

*A regular meeting of the Town Board of the Town of Moreau, Saratoga County was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 23<sup>rd</sup> day of January, 2024.*

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

PRESENT:	Kyle Noonan	Councilmember
	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	John Donohue, Jr.	Councilmember
	Jesse A. Fish, Jr.	Supervisor
ALSO PRESENT:	Erin Trombley	Town Clerk
	Malcomb O’Hara	Counsel
	Elizabeth Bennett	Confidential Secretary
	Leah Cronin	Sole Assessor
	Anna Labiak	Water Department Clerk
	Chris Abrams	Highway Superintendent

OTHERS PRESENT: Steven VanGuilder (Moreau EMS), Michael Beshara (Moreau EMS), Ronald Quim Jr., Tom Masso, Ann Purdue, Kevin Gallagher, Paula Gallagher, Brandon Hayes, Benjamin Vaillancourt, John Rivers (So. Glens Falls Fire Co.), Dennis Davan, Amy Noonan, Dominic Tom, Reed Antis, Maureen Jackson, Sheila Itzo, Victoria Clark, Paul Itzo, Bob LeClair, Gina LeClair, Bob Ludwig, Kate Ludwig, Marie LeClair, Ray Morris, Helen Morris, a resident of Snowberry Lane, Kevin Ostrander, Dana Charpentier, Cindy Charpentier, Nicole Haddadnia, Ro Padron, Jorge Padron, Alex Portal (Post-Star reporter)

**FUTURE MEETINGS & WORKSHOPS**

**Resolution 37-2024** A motion was made by Councilmember Stewart, second by Councilmember Donohue, to set a special meeting to approve the Supervisor to sign the contract with Moreau Emergency Squad for Friday, January 26 at 9:00 AM.

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

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

The motion carried 5:0

**PUBLIC COMMENT FOR AGENDA ITEMS**

No comments were made.

**OLD BUSINESS**

**Resolution 38-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, to set the annual payment per megawatt for Payment in Lieu of Taxes (“PILOT”) Agreements pursuant to Moreau Town Code Chapter 63 Section 6(H) at \$900. In the event this amount exceeds the amount that would otherwise be payable as taxes but for the exemption under Real Property Tax Law 487. The Assessor has the ability to negotiate the per megawatt amount, subject to final approval of the Agreement by the Town Board.

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**Discussion:** Councilmember Noonan said the item had been previously tabled after he questioned whether the per megawatt amount was enough. After speaking with the Assessor, he understood that this is not an opportunity for the Town to make money above what would have been collected in taxes. Assessor Cronin was invited to weigh in. She confirmed that more cannot be collected through PILOT agreements than would have been collected in tax. The entities will be exempt through a solar utility exemption except in special districts, which is why we enter into PILOT agreements, to gain some form of tax from them. She used a solar valuation model to assess them with the Town tax rate to come to the \$900 per megawatt rate.

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

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

The motion carried 5:0.

### **Paid Family Leave**

Supervisor Fish addressed a question raised at the organizational meeting about Paid Family Leave for Town employees. After looking into it, he learned that municipalities are not required to provide Paid Family Leave like private businesses. He said the Supervisor two administrations before and Town Board at the time decided not to opt in for Paid Family Leave, therefore the Town opted out.

### **Highway Department**

**Resolution 39-2024** A motion was made by Councilmember Stewart, second by Councilmember Noonan, to hire Michael Lary as a temporary employee at \$19 per hour, beginning February 1, 2024, pending medical exam and background check.

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

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

The motion carried 5:0.

### **Transfer Station**

**Resolution 40-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, to hire Donna Estabrook as a part-time Transfer Station Attendant at a rate of \$15 per hour, beginning February 5, 2024, pending medical exam and background check.

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

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

The motion carried 5:0.

**Recreation Department**

Councilmember Stewart gave a report in lieu of Recreation Director Jeremy Brogan, who was unable to attend the meeting. Recent events in the park such as auto larceny, people in the park after hours, people ignoring staff directives to stay out of closed areas of the park such as the ice rink, and people building fires have led to consideration of the need for additional cameras in the park, particularly in the Bowl area. Cameras approved at the end of 2023 had arrived the day of the meeting and still needed to be installed. Recreation Director Brogan just wanted the Board and public to know about these issues. If anyone has concerns or suggestions, Councilmember Stewart asked that people reach out to him or Councilmember Donohue.

**Resolution 41-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, authorizing the Supervisor to sign the GAR Associates LLC contract for assessment services. Supervisor Fish added that the item was not included in the Organizational Meeting, but was budgeted for. The total was in line with previous years, with the figure coming in at \$47,500.

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

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

The motion carried 5:0.

**Agenda Item 7**

The Fire Department contract item was postponed to February 13.

**Agenda Item 8**

The Moreau Emergency Squad contract item was postponed to January 26, 9:00 AM.

**Planning Board Appointments**

John Arnold has agreed to continue as Acting Planning Board Chairman for the next 6 months, to be re-evaluated at that time. Applications are currently being accepted for Planning and Zoning Board Alternates. Action will be taken on these at the next meeting. Councilmember Noonan commented that it would be beneficial for all applicants to be directed to complete an application form, so the Board has more uniform information with which to consider all candidates.

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**Resolution 42-2024** A motion was made by Councilmember Noonan, second by Councilmember Donohue, authorizing Councilmember Mark Stewart to attend the February Association of Towns (AOT) training in New York City, to authorize payment of registration fees, hotel room, and transportation to and from the event, not to exceed \$1,500, AND to designate Councilmember Stewart as a representative of the Town to cast a vote for the Town at the Annual Business Session of the Association of Towns in the State of New York.

**Discussion:** Supervisor Fish had commented that he had recently attended an AOT training in Albany and it was well worth attending, that he gained a lot of knowledge. The NYC training will be more in-depth, but Supervisor Fish will not be attending. Councilmember Noonan said he looked forward to hearing all the information Councilmember Stewart brings back. Councilmember Stewart said he was looking forward to it after speaking with several people, and he said a large group from Queensbury would be attending as well.

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

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

The motion carried 5:0.

**Resolution 43-2024** A motion was made by Councilmember Stewart, second by Councilmember Killian to authorize the Supervisor's office to initiate Requests for Proposals (RFPs) to engage a Town sewer attorney and sewer engineers.

**Discussion:** Supervisor Fish explained that the Town is not currently represented for sewer services. There are engineering issues that go along with the legal services as well. Present counsel does not represent the Town for sewer services. Councilmember Noonan asked if the Town is looking for counsel or an engineer? Supervisor Fish stated it is both. Councilmember Noonan clarified, asking if the RFPs are just for the sewer. Councilmember Killian said it is.

The Supervisor called for a vote by roll call, with the following results:

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

The motion carried 5:0.

## **SUPERVISOR'S ITEMS**

### **Town Clerk's Office**

Supervisor Fish stated that the Deputy Clerks had been putting in many extra hours in order to catch up on backlogged work realized after January 1, while simultaneously collecting Town & County taxes. He also noted that previous Town Clerk Leeann McCabe had been in the office multiple days volunteering to assist in getting the office back in running order. He called for a motion to approve overtime for Deputy Clerks for the pay period January 7-20, 2024 and going forward as the Town Clerk deems necessary until the office is caught up.

**Resolution 44-2024** A motion was made by Councilmember Stewart, second by Councilmember Noonan, to approve overtime for Deputy Clerks in accordance with New York State labor law.

**Discussion:** Councilmember Killian asked if it would be better or more effective to pay Leeann McCabe to assist for a week or two. Councilmember Stewart stated that Leeann had been approached but respectfully declined compensation and just wants to help out.

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

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

The motion carried 5:0.

**Resolution 45-2024** A motion was made by Councilmember Noonan, second by Councilmember Killian, authorizing the Supervisor to sign the 2024 Bartlett, Pontiff, Stewart & Rhodes, P.C. contract. Supervisor Fish had stated that the current contract extension expires on January 31.

**Discussion:** Councilmember Noonan stated that he thought it was a good move to retain the firm because the Town has a lot going on and they have provided proper counsel, keeping the Town on the right track to keep projects going, represented the Town as requested.

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

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

The motion carried 5:0

## **Industrial Zone Development**

Supervisor Fish stated that the Board recently met with attorneys and received advice regarding zoning code including Town industrial districts. He then invited the Board to have an open discussion on the topic of a temporary pause in building in Town industrial areas.

**Discussion:** Councilmember Donohue started the conversation by stating that the Board had received a memo from Jim Martin, AICP, Zoning Administrator. In his review of and updates to zoning in all areas of the Town, Mr. Martin pointed out that schedules for Zones M1, M1A, and M3 had not been updated since the original documents were published in January of 1989. Two comprehensive plans have been developed since zoning was established in these areas; one in 2008, the other in 2019. Mr. Martin suggested the Board take a look at this issue. Councilmember Donohue said the Board needs to review and determine what needs to be done to update the zoning in these areas to coordinate them with the comprehensive plan developed in 2019. He supports pausing development in these areas until they can examine changes that have taken place since 1989 and determine what the Town and residents want and our vision for the future.

Councilmember Stewart direct a question counsel: With the completion of comprehensive plans in 2008 and 2019, should this have been examined before, in light of comprehensive plans? Attorney O'Hara responded in the affirmative. Councilmember Stewart went on to say that with the opinion of Mr. Martin, he supports taking the action to pause development in consultation with counsel to guide the Board's actions if a majority support the action.

Councilmember Noonan stated that a lot of energy is being spent on the current Biochar project in the Industrial Park. He asked if an action like this would slow down the Biochar project or would it only impact future projects? Attorney O'Hara stated that if the Board directs counsel to put a pause on actions while Industrial Zone codes are being examined, that would impact Biochar. Councilmember Stewart clarified by asking if this would apply to anything that has not received final approval yet. Attorney O'Hara said that the project has not received final approval yet, and referred to upcoming New York State Department of Environmental Conservation (NYSDEC) public hearings on the project set for February.

Councilmember Killian said he is reviewing documents from 1978 to understand how the Town arrived at the point it's current at, and what's happening now. He said Board members need to agree on a resolution and it's a good thing to take time to read and digest the material.

Councilmember Noonan directed a question to counsel, asking if the Town would find itself in a legal battle over the action. Attorney O'Hara said he could not predict that. If development is paused in the Industrial Park, anything with an open application would be paused, Biochar included. Attorney O'Hara went on to say the Town has a right to review its zoning. He referred to the memo from Mr. Martin saying a review had not been done in a long time, and added this is something the Board could and should address.

Councilmember Stewart agreed with Attorney O'Hara and said this is giving the Board a chance to evaluate zoning laws for suitability to current and future needs in those districts.

**Resolution 46-2024** A motion was made by Councilmember Stewart, second by Councilmember Donohue, directing counsel to draft a law to begin the process. Attorney O'Hara suggested they instruct him to draft a

new law for the Board. Councilmember Stewart asked if there was anything else counsel needed from the Board.

Supervisor Fish said he believes this is something that was needed for a long time, reviewing all industrial zone codes, including the area south of I-87 exit 17. To protect our lands, he said it's vital to get the comprehensive plan and zoning cleaned up, adding that Mr. Martin had worked hard on updating Town zoning for three years. The next area he will work on is the Industrial areas, including solar that needs to be addressed in the future. He said this is the right path to go down. He said if this is what the Board members want to do, he would direct counsel to start the process. This is a slow process, he added. The plan has to go to the Town Planning Board, then the County Planning Board for approval. He estimated March for the earliest date the Town could invoke what is known as a moratorium. Councilmember Stewart said he believed the County Planning Board meets the last or 3<sup>rd</sup> Thursday of the month. Supervisor Fish said the action has to be submitted two weeks prior to the County Board meeting.

Councilmember Noonan said he is completely in favor of looking at code that has not been revised since the 80s or 90s. He said he will have a lot of questions for counsel about what path this is leading the Town down. He said it is an industrial park and businesses will still come into the industrial park and he looks forward to discussions about this.

The Supervisor called for a vote by roll call, with the following results:

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

The motion carried 5:0.

## **PUBLIC COMMENT PERIOD**

Reed Antis asked what happened in the Town Clerk's office because there are no Planning Board minutes from 2023 except for January, and none for the Zoning Board of Appeals (ZBA) for the year 2023. Supervisor Fish said he did not know why there were no minutes but said he would get an answer for Mr. Antis.

Gina LeClair thanked the Board for the pause. She said the traffic study is 25 years old. She estimated hundreds of residences have been built and offered the corner of Bluebird and Gansevoort Roads as an example, and new residential developments have been built in that time as well. She also said the New York City AOT training is very educational, and said attendees get a lot of new ideas and information that comes in handy. She had attended in the past and said she learned more than she ever thought she would. Councilmember Stewart thanked her for sharing.

Dana Charpentier asked if the Town owns the yellow house in front of the municipal building. Multiple Board members answered that it does. Mr. Charpentier asked if someone lived there. Multiple Board members said no. Mr. Charpentier then asked why the lights would be on in the house at night. Councilmember Noonan



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suggested perhaps someone forgot to turn them off. Mr. Charpentier asked if someone could cut the lights at night. Supervisor Fish asked if there had been cars there. Mr. Charpentier said sometimes there are, he thought someone was living there.

Mr. Charpentier then asked about the municipal complex solar panels, whether the Town is making money on them or saving money. He asked if anybody knew if they were beneficial. Councilmember Noonan said the Board can look into it but the last he knew the Town was not making money on the panels. A few years back he said it had been determined that it was supposed to generate credits that are sent somewhere but it was not working, but they could get a better answer after looking into it. Councilmember Killian said it is reducing Town cost. Mr. Charpentier asked if the electricity was being used by the Town Hall building or just selling it back. Supervisor Fish said the Town is using it. Councilmember Killian said they will have to look into it.

Lastly Mr. Charpentier asked if the school in front of Town Hall was Federally funded and if it is a Head Start program. Reed Antis chimed in to say it is a Head Start that rents the building from the Town. Mr. Charpentier said he sees a lot of cars nearly rear-ended trying to turn into the parking lot of the Head Start. He referred to Reynolds Road as “a demon,” and said he asked 3 or 4 years ago if there’s a way to reduce the speed on the road from 55 to 45, and asked if it was a State regulation. He said trucks speed through at 65 miles an hour. Councilmember Stewart said it’s 100% New York State Department of Transportation (NYSDOT). He referenced a tragic accident that had taken place on a 55 MPH road near the Ballard Road elementary school in Wilton near the State Police barracks, a Fire Department, and a large warehouse operation (ACE Warehouse). There was a push to reduce the road speed then, including studies, but the speed was not changed. Though it is a DOT matter, he added the Supervisor could draft a letter of concern, which may be all the Board can do. Supervisor Fish said in light of the preschool and posted speed limit, he would draft a letter of concern.

Tom Masso said the Board was lucky the business of the meeting included the industrial zone pause because it shortened his remarks but he still had some questions. He asked how long the pause would last. Supervisor Fish said it has to be discussed with Counsel, but he estimated 6-9 months. He said it should not exceed 1 year, and asked Attorney O’Hara to weigh in. Counsel said that is what the courts have upheld. Mr. Masso said the NYSDEC virtual hearing will be held on February 7 and an in-person hearing on February 8 at the high school. He added local citizens are mobilizing to oppose Biochar and plan to speak. He asked if anyone from the Town had notified the NYSDEC about the pause. He said it would support the position of many planning to speak and went on to say it would come up at the meeting, He thought it would be beneficial for the DEC to be notified by the Town that this is being considered. Councilmember Donohue said the pause is to look at zoning and not directed at a specific project. Mr. Masso suggested that the Board consider adding verbiage to future code that excludes, “any facility that burns or processes trash, sewage sludge, or any other hazardous materials,” and urged the Board to enforce existing prohibitions covered by Town Code sections 91 & 92 prohibiting the importation of hazardous material to the Town of Moreau. He said a number of Towns have adopted such language. Supervisor Fish said any code pertaining to industrial property should apply to all industrial zones.

Dominic Tom said he listened to the audio from the 1/9/24 meeting and said he was livid over the delay of the issuance of RFPs. He asked for confirmation that earlier in the current meeting they had decided to extend current counsel’s service through the rest of 2024. Multiple councilmembers said yes. He said he felt sickened because a lot of people expressed a desire for change during the 2023 campaign season, and he suggested it was perhaps due to their handling of the Biochar issue in the past. He then said he had a “wish list” of items he would like to ask for in addition to rescinding the resolution that had just been passed.



- Mr. Tom asked the Board to “do whatever is legally and financially feasible” to hire an on-staff Town attorney, and a certified, licensed, professional Engineer, and more full-time Building Inspectors. He stated the positions would pay for themselves through the actions they take.
- He urged the Board to hire a full-time, qualified, certified Water Superintendent and qualified laborer. He said two or more employees whose certifications or licenses were paid for by the Town turned down the job after the previous Superintendent’s retirement. He would like to know if they could potentially return. He stated there’s no reason to pay another Town’s Superintendent \$64.71 an hour part-time. He then stated he would skip one of his remarks to avoid getting “in trouble.”
- He asked the Board to make a policy that employee misuse of property would result in the employee’s immediate termination or misconduct charges being filed.
- He went on to suggest GPS units in all town vehicles for periodic review for violations.
- He suggested the Town and Village collaborate to contract with a commission-based grant-researcher/writer, as other Towns have done. He said he is tired of seeing and hearing about private and public grants received in other communities, especially the annual \$10,000,000 Downtown Revitalization improvement program.
- Mr. Tom asked that salaried department heads or their deputies be required to attend regular and special Town meetings, give periodic reports on their duties, explain relevant proposals and agenda items, and answer questions from the public. Hourly employees should not be sent in their places, he added.

At this point he questions whether he had exceeded his given time. Councilmember Noonan explained he had a total of 5 minutes, and Councilmember Killian said Mr. Tom had 30 seconds remaining.

- He said if the “budget officer” role is still in the budget, it should be eliminated and the funds re-allocated to the new hires he had mentioned previously. He called the position and related stipend a “sham,” because he said most of the work of the budget is completed by staff.

Gina LeClair said she knew the Board had just resolved to sign a one-year contract with counsel, and said she believed they had previously been retained on a month-to-month basis. She asked if the annual contract could be terminated with 30 days’ notice. Supervisor Fish confirmed that either party could terminate the contract with 30 days’ notice. She said she wanted to be sure everyone knew that was in the contract. Councilmember Stewart said the Board has a lot going on, that they are taking steps they are excited about, and that legal representation is important going forward.

Jorge Padron wanted to bring up two items. First, he referenced the February 7 & 8 NYSDEC hearings on the proposed Moreau Biochar project. He said he would like everyone to make comments on the project because they are listening and it’s important that the DEC get the community’s input. He also said it was important that the DEC hear from our elected officials. He said when a participant registers for the hearings they can check a box to indicate if they are a Town official. He said they weigh those comments heavily and urged Board members to participate.

His second topic was related to the Town website. He said in a previous meeting someone had pointed out an old project listed on the site that had been tabled. He said the issue had been raised as a criticism of the current Board, so he went to review the website himself. He said there were issues that someone could be critical of, but he didn’t come to the meeting to do that. He offered the Board a packet that contained a page-by-page review of the site with suggested changes for each page, and gave it to the Clerk. Examples of suggested changes included

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removal of old employee photos, contact information, and outdated links. He said he understood of all the things the Town is facing now, the website may not be the top priority, but he said it reflects poorly on the Town when citizens, people from other Towns, the DEC, etc. visit the site and find misinformation. He said he would be willing to volunteer to assist with making updates if needed or wanted.

He added that actions the Board had taken earlier in the meeting was getting things started on correcting mistakes or “closing some loopholes.” He gave an example of the requirement to notify residents of new proposed business projects where there is a certain density of residential properties. He said in the case of Biochar, he was never notified because his neighborhood did not meet the density requirement, even though the project would be 1200 feet from where he lives. He said he has seen the Planning Board subject other businesses to more scrutiny. He said he was glad that the Board is taking a look at these issues now.

Councilmember Stewart addressed all commenters saying their comments were not going unheard. He said there were good ideas in their remarks. Regarding GPS in Town vehicles, he said Mr. Tom is correct, and in regard to grant-writing, that is a skillset of some applicants being reviewed currently. He said the website should be updated, and added it has been a very busy January. He said he didn’t think cameras would improve the issues at the recreation park, but involvement of other members of the community will.

Supervisor Fish said the Planning and Zoning Board minutes from 2023 need to be updated and posted as soon as possible. He said he has heard this complaint a lot and it is a valid concern.

Councilmember Killian said he is on the committee that oversees the website and that they would do something that week to get things changed on the site.

Councilmember Donohue said many of the issues raised in the public comment period were already being discussed, that things are a work in progress, and that he appreciates the public suggestions.

## **COMMITTEE REPORTS**

No Committee reports were given.

**Resolution 47-2024** A motion was made by Councilmember Donohue to adjourn the meeting.

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

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

The motion carried 5:0 and the meeting was adjourned at 7:15 PM.

Respectfully submitted,

*Erin Trombley*

Erin Trombley, Town Clerk