

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 4:30 p.m. and welcomed everyone watching via Zoom. He apologized for the short notice in having to change the meeting from yesterday to today. He explained that the Town had lost their internet yesterday and wouldn't have been able to comply with Open Meeting's Law by not being able to stream the meeting.

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
Kyle Noonan	Councilmember
Gina LeClair	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Jeffrey Cruz, Principal Account Clerk; Karla Buettner, Attorney for the Town

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

There were a few errors found with the May 12, 2020 set of minutes.

Resolution #2020-185

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, correcting the minutes from May 12, 2020: page 127 (Resolution 172), page 129 (Resolution 173) ~~an~~ **and** page 130 (Resolution to close the meeting), to reflect Councilmember Donohue in place of Councilmember Noonan who was listed twice in error. The votes are accurate and will remain the same. **[amended 7/14/2020 lm]**

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember LeClair	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Resolution #2020-186

A motion was made by Councilmember Noonan, seconded by Councilmember LeClair and carried, to correct page 124 of the May 12, 2020 minutes, under the heading Moreau Industrial Park, line #10 to reflect Lot #7 instead of Lot #6.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember LeClair	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Resolution #2020-187

A motion was made by Councilmember LeClair, seconded by Councilmember Noonan and carried, approving the minutes from June 9, 2020 as prepared.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember LeClair	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor gave a brief update on Covid-19 statistics in Saratoga County as of today's date:

539 confirmed cases
17 deaths
499 recovered
24 active cases, with one being hospitalized
22,754 have been tested

SET FUTURE MEETINGS AND WORKSHOPS

None scheduled

MULTI-FAMILY HOUSING

The Supervisor stated that Counsel has provided the Town Board members with a draft law for Multi-Family Dwellings, which would change the Town ordinance. He asked if she would give an update. Attorney Buettner stated that the current moratorium will end as of August 30, 2020. She stated that she had gone through the Town's Zoning Code reviewing where Multi-Family dwellings are permitted. She stated that Two-Family Dwellings aren't defined at all, which is one of the reasons they are re-doing the Zoning Code. She stated that Multi-Family housing right now is only permitted in the UR zone. Two-Family is allowed in R2-5, RP and UR zones. She stated that the question for the Town Board is do they want to keep Multi-Family housing in that one zone, and, do they want to remove the Two-Family from any of the other zones. Ms. Buettner stated that she had reviewed the Town's Comprehensive Land Use Plan as well as the Farmland Protection Plan to be able to advise the Town Board as to where you might want the dwellings to be. She stated that she didn't draft the Law because it's not really drafting, and that it's more of a removing. She asked the Town Board to tell her what they want her to remove. Ms. Buettner stated that in order so that they don't have to extend the moratorium again, under the statutory dates, they'll have to move this within the next couple of weeks, so that hearings can be held in July, so the State can get back to us before the moratorium is over. She stated that because this is Zoning, it will also have to be presented to Saratoga County Planning, and they only meet on a certain day of the month. She stated that she was open to suggestions from the Town Board and will do whatever they want her to do. Councilmember Hogan stated that he hadn't had a chance to review all of the documentation that she had provided and stated that he would have to get back to her with suggestions. Councilmember Noonan stated the same and added, that water is now an issue with how they should deal with Multi-Family dwellings. The Supervisor questioned Ms. Buettner by first stating, that if they're honing in on the R5 Ag District, do they have, or will there still be provisions that allow for any agricultural enterprise be able to have workers come in and have a place to stay on premises for a certain part of the year, to help with crops and/or harvesting. He asked if it would be permissible if someone wanted to modify or expand a bunk house or something like that. Ms. Buettner didn't know what was currently in the law but recalled that a few years ago, there was some issue with someone doing that in the R5 zone. She stated that they had a mobile home on their property, using it for those types of employees. She suggested that if it's something he wants to keep in, there are ways to keep it in. The Supervisor stated that he would get her some information on the subject. Attorney Buettner stated that the draft law has to go to the Saratoga County Planning Board but that it doesn't have to be approved by the Town before it goes to them. She

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

commented that their next meeting is on July 16, 2020. She also stated that the Town can still hold the public hearing if the law is with the County Planning Board. She mentioned that the law can't take effect until it's been filed with the State, so there may be some lag time between the date filed by the State and the date that the moratorium ends.

HIGHWAY DEPARTMENT

The Supervisor gave a brief update with regard to the new Highway Garage roof. He stated that the roof has been installed and the only thing left to do is the penetration for the venting for the heating system. They need a certification of approval from the manufacturer, so it doesn't void the warranty. He stated that they're working on that right now. The Supervisor commented, after speaking with the engineer, the Highway Superintendent and some others, that the workmanship of the first roof was poor. The joints weren't sealed, there were screws that didn't go into anything. There was an indication, that if there were a high windstorm, at just the right time and location, we could have lost the entire roof.

The Supervisor stated that he had received a memo from the Highway Superintendent, which included the quarterly report for all CHIPS funding. He stated that there may be a possibility of funds being reduced by 20%. Currently, the Town's portion is \$240,682.16. A 20% reduction (\$48,136.44), would reduce the funding to \$192,545.73. Department of Transportation is recommending that towns spend the allocated funds and request the CHIPS reimbursement, rather than waiting until the end of the year.

The Supervisor stated that he had heard back from Senator Jordan's office regarding the grant that Senator Marchione had sponsored. It was a \$200,000.00 grant to assist the Town with the Highway Garage roof repair. The Senate Majority has indicated that it would be unlikely for us to see the money anytime soon, with the State not having funding. It was relayed that they are putting a freeze on many of the grants across the State. The Supervisor commented that there are ramifications, because they put projects forward, predicated on the fact that they will eventually get reimbursed. The Supervisor stated that he had a conversation with the Highway Superintendent and they both agreed that they could use the CHIPS funding to help cover the \$200,000.00 shortfall from not receiving the grant money. They thought they could use \$100,000.00 of that funding to help plug the \$200,000.00 hole in the roof replacement. The balance of the repair cost will come out of Fund Balance. He stated that would leave him with just over \$92,000.00 for paving. He stated that the good news is, with the cost of petroleum down, it should cut the cost of paving 20%-30%. The Supervisor stated, that at budget time, a list of roads is given that are requested to be paved. He stated that he's driven all of the roads and agrees with the Highway Superintendent's priorities. One of the main priorities is the shimming of Butler Road.

Resolution #2020-188

A motion was made by Councilmember LeClair, seconded by Councilmember Noonan and carried, of the money anticipated to be received from the CHIPS program, the Town earmark \$100,000.00 of that for the Highway Garage roof repair.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember LeClair	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Highway Superintendent had also submitted a request for the repair of International, Truck #10. He received a quote from Delurey Sales and Service for a remanufactured EGR valve. The estimated cost to repair the truck is \$2,891.24. The Highway Superintendent is looking for authorization so he can let Delurey Sales and Service to go ahead and fix it.

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Resolution #2020-189

A motion was made by Councilmember Hogan, seconded by Councilmember LeClair and carried, authorizing the repair of Truck #10, based on a quote from Delurey Sales and Service, for an amount not to exceed \$3,000.00. The expense will be paid from account DB5130.405.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember LeClair	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that he has a resolution for the road dedication of ~~Timer~~ **Timber** Lane to the Town of Moreau. Attorney Buettner stated that Timber Lane is a 13-lot subdivision off Butler Road. She stated that she had been working with the Highway Superintendent to go over the requirements within the Town Code. She stated that he has submitted a letter of acceptance. She stated that the next step would be for the Town Board to accept the road. She stated that the Town has all of the documents needed to accept the road except for the signed deed and the cash. She explained, that in lieu of a letter of credit, they will deposit \$57,258.89 into the Town's account. The acceptance of the road is contingent upon receipt of those two items. Attorney Buettner read the following resolution aloud: **[amended 7/14/2020 lm]**

MOREAU TOWN BOARD

RESOLUTION ACCEPTING DEED TO TIMBER LANE FOR DEDICATION

WHEREAS Timber Lane Holdings, LLC has offered a deed to the Town of Moreau to dedicate Timber Lane, as more particularly described in a survey map entitled "Map of an Asbuilt Survey for a Road Known as Timber Lane," dated December 16, 2019, made by Darrah Land Surveying, PLLC, to be filed in the Saratoga County Clerk's Office contemporaneous with the deed, and

WHEREAS, the Highway Superintendent and the Engineer for the Town have recommended acceptance of Timber Lane for dedication for highway purposes, and

WHEREAS, pursuant to Moreau Town Code §124-17, Timber Lane Holdings, LLC delivered to the Attorney for the Town a Warranty Deed with Lien Covenant, conveying Timber Lane to the Town; and

WHEREAS, pursuant to Moreau Town Code §124-17(1) and in agreement with the Town, Timber Lane Holdings, LLC will deliver a check, to be held by the Town, in the amount projected by the Fee Estimate as well as an Affidavit affirming the installation of the top coat of Timber Lane; and

WHEREAS, Timber Lane have already been improved as a street or highway, in accordance with the standards and specifications for a town highway within the Town of Moreau, and in conformance with applicable regulations and requirements and provisions of state law pertinent thereto; and

WHEREAS, Timber Lane Holdings, LLC has complied with all submission of all of the required documents contained in Moreau Town Code §124-17, including the providing of a Title Insurance Policy naming the Town of Moreau as the insured party and as as-built survey plat;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, on behalf of the Town, does hereby consent to the order of the Highway Superintendent laying out the said street and does hereby accept the deed of dedication on the said road, to be known as Timber Lane; and it is further

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

RESOLVED, that upon receipt of an escrow deposit in a sum not less than Fifty Seven Thousand Two Hundred Fifty Eight and 89/100 Dollars (\$57,258.89) and receipt of the duly signed deed, transfer documents, and those certain items specified in section 124-17 of the Code of the Town of Moreau, the Supervisor is hereby authorized and directed to execute any and all documents necessary to effectuate the dedication, and it is further

RESOLVED, that the Town Clerk is directed to record the deed in the Saratoga County Clerk's Office.

Resolution #2020-190

A motion was made by Councilmember Hogan, seconded by Councilmember LeClair and carried, to adopt the foregoing resolution as read into the record by Attorney Buettner.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Attorney Buettner stated that she would follow-up with the developer and their counsel.

STANDARD WORKDAY

The Supervisor stated that there needed to be a new resolution for the Assessor's standard workday reporting due to an error in reporting her term in the original standard workday reporting.

Resolution #2020-191

A motion was made by Councilmember LeClair, seconded by Councilmember Noonan and carried, to adopt the following resolution as read by the Town Clerk:

BE IT RESOLVED, that the Town of Moreau will report the amended Days per Month to the New York State and Local Employees' Retirement System, based on the Record of Activities maintained and submitted by those officials to the Clerk of the body:

Title	Name	Standard Work Day	Term	Days/Month Based on Record Of Activities
Assessor	Leah M. Cronin	7 hrs.	10/1/2019-9/30/2025	25.15

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

WATER DEPARTMENT

The Supervisor stated that the Town of Moreau is using an awful lot of water. He stated that we set a record yesterday, with usage of 2,030,000 gallons. Of that total, the Town was providing 122,000 gallons to the Village of South Glens Falls, based on the Intermunicipal Agreement that they were able to work out this week. Of that total usage, 700,000 gallons came from Saratoga County Water Authority and ~~1,030,000~~ **1,330,000** came from the Town of Queensbury. The Supervisor stated that the Town doesn't have any additional capacity, so it's something they need to move forward on rather quickly. The Supervisor first wanted to thank the Village for working with the Town on an agreement to purchase water. The Supervisor stated that he had signed the agreement two days ago. He stated that the Town of Queensbury had also signed an agreement to provide temporary assistance to the Village of South Glens Falls and thanked them also for working with the Town of Moreau. The Supervisor stated that he had approached the Saratoga County Water Authority to see if they could provide the additional capacity for the Village, but the amount needed was beyond what they could provide. There was also a concern that they wouldn't be able to meet the legal obligations of their current customers. He stated that it caused us to turn to the Town of Queensbury. **[amended 7/14/2020 lm]**

The Supervisor stated, that in conjunction with the Village of South Glens Falls, they've issued a water conservation notice, which states that until further notice, use of water by all Town of Moreau residents who use municipal water, can only use outside water services from the hours of 6:00 a.m. to 8:00 a.m. and from 5:00 p.m. to 8:00 p.m., with a one day period not to exceed 3 hours. He stated that the notice went out via a reverse 911 at 3:00 p.m. today. The Village of South Glens Falls residents received the same call. He hoped that this would take some of the pressure off the total usage until the weather gets cooler.

As part of the Supervisor's discussions with the Town of Queensbury, it was determined that the Town needed to buy additional capacity. The Supervisor indicated to the Town of Queensbury, that he would bring it to the Town Board this evening to discuss the purchase of additional capacity. The Supervisor stated that he had worked with the Principal Account Clerk to find out how much money the Town has available in the 2020 water budget. He hoped there would be enough to purchase an additional 100,000 gallons. Per the Town's agreement with the Town of Queensbury, we can purchase additional capacity in blocks of 50,000 gallons per day at a cost of \$53,000.00 per block. The Supervisor stated that the Town hasn't purchased additional capacity from the Town of Queensbury since 2008. He thought it was prudent that the Town have the foresight, with the commercial corridor sewer line coming in next year, to have the additional capacity. The Supervisor suggested that the Town utilize \$106,000.00 to purchase an additional capacity of 100,000 gallons per day from the Town of Queensbury. He also stated that he would like to buy more additional capacity down the road. The Supervisor read the following resolution into the record:

WHEREAS: The Town of Moreau entered into an Intermunicipal Agreement (IMA) with the Town Board of the Town of Queensbury on behalf of the Queensbury Consolidated Water District on the 1st of February, 1999 and;

WHEREAS: Section IX of the aforementioned IMA, grants the Town of Moreau the right to purchase additional Capacity from Queensbury;

So be it RESOLVED: That the Town of Moreau purchase additional Capacity of 100,000 gallons per day from Queensbury in an amount not to exceed \$106,000.00, to be paid pre-audit and from all six water districts in the Town of Moreau.

Resolution #2020-192

A motion was made by Councilmember LeClair, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution as read into the record by the Supervisor.

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

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Councilmember LeClair asked Counsel to explain what the capacity does. Attorney Buettner explained that the Town has a reserved capacity, which the Town has the right to purchase up to that amount. The reserve right now is 1,250,000 gallons per day. She commented that the 20-year agreement with the Town of Queensbury is up this year. She stated that this is a good time to work with the attorney for Queensbury for another 20-year agreement at these amounts. She stated that there are four different amendments in the current agreement. The Supervisor also stated that the contract has a provision for a penalty and if the Town uses more water than what they've reserved, the Town pays \$0.85 per thousand gallons. He thought it was much better to spend money to get something, rather than to pay a penalty. With this agreement, it will allow us to buy water at a rate of \$1.17 per thousand gallons.

The Supervisor stated that the Saratoga County Board of Supervisors has earmarked \$170,000 - \$180,000 in economic development grants. This sets aside approximately \$7,000 for each town in the County. The Town will have to submit a formal application for the funding. The Supervisor stated that the application was completed earlier this week and commented that the grant money will be used toward the purchase additional capacity.

The Supervisor stated that the information relating to the water conservation is on the Town's website and that there is also information for Village residents on the Village of South Glens Falls website (sgfny.com). He also suggested, that anyone with questions can call the Town or the Village.

ZONING ADMINISTRATOR

The Supervisor stated that the contract with the LA Group for Zoning Administrator's services will end on July 31, 2020. The Zoning Administrator, Jim Martin, has expressed a desire to stay on with the same terms as the current two-year agreement. The Supervisor stated that he expects to take this up at the next Town Board meeting.

TELECOMMUNICATION CONNECTIVITY SERVICES

The Supervisor stated that the State has changed vendors for telecommunication services. He stated that these are State contract prices. His recommendation is to go with the contracted price.

Resolution #2020-193

A motion was made by Councilmember Noonan, seconded by Councilmember LeClair and carried, authorizing the Supervisor to sign the agreement for Telecommunication Connectivity Services on behalf of the Town of Moreau.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

MONOLITH SOLAR

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that Monolith Solar has been purchased by another company. He stated that there is an Estoppel agreement that needs to be signed, even though there's nothing the Town can do to stop the sale. Attorney Buettner stated that the Estoppel basically tells the Town that Monolith has been sold. She also stated that everything will stay the same.

Resolution #2020-194

A motion was made by Councilmember LeClair, seconded by Councilmember Noonan and carried, authorizing the Supervisor to execute the Estoppel agreement between Monolith Solar and SL Empire Solar One, LLC.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

SEWER DISTRICT 1 EXTENSION 5

The Supervisor stated that we're continuing to progress nicely, and that we're at the stage of getting easements for where the infrastructure will go on private property. He's had conversations with the Town engineer as well as with the Town attorney regarding the easements. Particularly, whether they want to use eminent domain or not. His personal preference is that it be a last resort, as he believes in private property rights. As an incentive, one of the things the Town can do, is to provide for a purchase of the right-of-way, based on footage. In order to do this, the Town has to come up with a fair and equitable cost to a landowner for the right-of-way. The Supervisor stated, after speaking with the engineer, one of the ways they can come up with a figure, is to hire an appraiser. The Supervisor stated that he was told by Mr. Rhodes, that there's money in the budget to cover the cost of the appraiser. The Supervisor's recommendation is to authorize the engineer to seek out appraisers and come up with a recommendation, which he will pass along to the Town Board. If there's a consensus, they can move forward and then memorialize any decision at the first meeting in July. Councilmember Noonan was not in favor of eminent domain either. He too believes in private property rights. Attorney Buettner clarified that the Town isn't buying the properties, they're paying for the right to use the properties.

Resolution #2020-195

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, authorizing either Don Rhodes (Engineer for the Town) or Karla Buettner (Attorney for the Town), to retain the services of an appraiser, upon agreement of the Town Board, prior to the next Town Board meeting.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

DRAFT SOLAR LAW

The Supervisor stated that this unveiling is an opportunity for the Town Board members to discuss and give possible direction to the Town attorney. He stated that this is a starting point not an end point. He commented that we need to get it to a point where they can present it to the public. The Town Board will then have the ability to make changes or leave as is after the public has an opportunity to speak. Attorney

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Buettner stated that the Town is almost at the one-year mark from where they started with the initial moratorium. She stated that the public hearing was on June 25th of last year to have the moratorium. She stated that the moratorium was done in order to give the Town Board time to determine how they wanted to word a solar law. At present, there is no solar law. She stated that the only place, where solar is arguably permitted, is in the Industrial Zone. It's only permitted there as a power plant. She and the Supervisor met with a representative from NYSEDA and went over what the Town wanted to do. She stated that there have also been ongoing conversations with them. The moratorium expired and a second had to be adopted on February 25, 2020, to extend it for another six months. Jim Martin had a first draft law and had sent it to Counsel but then COVID happened. The Town Board scheduled a meeting with NYSEDA for March 31, 2020 and it couldn't happen because of the pandemic. Since that time, Ms. Buettner has spoken with NYSEDA again, because there are State solar laws that have gone into effect. She has also reviewed the Town's Farmland Protection Plan and the Comprehensive Land Use Plan. They've looked at the solar laws in Milton, Wilton, Northumberland and Greenfield. Attorney Buettner stated that between herself and Jim Martin, they put together a law based on what they thought would be good for the Town of Moreau, especially with the Town's unique emphasis on protection of their farmland. She stated, that what the Board has before them, is a fairly good compromise between protecting the land and protecting the landowners. She stated, that if they don't want to extend the moratorium, they need to hurry up and pass a law. Or, if they wait, the moratorium goes away and solar isn't allowed anywhere but the Industrial Zone.

Supervisor Kusnierz stated that if they're going to have a solar energy law, he wants to make sure it's right for the Town of Moreau. He stated that he won't be compelled one way or the other just because the moratorium is going to expire. The Supervisor stated that they would start with comments from the Town Board so that Counsel could move the draft forward.

Councilmember LeClair stated that she had concerns with the law. She stated that residents in the farming district are most affected by the law. She stated that they've come to the Town many times asking for the Town to help with high speed internet. Without that, she was afraid that their voices wouldn't be heard, assuming that the public hearing would be streamed live. She commented about how many people participated in the survey for the Farmland Protection Plan. At the time solar wasn't an issue. She stated that there were about 20% of those in the Ag District that had responded to the survey and she would want them to be able to participate with this local law as well. She didn't think that a Zoom broadcast would work for all of those people in that district.

The Supervisor stated that he had no intentions of moving this project forward without the public being able to be here in person. He stated that this will be one of the most significant changes in the history of the Town of Moreau. It's important that people have the ability to be here and make their comments known.

Attorney Buettner asked Councilmember LeClair if she had any comments about the actual law. Councilmember LeClair stated that she disagrees with solar generation facilities in the farm district. She's not opposed to farmers using solar to operate their farms but suggested that it be taken out otherwise. She went on to say, that with ground mounted solar, who would want to buy a house if you're looking out a window looking at a ground mounted solar display.

Councilmember Noonan asked Councilmember LeClair, if solar wasn't a major concern while working on the Farmland Protection Plan, what was the major concern. She stated that they looked at ways for farmers to support their farming operations, in ways other than with crops and animals. She stated that there's a restriction in the district that only allows for you to build a home, so it's not easy for them to sell their land off. She stated that they looked at Ag tourism as well, where people could stay on a farm for a week and learn about farming.

Councilmember Noonan agreed with the Supervisor and stated that this law would be a big change for the Town of Moreau. He wondered, if the Town was working on a Farmland Protection Plan right now, would solar be a topic. Councilmember LeClair stated that she believed it would be. Councilmember Noonan stated that he had made some comments to his fellow Town Board members with regard to the residential side of the law. He had concerns on the oversight of small ground mounted systems. He was curious as to

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

why there is no site plan review for the smaller systems. He stated that Mr. Martin addressed his concern and told him that as long as they fell within the requirements, they would be issued a permit. He told Councilmember Noonan that the law could be revised to include a site plan review for all ground mounted systems. Councilmember Noonan stated that the other issue is, can you see it and do you want to look at it. He was of the opinion that the smaller scale systems be included in site plan reviews. He also commented, that farmers who have hundreds of acres, are able to tuck away a large solar operation and keep it out of sight from the public. He stated with regard to the C1, C2 and C3 zones, they butt up to neighborhoods with high density, you would be putting them right in someone's backyard. He thought the zones should be addressed as well. Councilmember Noonan was not opposed to anyone putting a solar array on top of their house. He stated, that with commercial size solar arrays, he wouldn't want to see them in wide open fields. He did believe that if you had enough property, you should be able to put solar with the rules that the Town Board creates. He stated that if you work within the laws and with Planning and Zoning, you should be allowed to do that. He went on to discuss the percentage of land use. He referenced Northumberland and believed that their law allows for up to 25%. He stated that he's not opposed to 25%-30% if the requirements and the laws are followed and it can be out of sight. He stated that he believed the farmers are the best stewards for our land. If some of these farms are able to take some of the revenue and generate it from these power plants and turn it back into their farms, that would allow the continuation of future farming. He doesn't want to see the land turned into housing developments. Councilmember Noonan stated that there are some projects before the Town Board right now. He talked about capacity on the grid being different from piping into one of the transmission lines. He was supportive of solar on Town properties but also suggested that in the R5 Zone, it needs to be out of sight. He doesn't feel that the Town's Ag District should turn into fields of solar panels. He asked if there was a way to control that.

Attorney Buettner stated that it would be a SEQRA determination but didn't think a permit could be denied because of the way something looks. Councilmember Noonan stated that the arrays not being seen should be part of the process.

Councilmember Hogan stated that he had some similar thoughts on aesthetics himself. He referred to page 6 of 9 in section A and questioned the sentence "Large-Scale solar energy systems shall not be permitted to be constructed on Prime Farmland, farmland of statewide importance, farmland of local importance, of unique soils as defined by the US department of Agriculture , NYS Department of Environmental Conservation, the US Army Corps of Engineers, or local governing body. Attorney Buettner directed him to the definition of Prime Farmland. She stated that it's not every acre of farmland. He stated that the area from Route 32 to the river falls into that classification and wasn't keen on those restrictions. He spoke about the totals of megawatts that can be produced through the grid. He stated that there were presenters that have come before the Town Board in the past few years with a number of 27 megawatts. He stated, with the company planning on going into the Industrial Park, which would produce 4 megawatts, this would bring the total for the grid to 23 megawatts. Councilmember Hogan referred to page 8 of 9 on the draft law, section C(3)(b). He thought the 10% could be raised to 30%. He referred to page 8 of 9, section C(6) and asked what NYSDAM stood for. The Supervisor stated, "New York State Department of Agriculture & Markets". Councilmember Hogan stated that he didn't know what the rules and regulations were and that he would need to know more about them. He stated that solar to him means a long-term temporary structure and not permanent. He stated that he wasn't opposed to it being in the Agricultural District because it isn't permanent. Councilman Hogan next referred to page 9 (8), specifically the last line. He questioned why the depth of cover wouldn't be 48 inches since the sentence before states that there will be a minimum depth of 48 inches of cover. He referred to the same page section (9). The paragraph was confusing and after Attorney Buettner reviewed with Jim Martin, Attorney Buettner stated that she would have to look into it. Councilmember Hogan stated, that when looking at small scale or roof mounted, he's less concerned, however, there are areas that he wouldn't want a stand-alone system in a residential area. He stated that you wouldn't want to look out your window and look at a solar array. He also stated that with some, they could find a location for them and he's okay with that. He agreed with Councilmember Noonan, that someone should be going out and looking at the site. He suggested that they should be reviewed by the Planning Board. Mr. Martin asked him to keep in mind that small scale ground mounted solar is not allowed in R1 or R2 in this draft law.

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Councilmember Donohue was next to speak. He stated that his biggest concern is with locations in residential areas. He suggested that they look at lot size. He suggested that in some areas, solar arrays would change the character of the neighborhood. Attorney Buettner asked if he was talking about large scale and suggested that there are already lot sizes. Councilmember Donohue stated that he was referring to small scale. Mr. Martin suggested that they have wording of a minimum lot size. He suggested that people should be allowed to do what they want with their own property as long as it doesn't affect other people. He stated, that if we can't help farmers continue to farm, we may be looking at permanent structures. He suggested that farms can conform and properly blend in if sited properly. He stated that the law, the way it is written, is too restrictive. Attorney Buettner asked what part of the law. Councilmember Donohue stated that the percentage in the Ag District should go up from 10% to 35% or 40% if they can conform.

Supervisor Kusnierz stated that she had multiple comments regarding increasing the percentage numbers. He stated that 10% is a starting point. He commented that with a 500-acre parcel, it would give them 50 acres to use for solar. He stated that was 1/2 the size of the Rec Park. He stated, that if they increase the percentages, there should be a cap on the number of acres.

Councilmember LeClair stated that not all those who have solar will be able to benefit from the grid because of the capacity. She stated that they have certain amounts that they are required to buy back and then after that, they don't need to take any more. She stated that not all farmers may benefit from the solar. Once the grid is at capacity, they may not take anymore.

Councilmember Noonan stated that the capacity from use at the Industrial Park is not related to the capacity that may be from solar at the Transfer Station. He stated that a high-power transmission line is different than going through the grid. He stated that one doesn't restrict the other. He asked if the Town has a reserve capacity for solar. Attorney Buettner stated that she would check.

Mr. Martin stated that he heard Councilmember LeClair say that National Grid is only required to purchase so much alternative energy power and once they reach that limit, National Grid isn't required to buy it. He doesn't know the answer to the question but will look into it. He stated that if National Grid reached a threshold and they don't need power anymore, they may refuse to purchase the power. He stated that it was an interesting question and would look into it.

Councilmember Hogan stated that there was someone interested in putting a solar array on the golf course on Rte. 197. He stated that he didn't want to see a solar field there. He thought they should be better hidden.

Councilmember Noonan stated that there's a solar array on Ridge Road by the old landfill. He stated that it takes away from the environment.

Attorney Buettner stated that she would check with NYSERDA over the questions asked this evening.

Supervisor Kusnierz stated that the Town wouldn't receive any real property tax from these structures.

Councilmember Noonan asked if the State can supersede our law. Attorney Buettner stated that NYS enacted a new large-scale siting law and ultimately, nothing is in law yet, any large-scale projects will have to go through Article 10 process. If they don't like ours, they can use theirs. NYSERDA is trying to find out what the NYS Regulations will be. She urged the Town Board to keep moving forward with the law.

Mr. Martin stated that the same principal will hold true with 5G.

Councilmember LeClair stated that one acre isn't enough. Attorney Buettner stated that they still have to fit the footprint to work. Mr. Martin stated that they can add provisions.

SUPERVISOR'S ITEMS

A regular meeting of the Town Board of the Town of Moreau was held on June 24, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that he had received an email from Dr. Slingerland at Hudson Headwaters Health Network announcing the creation of Hudson Headwaters Cares Program.

The Supervisor was interviewed by the Albany Business Review and an article was written titled “Investors bought 81 acres at this Northway exit. Those watching think it’s just the beginning”. He stated that the Business Review tracks the number of hits and they were huge.

The Supervisor stated that he had information in his office regarding the Earth Embankment program. Comments are due by July 3, 2020.

The Supervisor stated that Town staff has been working in the former Sheriff Substation for use by the Town Historian. He believed it would be ready by tomorrow.

COMMITTEE REPORTS

Councilmember LeClair gave an update on the status of her newsletter. She stated that Jeff Cruz has helped her and that everything is on hold until Mailings Made Easy can get back to her. She stated that she would email the prices to the Town Board for approval at the next meeting.

Councilmember Hogan gave a brief update on the brush situation at the Transfer Station. He stated that they are contemplating charging large scale trucks and trailers. He stated that he needs more time to re-write the fee schedule and will get back to the Town Board. He asked if the Town should even be allowing non-residents to dump brush at all. He also commented that the brush that’s down there needs to be chipped. He’ll have Ted get quotes and he will bring them to the Town Board.

Councilmember Hogan also stated that teams are getting eager to play ball in the Rec Park. According to the guidelines from the Governor, they can’t play until after July 6th. The groups will need to submit a plan for personal protection and our Recreation Leader will need to submit a plan as well.

The Supervisor stated that they want to be able to let the kids play as soon as possible, but we need to be in the confines of the State requirements. He stated that it wasn’t simple. He stated that the Rec Leader is working on a plan.

Councilmember Donohue stated that he has been working with residents regarding the ongoing stormwater problem on Rte. 197. He stated that the drainage ditches at Rte. 197 and Rte. 32 is clogged and stated that DOT is going to be clearing them out.

Supervisor Kusnierz stated that the DOT folks have been very responsive.

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 6:55 p.m.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk