

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

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

ABSENT:	John Donohue, Jr.	Councilmember
	Kyle Noonan	Councilmember

ALSO PRESENT:	Erin Trombley	Town Clerk
	Anna Labiak	Water Clerk
	Glen Bruening	Town Counsel
	Josh Westfall	Building, Planning and Development (BPD) Coordinator
	Chris Abrams	Highway Superintendent
	Kristian Mechanick	Water Superintendent
	Elizabeth Bennett	Confidential Secretary

OTHERS PRESENT: Paul Itzo, Jeremy Bunblasky (Seaboard Solar), Brandon Fergason (EDP), Elizabeth Belair, Maureen Jackson, Michael Seitz, Luke Michaels, Maureen Dennis (Schermerhorn Real Estate Holdings), Sheila Itzo, Ken Trout, Nancy Gooley, Alex Portal (Post-Star).

FUTURE MEETINGS/UPCOMING EVENTS

Supervisor Fish said the Town would host the annual Trunk or Treat event at the Betar Recreation Park on October 26 from 2-6 p.m. He said the event always seems to be a good time. Councilmember Stewart said Recreation Department staff were hard at work signing people up to host trunks, that the Highway Department would have a presence at the event. He said he was excited to offer this opportunity to the residents again this year.

PUBLIC HEARING – Seaboard Solar (Potter Road)

Supervisor Fish introduced the public hearing as being for Local Law 9 of 2025, rezoning M1, M1A, and M2 Districts.

Resolution 371-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to open the hearing.

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

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

The motion carried 3:0.

Supervisor Fish opened the floor for comments. He asked if the Board had any comments. Councilmember Stewart asked if this was regarding Seaboard Solar. Attorney Bruening said the public hearing was for both the local law and site plan for the proposed Seaboard Solar project. No comments were made. Councilmember Stewart asked if any comments had been received by the Town Clerk. She replied that there had not.

Todd Tierney said the Town needs commercial development, which requires additional residential growth and increased median income. He said the proposed overlay map covers prime potential residential real estate sites. He said the other sites were not usable for housing but this one is. He said he did not support the project.

Councilmember Killian said there are lots of other projects underway and additional information coming in. He said they would take Mr. Tierney's opinion into consideration. Councilmember Stewart said he had spoken with the engineering team and BPD Coordinator Westfall. He said the real issue is that the landowner would like to make money on the land without developing it. He said the solar site would not lock up the land forever; rather it would be a 20–30-year investment, following which he could choose another option. He said he believed that within the boundaries of the law, an owner should be able to do what they want with their land. He said the applicant had gone above and beyond the law's requirements for the proposed project. Supervisor Fish said the Town's engineers had reviewed the proposal, all the setbacks had been met, and there had been no neighbor complaints. Councilmember Stewart said Mr. Tierney owns a neighboring property. Mr. Tierney said the array will be visible from some parts of his property.

Supervisor Fish said more residents were needed before more commercial development will come but that the "build it and they will come" attitude was not the current approach. He said population density had to be developed first. He said some projects under consideration along Route 9 would increase density significantly if they are approved. He said this would take time, and that he had observed growth at exit 18, saying it had taken 50 years for that area to grow and become developed. Councilmember Killian said he could see both sides of the issue and that all the information will be considered.

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

Having opened a public hearing on September 23, 2025 to take comments regarding Seaboard Solar's proposed solar project at 35 Potter Road; BE IT RESOLVED, that the Town Board hereby closes the public hearing.

Resolution 372-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0.

PUBLIC HEARING

Supervisor Fish introduced the public hearing as being for Local Law 10 of 2025, regarding unsafe structures.

Resolution 373-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to open the hearing.

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

Councilmember Donohue	Absent
Councilmember Killian	Aye
Councilmember Noonan	Absent

Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 3:0.

Supervisor Fish opened the floor for comments.

Kevin Ostrander asked what had inspired this law, because he said the property maintenance code already covers the types of unsafe structures under consideration. Supervisor Fish said sometimes the issue is the inability to reach the property owner, indicating that the Town would like to clean up an unsafe property, return it to the tax roll, and to be fair to the neighbors. He indicated the process of bringing a property like this to compliance was cumbersome and frustrating. He asked how long the Town should wait when a situation has been ongoing for years. He said he had seen children playing in an abandoned property which inspired action to protect the neighbors. Mr. Ostrander said he had experience with the types of situations the Supervisor described, and that the process is long and difficult. He said if the Town wants to pursue a remedy for one of these properties, they have to go after all of them. He suggested as an alternative to the proposed law, a New York State Zombie Maintenance Law, such as is in use in Glens Falls. He said metrics are built into that law and it is more efficient. Alternatively he suggested nuisance laws which also incorporate metrics. He said the proposed law mirrors the uniform code already in effect in the Town of Moreau.

Councilmember Stewart said he liked the recommendations and said this proposed law is for emergencies, to speed the process in the instance of a structural issue, a fire for example, allowing the Board to act without going to the State Supreme Court. Mr. Ostrander said it could be viewed as selective enforcement if used for maintenance issues. Councilmember Stewart said the proposed law brings potential liability to Board members.

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

“Having opened a public hearing on September 23, 2025 to take comments regarding the creation of Sewer District 1, Extension 6; BE IT RESOLVED, that the Town Board hereby closes the public hearing.”

A motion was made by Councilmember Stewart, and seconded by Councilmember Killian to adopt the resolution. There was no vote on the motion, as the agenda items had been introduced out of order.

Resolution 374-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to close the public hearing on proposed Local Law 10 of 2025 regarding unsafe structures following public comments on September 23, 2025 .

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

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

The motion carried 3:0.

Councilmember Stewart remarked that the previous public comment period had been left open on this proposed law, so he was glad they went back and closed it at this time.

Supervisor Fish said they needed to open a public hearing for Sewer District 1, Extension 6.

A motion was made by Councilmember Stewart, and seconded by Councilmember Killian to open the public hearing. There was no vote on the motion.

Supervisor Fish invited Attorney Bruening to guide the Board through the next steps. Counsel said that a public hearing order had been adopted for sewer district 1 extension 6 at the September 9 meeting, and that the order had described the boundaries of the proposed extension. He said it was designed to serve two subdivisions approved by the Planning Board, whose developers had requested this extension. Counsel continued, saying that the first step was a map, plan and report which had been reviewed by the Town engineer, which was filed in the Town Clerk's office once approved. He said the Board approved it and issued the public hearing order, and that the next step was to have the public hearing. He said after the public hearing, if the Board was satisfied, they could issue an order approving the extension, and a notice would be published stating that the Town Board resolution was subject to permissive referendum. He said a final order can be adopted following the referendum or after the time elapses, and added that approval by the NYS Comptroller was not required because there would be no financing by the Town; the developers are paying for construction of the extension.

Supervisor Fish said Town engineers had reviewed the plan, and reviewed comments, and that it looked like it was ready. Counsel suggested the Supervisor open the floor for comments, which he did. No comments were made by the public or the Board. Supervisor Fish said extension 6 would be the corn field on the corner of Gansevoort and Bluebird Roads, which will contain 64 single family homes. He said it will be built by the Michaels Group. He then asked the Town Clerk to read a resolution closing the public hearing. She read:

“Having opened a public hearing on September 23, 2025 to take comments regarding the creation of Sewer District 1, Extension 6; BE IT RESOLVED, that the Town Board hereby closes the public hearing.”

Resolution 375-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to close the public hearing.

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

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

The motion carried 3:0.

APPROVAL OF MINUTES

Approval of draft minutes was postponed since fewer than 3 attending Board members from the August 26 meeting were present.

PUBLIC COMMENT PERIOD

No comments were made.

TOWN DESIGNATED ENGINEER

Supervisor Fish said the Board had received an information packet from Nussbaumer & Clarke Inc. Timothy Burley, from this firm, had done a lot of work with the Town in the past, the Supervisor said, and that BPB Coordinator Westfall and Attorney Bruening had reviewed the information. Supervisor Fish also said that in the past the Town had engaged up to 5 designated engineers, and that he would like to add Mr. Burley as an additional opinion on things. Councilmember Stewart said he had spoken to Mr. Burley, who has historical knowledge of the Town. He added that having more than one engineering firm as a resource was important. Councilmember Killian said he had spoken to Mr. Burley also and felt he would be an asset. Supervisor Fish said that when he was the Water Superintendent, he worked with Mr. Burley on sewer extensions 1-4 and other

projects, including the two water towers and the County water connection. He said Mr. Burley had moved onto a different type of work but has decided he liked this work more.

Supervisor Fish called for a resolution. The Town Clerk read:

“BE IT RESOLVED, that the Town Board hereby names Timothy Burley, P.E. and the firm of Nussbaumer & Clarke as a Town Designated Engineer and further resolves to authorize the Supervisor to sign the Engagement Letter for General Engineering Consulting Services.”

Resolution 376-2025 A motion was made by Councilmember Killian, seconded by Councilmember Stewart to adopt the resolution as read.

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

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

The motion carried 3:0.

PROPOSED UNSAFE STRUCTURES LAW

In preparation to adopt the law, Supervisor Fish opened the floor to discussion from the Board, and said since this proposed law is a Type 2 action, no State Environmental Quality Review (SEQR) is required. Councilmember Stewart said he had worked on the draft with BPD Coordinator Westfall and Attorney Bruening to make revisions, but he said he was on the fence about the law. He said it had been written with good intentions to address unsafe and abandoned structures, but was concerned about major Board liability. He said he hoped future Boards would see it as an emergency remedy for use after all other resources had been exhausted. He said he hoped they would never have to use it because it would mean someone experiences a catastrophic loss. Supervisor Fish asked if the Board felt additional changes were needed in the proposed law.

Councilmember Killian asked Attorney Bruening if the Town could adopt its own zombie law standards. He said he had heard stories of situations taking 1, 2 or even three years to be resolved. Counsel, in response to a comment made in the earlier Public Hearing, said the proposed law is not just rehashing the building code. He said there are provisions of the code that the Town enforces frequently, however they provide neither remedies nor procedures. He said the code says you have to use your own procedures and protect people's constitutional rights. Town law states that Towns can adopt unsafe structure laws, he said, which is another set of tools to deal with these situations. He said there are cases where it is a waste of money, time, and resources for the Town to take a case to State Supreme Court, for example when there is no respondent, and the case defaults. He added that this tool cannot be used unless it is adopted as a local law. He said in lieu of adoption, the Town can continue to take cases to NY State Supreme Court.

Councilmember Killian asked if they could pass a resolution stating that due to certain situations, they will amend the process so it doesn't go on indefinitely. Attorney Bruening said that this law does that. He said the procedure is in place to bring these cases to the Town Board's attention, typically through the Building Department, or through a complaint to a Board member, who could ask the Building Department to look into it. In that process, if it is determined that the owner cannot be found, the Town Board could follow the process outlined in the proposed law and take steps to remedy the situation. Councilmember Killian asked what the timeline would look like. Counsel said that there are several steps, including that the Building Department has to make a case to the Town Board to determine if action should be taken, but he said the Board always has the option to go to Supreme Court.

Supervisor Fish asked if they were bordering on infringing on people's rights. He asked if the law reflected the fact that the case has to come before the Board to hear the issues and action has to be approved. He said, if it's not a matter of imminent safety, they can't just go onto people's property and take action—they just want to avoid going to Supreme Court. Does the law protect the Board, he asked. Counsel answered yes and no. He said if the case is presented and the Board feels a property can and should be repaired, the Board can direct the owner to repair it. Or, he said, if they determine that the property is beyond repair, they can order the owner to tear it down. Supervisor Fish asked what gives the Board the authority to do that. Counsel said it comes from an engineering report and an opportunity for the owner to have a hearing. Supervisor Fish said it was the same as when a citation is issued. Counsel continued, saying they would then look at the engineering report—similar to the report that would be needed for the Supreme Court. He added no Supreme Court would order a structure to be taken down without an expert saying there is a problem, and the Town Board should not either.

Counsel said if the owner doesn't comply with the order in the specified time, the Board can only direct them or a contractor to tear it down if there is an ongoing danger to life, safety, or the health of any person. He said in a true emergency, there must be a clear and imminent danger to the life, safety, or health of any person. Supervisor Fish asked if that wasn't what a judge does. Counsel stated that is what the Board would ask a judge to do if they asked to take emergency action. He continued, saying the Board doesn't ever have to order someone to do either of those things. He said if they get to the point of an owner not complying with an order, they can direct the Building Department to take it to court rather than act directly. He did state that this would remove a layer of liability from the Town. Counsel said he had looked at cases since the 1970s, and that there has been some litigation, but that he wasn't aware of any Town abusing their authority and settlements being levied against them outside of New York City, which has different types of laws.

Councilmember Stewart said they were looking for a way to speed the process in these cases and protect the residents, particularly those who live near these problem properties. He said it brings liability, but he restated a question he had asked at a prior meeting: if the Town Board takes action after the case has been referred to the Supreme Court, can the Town Board make a determination while the Supreme Court case is pending? Attorney Bruening said yes, but asked why they would. He said as the Town Attorney, he would advise them not to take action if a referral has been made to the Supreme Court. Councilmember Stewart asked what would happen if the Town Board made a determination and the Supreme Court doesn't agree with it. The Councilmember asked if the law be worded to state that this is only to be done in case of emergency. He also asked how this speeds the process if they still have to follow the same steps as the Supreme Court, and whether they could skip steps in some cases.

Supervisor Fish asked if they determined remediation was needed but the owner can't afford to do it, can the Town step in with consent? He indicated that he was also concerned about the potential to overstep. Attorney Bruening said these were excellent concerns. He said this law was not his idea, but was suggested in the statute. He said he had been asked on numerous occasions if something could be done in these situations, and that his firm's answer had been yes, that they could be hired to represent the Town before the Supreme Court, or the Town can adopt its own statute. He said they had reviewed similar laws in other municipalities and chose the best options for the Town of Moreau from those. He added that he was defending the proposed law because they were asking questions, but he said he totally understood the Board's concerns. He said they would be fine with just representing the Town in Supreme Court. He said not all Towns have such provisions, but that most do but don't use it, reserving it for the most urgent situations. He said there was language within the law which specifically protects property and property owner rights, including notice and hearing requirements. Following these procedures, he said he did not foresee the Town being liable for anything, but he said if they were uncomfortable with it, they should think about it more.

Councilmember Stewart said he would like to make it a tool for emergencies only, and the way it's written they still have to follow several steps that negate the urgent nature of the situation. He asked if a house is burnt down and the Board orders the owner to fix it, but the owner can't be located, how can they have a hearing? And the

Town has to hire an engineering firm, he said. He asked how they can act if the property owner isn't available, they don't have insurance—so they can address these issues without lengthy delays that may take a decade to remedy. Attorney Bruening said that if that is their intention, the Board should adopt the proposed law because that is exactly what it does. He said what it does not do is authorize someone to just tear down someone's home. If the Board wants to revise the language further and add additional limits, he said they can do that as well. He said he felt the Board was uncomfortable with the draft and weren't ready to adopt, in which case he recommended they pause and think about it more.

Councilmember Killian asked if they could add language setting 30, 60, or 90 days to the law to set a timeline. Councilmember Stewart asked how you serve an absent owner, to which attorney Bruening responded that you serve them in the same manner as you deliver a tax bill—the homeowner can be served by mail, which is the same way the Supreme Court direct service on a property owner who cannot be located. He suggested a Board workshop to discuss the 60- or 90- day provisions, rather than extend the conversation in a regular Board meeting.

The decision was made to table further action on the proposed law at this time.

LOCAL LAW, Seaboard Solar

Supervisor Fish said that the other solar projects had been delayed, so the Seaboard Solar project, proposed for Potter Road, was moving ahead in the law numbering for 2025 to No. 10 of 2025. The Supervisor said before the Board could adopt the law, they first had to complete the State Environmental Quality Review (SEQR) process. He said the applicant had completed part 1 already, and that BPD Coordinator Westfall would guide the Board through parts 2 & 3.

Counsel said that a draft part 2 had been provided by Mr. Westfall, and that they could adopt his recommended selections or they could go through the questions themselves. Mr. Westfall said that related to questions 7 and 18 he indicated a small impact due to the potential presence of green rock cress on the site. Representatives from the company recommended a walk-through in the spring or summer to confirm whether it is actually present, and if so, to avoid disturbing it. Councilmember Stewart agreed with the small impact assessment and the process detailed by the representatives. To the question of consistency with surrounding areas, Mr. Westfall said elevation and screening would mitigate this. The Board agreed.

Regarding a concern from the County about potential construction traffic at Spier Falls Road, Mr. Westfall said there was an equine path being developed there and that National Grid vehicles are located there often. He said he believed it would be a spot for vehicles to drop materials and leave. Counsel said that if the Board agrees, and unless there are other impacts identified by the Board, they could move to section 3. He suggested a motion to declare a determination of significance. Councilmember Stewart voiced his agreement.

Resolution 377-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to approve part 3 of the State Environmental Quality Impact Assessment to issue a negative declaration under SEQRA.

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

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

The motion carried 3:0.

Attorney Bruening said that having completed the SEQRA process, the Town Board can adopt the proposed local law, to be called Local Law No. 10 of 2025, it applies the Solar Energy System Overlay (SESO) to the parcel, the Board could then review the site plan for the project. He said they could do that at this meeting or a later date.

Councilmember Stewart invited Town Clerk Trombley to read a prepared resolution. She read:

“WHEREAS the Moreau Town Board has considered the adoption of Local Law No. 10 of 2025 entitled ‘A Local Law Amending the Town Zoning Map to Apply the Solar Energy System Overlay District on Parcel 62.-1-59.111 Currently Zoned R-2’ pursuant to Municipal Home Rule Law Section 10 and Town Law Article 16; and

WHEREAS Seaboard Solar Operations, LLC (to be operated by Potter Road Solar, LLC) has submitted a request to the Town Board to amend the Town Zoning, Map in accordance with Section 149-28.1 of the Moreau Town Code by applying the Solar Energy System Overlay (SESO) District to an approximately 73-acre parcel of land located at 35 Potter Road in the Town of Moreau, Saratoga County, Parcel ID Number 62.-1-59.111, currently zoned One- and Two- Family Residential Districts (R-2); and

WHEREAS such amendment to the Zoning Map would enable the Town Board to review the Site Plan submitted by the applicant for the construction and operation of a 5.0 MW AC solar energy system on the parcel; and

WHEREAS the proposed Zoning Map amendment was referred to the Saratoga County Planning Board which recommended approval of the amendment; and

WHEREAS the proposed change in zoning was referred to the Town of Moreau Planning Board which issued a favorable report for the project which has been considered by the Town Board; and

WHEREAS the proposed Local Law was initially posted on the Town website as proposed Local Law 13, but renumbered Local Law 10 to accommodate a change in schedule; and

WHEREAS Town Board opened the Public Hearing on the proposed Local Law on September 23, 2025 and, after hearing all interested persons, closed the hearing this date; and

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

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board has considered the SESO rezoning standards set forth in Section 149-50.2 (E) and concludes that the Zoning Map amendment satisfies the standards and particularly that the project is properly sized, compatible with the natural and built environment, and that visual impacts have been mitigated with no adverse impact to public health and safety or the environment.
2. The Town Board hereby adopts Local Law No. 10 of 2025 in the form attached to this Resolution.

3. The Town Board hereby authorizes and directs that a copy of the relevant portion of the Town Zoning Map consistent with Local Law No. 10 of 2025 be produced and filed in the Town Clerk's Office.
4. The Town Board hereby authorizes and directs the Town Clerk to file Local Law No. 10 of 2025 with the New York Secretary of State, along with a copy of the relevant portion of the Town Zoning Map consistent with the Local Law, and acknowledges that Local Law No. 10 of 2025 shall take effect immediately upon filing by the Secretary of State.
5. This Resolution shall take effect immediately.”

Resolution 378-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0.

Attorney Bruening said representatives from Seaboard Solar were present to answer any questions about the site plan. Councilmember Stewart asked if he could be shown on the map the portion of the site plan that was referenced by Mr. Tierney during the public hearing. The area in question was wooded and 222 feet away from the road and property line, and about half of it was covered in existing tree line, according to Seaboard Solar representatives. Councilmember Killian asked where the moss is that was referenced in the environmental review. The company representative said to determine the location, one would have to look at the trees, down low where there is moisture and low sunlight. He continued saying the moss had been confirmed in the area, and not specifically within the solar site. It was also stated that the moss would only be impacted if significant grading were performed, which is not planned for the site. Councilmember Killian said he would like to walk the site and look to see what was there. Councilmember Stewart said the project planners had gone above and beyond to allow the property owner to use the site, allowing him to make financial gains while pausing permanent development on the site. He suggested tabling approval of the site plan to allow Councilmember Killian to walk the site.

Councilmember Stewart asked if the concerns raised in previous meetings had been addressed. BPD Coordinator Westfall said they had—that the project had full sign-off by the Town’s engineers and the Planning Board. He said the Planning Board had reviewed it as well and sent an email—and additional gate was requested for remote access to cut through the site rather than drive around it in case of emergency.

SEWER DISTRICT 1, EXTENSION 6

The Map, Plan and Report had been prepared for Sewer District 1, Extension 6 by the developers of the Arrowhead and Jacobie Park Side Farms developments, according to the Supervisor. He said that once it is built, extension 6 would be charged the same rate as extension 5 and would eventually be consolidated into extension 5. The Supervisor said SEQR had been completed and the subdivisions were approved. Once the resolution passes, he said the Town Clerk will post a notice of permissive referendum for 30 days, following which the Board can pass a final approval. He asked the Town Clerk to read a prepared resolution. She read:

“WHEREAS the Town of Moreau wishes to consider an extension of its Sewer District No. 1, Extension No. 5 to be known as Sewer District No. 1, Extension No. 6 (referred to as “Extension No. 6”) to serve several parcels of property being developed for residential housing known as the Arrowhead Meadows, SRH-TJM, and Jacobie’s Parkside Farm subdivisions; and

WHEREAS a Map, Plan and Report, dated June 18, 2025 and last revised August 27, 2025, has been prepared by Environmental Design Partnership, LLP describing the proposed Extension No. 6 to connect the three subdivisions to Sewer District No. 1, Extension No. 5; and

WHEREAS the Map, Plan and Report has been filed in the Office of the Moreau Town Clerk and is available for public inspection; and

WHEREAS as required by Town Law Section 209-c, the Map, Plan and Report delineates the boundaries of the proposed Extension No. 6, describes a general plan of the proposed sewer extension, includes a report of the proposed method of operation, and shows all outlets and the terminus and course of each proposed main sewer together with the location and a general description of all sewage disposal plants, pumping stations and other public works, and is consistent with, so far as possible, any comprehensive plan for sewers developed and maintained pursuant to General Municipal Law Section 99-f; and

WHEREAS on September 9, 2025 subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board unanimously adopted an Order Setting Public Hearing reciting (a) the boundaries of the proposed Extension No. 6, (b) the proposed improvements, (c) the cost of the improvements, estimated to be approximately \$1,500,000.00, to be paid entirely by the developers as part of their subdivisions, (d) the estimated hook-up fees and the annual cost to the property in Extension No. 6, (e) that the Map, Plan and Report is on file with the Town Clerk, and (f) the time and place of a public hearing on the proposed Extension No. 6; and

WHEREAS the Order Setting Public Hearing was published on September 12, 2025 in The Saratogian as required by law and posted on the Town’s website along with the Map, Plan and Report; and

WHEREAS prior to the publication of the Order Setting Public Hearing, a detailed explanation of the calculation of the estimated cost of hook-up fees and annual cost to the property in Extension No. 6 was filed with the Town Clerk for public inspection as part of the Map, Plan and Report and the Order Setting Public Hearing; and

WHEREAS September 23, 2025, the Town Board held a Public Hearing on proposed Extension No. 6 and, after hearing all interested persons, closed the Public Hearing that date; and

WHEREAS the requirements of the State Environmental Quality Review Act (SEQRA) have been satisfied with the issuance of negative declarations in connection with the Town Planning Board’s approval of the three subdivisions to be served by the Sewer District, and the subsequent connection to the Sewer District is a Type II action for which no further review is required; and

WHEREAS the Town Board wishes to establish Sewer District 1, Extension 6 in accordance with Town Law Article 12-A,

NOW, THEREFORE, BE IT RESOLVED that the Moreau Town Board hereby determines that:

1. Notice of the Public Hearing was published and posted as required by law and is otherwise sufficient; and
2. All property and property owners within the boundaries of Extension No. 6 are benefited thereby; and
3. All property and property owners benefited by Extension No. 6 are included within the boundaries of Extension No. 6; and
4. It is in the public interest to establish, authorize and approve Sewer District No. 1, Extension No. 6 as described in the Map, Plan and Report on file with the Moreau Town Clerk with the boundaries and benefitted properties of Extension No. 6 to be as described in the Map, Plan and Report and Order Setting Public Hearing; and

BE IT FURTHER RESOLVED that the Moreau Town Board approves, authorizes and establishes Sewer District No. 1, Extension No. 6 in accordance with the boundaries and descriptions set forth above, and in the Map, Plan and Report and Order Setting Public Hearing, and construction may proceed and service provided subject to the following:

1. The subdivisions obtaining all necessary permits or approvals from the New York State Departments of Health, Transportation and Environmental Conservation; and
2. The Town being satisfied that construction of all improvements has occurred in accordance with the Map, Plan and Report, and the subsequent dedication of appropriate improvements to the satisfaction of the Town;
3. Opportunity for Permissive Referendum in the manner set forth in Town Law Article 7; and
4. Adoption of a Final Order by the Town Board to be filed in the office of the Saratoga County Clerk and the New York State Department of Audit and Control in accordance with Town Law Section 209-g (1); and

BE IT FURTHER RESOLVED that this Resolution is subject to the opportunity for Permissive Referendum in the manner provided by the provisions of Town Law Articles 7 and 12-A, and the Town Board authorizes and directs the Town Clerk to file, post and publish such Notice of this Resolution as required by law and to cause to be prepared and have available for distribution proper forms for any petition and shall distribute a form to any person requesting such petition and, if no such petition is filed within 30 days, to file a certificate to that effect in the Office of the County Clerk. “

Resolution 379-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0.

WATER & SEWER DEPARTMENT

Supervisor Fish said that the Board had met with candidates for the new Water & Sewer Laborer position, and determined to hire a candidate with significant experience in water and sewer. First, he said they needed to create a new, non-competitive position. He asked the Town Clerk to read a resolution. She read:

“BE IT RESOLVED, that the Town Board hereby establishes the position of Water & Sewer Laborer, full time, and further resolved that this position reports directly to, and works under the supervision and direction of, the Water & Sewer Operator.”

Resolution 380-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0.

“BE IT RESOLVED, that Jeffery Guy be hired as a Water & Sewer Laborer and compensated at a rate of \$26.34 per hour. This is to take effect on Monday, October 13, 2025, pending a background check and pre-employment physical.”

Resolution 381-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0.

Discussion: Supervisor Fish said the candidate had worked for IBS for 9 years, gaining experience in sewer and with grinder pump repairs, which will make him an asset to the Town.

Supervisor Fish said cell phones were needed for the Water Clerk and new Water Laborer to take calls and texts from people in the field. He said it would cost \$750 per year. The Town Clerk read:

“BE IT RESOLVED, that the Town Board authorizes the addition of two cell phones, to the Town’s Verizon Wireless plan, for the Water & Sewer Department, to be utilized by the new full time laborer and the Water & Sewer Clerk. The expenses for the phones will be paid out of accounts CW8310.4 and GI8110.4.”

Resolution 382-2025 A motion was made by Councilmember Killian, seconded by Councilmember Stewart to adopt the resolution as read.

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

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

The motion carried 3:0.

HIGHWAY DEPARTMENT

“BE IT RESOLVED, that the Town Board authorizes the purchase of a snowplow cutting edge kit from Evolution Equipment for an amount not to exceed \$2,345.00, to be paid from account DB5130.492.”

Discussion: Supervisor Fish said the Highway Superintendent said this is not the lowest bid by about \$35, but their product is better and there’s a history with the Town so he prefers to buy from this vendor. Councilmember Stewart asked if shipping was included in the quote. Mr. Abrams said it was.

Resolution 383-2025 A motion was made by Councilmember Killian, seconded by Councilmember Stewart to adopt the resolution as read.

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

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

The motion carried 3:0.

“BE IT RESOLVED, that the Town Board authorizes the purchase of a hydraulic cylinder for truck #19 from Empire Hydraulics & Machine, for an amount not to exceed \$2,253.00, to be paid from account DB5130.492.”

Resolution 384-2025 A motion was made by Councilmember Killian, seconded by Councilmember Stewart to adopt the resolution as read.

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

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

The motion carried 3:0

TOWN COURT

Supervisor Fish said the Court often applies for grants for purchases to offset costs to the Town. He said they wanted to buy some supplies to complete the digital conversion of court files. He asked the Town Clerk to read a resolution. She read:

“WHEREAS, the Moreau Town Court has identified a need for certain items and computer support to operate professionally, safely and to complete the records management digitization;

BE IT RESOLVED, that the Town Board of the Town of Moreau authorizes the Moreau Town Court to apply for a JCAP grant in the 2025-2026 grant cycle, up to \$30,000.”

Resolution 385-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0

SUPERVISOR’S OFFICE

Supervisor Fish said an AT&T affiliate was looking to upgrade equipment on the water tower on Nolan Road. The Town’s law firm had reviewed the original contract, amendment, and upgrade documents, and said they saw no obstacle to the Town moving forward. The Supervisor said there were already about 6 antennae on the tower and this addition would improve service.

“BE IT RESOLVED, that the Town Board authorizes the Supervisor to sign the Acknowledgement and Consent Agreement for an A&T Equipment Upgrade on the Nolan Road water tower, as allowed for in the 2006 contract and subsequent 2013 contract amendment.”

Resolution 386-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

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

The motion carried 3:0

MONTHLY DEPARTMENT REPORTS

“BE IT RESOLVED, that the Town Board accepts the August Department Head reports for the Town Clerk’s Office and the Dog Control Officer.”

Resolution 387-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adopt the resolution as read.

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

Councilmember Donohue	Absent
Councilmember Killian	Aye
Councilmember Noonan	Absent

Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 3:0

PUBLIC COMMENT PERIOD

Ann Purdue wanted to comment on the Seaboard Solar project. She said the project did get Planning Board approval in a split decision. She said she was one of three dissenters, saying that her objection was based upon the character of the surrounding area. She said nearby development was not considered at the time because that project had not yet been proposed., and while the Fire Department said they were equipped in the event of a fire, she said they did not have a robust plan. Supervisor Fish said that if there was a fire, the system would be unplugged, that the Fire Department no longer uses foam. She said the array was situation near the forest and she was concerned with changes in the weather and the risk of wildfire.

Kevin Ostrander said he also had concerns around solar fields and catastrophic events. He questioned the equine trail, and that part of the Town's charm is it's access to recreation opportunities. He urged the Board to consider that in relation to an equine trail. Returning to the discussion on the proposed unsafe structure law, he said he understood the issue they were attempting to remedy was the case of imminent danger. He said the 2020 code guide covers those concerns. He said what the Board appeared to be trying to address is what's referred to as "zombie" properties. He said in section 1308 of real property actions and proceedings law relies heavily on property maintenance code and contains everything they had discussed earlier in the meeting. He said following this would avoid the need for litigation, and he called following the route of passing the proposed law was "litigation guaranteed."

Maureen Dennis asked if the Bluebird pump station upgrade had taken place. Supervisor Fish confirmed it had. Ms. Dennis asked if it was flowing from the Bluebird Terrace trailer park. Supervisor Fish said it had not been turned to the County yet pending approval from the NYSDEC for a bypass. He said at that time it was flowing North. She asked for an estimate of time before it would flow South. Supervisor Fish said the County said it would be at least a week. Ms. Dennis asked if the trailer park had been flowing North since November 2022. The Supervisor confirmed it. Ms. Dennis asked what they had been charged. The Supervisor said they get a bill every month. She asked if they paid a buy-in, and the Supervisor said he didn't think so. He said they did not pay a buy-in because they were hooked up when the project was done and nobody else paid except to Extension 5.

Patrice McDonald wanted to talk about the disruptive barking and crying of beagles in an outdoor kennel next door to her property. She said she had spoken with the Town attorney and had been to court. Animal control had been there, and an ACOD had been issued by the judge, but the owner was non-compliant. Councilmember Stewart said the Board had been updated by Mary of the Town's law firm, who recommended action by the Town Board. Attorney Bruening said the question was whether the Board would like the firm to take an action to the Supreme Court since the dog owner wasn't compliant with the local court judgement.

Ms. McDonald described the round-the-clock, persistent whimpering and crying as unbearable and that other neighbors were bothered by this as well and have complained. She said she was a Registered Nurse and it was destroying her life. She said as an animal lover and this had been going on for 20 years. She asked the Board to help, and offered to pay to help. She brought photos and played audio of the dogs crying which she recorded from her bedroom before 8 a.m. Supervisor Fish said the County had recently passed an animal abuse law. He asked BPD Coordinator Westfall if his department was aware of this situation. Mr. Westfall said he was not. Councilmember Stewart said Dog Control Officer Cordiner should get involved again, so he said he would follow up with Officer Cordiner. Ms. McDonald said the Officer was very aware that she was coming to the Board meeting that evening and very aware of the situation. Councilmember Stewart said he and the Supervisor's office would follow up with her.

COMMITTEE REPORTS

Councilmember Killian said the Board Room equipment was in and that the screen would be installed.

Councilmember Stewart said the large pieces of playground equipment that had been ordered were expected to be delivered that week and that a plan was being developed for installation.

Regarding the budgeted Softball Showcase stipend, the showcase was over, and \$10,000 had been budgeted as a stipend for the Showcase Organizer. While the Showcase had fewer teams than they hoped for, it was still very successful; they still collected \$8,000 and funds were raised for charities during the Showcase as well. Councilmember Stewart requested that \$4,000 be awarded to the Recreation Director for the extra work required to organize and run the showcase outside of his regular duties. He reiterated that the funds were budgeted for.

Resolution 388-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to authorize the Supervisor to work with Principal Account Clerk Cruz to disburse a \$4,000 stipend to Jeremy Brogan for acting as the Showcase Director.

Discussion: Councilmember Killian asked how many hours had been put into the Showcase. He said \$4,000 was a lot of money, but said if Councilmember Stewart agreed, he would second the motion. Councilmember Stewart gave a rough outline of the time Mr. Brogan spent during the event itself but said he was sure Mr. Brogan could give a more detailed accounting of his time spent on the Showcase, and said he was sure the Town would be on the winning end of the deal.

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

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

The motion carried 3:0

Councilmember Stewart said Recreation Director Brogan would like to begin advertising for the 2026 Showcase and wanted permission to do so. The preference was stated to retain the same weekend, which was no problem since the Town controls the schedule, Councilmember Stewart said. He said they would have to look at the budget to see what they want to spend to promote the event. Councilmember Killian said he agreed.

Resolution 389-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to approve the 2026 Softball Showcase.

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

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

The motion carried 3:0

SUPERVISOR'S ITEMS

A regular meeting of the Town Board of the Town of Moreau was held at 7:00 p.m. on September 23, 2025 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.

Supervisor Fish said he had visited Meadow Drive and that it was coming back nicely with reseeded lawns, and that it no longer looks like it was a “war zone all summer.” He said they will repave in the spring.

EXECUTIVE SESSION

No executive session was required.

ADJOURNMENT

Resolution 390-2025 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to adjourn the meeting.

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

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

The motion carried 3:0. The meeting was adjourned at 8:59 p.m.

Respectfully submitted,
Erin Trombley
Erin Trombley
Town Clerk