change in zoning was referred to the Saratoga County Planning Board which issued a decision approving the proposed Local Law without comments; and

WHEREAS, the proposed change in zoning was referred to the Town of Moreau Planning Board which by resolution recommended approval of the proposed zoning change; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Local Law on August 27, 2024 and, after hearing all interested persons, closed the hearing; 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. 6 of 2024 in the form attached to this Resolution.
2. The Town Board hereby authorizes and directs that a copy of the relevant portion of the Town Zoning Map consistent with Local Law No. 6 of 2024 be produced and filed in the Town Clerk’s Office.
3. The Town Board hereby authorizes and directs the Town Clerk to file Local Law No. 6 of 2024 with the New York Secretary of State, along with a copy of the relevant portion of the Town Zoning Map consistent



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with the Local Law, and acknowledges that Local Law No. 6 of 2024 shall take effect immediately upon filing by the Secretary of State.

4. This Resolution shall take effect immediately.”

**Resolution 299-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to adopt the resolution as read.

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

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

The motion carried 5:0

## **WATER DEPARTMENT**

A truck was recently purchased for the Water Department which now needs a plow, Supervisor Fish said, adding that Highway Superintendent Abrams assisted in obtaining quotes from T&T Sales, Dejana, and Bodak's. The Water Superintendent, Kristian Mechanick, preferred to purchase the plow locally, Supervisor Fish said. Councilmembers Stewart and Killian agreed that the decision to purchase locally was acceptable, with Councilmember Killian adding the cost of gas to drive to the vendor in the event of an issue would be worth the difference.

**Resolution 300-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to authorize the Water Department to purchase the plow from Dejana for a price not to exceed \$6,570.95.

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

## **BAKERS FALLS CONSENT AGREEMENT**

Supervisor Fish said Town Counsel had been working with BPD Coordinator Westfall on the Bakers Falls Consent Agreement, paying special attention to the decommissioning bond, which is a 25-year bond, and the life of the project, which is expected to be 40 years. He continued, saying to protect the Town, the company is required to obtain a new bond after 20 years. Attorney Bruening added that another big issue had been worked out as well, which was to narrow the agreement so the company only utilizes a portion of the utility easement, and none of the conservation easement. He said there had been other changes made as well, which had not yet been reviewed by the company. Among the changes, Counsel mentioned payment options, references to the decommissioning plan, and decommissioning bond. He said the company had requested some changes which they were not comfortable with, but if the company finds the changes that had been made acceptable, he said the

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agreement was ready to go. Counsel also said that with this project the Town had a PILOT (Solar Payment In-Lieu-Of-Taxes) agreement which is yet to be fully worked out, and that Hudson Falls Central School District had previously opted out of the PILOT law. He said the District may, therefore, seek a full assessment on the property. Attorney Bruening went into some more detail on the payment plan as a follow-up to a past legal question; one option, which was included in the agreement, was a longer, 40-year term, with a \$5,000 payment every five years. The company, he said, was anticipating a 40-year process but their decommissioning bond was only for 25 years, which was addressed by establishing that the company come back with a new bond if they wish to continue. This piece of the agreement was among the changes he referenced that had not been fully reviewed by the company.

Liza Schepps of Nexamp Solar said she was there to speak on behalf of Bakers Falls Solar. She said that when the project went through the site plan approval and special use permit process, there had been a very thorough decommissioning review and approval with the condition that the decommissioning bond be replaced within a certain number of days if the issuing company goes out of business or the bond otherwise ended, so she wanted to be clear that they had already agreed to maintain the bond.

Councilmember Stewart asked if they should approve the agreement without the company reviewing it. Counsel said they could approve it with authorization for Counsel and Mr. Westfall to make minor adjustments, or come back for approval if big changes are needed. Councilmember Stewart asked Ms. Schepps if the company would be okay with the changes that had been reviewed during the meeting. She said yes and that the agreement only needed to be in a recordable form, adding that it should state that Bakers Falls Solar is required to fulfill the tax obligation with the school as well. She continued, saying the company is in negotiations with the school district about which type of PILOT agreement they want. She said the ultimate decision was with the school district. She asked if it was clear what the consent acknowledgement agreement refers to and offered to give an overview, which the Board declined.

**Resolution 300-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the August 27 version of the Bakers Falls Solar Consent Agreement with the additional stipulations outlined by Town Counsel, and to authorize the Supervisor to sign the Agreement.

**Discussion:** Councilmember Stewart asked Counsel if the requested tax information in relation to the school would be acceptable. Attorney Bruening advised, following discussion with the Assessor about the PILOT process and what Hudson Falls had done, that the clause be eliminated entirely. He said this is also what the company had requested, and it was also not enforceable by the Town. Counsel said that though the original proposal included extending or replacing the bond after 25 years, he said the amount of the bond was set at a certain dollar amount; the Board may require a higher bond over time as prices increase. Attorney Bruening said the cost to decommission could easily double in 40 years. Ms. Schepps said some Towns require a decommissioning cost estimate be recalculated and approved by the Town after a certain number of years. She said this was the company's strong preference to avoid slowing the process any further. Attorney Bruening said that the agreement was in essence an agreement between the Town and Bakers Falls Solar to get together and hash out these finer details.

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

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## **PLANNING BOARD CHAIRMAN**

Supervisor Fish said he had been contacted by Acting Planning Board Chairman, John Arnold, to express his interest in being considered for the Planning Board Chairman position.

**Resolution 301-2024** A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, to appoint John Arnold as Planning Board Chairman.

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

## **FHLB MUNICIPAL LETTERS OF CREDIT**

Supervisor Fish explained that FHLB Municipal Letters of Credit or Municipal Letters of Credit (MULOC) is something issued by the Town's Bank on behalf of the Town as collateral to take out loans. He said this was acceptable to the Town's attorneys, but Board approval is needed.

**Resolution 302-2024** A motion was made by Councilmember Donohue, seconded by Councilmember Noonan, to authorize the Supervisor to sign the addendum for the FHLB Municipal Letters of Credit with Glens Falls National Bank.

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

## **ADIRONDACK BALLOON FESTIVAL**

Supervisor Fish referenced advertising information for the Adirondack Balloon Festival guide, saying the Town has traditionally placed an ad, and though the prices have increased, the price to the Town would be \$400 this year. He said the Town was advised that the \$450 level of sponsorship would be ideal because it is the same price as the current half-page ad.

**Resolution 303-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve a full-page ad for the Adirondack Balloon Festival at a cost not to exceed \$450.

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

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

The motion carried 5:0

## **GREENWAY GRANT**

Supervisor Fish said the Board was looking into applying for a \$25,000 grant which has a 50/50 match in addition to the \$10,000 already received from the County for Recreation equipment needed to maintain trails in the winter, particularly the Big Bend Trail. Board authorization is needed to proceed with the application, he said.

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

“WHEREAS, the Town of Moreau is applying to the Hudson River Valley Greenway for a grant under the Greenway Conservancy Trail Grant Program for a project entitled Big Bend Trail Winter Access to be located in the Town of Moreau, and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the Town Board of Town of Moreau hereby does approve and endorse the application for a grant under the Greenway Conservancy Trail Grant Program, for a project known as Big Bend Trail Winter Access and located within this community.”

**Resolution 304-2024** A motion was made by Councilmember Stewart, Seconded by Councilmember Donohue to accept the following resolution as read by the Town Clerk, and authorizing Building, Planning and Development Coordinator, Josh Westfall, to apply for the grant.

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

## **CONSERVATION ADVISORY COUNCIL**

Supervisor Fish said the Town Code allows for an unpaid, 9-person advisory body whose role is to provide feedback to the Town and Planning Boards. He added that some grants require this Council. Building, Planning and Development Coordinator, Josh Westfall, said the issue had come up the day prior when an applicant proposed building a garage within 100 feet of wetlands. Mr. Westfall said Chapter 82 of the Town Code requires an application to the Town Clerk according to Chapter 82 §6A, which would be forwarded to the Town of Moreau Conservation Advisory Council, who would refer the application to the Board with their comments within 15 days. At this time this body does not exist, he said.



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Regulated activities he listed that the Conservation Advisory Council must weigh-in on in the current code include (§82-4): the erection of structures, roads, pilons, or placing other obstructions to determine whether the ebb & flow of water would be impacted; any form of pollution, not limited to the installation of septic tanks, running sewer or other effluent waste that will drain into freshwater wetlands; the portion of a subdivision of land that involves any fresh water wetland; and any activity that substantially impairs the function of wetlands. Further, he said their authority includes advising the Town Board on matters of preservation, development, and use of natural resources and manmade features; maintenance of an index of open spaces in private ownership, including but not limited to large geomorphic physiologic features, such as streams, floodplains, swamps, marshlands, and wetlands; and occasionally working with the Planning Board to advise the Town Board on features, plans, and programs related to environmental improvements in the Master Plan of the Town. He said they can also recommend changes to existing laws or ordinances related to environmental control.

He said if the Board does not wish to go forward in forming this council, then he suggested making modifications to Chapter 82. Councilmember Stewart asked if the NYS Department of Environmental Conservation (NYSDEC) was already regulating such things, adding that he thought it was redundant and could add hurdles to the process of getting projects approved. He said the DEC's regulations are likely to get stricter over time and make it even harder to meet standards. His suggestion was to take this discretion away from the Town. Attorney Bruening asked whether the Town should exercise control for projects that are below the DEC jurisdiction. He deferred to Mr. Westfall for suggestions on how to manage that within the Town code. Councilmember Stewart said he would excuse himself from this discussion and a vote because he has projects before the NYSDEC. Councilmember Noonan asked if this body would be involved in site plan review. Mr. Westfall explained they would advise the Town Board except where a project may be proposed that may impact wetlands. Councilmember Noonan asked if the decision had to be made that day or if they could discuss it in the office another day. BPD Coordinator Westfall said it could wait and be discussed later.

The decision was made to revisit this topic another day.

## **BOCES**

Supervisor Fish said that in the Spring the Town Board approved an agreement to allow BOCES to work with the Town. Since then, it was decided it would make more sense to have the term of the contract aligned with the school year rather than the calendar year. The contract in question, he said, included the Hudson Falls BOCES and Myers Center program out of Saratoga, and that specific projects would be discussed in the future.

**Resolution 305-2024** A motion was made by Councilmember Stewart, Seconded by Councilmember Noonan to authorize the Supervisor to sign a 2024-2025 BOCES contract.

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

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## **COMMITTEE REPORTS**

### Recreation

Councilmember Stewart said, in relation to the Greenway Grant application, and after discussion with Mr. Westfall, Recreation Director Brogan, Principal Account Clerk Cruz to discuss fund allocation. Councilmember Stewart said funds from the sale of a dump truck, plow truck, and other equipment had been moved to the General fund, and there were funds left over after the purchase of a Kubota machine.

### Technology Committee

Councilmember Killian said the committee met and was reviewing some different IT solutions for the Town as well as the current provider. Councilmember Stewart added that they were looking ahead to putting out an RFP and having bidders present to the Board so the Board can be confident the Town is getting the best deal possible. Councilmember Killian said they were looking to make it possible to make presentations of material to the public to help people understand what's happening in the Town.

Councilmember Noonan said he met with Kevin Lynch from Swift Fiber, the fiberoptic company that had been doing work in the Town, after a resident brought to the Board's attention that she was unaware the work would be happening in her yard. He said Mr. Lynch would like to come present to the Board and would inform the Board when they were back in Town to do additional work.

### Recreation II

Councilmember Donohue wanted to make everyone aware that the August 28 concert in the Concert in the Park Series would feature Electric City Horns, and was being sponsored by the Town. He said the free concert would be held at the Cooper's Cave Park on First Street in South Glens Falls from 6:00-8:00 p.m.

## **PUBLIC COMMENTS**

No public comments were made.

## **SUPERVISOR'S ITEMS**

### Employment

Supervisor Fish said applications were being accepted for Zoning Board Secretary, to begin in September. Applications were also being accepted for both Tanglewood and Moreau Elementary School crossing guards.

### Sewer Engineering

The Supervisor said that on August 8, he had gone to Canton to meet with Town engineers to explain what was happening with the Town sewers. He said there was an unexpected \$3.5 million contract needed. The engineers' quote was not to exceed \$10,000 to assess the situation, make a plan, and put it in writing for the Board. The firm will be at the Town on September 20 to pick up anything they may need that the Supervisor had not already provided. October 18<sup>th</sup> would be the initial draft delivery date, with a final proposal to be delivered December 4. He said his hope was to get it all in order so rates can be set for January billing. He said people want to get on the sewer line, and currently the old rates have to be charged. In short, he said the Town has to pay for this. Currently 84 people are "on the hook" for the bill, he said. The Supervisor had discussed the potential for a grant in 2025 to help pay for it, and the engineers have said to get it would be like hitting a home run because they had already received a grant for the project.

**Resolution 306-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to authorize the Supervisor to sign a contract with the engineering firm for a sum not to exceed \$10,000.

In answer to a question by Councilmember Stewart, the Supervisor said he had spoken to the owners of the LLC in the Industrial Park and he said they were not happy. Since the sewer bypass line was run by the Industrial

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Park, both the LLC and the Town have to pay for that line, he said. He also said that line had been paid for in the 1990s but now it has to be paid for again as things stand at this time.

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

#### Town Clerk

Supervisor Fish said he had received a memo from the Town Clerk regarding the hours required to collect school taxes. He said employee hours are being shifted to cover extended hours but overtime may still be required.

**Resolution 307-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Killian to authorize overtime pay for Deputy Town Clerks for four weeks in the month of September if it is required.

**Discussion:** The Town Clerk said since school tax collection extends through the month of October, the resolution should extend through October. Councilmember Stewart asked if the Town Clerk had reviewed the budget and if there were funds available for this. Supervisor Fish said he had spoken with Principal Account Clerk Cruz, and that funds had not been budgeted, but that this could be paid out of tax penalties the Town would receive. He said there are funds to move for this, but that it had not been budgeted. Councilmember Stewart said at this time he would make the motion for 4 weeks and see how it goes. He referenced the extended hours planned for the office during collection in reference to the overtime needed. The Town Clerk clarified to say that the hours of collection would not create overtime, the time spent reconciling and preparing the deposits at the end of each day would create overtime. Councilmember Stewart asked her to come back at the end of September to discuss it further. Councilmember Noonan asked if the Board approved this, if it would be allocating funds the Town did not have. Supervisor Fish said funds would have to be transferred.

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

#### **EXECUTIVE SESSION**

No Executive Session was required.

#### **ADJOURNMENT**

**Resolution 308-2024** 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:

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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 8:32 p.m.

Respectfully submitted,

*Erin Trombley*

Erin Trombley, Town Clerk



**TOWN OF MOREAU WATER & SEWER DEPARTMENT**

351 Reynolds Road, Moreau, NY 12828

518-792-1030 Ext. 217

[townofmoreau.org](http://townofmoreau.org)

Service Address

2653

9/24/2024

1418 Route 9 Landmark

SERVICES

Meter Readings

CHARGES

Year

Month

Units

29

Sewer

2023

March-December

\$ 8,894.30

Sewer

2024

January-August

\$ 7,115.44

Total Due

\$ 16,009.74

\*\*\* After Due Date Penalty 1600.97

\$17610.71

CUSTOMER

ACCOUNT

2653

10/31/2024

DUE DATE

PAST DUE AFTER THIS DATE

17610.71

TOTAL DUE UPON RECEIPT

\$16,009.74

MAIL THIS STUB WITH YOUR PAYMENT

NADEEM LODGING

24-Wicken Square

Landmark Motor Inn

Albany NY 12205

From 3/01/2023 TO 8/31/2024

**DRAFT**

**LOCAL LAW NO. \_\_ OF 2024**

**A LOCAL LAW AMENDING THE TOWN OF MOREAU  
TOWN CODE TO ESTABLISH REGULATIONS FOR SOLAR ENERGY SYSTEMS**

*Be it Enacted by the Town Board of the Town of Moreau as Follows:*

**Section 1. Title.**

This law shall be known and cited as “Solar Law of the Town of Moreau.”

**Section 2. Authority.**

This Local Law amending the Code of the Town of Moreau for regulation of solar energy systems is adopted pursuant to the New York State Municipal Home Rule Law and Article 16, Sections 261 through 264 of the Town Law of the State of New York, which authorize the Town to adopt regulatory provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar thermal and photovoltaics.”

**Section 3. Purpose.**

The Town Board of the Town of Moreau hereby adopts this Local Law to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar energy systems, with the following objectives:

- A. To take advantage of a safe, abundant, and renewable energy resources;
- B. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- C. To increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of solar energy systems;
- D. To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- E. To decrease the use of fossil fuels, thereby reducing the carbon footprint of the Town;
- F. To invest in a locally generated source of energy and to increase local economic value, rather than importing nonlocal fossil fuels;
- G. To align the laws and regulations of the community with several policies of the State of New York, particularly those that encourage distributed energy systems from renewable sources;

- H. To become more competitive for state and federal grants and tax benefits;
- I. To make the community more resilient during storm events;
- J. To encourage investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites; and
- K. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of solar energy systems.

**Section 4. Amendment of Town Code Chapter 149 "Zoning Law of the Town of Moreau" to add the following definitions to Section 149-5.**

- A. Section 149-5 is hereby amended to add the following definitions:

**ABANDONMENT**

Solar energy systems are considered abandoned after twelve (12) months without electrical generation for consumption and re-sale. Abandonment and provisions related to abandonment for solar uses herein shall be for Large Scale Solar Energy Systems as defined.

**BUILDING-INTEGRATED PHOTOVOLTAIC SYSTEM**

A roof-mounted solar energy system of a principal or accessory building that is designed and constructed as an integral part of the roof frame, sheathing or surface. The components of a building-integrated system may be designed to replace or substitute for architectural or structural elements of a building's roof and complement, blend with or form part of a building's architectural appearance. Such components will maintain a uniform plane with, and/or form a part of, the roofline or roofing into which they are integrated. Such a system is used in lieu of a separate solar energy system where components of the system are designed and attached to a building independent of building architecture. A building-integrated system may occur within transparent skylight systems, within roofing systems, replacing traditional roofing materials. A combination of photovoltaic building components integrated into any building skylight systems, and roofing materials.

**CAPACITY**

The nameplate capacity of the solar energy system as measured in kilowatts (kW) or megawatts (MW) alternating current (AC).

**DECOMMISSIONING**

The process of making a solar energy system inoperable, complete removal and proper disposal of all system components, and remediation of either the land upon which the system was sited, and/or the building on or in which it was installed. The decommissioning process shall begin for a solar energy system that has been in a state of abandonment for a period of one year. Remediation may include restoration of building components, grading, seeding, replanting, and revegetating the area impacted by the removal of the system and any associated components or facilities.



**ENVIRONMENTAL MONITOR (EM)**

An individual with a confident understanding of normal agricultural practices, and able to identify how a Solar Project may affect a site as outlined in NYSDAM Guidance.

**GLARE**

The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respect.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM**

A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, which generates electricity for onsite or offsite consumption.

**KILOWATT (kW)**

A unit of electrical power equal to 1,000 watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used; 1,000 kW is equal to one megawatt (MW).

**KILOWATT HOUR (kWh)**

A unit of energy equivalent to one kilowatt of power generated or expended for one hour of time.

**LIMITS OF DISTURBANCE (LOD)**

The boundary within which all construction, materials and equipment storage, grading, landscaping and related activities shall occur on a Solar Property.

**MINERAL SOIL GROUPS 1-4 (MSG 1-4 SOILS)**

Soils recognized by the New York State Department of Agriculture and Markets as having the highest value based on soil productivity and capability, in accordance with the uniform statewide land classification system developed for the New York State Agricultural Assessment Program.

**NET METERING**

A system in which solar panels are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.

**NEW YORK STATE DIVISION OF AGRICULTURE AND MARKETS (NYSDAM)**

The New York State Department of Agriculture and Markets is the department of the New York state government that enforces laws relating to agriculture, weights and measures, and the production, processing, transportation, storage, marketing and distributing of food.

**SCREENING**

A method of visually shielding or obscuring one abutting or nearby structure or use from

another by measures including but not limited to fencing, walls, berms, or densely planted vegetation

### **SOLAR COVERAGE**

Solar coverage includes the area covered by a solar panel or array as measured on a horizontal plane projected from the perimeter of said panel or array vertically to the ground. For panels or arrays where the tilt angle is adjusted, Solar Coverage shall be determined by the tilt angle producing the greatest Solar Coverage. Additionally, Solar Lot Coverage shall also include all mechanical equipment of the Solar Energy System, including any pad mounted structure for Battery Energy Storage System components, switchboards, or transformers, as well as any accesses roads. Any existing or proposed permitted use structures, permitted by the underlying zoning as described herein, including accessory structures, shall also be calculated as part of the coverage for a solar property.

### **SOLAR PROPERTY**

The tax parcel(s) on which small scale solar energy systems or large-scale energy system is located or installed. This shall include one or the aggregate of several parcels and shall generally follow any lots lines for those lots to be utilized, in any location, for solar uses.

### **SOLAR PROPERTY OWNER**

The person, persons, and/or entity owning or possessing the property on which a large-scale solar energy system is located or installed, or their lessee, licensee or other person authorized to install and operate a solar energy system on the property.

### **ROOF-MOUNTED SOLAR ENERGY SYSTEM**

A solar energy system consisting of panels and associated brackets and hardware installed on an existing roof of any legally permitted principal or accessory building for the purpose of producing electricity for onsite or offsite consumption.

### **SOLAR ENERGY EQUIPMENT**

Solar energy equipment consists of solar photovoltaic (PV) cells, panels and/or arrays, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware, or equipment necessary to the process by which solar radiation is:

- A. Collected;
- B. Converted into another form of energy such as thermal, electrical, mechanical, or chemical;
- C. Stored;
- D. Protected from unnecessary dissipation; and
- E. Distributed.

Solar Energy Equipment also includes insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by New York law. Solar Energy Equipment does not include pipes, controls, insulation, or other equipment which are part of the normal heating, cooling, or insulation system of a building.

### **SOLAR ENERGY SYSTEM**

An arrangement or combination of solar energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar energy and its conversion, storage, protection, and distribution.

**SOLAR ENERGY SYSTEM, LARGE-SCALE**

A Ground-Mounted Solar Energy System with power generation capacity larger than a Small-Scale Solar Energy System (*see* definition of “Solar Energy System, Small-Scale”) that feeds into the utility grid.

**SOLAR ENERGY SYSTEM, SMALL-SCALE**

A solar energy system for residential, business, or farm use that has the capacity to collect the sun’s light energy and generate no more than 110% of the electricity consumed over the previous 12-month period by land use(s) existing on Solar Property. For new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used. All small-scale solar energy systems shall be considered an accessory use.

**SOLAR ENERGY SYTEM OVERLAY DISTRICT (SESO)**

A district with detailed and conditional use requirements, as outlined in Article VII, that is unmapped until assigned to a specific parcel or parcels, or portions thereof. The Solar Energy System Overlay District establishes regulations on the properties within such district and may be in addition to those established for the underlying use district, as applicable.

**SOLAR PANEL**

A photovoltaic (PV) device capable of collecting and converting solar energy into electrical energy.

***Section 5. Amendment of Town Code Chapter 149 “Zoning Law of the Town of Moreau” to create the Solar Energy System Overlay District.***

- A. Article III, Section 149-6 is hereby amended to add “SESO Solar Energy System Overlay Districts” to the list of districts.
- B. Article IV (“Applicability; use regulations”) is hereby amended to add a Section 149-28.1, entitled Solar Energy Overlay (SESO) District, which shall state the following:
  - A. Purpose. It is the purpose of the Solar Energy System Overlay (SESO) District to encourage development of solar energy systems in the Town of Moreau while protecting the health, safety and welfare of the community.
  - B. Creation. The Town Board of the Town of Moreau hereby adopts the rules and procedures for creation of SESO Districts to allow consideration of such land uses while also protecting the health, safety and welfare of the Town.
  - C. Requirements for the Solar Energy Systems Overlay District.
    - (1) SESO District requirements: Where the SESO District has been

established, the requirements of the SESO District shall be in addition to any requirements specified in the underlying district.

(2) Exemption from SESO requirements: The requirements of the SESO District shall not apply to those uses which are already permitted in the underlying district nor to the following:

- (a) Building-integrated photovoltaic systems.
- (b) Small-scale, Roof-Mounted Solar Energy Systems.
- (c) Small-scale, Ground-Mounted Solar Energy Systems.

D. Rezoning procedure. The process necessary to create a SESO District shall be as follows:

(1) Concept site plan. Prior to the submission of any application for rezoning by the Town Board, the applicant shall submit a concept site plan to the Town Board for an initial review.

(a) The "concept site plan" is a map, drawn to scale, prepared by a licensed engineer or architect, which graphically depicts proposed improvements to the property, including topographical features, system footprints, travelways, access locations, drainage facilities, lighting, landscaping, buffering, fencing, and signs. Said concept plan shall also depict existing improvements and contain all information required by Article VI, Site Plan Review.

(b) The Town Board, shall review the concept site plan, based on the standards for large scale solar systems found in this section, and at their discretion may forward the application to the Town Planning Board for their Preliminary Site Plan Review.

(2) Preliminary Site Plan review and approval from the Town of Moreau Planning Board. Said review shall include a duly noticed public hearing for site plan approval in accordance with the provisions of Section 274-a of the New York Town Law. After Preliminary Review is completed, the Planning Board shall provide a report in accordance with §149-40 (C) and §149-41 of this Chapter. The Planning Board shall have sixty (60) days from the date of complete application to make a determination of significance pursuant to the State Environmental Quality Review Act (SEQRA).

(3) Final site plan review by the Town Board in accordance with the procedures on §149-42 and §149-43, except that in §149-43, where the Planning Board and Chairman are referenced, this shall be understood

to refer to the Town Board and the Town Supervisor respectively. A public hearing may be held at the discretion of the Town Board.

(4) Rezoning application. After Site Plan Review an application for rezoning shall be submitted to the Town Board and it shall contain the following information:

- (a) The Solar Energy Systems Overlay report of the Town Board resulting from the aforesaid concept site plan and rezoning review, as well as the report of preliminary review by the Town Planning Board
- (b) Proof of ownership of the land proposed for rezoning.
- (c) A description of the Solar Property, including a metes and bounds description of the parcel.
- (d) A letter of intent which states the land's present use and the type of Solar Energy System proposed for the land.
- (e) A completed long form of the environmental assessment form (EAF).
- (f) A description of the present land use of lots abutting the proposed Solar Energy System.
- (g) Eight (8) copies of the application to rezone the land shall be submitted to the Town Clerk.

E. SESO District rezoning conditions. Prior to any SESO District being placed on the Town of Moreau Zoning Map, the following conditions shall be met:

- (1) Resolution of the Town Board mapping the Solar Energy Systems Overlay District, following a duly noticed public hearing for rezoning approval in accordance with the provisions of Section 264 of the New York Town Law.

F. Permitted underlying district. Parcels in any zoning district of the Town are eligible for consideration for SESO rezoning.

G. Permitted principal uses. The following principal uses are permitted in the SESO District:

- (1) Any use permitted in the underlying district.
- (2) Large-Scale Solar Energy Systems.

H. Permitted accessory uses. The following accessory uses shall be permitted

in the SESO District:

- (1) Any accessory uses permitted in the underlying district.
- (2) Accessory uses and buildings customarily connected with Large-Scale Solar Energy Systems.

I. Prohibited uses. None of the following uses, or accessory uses, shall be allowed within the SESO District:

- (1) Any other use not specifically authorized pursuant to the provisions of this Section or the provisions of the underlying district.

**Section 6. Amendment of the Zoning Map of the Town of Moreau.**

The “Zoning Map of the Town of Moreau” provided under § 149-7 of the Zoning Law is hereby amended to include Solar Energy System Overlay (SESO) District in conformity with the map presented together with this Local Law. The full version of the amended Zoning Map of the Town of Moreau shall be maintained in the Town Clerk’s Office.

**Section 7. Amendment of Town Code Chapter 149 “Zoning Law of the Town of Moreau,” Article VII “Supplementary Regulations,” to Add a New Section 149-50.2.**

Chapter 149 of the Zoning Law of the Town of Moreau is hereby amended to add the following new Section 149-50.2 entitled “Regulations for Solar Energy Systems.”

**A. Applicability.**

The requirements of this section shall apply to all Solar Energy Systems installed or modified after the effective date of this section, excluding general maintenance and repair and building-integrated photovoltaic systems.

**B. Permits and Transfers.**

1. Permit requirement. No Solar Energy System shall be constructed, reconstructed, moved, or modified as to physical size, location, or placement undertaken in the Town of Moreau, except by first obtaining a building permit from the Town of Moreau Building Department.
2. Exemptions. Replacement in-kind or repair of a Solar Energy System may occur without a permit or approval as specified in this Section when there shall be:
  - (a) No increase in total height.
  - (b) No increase in physical size.
  - (c) No change in location.
  - (d) No increase in rated capacity.



3. Transfer. The standards of this section and/or the terms or conditions for approval of any Solar Energy System as approved by the Town Board under the standards of this Section shall remain in effect regardless of the transfer of any Solar Energy System or sale of the entity owning such facility.

**C. Standards for Small-Scale Solar Energy Systems.**

1. Location requirements. Small-scale Solar Energy Systems, whether roof-mounted or ground-mounted, are permitted in all zoning districts in the Town.
2. Small-Scale Solar Energy Systems are permitted as accessory structures and shall not require site plan review.
3. All Small-Scale Solar Energy Systems installed shall be inspected by a qualified electrical inspector, prior to use.
4. All Small-Scale Solar Energy Systems require a building permit from the Town of Moreau Building Department.
5. All Small-Scale Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and standards set forth in this Section and any applicable federal, state, county, and local laws, regulations, or codes.
6. Standards for Roof-Mounted Small-Scale Solar Energy Systems:
  - (a) Roof-Mounted Small-Scale Solar Energy Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
  - (b) Height. Roof-Mounted Small-Scale Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district in which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
  - (c) Positioning requirements. Roof-Mounted Small-Scale Solar Energy System installations shall incorporate, when feasible, the following design requirements:
    - [1] Panels must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system and may not extend above a line 18 inches below the roof's peak nor below a line on the roof where the building wall would



intersect with the roof.

7. Standards for Ground-Mounted Small-Scale Solar Energy Systems:

(a) Height requirement. The height of Ground-Mounted Small-Scale Solar Energy Systems, regardless of tilt, orientation, or rotation shall be a maximum of 15 feet.

(b) Location and positioning requirements:

[1] Ground-Mounted Small-Scale Solar Energy Systems are prohibited in the side or front yards.

[2] All components of Ground-Mounted Small-Scale Solar Energy System shall be located in the rear yard or within a structure, which shall to be subject to all provisions outlined in this Chapter.

[3] All components of a Ground-Mounted Small-Scale Solar Energy System are subject to rear and side lot line setback requirements of the zoning district within which they are located.

[4] Solar panels and mounts of Ground-Mounted Small-Scale Solar Energy Systems shall be positioned to minimize shading of property to the north while still providing adequate sunlight access for the panels.

(c) Solar Coverage requirements. Ground-Mounted Small-Scale Solar Energy Systems regardless of the lot size on which they are located are limited to a coverage area of 1,000 square feet or 20 percent of the lot size; whichever is less. The surface area covered by ground-mounted solar panels shall be included in calculating Solar Coverage.

(d) Screening requirements. Ground-Mounted Small-Scale Solar Energy Systems are to be positioned so they are not visible from the view of pedestrians, bicyclists, and motorists on the public right-of-way, and from the view of neighboring property owners. Supplemental berming, grading, planting, and fence installation may be required to further screen the view of the system. Where adequate screening cannot be achieved, a variance shall be required from the Zoning Board of Appeals.

**D. Standards for Large-Scale Solar Energy Systems.**

1. Large-Scale Solar Energy Systems are only permitted in the Solar Energy Systems Overlay (SESO) District.
2. Large-Scale Solar Energy Systems shall be constructed pursuant to a special use

permit and site plan approval from the Town Board and must meet the criteria set forth below.

3. Application and Site Plan requirements. Applications for a Large-Scale Solar Energy System, including materials for site plan review, shall include the following:

- (1) Name, address, contact information, and signature of the applicant.
- (2) Site plan showing the layout of the solar energy system signed by a professional engineer or other licensed professional.
- (3) The capacity of the proposed Large-Scale Solar Energy System in megawatts (MW).
- (4) A one- or three-line electrical diagram.
- (5) A boundary survey map prepared by a New York State licensed professional surveyor is to be provided, including the metes and bounds, monumentation, tax map information, property acreage, and easements.

(a) Such survey shall show the following:

- [1] North symbol, date and scale.
- [2] The entire parcel(s) of Solar Property plotted to scale.
- [3] Wetlands and watercourses, if any, and direction of drainage flow.
- [4] Location of planned use or uses; height, length and width of any building or buildings; yard requirements; parking areas and interior road plan, if any.
- [5] Location of existing or proposed site improvements; the accurate placement of all drains, culverts, walls, fences, water and utilities; location and means of sewage disposal; location and size of proposed signs, if any; placement of proposed lighting facilities, if any; the area proposed for various uses for which building is planned; and existing areas of vegetation and trees, including general description.
- (6) If the Solar Property is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the Large-Scale Solar Energy System, including, but not limited to, copies of leases and easements.
- (7) Documentation of the major system components to be used, including the solar panels, mounting system, foundation, and inverters, etc. Manufacturer's data sheets/brochures may be used to meet this requirement.
- (8) An operation and maintenance (O&M) plan which shall include measures for maintaining safe access to the Large-Scale Solar Energy System, , and general procedures for operational maintenance of the Large-Scale Solar Energy System.

- (9) A decommissioning plan pursuant to Section F, below.
  - (10) A stormwater pollution prevention plan (SPPP) consistent with the requirements of Chapter 120 of the Code of the Town of Moreau shall be required for site plan approval. The SPPP shall meet the performance and design criteria and standards in Chapter 120. The approved site plan shall be consistent with the provisions of Chapter 120.
4. Preliminary Site Plan Review Standards. The Planning Board shall issue a Preliminary Approval Report for a Large-Scale Solar Energy System located in the proposed Solar Energy System Overlay District if said board determines the following minimum standards have been satisfied:
- (a) The Solar use project coverage for a Large-Scale Solar Energy System shall not exceed 60% on a Solar Property.
  - (b) The maximum height for a Large-Scale Solar Energy System shall not exceed 20 feet in height above the ground. This height limitation shall not include utility and transmission lines, and associated poles, and which cannot feasibly be placed underground as identified in (h) below.
  - (c) The minimum setbacks for a Large-Scale Solar Energy System shall be 50 feet from the front and rear lot lines and 40 feet from the side lot lines.
  - (d) To the greatest extent practicable, a landscaped buffer shall be provided around a Large-Scale Solar Energy System and related equipment to provide screening from adjacent properties and roads.
  - (e) Lighting of the Large-Scale Solar Energy System shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast to minimize impacts to abutting properties.
  - (f) Removal of trees and other existing vegetation should be minimized to the greatest extent practical. A vegetative management plan, shall be required, detailing development, implementation, and maintenance of native vegetation, to the extent practicable, by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators..
  - (g) Roadways within the site shall not be constructed of impervious materials and the Solar Energy System shall be designed to minimize the extent of roadways constructed as well as soil compaction.
  - (h) All onsite utility and transmission lines shall, to the extent feasible, be placed underground.
  - (i) Large-Scale Solar Energy Systems and other facilities shall be designed and

located to prevent reflective glare toward any inhabited buildings on adjacent properties and roads. All solar panels used shall have an anti-reflective coating.

(j) Large-Scale Solar Energy Systems and all related mechanical equipment shall be enclosed by a minimum six-foot-high fence with a self-locking gate.

(k) A Solar Energy System to be connected to the transmission utility grid shall provide a letter from the transmission utility company acknowledging the proposed Large-Scale Solar Energy System will be interconnected to the grid in order to sell electricity to the transmission utility.

(l) Signage.

[1] No signage or graphic content shall be displayed on the Large-Scale Solar Energy System except for a sign not to exceed eight square feet which shall be displayed on or near the main access point and shall list the facility name, owner and/or operator, equipment specification information, safety information, and 24-hour emergency contact information.

[2] A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface.

(m) Large-Scale Solar Energy Systems located on land consisting of MSG 1-4 soils shall be constructed, monitored, and decommissioned in accordance with the NYS Department of Agriculture and Markets' "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands" and must meet the following criterion:

[1] The applicant shall hire or designate an Environmental Monitor (EM) as defined herein and in accordance with definitions provided by NYS Department of Agriculture and Markets.

[2] On projects involving fifty (50) or more acres, the EM shall be on-site whenever construction or restoration work requiring ground disturbance, as defined herein, and shall notify NYSDAM of project activity.

[3] Prior to construction activities, soil sampling shall be performed consistent with NYSDAM guidance. A copy of this report shall be filed with the Building Department.

[4] Stripped topsoil shall be stockpiled and kept separate from other excavated material in accordance with NYSDAM guidelines. Soil

stockpile and disposal areas shall be noted on any plans submitted. Changes and additions to stockpile areas shall be allowable based on field conditions and upon consultation with the EM. Confirmation of this change shall require updated plans and certification of need from the EM.

[a] Stripped soil from permanently converted lands (roadways, etc.) shall be temporarily stockpiled and spread evenly on adjacent agricultural lands within the project LOD, however not to the extent to alter hydrology of the area.

[b] Stripped topsoil stockpiles shall be considered secured through seeding or mulching, as applicable in accordance with NYSDAM guidance.

[5] Surface access roads shall be level with adjacent fields. If level road is not feasible, roads should be constructed to allow farm crossing and to restore / maintain original drainage patterns, which may include the usage of culverts or waterbars adjacent to roadways.

[6] The Town Board, at their discretion may wish to demand additional requirements, as outlined in the guidelines for Solar Energy Projects- Construction Mitigation for Agricultural Lands, or any subsequent relevant guidance from NYSDAM or any other relevant agency, including Saratoga County, related to this use.

#### **E. Town Board SESO Rezoning Standards. .**

The Town Board in reviewing the SESO Rezoning application for installation and operation of a Large-Scale Solar Energy System shall consider the public health, safety, and welfare including the following factors:

- (1) The degree to which the purpose of the proposed Large-Scale Solar Energy System is compatible with the Town Comprehensive Plan and the goals for the overall community and neighborhood in which the system is to be located.
- (2) The degree to which the proposed Large-Scale Solar Energy System is properly sized for the lot on which the system is to be located and the design of system components have effectively mitigated potential adverse impacts.
- (3) The degree to which the proposed Large-Scale Solar Energy System is compatible with the surrounding natural and built environs.
- (4) The degree to which adverse visual impacts have been mitigated with no adverse impact to public health and safety.



- (5) The degree to which the applicant has established the proper authority and permission from the Solar Property Owner to undertake the proposed Large-Scale Solar Energy System.

Following the review of the SESO Application, the Town Board may impose conditions related to the above factors to ensure public health, safety and welfare is maintained.

#### **F. Abandonment and Decommissioning.**

- (1) All applications for a Solar Energy System shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the Solar Energy System.
- (2) The decommissioning plan submitted by an applicant shall include the following:
  - (a) An estimate of the anticipated operational life of the system.
  - (b) Identification of the party responsible for decommissioning.
  - (c) The time required to decommission and remove the Large-Scale Solar Energy System and any ancillary structures including non-utility owned equipment, conduit, fencing, roads, and foundations.
  - (d) The time required to restore the Solar Property following removal of the Large Scale Energy System to the condition prior to site development in association with the installation of a Solar Energy Systems.
  - (e) An estimate of the anticipated cost of decommissioning and removing the Large-Scale Solar Energy System, as well as all necessary site restoration, prepared by a qualified professional engineer.
  - (f) Plans for updating decommissioning plan for future modifications.
  - (g) For projects decommissioned on MSG 1-4 Soils, the EM shall provide monitoring and reporting as outlined in the Guidelines for Solar Energy Projects- Construction Mitigation for Agricultural Lands. Documentation of this observation shall be filed with the Town Building Department
  - (h) The provision of a decommissioning security which shall adhere to the following requirements:
    - [1] The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town Attorney and/or Engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto regarding decommissioning of the Solar Energy

System, and to provide for the removal of the system and restoration of the site. The amount of the bond or security shall be 115% of the cost of removal and site restoration for the Large-Scale Solar Energy System with an escalator of 2% annually for the life of the Large-Scale Solar Energy System. The Town Board, at their discretion, shall have the authority to authorize reevaluation of the escalation rate and/or amount of bond. Upon any reevaluation, the Town Board may raise the escalation rate and/ or impose an increase to the security amount, based upon review by an engineer or other professional qualified to estimate decommissioning cost estimates. .

- [2] In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town. The cash deposit, bond, or security shall remain in full force and effect until removal of the Large-Scale Solar Energy System and restoration of the Solar Property as set forth in the decommissioning plan is completed and approved by the Town.
- (i) Upon cessation of activity of a constructed facility for a period of one (1) year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan, except in the case of any unforeseen circumstance, including weather, causing delay beyond 180 days.
- [1] If the owner/operator fails to fully implement the decommissioning plan within the 180-day time period, except in the case of unforeseen circumstances, including weather, causing delay, beyond 180 days, the Town may at its discretion provide for the restoration of the site in accordance with the decommissioning plan and may recover all reasonable expenses incurred for such activities from the decommissioning bond or security referenced in Subsection (2)(f), above. In the event the funds available through the decommissioning security are insufficient to fully complete the system's decommissioning, the the owner/operator shall reimburse the Town for its related costs and the Town may impose a lien on the property to recover decommissioning costs.

**G. Waiver.** Pursuant to the authority of the Town Board granted by NYS Town Law §274— a(5) and §274-b(5), the Town Board may waive certain requirements in this section, subject to appropriate conditions, where special circumstances of a particular Solar Energy System or Solar Property make compliance with such requirements inappropriate

or where such requirement(s), as applied to the Solar Energy System or Solar Property, are not in the interest of public health, safety and general welfare.

**H. Enforcement.** Any violation of this solar energy section shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Town of Moreau.

***Section 8. Severability***

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgement of any court or competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

***Section 9. Effective Date***

This Local Law shall take effect upon filing by the office of the New York State Secretary of State.

**TOWN OF MOREAU**  
**Transfer Station**  
**1543 Route 9**  
**FORT EDWARD, NY 12828**  
**Chris Abrams: Highway Superintendent**

**TOWN BOARD MEMO**

TO: Board Members  
FROM: Chris Abrams  
SUBJECT: Transfer Station- Brush Grinding  
DATE: September 20, 2024

This memo is to request authorization from the Town Board to hire Richard Sears Tree Experts for the brush grinding at the Transfer Station. Proposals were sent to Adirondack Tree Surgeons, Richard Sears Tree Experts, Tree Care by Stan Hunt, Tree Masters, High Peaks, A-1 Tree Works, Advantage Tree Service, W.M. Biers, and Fones Tree Service on Thursday, September 5, 2024 with a deadline of Thursday, September 19, 2024. The companies were requested to give an all inclusive cost per 8 hour day. The job will take approximately two full eight hour days, however, *this is only an estimate*; it could take more time, or possibly less.

Richard Sears Tree Experts and Advantage Tree Service were the only companies to submit proposals. Advantage Tree Service offered \$3,750.00 per (8) hour day (all inclusive); \$7,500.00 total if the job takes the *estimated* two (8) hour days. Richard Sears Tree Experts offered \$3,000.00 per (8) hour day (all inclusive); \$6,000.00 total if the job takes the estimated two (8) hour days.

The 2024 proposals are attached to this memo. I recommend going with Richard Sears Tree Experts due to their proposal being lower in cost, as well as the exceptional service they have provided the Town in recent years.

Chris Abrams  
Highway Superintendent

**TOWN OF MOREAU**  
**PURCHASE REQUEST & QUOTE SUMMARY**

**Department:** TRANSFER STATION

**Date:** 9/20/2024

**Description of Purchase Request:** BRUSH GRINDING

**Vendor's Name and Address:**

Advantage Tree Service, 772 Delaware Ave., Delmar NY, 12054

**Price: \$3,750.00/day**  
**Estimated Total: \$7,500.00**  
**(all inclusive)**

**Vendor's Name and Address:**

Richard Sears Tree Experts, 16 Harold Harris Road, Queensbury, NY 12804

**Price: \$3,000.00/day**  
**Estimated Total: \$6,000**  
**(all inclusive)**

**Vendor's Name and Address:**

Adirondack Tree Surgeons, 353 Gurnsring Road, Gansevoort, NY 12831

**Price: N/A-No response**

**[Please list all vendors contacted for a quote, even if they didn't submit a quote.]**

**Account number purchase will be paid from:** TS8160.4

**Balance in account and date:** \$53,732.74 as of 09/01/2024

**Amount Budgeted for the current year:** \$140,000.00

**Department Head's Recommendation:** The brush grinding will take *approximately* two 8 hour days. This is just an estimate, as it could be more than 2 full days or less. I recommend hiring Richard Sears Tree Experts with the lowest price and an established relationship with the Town.

**Board Approval Received:** \_\_\_\_ Yes \_\_\_\_ No

**Date Approval Received:** \_\_\_\_\_

**Vendor Authorized:** \_\_\_\_\_

**Amount Approved:** \_\_\_\_\_ **Total:** \$ \_\_\_\_\_



**Advantage**



**Tree Service LLC**

772 Delaware Ave. Delmar, NY 12054

Albany/Troy: (518)-937-7616

Schenectady: (518)-937-7726

Bethlehem: (518)-944-5172

Saratoga/Clifton Park: (518)-937-1060

Fax: (518)-439-0239

Web: [www.AdvantageTreeNY.com](http://www.AdvantageTreeNY.com)

Email: [Sales@AdvantageTreeNY.com](mailto:Sales@AdvantageTreeNY.com)

**Town Of Moreau**

351 Reynolds Road

Fort Edward, NY 12828

Chris Abrams

(518) 361-2585

[hwysuper@townofmoreau.org](mailto:hwysuper@townofmoreau.org)

**Site Location: Town of Moreau Transfer Station**

Corner of Route 9 & Butler Road

- **Grinding of municipal wood waste on site**
  - o \$3,750.00/ per (8) Hour Day including fuel

**Estimated Total: \$7,500.00**

Thanks,

Advantage Tree Service LLC

09/28/23

RECEIVED  
SEP 11 2024  
BY: *[Signature]*

**Terms and Conditions of Tree Service Contract**

Performance Advantage Tree Service LLC.

Work crews shall arrive at the job site unannounced unless otherwise noted herein. Advantage Tree Service LLC. shall attempt to meet all performance dates, but shall not be liable for damages due to delays from inclement weather or other causes beyond our control.

**Workmanship**

All work will be performed in a professional manner by experienced personnel outfitted with the appropriate tools and equipment to complete the job properly. Unless otherwise indicated herein, Advantage Tree Service LLC. will remove wood, brush and debris incidental to the work.

**Insurance**

Advantage Tree Service LLC. is insured for liability resulting from injury to persons or property, and all its employees are covered by Workers Compensation Insurance.

**Ownership**

The customer warrants that all trees, plant material and property upon which work is to be performed are either owned by him/her or that permission for the work has been obtained from the owner. Advantage Tree Service LLC. is to be held harmless from all claims for damages resulting from the customer's failure to obtain such permission.

**Terms of Payment**

All accounts are net payable upon receipt of invoice. A service charge of 1.5% will be added to accounts not fully paid 30 days subsequent to the invoice date. If outside assistance is used to collect the account, the customer is responsible for all costs associated with the collection, including, but not limited to, attorney fees and court costs.

**Cancellation**

Advantage Tree Service LLC reserves the right to charge 10% on all cancelled contracts.



## Richard Sears Tree Experts Inc.

16 Harold Harris Road, | Queensbury, NY 12804  
518-793-3602 | sales@searstree.com | <https://www.richardsearstreeexperts.com/>

**RECIPIENT:**

**Town of Moreau**  
New York

**SERVICE ADDRESS:**

New York

**Quote #1890**

Sent on Sep 19, 2024

**Total \$3,000.00**

Product/Service	Description	Qty.	Unit Price	Total
Grinding Services	Includes: 8 hours of grinding with horizontal Grinder and Excavator Estimate the project to be completed in two days \$3,000.00 Per 8 hour day	1	\$3,000.00	\$3,000.00

RECEIVED

SEP 19 2024

BY: 

This quote is valid for the next 5 days, after which values may be subject to change. The Client, hereby acknowledges and accepts the full responsibility for any damages caused to your lawn or property due to large equipment needed to complete. I understand that the damage to the lawn was unintentional and occurred due to the presence of equipment used for the tree services. Client also agrees to terms and conditions found at [www.searstree.com/terms-and-conditions](http://www.searstree.com/terms-and-conditions)

<b>Subtotal</b>	\$3,000.00
<b>Exempt (0.0%)</b>	\$0.00
<b>Total</b>	<b>\$3,000.00</b>

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWN OF MOREAU**  
**Highway Department**  
**1543 Route 9**  
**FORT EDWARD, NY 12828**  
**Chris Abrams: Highway Superintendent**

**TOWN BOARD MEMO**

TO: Board Members  
FROM: Chris Abrams  
SUBJECT: Tree Contract  
DATE: September 20, 2024

This memo is to request authorization from the Town Board to sign our 2024 tree contract with Richard Sears Tree Experts. Tree Bid Proposals were sent to Adirondack Tree Surgeons, Richard Sears Tree Experts, Tree Care by Stan Hunt, Tree Masters, High Peaks, A-1 Tree Works, Advantage Tree Service, W.M. Biers, and Fones Tree Service on Tuesday, September 3, 2024 with a deadline of Thursday, September 19, 2024. Richard Sears Experts Inc. and Adirondack Tree Surgeons were the only companies to submit proposals.

The 2024 specs and proposals are attached to this memo. I recommend going with Richard Sears Tree Experts due to their proposals being lower in cost, as well as the exceptional service they have provided the Town in recent years.

Chris Abrams  
Highway Superintendent

RECEIVED

SEP 19 2024

BY:

*Elyse CJO*

**TOWN OF MOREAU**  
**SPECIFICATION 2024**  
**TREE AND STUMP REMOVAL**

It is the intent of these specifications to describe the removal of those trees, which shall be designated by The Town of Moreau Highway Dept.

**GENERAL:**

The contractor shall furnish materials, equipment, machinery, tools, labor, services, insurance, etc. except as provided herein to do and perform all work necessary and incidental to the removal of trees and stumps as designated and ordered removed by Town of Moreau Highway Superintendent.

**TREES TO BE REMOVED:**

The contractor shall clean the site of all limbs, brush and debris of said trees, which shall be designated by the Town of Moreau Highway Superintendent.

**PROTECTION OF UTILITIES AND PRIVATE PROPERTY:**

The contractor shall progress all work in such a manner as to cause no damage to public utility poles, power lines, telephone lines, and other private property. Most of the trees which will be designated for removal by the contractor must have limbs cut and lowered to the ground before the tree can be felled because of utility lines or private structures. The contractor shall notify the owner of any utility poles, cables, lines, wires, guys, or braces connected or attached to, over, under or adjacent within 40 feet of the tree to be removed, not less than 24 hours before starting work on said tree.

**PROTECTION OF TRAFFIC:**

The contractor shall erect signs, post flagmen, and place barricades for protection of traffic. All signs and the placement of all signs shall be in accordance with the current "New York State Manual of Uniform Traffic Control Devices." Traffic shall be maintained continuously except for periods of not more than 30 minutes during which a tree may be across a highway. No work shall progress at night.

**CUTTING OF STUMPS:**

All stumps shall either be cut to within 3" of the adjacent ground level or grinded per discretion of the Highway Superintendent in such a manner as not to create a hazard to public safety.

**METHOD OF REMOVAL:**

All limbs 8" or more in diameter shall be cut and lowered to the ground on ropes or cables. The trunk shall be felled either in sections or whole in such manner so as not to damage any property, private or public, including lawns, highway pavements, shoulders, etc.

**PROTECTION OF HIGHWAY PROPERTY:**

The contractor shall endeavor at all times to protect the highway pavement, shoulders, ditches, guideposts, guard rails, signs, culvert headwalls, etc. from damage and shall be responsible for repairs to or replacement of any damage caused by him in course of the execution of this contract.

**PROGRESS OF WORK:**

The contractor shall begin work not more than five (5) days after notification by the Highway Superintendent. The contractor shall give the Highway Superintendent not less than 24 hours' notice of the time and date of starting work. No work shall progress during periods of weather requiring snow removal, ice control, or other operations of emergency nature. In the event of postponement of work because of weather, an extension of time to start shall be allowed. The contractor shall cut for loading and remove from the pavement and shoulders all brush, limbs, logs, stubs, butts, etc. before stopping work at the end of the workday. Work shall progress continuously to completion for each tree before removal of the next tree is started.

**CONTRACT PRICE:**

The Town of Moreau shall pay the contractor for the performance of the contract in the manner and subject to conditions stated herein (over 5" to 12"dbh), (over 12" to 18"dbh), (over 18" to 24"dbh), (over 24" to 36"dbh) and (over 36"dbh) per tree removed. (dbh=average diameter breast high)(4.5 ft. above ground). The contractor shall supply price of stump grinding as stated herein (over 5" to 12"), (over 12" to 18"), (over 18" to 24"), (over 24" to 36"), and (over 36").

**EXPERIENCE OF THE CONTRACTOR:**

The contractor shall have been engaged in the business of tree removal on a full-time basis for not less than five (5) years. The contractor shall own sufficient and adequate equipment necessary for the execution of the contract.

**SUPPLIES AND MATERIALS:**

The Town of Moreau Highway Dept. shall not furnish or purchase any supplies or materials from the contractor or for the contractor from any source as a result of this contract or its execution.

**PAYMENT ON CONTRACT:**

Payment to the contractor shall be a lump sum per item and shall be made only after complete and satisfactory removal of each item and execution and submission of a Town of Moreau voucher by the contractor for the trees removed. Payment for the removal of any trees shall in no way relieve the contractor of liability for damage caused by removal of that tree.

**EMERGENCY WORK:**

When tree removal is designated as "Emergency Work," contractor shall begin removing trees immediately upon notification by Highway Superintendent.

**INSURANCE:**

The contractor shall purchase and maintain in full force and effect, during the period covered by the contract, a policy or policies of liability insurance protecting the contractor with limits of at least \$1,000,000 per occurrence, with a \$2,000,000 general aggregate, for bodily injury and property damage.

The contractor shall also procure and maintain an umbrella policy in the amount of at least an additional \$1,000,000 of general liability coverage, as well as, worker's compensation insurance as required by New York State Law. The Liability and Umbrella insurance policies shall specifically name the Town of Moreau as an additional insured on a primary and non-contributory basis.

A certificate of such coverage from an insurance company authorized to do business in New York State and naming the Town as an additional insured, shall be provided at the time of execution of the contract.

The Town of Moreau reserves the right to increase the aforesaid minimum limits of liability.

The contract period is for one (1) year from the signing of a contract with the Town of Moreau with the option of a one (1) year extension upon written agreement signed by the authorized representatives of both parties.



**PROPOSAL**  
Removal of Tree Stumps

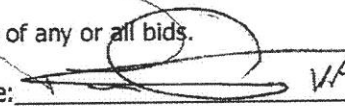
Richard Sears Tree Experts agrees to provide Stump Removal Service to the  
(firm name)  
Town of Moreau Highway Department, as called for in specification 2024.

<u>STUMP SIZES</u>	<u>BID PRICE</u>
over 5" to 12"	\$ <u>150</u> /ea.
over 12" to 18"	\$ <u>150</u> /ea.
over 18" to 24"	\$ <u>150</u> /ea.
over 24" to 36"	\$ <u>150</u> /ea.
over 36"	\$ <u>150</u> /ea.

(stump sizes are estimated)  
(number of stumps estimated)

The Town Board reserves the right to reject parts of any or all bids.

DATE: 9/18/2024

Signature:  VP

Printed Name & Title: Paul Archer Vice President

Company: Richard Sears Tree Experts Address: 116 Harold Harris Road

Queensbury NY 12804

Telephone: (518) 858-2828

Fax: \_\_\_\_\_

**PROPOSAL**  
Removal of Trees

Richard Sears Tree Experts agrees to provide Tree Removal Service to the  
(firm name)  
Town of Moreau Highway Department, as called for in Specification 2024.

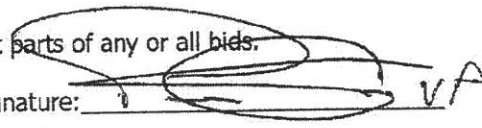
<u>TREE SIZE</u>	<u>BID PRICE</u>
over 5" to 12" dbh	\$ <u>300</u> /ea.
over 12" to 18" dbh	\$ <u>500</u> /ea.
over 18" to 24" dbh	\$ <u>1250</u> /ea.
over 24" to 36" dbh	\$ <u>1375</u> /ea.
over 36" dbh	\$ <u>2100</u> /ea.

(note: dbh= tree diameter breast high-4.5 ft. above ground)

(tree sizes are estimated)  
(number of trees estimated)

The Town Board reserves the right to reject parts of any or all bids.

DATE: 9/18/2024

Signature: 

Printed Name & Title: Paul Archer Vice President

Company: Richard Sears Tree Experts Address: 16 Harold Harris Road

Queensbury NY 12804

Telephone: (518) 858-2828

Fax: \_\_\_\_\_

**PROPOSAL**

Removal of Tree Stumps



354 Gurnspring Road  
Gansevoort, NY 12831

\_\_\_\_\_ agrees to provide Stump Removal Service to the  
(firm name)  
Town of Moreau Highway Department, as called for in specification 2024.

STUMP SIZES	BID PRICE
over 5" to 12"	\$ <u>65.00</u> /ea.
over 12" to 18"	\$ <u>110.00</u> /ea.
over 18" to 24"	\$ <u>145.00</u> /ea.
over 24" to 36"	\$ <u>205.00</u> /ea.
over 36"	\$ <u>295.00</u> /ea.

(stump sizes are estimated)  
(number of stumps estimated)

The Town Board reserves the right to reject parts of any or all bids.

DATE: 9-18-24

Signature: \_\_\_\_\_

Printed Name & Title: Philip J Viger, President

Company: Adirondack Tree Surgeons, Inc.

Address: 354 Gurn Spring Rd  
Gansevoort, NY 12831

Telephone: (518) 792-2225

Fax: (518) 583-9285

RECEIVED

SEP 18 2024  
BY: *[Signature]*

**PROPOSAL**  
Removal of Trees

**ADIRONDACK  
TREE  SURGEONS**

354 Gurnspring Road  
Gansevoort, NY 12831

\_\_\_\_\_ agrees to provide Tree Removal Service to the  
(firm name)  
Town of Moreau Highway Department, as called for in Specification 2024.

TREE SIZE	BID PRICE
over 5" to 12" dbh	\$ <u>150.00</u> /ea.
over 12" to 18" dbh	\$ <u>490.00</u> /ea.
over 18" to 24" dbh	\$ <u>2000.00</u> /ea.
over 24" to 36" dbh	\$ <u>3045.00</u> /ea.
over 36" dbh	\$ <u>3045.00</u> /ea.

(note: dbh = tree diameter breast high-4.5 ft. above ground)

(tree sizes are estimated)  
(number of trees estimated)

The Town Board reserves the right to reject parts of any or all bids.

DATE: 9-18-24

Signature: *Philip J Viger*

Printed Name & Title: Philip J Viger, President

Company: Adirondack Tree  
Surgeons, Inc.

Address: 354 Gurnspring Rd  
Gansevoort, NY 12831

Telephone: (518) 792-2225

Fax: (518) 583-9285

**TOWN OF MOREAU**  
**Transfer Station**  
**1543 Route 9**  
**FORT EDWARD, NY 12828**  
**Chris Abrams: Highway Superintendent**

**TOWN BOARD MEMO**

TO: Board Members  
FROM: Chris Abrams  
SUBJECT: Transfer Station- Blacktop  
DATE: September 12, 2024

This memo is to request authorization from the Town Board to put a new asphalt apron into the Transfer Station. The Highway Department just finished paving Butler Rd. and now there is a large transition from Butler Rd. into the Transfer Station entrance. I would like to carry this apron in approximately 60 feet, in order to cover a major area of potholed asphalt. This would take approximately 27 tons of asphalt at a cost of \$57.32 per ton; a total cost of \$1,547.64.

Additionally, I would like to request authorization to pave the on ramp/area leading to the ticket booth. The pavement is a pothole mess and in desperate need of overhaul and repair. This would take approximately 22 tons of asphalt at a cost of \$57.32 per ton; a total cost of \$1,261.04.

Both of these projects will be taken out of account TS8160 Building/Equipment Repairs. The material will be purchased under Saratoga Contract #24-PWAC-3R.

Chris Abrams  
Highway Superintendent