

Agenda  
Town of Moreau  
Town Board Meeting  
August 27, 2024  
7:00PM

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

Roll Call / Pledge of Allegiance

1. Public Hearing - Local Law 7 of 2024

Public Comment Period

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

2. Old Business
  - Speakman Street
3. Local Law 6 of 2024 - Solar Law
4. Local Law 7 of 2024 - Rezoning
5. Water Department - plow purchase
6. Bakers Falls Consent Agreement
7. Planning Board Chairman
8. FHLB Municipal Letters of Credit
9. ADK Balloon Festival - full page ad
10. Greenway Grant - authorization to apply
11. Conservation Advisory Council
12. BOCES Contract

Public Comment Period

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

13. Committee Reports
14. Supervisor's Items
15. Executive Session
16. Motion to Adjourn

**DRAFT**  
**LOCAL LAW NO. 6 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, renewable and nonpolluting energy resource;
- 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.

### **SOLAR PROPERTY**

The tax parcel(s) on which small scale solar energy systems or large-scale energy system is located or installed.

### **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 XX, 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 which shall state the following:
  - 1. 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.
  - 2. 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.
  - 3. Requirements for the Solar Energy Systems Overlay District.
    - a. 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.
    - b. 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:

- i. Building-integrated photovoltaic systems.
    - ii. Small-scale, Roof-Mounted Solar Energy Systems.
    - iii. Small-scale, Ground-Mounted Solar Energy Systems.
  4. Rezoning procedure. The process necessary to create a SESO District shall be as follows:
    - a. 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.
      - i. 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. Rezoning application. Any application for rezoning shall be submitted to the Town Board and it shall contain the following information:
      - i. The Solar Energy Systems Overlay report of the Town Board resulting from the aforesaid concept site plan and rezoning review.
      - ii. Proof of ownership of the land proposed for rezoning.
      - iii. A description of the Solar Property, including a metes and bounds description of the parcel.
      - iv. A letter of intent which states the land's present use and the type of Solar Energy System proposed for the land.
      - v. A completed long form of the environmental assessment form (EAF).
      - vi. A description of the present land use of lots abutting the proposed Solar Energy System.
      - vii. Eight (8) copies of the application to rezone the land shall be submitted to the Town Clerk.
5. SESO District rezoning conditions. Prior to any SESO District being placed on the Town of Moreau Zoning Map, the following conditions shall be met:

- a. The approval of the Town Board creating the Solar Energy Systems Overlay District on the Solar Property. Said review shall include a duly noticed public hearing for rezoning approval in accordance with the provisions of Section 264 of the New York Town Law.
  - b. Special use permit approval from the Town Board. Said review shall include a duly noticed public hearing for special use permit approval in accordance with the provisions of Section 274-b of the New York Town Law.
  - c. Site plan approval from the Town 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.
6. Permitted underlying district. Parcels in any zoning district of the Town are eligible for consideration for SESO rezoning.
  7. Permitted principal uses. The following principal uses are permitted in the SESO District:
    - a. Any use permitted in the underlying district.
  8. Permitted accessory uses. The following accessory uses shall be permitted in the SESO District:
    - a. Any accessory uses permitted in the underlying district.
    - b. Accessory uses and buildings customarily connected with Large-Scale Solar Energy Systems.
  9. Special uses. The following uses are permitted in the SESO District subject to the issuance of a special use permit by the Town Board pursuant to this Section:
    - a. Large- Scale Solar Energy Systems.
  10. Prohibited uses. None of the following uses, or accessory uses, shall be allowed within the SESO District:
    - a. 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 beyond the limits defined herein.
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 shall be installed by a qualified solar installer, as determined by the Town of Moreau Building Department.
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:
    - i. 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:
    - i. Ground-Mounted Small-Scale Solar Energy Systems are prohibited in the side or front yards.
    - ii. 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.
    - iii. 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.

- iv. 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:
  - a. Name, address, contact information, and signature of the applicant.
  - b. Site plan showing the layout of the solar energy system signed by a professional engineer or other licensed professional.
  - c. The capacity of the proposed Large-Scale Solar Energy System in megawatts (MW).
  - d. A one- or three-line electrical diagram.
  - e. 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:
    - i. North symbol, date and scale.
    - ii. The entire parcel(s) of Solar Property plotted to scale.
    - iii. Wetlands and watercourses, if any, and direction of drainage flow.
    - iv. 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.
    - v. 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.
  - f. 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.
  - g. 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.
  - h. 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.
    - i. A decommissioning plan pursuant to Section F, below.
    - j. 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. Special Use Permit Standards. The Town Board may issue a Special Use Permit for a Large-Scale Solar Energy System located in the Solar Energy System Overlay District if it 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 from 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.
  - i. 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.
- ii. 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:
- i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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.
  - v. 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.

- vi. 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. Special Use Permit Considerations.**

The Town Board in reviewing the special use permit application for installation and operation of a Large-Scale Solar Energy System shall consider the public health, safety, and welfare and may prescribe appropriate conditions and safeguards to ensure accomplishment of the following objectives:

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.

#### **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:
  - i. 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. .
  - ii. 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.

i. 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 Town of Moreau may obtain a decommissioning bond and require the owner/operator to reimburse the Town for its related costs or, impose a lien on the property to cover decommissioning costs as needed.

**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.

**I. 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.

**J. Effective Date.** This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.



# SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS, CHAIRMAN  
50 WEST HIGH ST, BALLSTON SPA, NY 12020

JASON KEMPER, DIRECTOR  
518.884.4705 (P) 518.884.4780 (F)

August 23, 2024

Erin Trombley, Town Clerk  
Town of Moreau Town Hall  
351 Reynolds Road  
Moreau, NY 12828

Sent via email to: [townclerk@townofmoreau.org](mailto:townclerk@townofmoreau.org)

**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,

A handwritten signature in cursive script that reads "Kimberly Lambert".

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Kimberly Lambert, Senior Planner  
Authorized Agent for Saratoga County

**DISCLAIMER:** Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.



## Town of Moreau

Building, Planning and Development  
Moreau Town Hall - 351 Reynolds Road  
Moreau, New York 12828

Phone: 518-792-4762 – Email: [BPD@TownOfMoreau.org](mailto:BPD@TownOfMoreau.org)

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### Memorandum

To: Supervisor Fish and Town of Moreau Councilmen - Moreau Town Board

CC: Elizabeth Bennett, Confidential Secretary; Katrina Flexon, Department Secretary – T/O Moreau; Glen Bruening, Esq.- Town Counsel.

From: Joshua Westfall AICP, Building, Planning & Development Coordinator – T/O Moreau

Date: July 18, 2024

Re: Solar Law Review – County Planning Board and Town Planning Board

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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 Hearing.

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#### **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 this 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 parameters. 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.

## Short Environmental Assessment Form

### Part 1 - Project Information

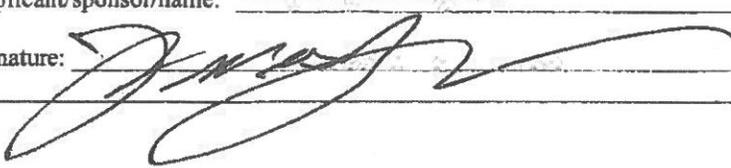
#### Instructions for Completing

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

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

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Adoption of Local Law #6				
Project Location (describe, and attach a location map): Town Wide				
Brief Description of Proposed Action: Town of Moreau Town Board seeks to adopt Local Law #6 in incorporate into the current Zoning Chapter (149). Said law outlines dimensional and area requirements, performance standards, bonding, decommissioning, etc. See text of local law for explanation.				
Name of Applicant or Sponsor: Moreau Town Board		Telephone: 518-792-4762 E-Mail: BDP@Townofmoreau.org		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

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

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

**TOWN OF MOREAU  
PROPOSED LOCAL LAW NO. 7 OF 2024  
A LOCAL LAW AMENDING THE TOWN ZONING MAP  
CHANGING THE ZONING OF TAX MAP PARCEL 77.-1-27.1  
AT 532A SELFRIDGE ROAD FROM R-2 TO R-5 ZONING DISTRICT**

**BE IT ENACTED BY THE MOREAU TOWN BOARD AS FOLLOWS:**

**SECTION 1.** Section 149-7 of the Moreau Town Code is amended by revising the Town Zoning Map to change the zoning district of 532A Selfridge Road, Tax Map Parcel No. 77.-1-27.1, from One- and Two-Family Residential District (R-2) to Agriculture and One-Family Residential Districts (R-5).

**SECTION 2.** The Town Zoning Map with such appropriate notation and reference as deemed necessary to reflect this amendment is hereby adopted as the Zoning Map of the Town of Moreau.

**SECTION 3.** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**SECTION 4.** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.

**SECTION 5.** This Local Law shall take effect immediately upon filing by the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law §27.

N:\Clients\MOREAU, Town\Town Code\532A-Selfridge-Zoning-Change\Proposed-LL7-2024-532A-Selfridge.doc



# SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS, CHAIRMAN  
50 WEST HIGH ST, BALLSTON SPA, NY 12020

JASON KEMPER, DIRECTOR  
518.884.4705 (P) 518.884.4780 (F)

August 23, 2024

Joshua Westfall, Building, Planning and Development Coordinator  
Town of Moreau Town Hall  
351 Reynolds Road  
Moreau, NY 12828

Sent via email to: [bpd@townofmoreau.org](mailto:bpd@townofmoreau.org)

**Re: 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,

A handwritten signature in cursive script that reads "Kimberly Lambert".

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Kimberly Lambert, Senior Planner  
Authorized Agent for Saratoga County

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**Town of Moreau**  
 Building and Zoning Dept.  
 351 Reynolds Road  
 Moreau, NY 12828-9261  
 Phone: (518) 792-4762 ~ Fax: (518)792-4615

**Notice of Recommendation**

Please be advised that your request for a change of zone has received a recommendation for **approval** from the Town of Moreau Planning Board. This Notice is to formally inform you of the recommendation made and any conditions that may have been made in association with the recommendation.

Application Type: Request for Change of Zone

Board Name: Town of Moreau Planning Board

Application Name: Ben and Leah Murphy

Address: 532A Selfridge Road

Section-Block-Lot Number: 77.-1-27.1 Meeting Date: July 19, 2024

**MOTION OF DECISION:**

**Positive Recommendation**

**Approved with Conditions as follows:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Negative Recommendation**

Received by the Town Clerk

*Maria Jennings*  
 Signature of Clerk (DEP)

8/20/2024  
 Date

**NOTE: Final Approval required from Town of Moreau Town Board.**

*Joshua Westfall*  
 Joshua Westfall, AICP  
 Building, Planning and Development Coordinator

8/20/2024  
 DATE

Email: [BPD@townofmoreau.org](mailto:BPD@townofmoreau.org) Telephone (518) 792-4762

- Cc:
- Applicant File
  - Town Clerk Office
  - Code Enforcement Officer – via email
  - Supervisor – via email
  - Town Board – Via Email

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

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

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

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 2024 R-5 Zoning Extension - Map Amendment			
Project Location (describe, and attach a location map): Map Amendment to Extend R-5 Zoning District North to 532 A Selfridge Road			
Brief Description of Proposed Action: Map Amendment -Extend the R-5 Zoning District north to 532A Selfridge Road. Parcel consists of 7.82 Acres. See attached letter from homeowner and memo from Building, Planning and Development Coordinator.			
Name of Applicant or Sponsor: Town of Moreau Town Board		Telephone: 518-792-4762	
		E-Mail: bpd@townofmoreau.org	
Address: 351 Reynolds Road			
City/PO: Moreau		State: NY	Zip Code: 12828
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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



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

**Department:** WATER DEPARTMENT

**Date:** 8/20/2024

**Description of Purchase Request:** Snowplow

**Vendor's Name and Address:**

T&T Sales Inc  
411 Old Niskayuna Rd.  
Latham, NY 12110

**Price: \$6,488.00**

**Vendor's Name and Address:**

Dejana  
490 Pulaski Rd.  
Kings Park, NY 11754

**Price: \$6,570.95**

**Vendor's Name and Address:**

Bodak's  
382 Plank Rd.  
Macedon, NY 14502

**Price: \$7,295.00**

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

**Account number purchase will be paid from:**

**Balance in account and date:** \_\_\_\_\_ **as of** \_\_\_\_\_

**Amount Budgeted for the current year:** \_\_\_\_\_

**Department Head's Recommendation:** T&T Sales Inc., Latham NY.

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

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

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

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



**T&T SALES INC.**  
 411 OLD NISKAYUNA ROAD  
 LATHAM, NY 12110  
 PHONE: 518.785.5591  
 EMAIL: SALES@TNTBODYKING.COM

# Quote

#Q1247

8/20/2024

**CUSTOMER INFO:**

TOWN OF MOREAU \*  
 351 REYNOLDS RD  
 HIGHWAY DEPARTMENT  
 MOREAU NY 12828  
 United States

**\$6,488.00**  
 EXPIRES: 10/19/2024

SALES REP	REFERENCE	YEAR	MAKE	MODEL	GVW
DANIEL R RADTKE					

Item	Unit Price	Total Amount
WE ARE PLEASED TO SUBMIT A QUOTE FOR THE FOLLOWING EQUIPMENT: FURNISH AND INSTALL	\$0.00	\$6315.00
- WESTERN 8' PRO PLOW 3 M/S SNOW PLOW - HAND HELD CONTROLLER - HALOGEN PLOW LIGHTS		
- SHOE KIT	\$0.00	\$173.00
IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO GIVE ME A CALL. THANK YOU FOR THE OPPORTUNITY TO QUOTE YOU ON THIS EQUIPMENT.	\$0.00	INCLUDED

Prices may not reflect any applicable federal or state taxes. All special orders may require a non-refundable deposit. Due to supplier price changes and (or) product availability, this quote is subject to change at any time. Giving your approval assumes agreement to these terms.

TOTAL LESS TAX                      \$6,488.00

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



# DEJANA

Truck and Utility Equipment



## QUOTE

New York, New England, Mid Atlantic  
& Greater Philadelphia  
490 Pulaski Rd Kings Park, NY 11754  
Phone(631)544-9000 Fax(631)544-3501

QUOTE #	CHA017901
DATE	8/15/2024

BILL TO: TOWN OF MOREAU

SHIP TO: TOWN OF MOREAU

351 REYNOLDS ROAD  
MOREAU NY 12828

351 REYNOLDS ROAD  
MOREAU NY 12828

Phone: 518 792 1030  
Fax: 518 792 1062  
Email: HWSHOP@TOWNOFMOREAU.ORG

Phone: 518 792 1030  
Fax: 518 792 1062

SALESPERSON	REFERENCE	P.O. REQUIRED	QUOTE VALID UNTIL	STD/CUSTOM
CLAIRE HAZEBROUCK		No	9/14/2024	NA

MAKE:	CHEVROLET	MODEL:	SILVERADO 2500	YEAR:	2024	SRW/DRW:	SRW
CAB TO AXLE:		WHEELBASE:	159.0	VIN:			
STOCK/ORDER NUMBER:	TT CHEVY 2500 2024			TOTAL WEIGHT (LBS) OF ALL QUOTED ITEMS: 777			

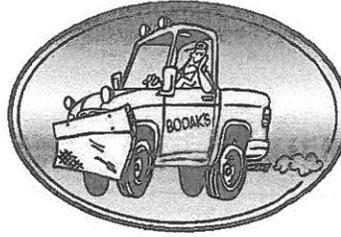
QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	SUPPLY AND INSTALL FISHER 8' HD2 MM II ELECTRIC HYDRAULIC SNOWPLOW CUTTING EDGE INCLUDED WEAR SHOES OPTIONAL DELIVERY SUBJECT TO AVAILABILITY		
1	NIGHTHAWK HEADLIGHT KIT, HALOGEN, STANDARD WITH PLOW		
1	FISHSTICK HAND HELD CONTROL		
	CUSTOMER PICKUP AT OUR LOCATION		

SUBTOTAL	\$6,285.00
DISCOUNT	\$0.00
SALES TAX	\$0.00
TOTAL	\$6,285.00

Shoe kit 285.95  
\$ 6570.95

Suggested Items:

**Bodak's**  
**bodakplows.com**  
**382 Plank Road**  
**Macedon, NY 14502**



**Quote**

DATE	INVOICE #
8/20/2024	19625

<b>BILL TO</b>
Town of Moreau Highway Dept 1543 Route US-9 Fort Edward, N.Y. 12828

DESCRIPTION	QTY	P.O. NO.	TERMS	PROJECT
			Due on receipt	
			RATE	AMOUNT
Furnish & Install One (1) Western 8' Ultra-Mount Pro-Plus with Hand Held Control & Night Hawk Headlights. (Plow Shoes Included)	1		7,695.00	7,695.00T
Municipal Discount			-400.00	-400.00
Tax Exempt			0.00	0.00
Quote is Valid for 30 Days of Posting			<b>Total</b>	<b>\$7,295.00</b>

**CONSENT AND ACKNOWLEDGMENT OF  
EASEMENT AGREEMENT**

THIS AGREEMENT made as of the \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **TOWN OF MOREAU**, a New York municipal corporation, with an address of 351 Reynolds Road, Moreau, New York 12828 ("Town") and **BAKERS FALLS SOLAR, LLC**, a Delaware limited liability company, with an address of c/o Nexamp Solar, LLC, 101 Summer Street, 2<sup>nd</sup> Floor, Boston, Massachusetts 02110 ("Tenant").

**W I T N E S S E T H :**

**WHEREAS**, Moreau Industrial Park, LLC ("Landlord") is the owner of three (3) separate, but contiguous, parcels of land located in the Town of Moreau, Saratoga County, New York, commonly known as (a) 10 Corporate Place Rear, being Tax Map Parcel Number 50.-4-26, (b) 9 Corporate Place Rear, being Tax Map Parcel Number 50.-4-27, and (c) 11-15 Electric Drive Rear, being Tax Map Parcel Number 50.-4-28 (collectively, the "Property"), as further described in Exhibit A attached hereto; and

**WHEREAS**, Landlord and Nexamp Solar, LLC ("Nexamp") entered into that certain Ground Lease, dated November 28, 2020, as assigned by Nexamp to Tenant by that certain Assignment Agreement, dated November 7, 2022 and as amended by that certain First Amendment to Ground Lease between Landlord and Tenant dated November 27, 2022 (collectively, the "Lease"), as evidenced by that certain Memorandum of Ground Lease recorded in the Saratoga County Clerk's Office on October 4, 2021 as Instrument No. 2021035746, pursuant to which Landlord has leased to Tenant a portion of the Property for Tenant to install, construct, maintain, repair and remove solar panels, cables, transformers, substations and all related improvements (the "Project"); and

**WHEREAS**, the Town retains certain beneficial easements over certain portions of the Property pursuant to a Utility/Conservation/Archaeological Easement granted to the Town recorded in the Saratoga County Clerk's Office on September 2, 1994 in Book 1393 of Deeds at Page 583 and as amended by Amendment of Agreement recorded in the Saratoga County Clerk's Office on August 9, 2002 in Book 1620 of Deeds at Page 534 (collectively, the "Easement");

**WHEREAS**, the Easement grants the Town specific rights and subjects the Property to certain covenants which specifically include the right to build, operate, and maintain such water, sewer, and other utility facilities on and under the easement areas together with the right to cut and trim such trees and brush as may be necessary for the proper maintenance of such facilities [such easement to run 20 feet along each side of all lot lines and along each side of the conservation easement line] (collectively, the "Easement Rights"); and

**WHEREAS**, the Town is in support of the Project and has agreed to enter into this Agreement to consent to Tenant's right to construct and operate the Project as set forth under the

Lease within the Easement area and to allow the Tenant to develop and finance the Project on the Property.

**NOW, THEREFORE,** in consideration of the mutual promises, covenants and agreements herein contained, the parties hereto, intending to be legally bound hereby, promise, covenant and agree as follows:

1. **Incorporation of Recitals.** The Recitals portion of this Agreement is hereby incorporated by this reference as fully as though it were here rewritten.
2. **Consent to the Project.** The Town consents to the development, construction, maintenance, use, and removal of the Project within the Easement. The Town agrees that its use of and rights under the Easement shall not interfere with or cause any disruption to Tenant's use or operation of the Project on the Property.
3. **Conformance with Easement Rights.** The Town hereby agrees that the Project as approved by the Town's Planning Board does not violate or conflict with the Town's rights under the Easement.
4. **Term of Agreement.** The term of this Agreement shall commence on the date Tenant receives authorization from the Town to commence construction and continue through the expected 40-year life of the project, and until the decommissioning of the Project on the Property is complete.
5. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of all of the parties hereto. All references to Tenant shall also include any lessees or occupants on the Property under leases or other agreements related to the Project including the rights extended to a utility for the interconnection of the Project.
6. **Miscellaneous.** The captions used at the beginning of each paragraph of this Agreement are for the convenience of the reader and do not form a part of this Agreement. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders. This Agreement may be signed in counterparts, each of which shall be deemed an original for all purposes, but all of which together shall constitute one and the same instrument.
7. **Governing Law.** This instrument shall be governed and construed in accordance with the laws of the State of New York.
8. **Assignment.** This Agreement is assignable by Tenant upon written consent of the Town, and such consent shall not be unreasonably withheld. Any assignment approved by the Town shall not terminate this Agreement.

9. Consideration. Tenant shall pay to the Town \$5,000.00 within 10 days of receiving authorization from the Town to commence construction, and \$5,000.00 within 10 days of the expiration of every five year period thereafter until the expiration of this agreement. At the expiration of the expected 40-year life of the Project, the Tenant shall have paid to the Town a total sum of \$45,000.00 in accordance with this provision. In the event Tenant discontinues or abandons the Project, Tenant shall immediately pay to the Town the balance that would have been paid if the Tenant had continued the Project for 40 years. In the event Tenant assigns its rights under this agreement, upon approval of the Town, the assignee shall continue to make the payments in accordance with this provision.

10. Decommissioning Plan. Upon the expiration of this agreement, Tenant shall decommission the Project in accordance with a decommissioning plan approved by the Town.

11. Decommissioning Bond. Prior to commencement of construction, Tenant shall deliver to the Town financial security in the form and amount of a bond as approved by the Town for decommissioning the Project, and shall keep such bond, bond renewal, or equivalent replacement bond in effect for the life of the Project. In the event Tenant fails to comply with this provision, it shall, within 10 days of the expiration of the decommissioning bond, pay to the Town the sum of \$261,502.00 which is the sum to be secured by the bond.

12. Payments in Lieu of Taxes (PILOTS). Tenant will enter into a PILOT agreement with the County of Saratoga and a PILOT agreement with the Town. The PILOT agreement with the Town shall be governed by Chapter 63 of the Moreau Town Code. The Project will be subject to school taxes.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their respective duly authorized officer or partner as of the day and year first above written.

**TOWN:**

**TOWN OF MOREAU**

*A New York municipal corporation*

By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned, a notary in and for said State, personally appeared \_\_\_\_\_ in his/her capacity as \_\_\_\_\_ for the Town of Moreau as personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within

instrument and acknowledged to me that he/she executed the same in his/her capacity and as his own act and deed, and that by his/her signature on the instrument, the individual executed the instrument.

---

Notary Public

*[Tenant's signature page follows]*

**TENANT:**

**BAKERS FALLS SOLAR, LLC,**  
*a Delaware limited liability company*

By: \_\_\_\_\_  
Name/Title: \_\_\_\_\_

STATE OF MASSACHUSETTS  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned, a notary in and for said State, personally appeared \_\_\_\_\_ in its capacity as sole member of Bakers Falls Solar, LLC as personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and as his own act and deed, and that by his signature on the instrument, the individual executed the instrument.

\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**  
Legal Description of the Property

All those tracts, plots or parcels of land in the Town of Moreau, County of Saratoga and State of New York being Lot 11 and the rear portions of Lots 12 and 13 as shown on Subdivision Maps of Moreau Industrial Park prepared by The Saratoga Associates and filed in the Saratoga County Clerk's Office on March 18, 1992 in Drawer No. M-348 A-Z and AA-DD; and as modified by revised subdivision maps of Moreau Industrial Park prepared by Saratoga Associates and filed in the Saratoga County Clerk's Office on February 16, 1994 in Drawer No. M-398, A-S. Together with an easement granted by Niagara Mohawk Power Corporation to Town of Moreau dated May 17, 1994 and recorded September 2, 1994 in Book 1393 of Deeds at page 572.

N:\Clients\MOREAU, Town\Bakers Falls Solar\Consent and Acknowledgment of Easement Agreement - REV.doc

**Certification and Approval of Use of FHLB Letters of Credit**

Reference is made to the Third Party Custody Agreement, dated as of 05/27/1993 (the "Custody Agreement"), among **Glens Falls National Bank & Trust Company** (the "Bank"), Town of Moreau ("Local Government") and Manufacturers and Traders Trust Company, solely in its capacity as custodian ("Custodian"). Capitalized terms used in this document without definition that are defined in the Custody Agreement have the meanings given them in the Custody Agreement.

Effective immediately, the Bank intends to utilize irrevocable letters of credit issued by the Federal Home Loan Bank of New York for the benefit of Local Government, at a margin of 100%, as Eligible Collateral. The Bank hereby certifies and agrees, by the signature below of its duly authorized officer, that each delivery by the Bank to Custodian of a Federal Home Loan Bank of New York letter of credit constitutes a representation, warranty and covenant by the Bank to Local Government and Custodian that the letter of credit complies in all respects with the requirements of Section 10.3.c.(ii) of the General Municipal Law of the State of New York (or any successor provision of similar import).

As required by the Custody Agreement, Local Government, by the signature below of its duly authorized officer, approves of the use by the Bank of Federal Home Loan Bank of New York letters of credit that comply in all respects with the requirements of Section 10.3.c.(ii) of the General Municipal Law of the State of New York.

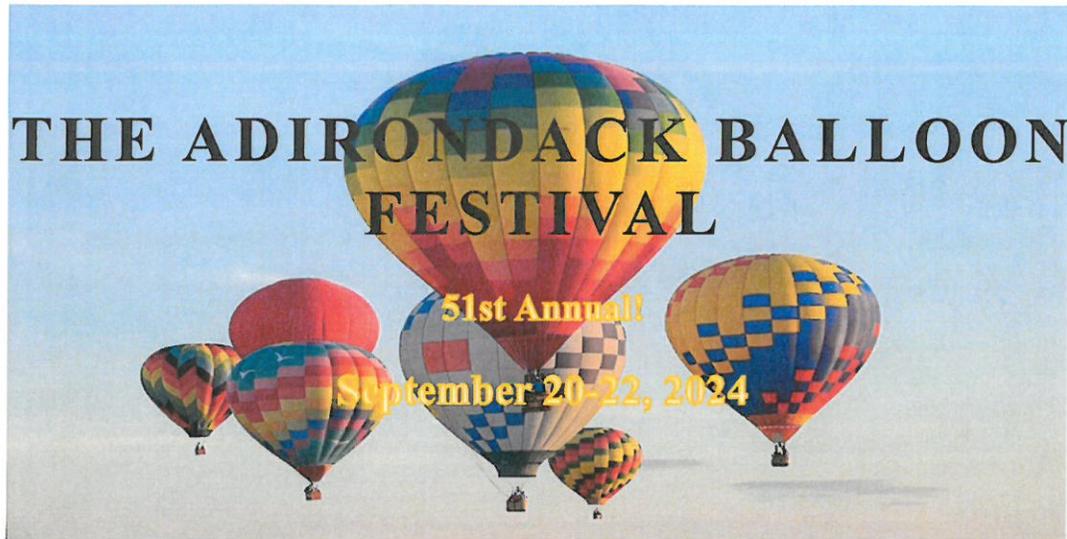
**Glens Falls National Bank & Trust Company**

By: \_\_\_\_\_  
Name: Whitney Burger  
Title: Municipal Banking Officer

**Approved:**

Town of Moreau

By: \_\_\_\_\_  
Name: Jesse Fish  
Title: \_\_\_\_\_



### 10 Reasons to Sponsor the Adirondack Balloon Festival

- 1) *For OVER 50 years we've been bringing families together for a wonderful weekend of fun~ All FREE due to our generous sponsors and supporters like you!!*
- 2) We are *one of the last FREE balloon festivals in the US-* and *we are the 3<sup>rd</sup> largest!*  
You don't have to pay to park, get on the grounds, talk to the balloonists or fly a kite!
- 3) This festival attracts *over 150,000 folks to the area every year-* which is great for the economy, both now and in the long run as many come back year after year!
- 4) Through the years, the event has drawn *international exposure* for the Glens Falls region with relationships with cities like Saga, Japan and Gatineau, Quebec.
- 5) Our event draws *balloonists from across the United States* and internationally.
- 6) We have been named *one of the Top 100 events in North America* and have received accolades from the Weather Channel, Food Network and media coverage including Associated Press articles, the New York Times, QVC, Amtrak, etc.
- 7) The festival is a *not-for-profit organization*, which is very rare for an event of its size and stature. **No paid staff!** Funding for the event is raised by volunteers and the event would not be possible without the tremendous community support we receive.
- 8) *The 13th Annual Zonta Craft Fair* will host over 50 vendors and the funds raised are used for local scholarships and service projects, inc. breast cancer prevention & education.
- 9) *Priority is given to locally based not-for-profit organizations*, (like the Lions Club, VFW, Masons, Rotary, Open Door, Children's Museum, etc.), to be our vendors so the proceeds are reinvested in our local community. We have helped raise over a **MILLION Dollars** for these local not for profits!
- 10) *In between the balloon flights, these visitors need to eat, drink, shop, play and sleep, so everyone benefits from this huge influx of visitors.*

Be a part of it all- and help us keep the festival free! Call us for more information on how to become a corporate sponsor, a balloon sponsor, an exhibitor or an advertiser, or just donate to a good cause! Adirondack Balloon Festival PO Box 883 Glens Falls, NY 12801. Call Barb Schrader at 518-926-0727 or email [BVSAssoc@gmail.com](mailto:BVSAssoc@gmail.com) for more information.

# 2024 Adirondack Balloon Festival Sponsorship Sept. 20- 22, 2024

Sponsorship Level	Premier GOLD	Premier SILVER	Premier BRONZE	Premier Exhibitor	Balloon Sponsor	Print & Online Ads			
	\$10,000	\$5,000	\$2,500	\$1,500	\$850	FP \$750	1/2 \$450	1/4 \$250	1/8 \$100
Primary Corporate Sponsor	XX								
Sunrise Named Sponsor		XX							
Moonglow Named Sponsor			XX						
Exhibit Space at the Airport	30 x 30	20 x 20	20 x 10	10 x 10					
3' x 6' Banner on Airport Fence	XX	XX	XX	XX					
Logo on Balloon Brochure	XX	XX	XX						
Logo on Promotional Posters	XX	XX							
Balloon Ride for Two People	XX	XX	XX		XX				
VIP Parking Tickets	4	4	2	2	1				
Balloon Basket Banners 2' x 3'	XX	XX	XX		XX				
Full Color Print Ads	FP	FP	HP	1/4	1/4	FP	1/2	1/4	1/8
Clickable Logo on Website	XX	XX	XX	XX	XX	XX	XX	XX	XX
Company Name on Brochure	XX	XX	XX	XX	XX	XX	XX	XX	XX
FREE Adk Balloon Fest Poster	XX	XX	XX	XX	XX	XX	XX	XX	XX

**Yes, I/We would like to be a sponsor for the 2024 Adirondack Balloon Festival's 51st Anniversary!**

Company Name: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 eMail: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Company website: \_\_\_\_\_

Sponsorship Level: \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
 Payment Type: \_\_\_ Visa \_\_\_ Mastercard \_\_\_ Check (Payable to Adirondack Balloon Festival)  
 \*We do not accept American Express  
 Name on Card: \_\_\_\_\_  
 Card # : \_\_\_\_\_ Verification Code: \_\_\_\_\_ Expiration: \_\_\_\_\_  
 Signature for Card Payment: \_\_\_\_\_

*By signing above, I certify that I am an authorized representative of the business above and can commit to financial obligations. I also agree to make the payment for this sponsorship prior to Sept 1, 2024.*

**Please return this completed registration form with payment and your company logo and URL to Adirondack Balloon Festival, PO Box 883, Glens Falls, NY 12801. Questions? Please call 518-926-0727. You can also respond via email to [BVSAssoc@gmail.com](mailto:BVSAssoc@gmail.com)**

## CONTRACT

THIS AGREEMENT is made this \_\_\_\_\_ day of August 2024 by and between the Town of Moreau, a municipal corporation whose principal place of business is 351 Reynolds Road, Moreau, New York 12828 (hereinafter the "TOWN") and the Washington-Saratoga-Warren-Hamilton-Essex County Board of Cooperative Educational Services (hereinafter "BOCES") 10 LaCrosse Street, Hudson Falls, New York 12839.

### WITNESSETH:

WHEREAS, the Town needs specific work done within Town of Moreau, Saratoga County, at the Harry J. Betar Memorial Park, Town trails, and Moreau Town Hall, namely site development, widening of trails system, land clearing for future roads and parking, spreading of wood chips, and the clearing of fields for future use, and;

WHEREAS, the Town had previously contracted with BOCES to clear a connector path at the end of Nolan Road, referred to as the Big Bend Trail, final removal of cut trees in that area is not yet complete, and;

WHEREAS, BOCES has both Heavy Equipment and Conservation programs located at the Southern Adirondack Education Center and the F. Donald Myers Education Center, which train students in their junior and senior years of high school in the areas of equipment operation, maintenance, environmental conservation practices and plot clearing, and BOCES desires a work site for its classes,

NOW THEREFORE, the parties mutually agree to the following:

1. Scope of Work

The students enrolled in BOCES Heavy Equipment and Conservation courses will perform the following:

- a. At the Recreation Park
  - i. Site development of existing parking areas
  - ii. Widening of the existing trail system
  - iii. Spreading of wood chips

- iv. Clearing of trees for future park roadways
- v. Such other work as agreed upon by the BOCES instructor and the Town of Moreau in the furtherance of the objective

- b. At Nolan Road on the Big Bend Trail
  - i. Removal of any remaining trees on the site
  - ii. Staying inside the approved work area
- c. At the Moreau Town Hall
  - i. Site work for a future pavilion

2. Equipment and Materials

- a. Students will use the BOCES equipment assigned to the Heavy Equipment and Conservation Programs in completing the tasks.
- b. Any other materials/equipment needed for project completion will be supplied by the Town of Moreau.
- c. All fuel will be paid for by the Town of Moreau. The Town of Moreau will be responsible for the direct delivery of diesel fuel to the work site.
- d. Hydraulic fluids, anti-freeze and minor repairs incurred on Town Property, i.e., flat tire, less than \$100 will be paid for by the Town of Moreau.

3. Consideration

In consideration for the work to be performed by BOCES, The Town will provide all the trees removed during these projects to BOCES, which will be entitled to the stumpage value thereof as payment.

4. Term

This Agreement shall commence on August 28, 2024, and unless terminated at an earlier date, will end on June 30, 2025. The parties agree that this Agreement may terminate on 30 days written notice by either party to the other party.

5. Incident Report

In the event of any accident, damage or incident to person or property, BOCES shall prepare an incident report and submit it to the Town Recreation Director within twenty four (24) hours of the incident.

6. The Town further agrees that BOCES will not guarantee or make any Representation as to the quality of projects heretofore mentioned.

7. BOCES shall be responsible for all damage to person, life and property to the extent caused by the negligent activities or willful misconduct or omission or otherwise of the students or BOCES employees or agents and expressly waives any claims against the Town for damages to person, life or property. BOCES shall indemnify and hold harmless the Town, its officers, employees, agents and assigns from and against any losses, claims, demands, payments, suits, actions, recoveries, and judgements including reasonable attorney fees to extent caused by the negligent activities or willful misconduct or omission of the students or BOCES employees or agents.

8. During the term of this Agreement BOCES shall maintain a liability insurance policy in the amount of \$20 million and name the Town as an additional insured on a primary and non-contributory basis. A copy of the Certificate of Insurance shall be provided to the Town prior to commencement of the work.

9. This Agreement constitutes the entire Agreement between the parties and shall not be modified except by a subsequent written Agreement executed by the authorized representatives of the parties hereto.

10. Each of the persons signing below warrants that he or she is duly authorized to sign this Agreement on behalf of the party for which he or she is signing.

11. HOLD HARMLESS/INDEMNIFY

BOCES shall hold the Town of Moreau harmless from any and all claims arising out of BOCES uses of the subject property. BOCES shall indemnify the Town of Moreau for any and all claims and defense costs or expenses which may arise from any claims brought against the Town of Moreau as a result of BOCES use of the subject property.

TOWN OF MOREAU

WASHINGTON-SARATOGA-WARREN-  
HAMILTON-ESSEX BOCES

By: \_\_\_\_\_  
Jesse A. Fish, Jr., Town Supervisor

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

DRAFT