

The meeting was held in person. The Supervisor called the meeting to order at 7:05 p.m. with an attendance roll call and the Pledge of Allegiance.

PRESENT:	Kyle Noonan	Councilmember
	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	Jesse A. Fish, Jr.	Supervisor
ALSO PRESENT:	Erin Trombley	Town Clerk
	Glen Bruening	Town Counsel
	Elizabeth Bennett	Supervisor's Confidential Secretary
	Chris Abrams	Highway Superintendent
	Jeremy Brogan	Recreation Director
	Josh Westfall	Building, Planning and Development Coordinator

OTHERS PRESENT: William Tullock, Mike Niemczura, Shawn Braeo (Seaboard Solar), Jonathan Schutse, Amy Schutse, Angela Eggleston, Luke Masseur (Post-Star), Veronica Batkay, William Batkay, Dan Cahalane (US Light Energy), Vince Sporrer, Donna Jarmac, Eileen Minder, John French, Karen French, Jeremy Bundlisky (Seaboard Solar), Brian McKenzie, Chris Potter, Joel Holden, Jennifer Holden, Reed Antis (Town Historian), Bob Vittengl, Stevie Vittengl, Joanne Yepsen, Devin Klender (Shangri-La), Jim Vaughn, Mark Jenkins, Preston Jenkins, Ben Alden, Beverly Butler, Tim Butler, Kim Wolak, Jamie Wallace, (resident) 7 Snowberry Lane, Jackie Montreuil, Scott Sanders, Scott C of 37 Cramer Path Gansevoort, Kathy Montgomery, Mike Montgomery, Nicole Haddadnia, O. Klender, Dave Byrn, Ellen Kirker

FUTURE MEETINGS

Resolution 336-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to reschedule the Zoning Board of Appeals meeting to November 20.

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

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

The motion carried 4:0

APPROVAL OF MINUTES

Resolution 337-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to approve the minutes from the September 10 Town Board Meeting.

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

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

The motion carried 4:0

PUBLIC COMMENT PERIOD

Supervisor said he knew people were in attendance to address the cannabis issue, but he said that topic was not on the agenda, so those who wished to comment on the issue should save their remarks until the second public comment period.

Dan Cahalane from US Light Energy thanked the Board and Town staff for addressing concerns raised in relation to the proposed solar ordinance. He said he did not believe the changes to the standards in the six weeks prior were substantial and urged the Board to vote to close the public hearing and to vote to pass the law.

OLD BUSINESS

Supervisor Fish said Building, Planning and Development (BPD) Coordinator Josh Westfall had been applying for grants for the Town, and he had been notified that that the Town would receive a \$25,000 grant from the Hudson River Valley Greenway for maintenance equipment for the new Nolan Road Riverside Trail. The Supervisor said Mr. Westfall would travel to Hyde Park the following day for the grant. Supervisor Fish said Mr. Westfall had applied for a number of grants for the Town and that he was “worth his weight in gold” for the funding he has successfully secured and for other efforts on behalf of the Town so far.

BUILDING, PLANNING & DEVELOPMENT OFFICE

Supervisor Fish said another pre-application for a grant had been submitted, and that the Town had been invited to apply for a Northern Border Regional Commission grant. If successful, he said it would bring the Town \$1 million to extend the Town sewer across the Northway (I-87) along Route 9. He asked the Town Clerk to read a prepared resolution. She read:

“A Resolution authorizing that the Supervisor is empowered to act on behalf of the Town of Moreau as the Authorized Official pursuant to an application with the Northern Boarder Regional Commission.

WHEREAS, The Town of Moreau Building, Planning and Development Office, after the submittal of a pre-application, has been invited to apply to the Northern Border Regional Commission’s (NBRC) – Catalyst Program for grant funding to promote economic development; and

WHEREAS, the Town of Moreau will apply for \$1,000,000 (One-Million Dollars) in NBRC funding for the extension of a sewerage south along US- 9, across the Northway toward unsewered areas in town to serve additional properties, including those within the C-1 Zoning District; and

WHEREAS, the NBRC – Catalyst Grant Program, facilitated by New York State Department of State in the State of New York, requires that the Town Board to designate an Authorized Official in relation to this program.

NOW, THEREFORE LET IT BE RESOLVED, Supervisor Jesse Fish, Jr., the Town of Moreau Town Supervisor is hereby authorized, on behalf of the Moreau Town Board to apply for, accept, and expend grant funds from the NBRC. The Supervisor shall have permission to sign all NBRC investment documents in relation to this program.”

Resolution 338-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to approve the resolution as read.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye

Supervisor Fish Aye

The motion carried 4:0

WATER & SEWER DEPARTMENT

Supervisor Fish said the Town had published a notice in the paper regarding changing sewer fees to add a sewer capacity fee as discussed in the prior meeting. He added that the fees themselves were not ready at that time but the capacity fee was. He asked the Town Clerk to read a prepared resolution. She read:

“MOREAU TOWN BOARD RESOLUTION TO ESTABLISH A SEWER SERVICE CAPACITY FEE
PURSUANT TO CHAPTER 115 OF THE MOREAU TOWN CODE AND TOWN LAW SECTION 198

WHEREAS, Town Law Section 198 (1) (h) and (j) authorize the Town Board to establish charges, fees or rates to be paid for connections and related services required to access the Town sewer system; and

WHEREAS, Town Law Section 198 (1) (l) authorizes the Town Board to establish sewer rents consistent with Article 14-f of the General Municipal Law to raise revenue to pay for improvements; and

WHEREAS, Moreau Town Code Section 115-70 requires the Town of Moreau to maintain a Sewer Rate Schedule that describes the annual operation and maintenance costs, capital charges, billing periods, and the various charges, fees and rates; and

WHEREAS, pending the establishment of new sewer rents anticipated in the future, the Town Board has determined it is in the Town’s interest to establish a uniform one-time sewer service capacity fee in the amount of \$3,000.00 per Equivalent Dwelling Unit for all future connections to the sewer system.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby establishes a uniform one-time sewer service capacity fee in the amount of \$3,000.00 per Equivalent Dwelling Unit for all future connections to the sewer system.
2. The Town Board hereby authorizes and directs the Town Clerk to amend the current Sewer Rate Schedule in compliance with this resolution.
3. This Resolution shall take effect immediately.”

Resolution 339-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to approve the capacity fee rate resolution as read.

Supervisor Fish called for a roll call vote, the responses to which were as follows:

Councilmember Noonan	Nay
Councilmember Killian	Aye
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 3:1

TOWN CLERK’S OFFICE

The Supervisor said the Board sets the hours for Town Hall, which are 8 a.m. to 4 p.m. He said he had received a proposed schedule of hours for tax collection for 2025 from the Town Clerk’s office. He continued, saying the

hours needed to be set in advance of the November 6th Saratoga County Tax Collector meeting. Included in the proposal were a couple of hours one day a week that the Town Clerk's office would be closed when Town Hall is open. He said he was not in favor of Town Hall being closed during any hours, and felt it should be open 8 a.m. to 4 p.m. but it was a decision for the Board. He said if the office wanted to have additional hours as with 2024 school tax collection, he said they need to discuss that at the time, in 2025.

Councilmember Killian said he was not in favor of closing the Board, and there was overtime, he said, if the team is willing to work extra hours to stay open later. He said he was not in favor of opening 10 a.m.-6 p.m. Councilmember Stewart directed a question to the Town Clerk about this decision being needed ahead of the 2025 organizational meeting. Town Clerk Trombley stated that the schedule needed to be approved to be printed on tax bills. She said the County needed the language so they can add it to the bills in November, so bills can be printed in time to go out by the beginning of January. Councilmember Stewart said he would be more comfortable with a schedule of 8a.m. to 4 p.m., with additional late hours and special collection dates on Saturdays, as was being done for 2024 school tax collection. He said he was okay with putting those extra hours out at that time so it could be budgeted for. He said being open 10 a.m. to 6 p.m. for 5 months while the rest of Town Hall was open could be people into the office at different times. He said he was more than comfortable supporting special days and hours on the 5 proposed Saturdays from 9 a.m. to 11 a.m., but wanted to maintain the 8 a.m. to 4 p.m. during the week. He said if hours needed to be extended later it could be taken up again. The Town Clerk said the evening hours had been a request of voters and that people had come in on each of the evenings the office was open later, and that it had been beneficial. She added that it was not that she was not willing to have the office open, she said it was an attempt to reduce overtime hours, especially during January and September. She said if the Board was okay with all of the hours, then she was willing to have the office open all of the hours.

Councilmember Stewart said it would be okay to stay open until 6 p.m. on months with the Town Clerk coming before the Board, particularly January and September/October. The Town Clerk asked for clarification, whether 8 a.m. to 6 p.m. could be published, because the schedule needed to be printed on the bills. She continued, saying that if the hours are extended, rather than a deviation from office hours, it should not create much of an issue. She said she was told that the Town Clerk's office hours were regulated (by Town law), but she could not find any such regulation. She said she was told she could add but not subtract hours, but her concern was that there were concerns about overtime, and there is a high volume of work to complete. She said if the Board was alright with the hours, that she had budgeted for extra hours as well, and it should not be an issue to open 8 a.m. to 6 p.m. on Tuesdays during tax collection the first quarter. She said, if the Town Clerk's Office hours are stated to be 8 a.m. to 4 p.m. in the organizational meeting minutes, it could complicate things. Councilmember Stewart said, to clarify, that the Town Clerk was not asking for the office to be open 42 hours per week. He said, she was asking for 4-6 p.m. Tuesdays and the 5 suggested Saturdays, to be able to post them on the bills. He then said the Town Clerk was saying more time was needed to get the work done, but that the proposal didn't add hours. Town Clerk Trombley said the hours under discussion are the window hours for the public to visit the office, not the hours employees would be working, that that is a separate discussion.

Resolution 340-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to set the Town Clerk's Office hours to be 8 a.m. to 4 p.m. Monday to Friday for the calendar year 2025, with the possibility of overtime with Board approval, and with additional Saturday hours January 25, February 22, March 29, September 27, and October 25 from 9 a.m. to 11 a.m.

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

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

The motion carried 4:0

ASSESSOR'S OFFICE

Supervisor Fish said he had received a request for the Assessor to attend a continuing education training called "Evaluating Self-Storage" on October 18 from 9 a.m. to 4 p.m. at a cost of \$100. He continued, stating that the Assessor is required to take 12 continuing education hours per year to continue in her duties, and that her required hours for 2024 had been met. He said the requirement also applies to the Assessor's appraisal license, which is separate, and which the Town does not require.

Councilmember Noonan asked if the hours are required for the Assessor. The Supervisor said her hours for the year had been met already to retain her license. He said it was something separate that doesn't have to do with the Town. Councilmember Noonan suggested it helped with Town business, with self-storage units in the Town, some of which contested their assessments, so he said he supported the Assessor taking the class. Councilmember Killian asked if it was not needed. Supervisor Fish said it was not needed for EDUs to keep her license but for her appraisal license. Councilmember Stewart said he supports any staff who is willing to take extra courses to better serve the Town's residents.

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to approve the Assessor to attend the "Evaluating Self-Storage" training on October 18.

Supervisor Fish called for a roll call vote, the responses to which were as follows:

Councilmember Noonan	Aye
Councilmember Killian	Nay
Councilmember Stewart	Aye
Supervisor Fish	Nay

The motion failed to pass due to the lack of a majority, with the vote tied at 2:2.

LOCAL LAW NO. 7 (SOLAR)

Supervisor Fish said the proposed solar law had been changed several times, with things being added and taken away. He asked if anyone wished to speak on the topic of the solar law before the public hearing would close. With no member of the public speaking up, Supervisor Fish asked the Board if there was any discussion. Councilmember Noonan said he believed they had discussed a joint Town Board/Planning Board solar law workshop. Supervisor Fish said he remembered a discussion of it. Councilmember Noonan said he believed they said they would have such a workshop and asked if it was something the Supervisor still planned to do. The Supervisor said BPD Coordinator Westfall hadn't suggested it or said he felt it was necessary. Councilmember Noonan said some people may have left that prior meeting believing they would hear the two bodies discussing the various aspects of the law in a public meeting where the public could have input or presence. Supervisor Fish said the Town Board was the lead agency. Councilmember Noonan said he understood that but that it had been stated they would have such a workshop for the sake of the public, but if not, he said he was just one of five Board members.

Councilmember Stewart said he wanted to answer part of the question, saying that the Board had discussed back and forth and directed Mr. Westfall to make changes to the draft legislation including five at the last meeting, including mirroring the PUD process. He said he was comfortable with the proposed law but respected Councilmember Noonan's opinion. Councilmember Killian said the draft had been thoroughly reviewed and needed changes made, so he felt the latest version was good.

Resolution 341-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to close the public hearing for proposed Local Law No. 7 of 2024.

Supervisor Fish called for a roll call vote, the responses to which were as follows:

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

The motion carried 4:0

Supervisor said the law would come up for a resolution at the next Board meeting. Counsel said that would be fine because there would be three weeks between meetings in which to post for a new public hearing if the Board wished to receive more comments.

MARSHALL & STERLING

Resolution 342-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to authorize the Supervisor to sign a one-year agreement with Marshall & Sterling, to continue their services for the coming year.

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

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

The motion carried 4:0

MONTHLY DEPARTMENT REPORTS

Resolution 343-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to accept the monthly reports from the Assessor, Highway Dept., Recreation Dept., Dog Control, and Transfer Station.

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

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

The motion carried 4:0

PUBLIC COMMENT PERIOD

William Tullock introduced an open letter to the community which he asked to have added to the minutes concerning his experience of being impacted by the Shangri-La cannabis operation over a period of weeks (see exhibit A). He detailed highlights from the document, including: how Office of Cannabis Management (OCM) requirements were not followed when issuing a license; how environmental oversight related to cannabis was taken away from other agencies and given to OCM with groundwater contamination and air quality were among his chief concerns; incompetence, arrogance, and corruption on the part of OCM in being unresponsive to complaints and unwilling to address questions; he posited that the operators at Shangri-La were either ignorant or clever and arrogant, and Mr. Tullock mentioned the lack of a permit even to install a fence around the

perimeter of the property; and he offered a solution by way of a letter to Shangri-La funders. He closed by saying the final sentence of the letter was asking the company why they want to make people hate cannabis.

Supervisor Fish said the letter would be posted for public view.

Devin Klender identified himself as a representative of Shangri-La Real Estate Holdings and said he was overdue to introduce himself and dispel misinformation concerning his company. He said Shangri-La is not affiliated with any multi-national corporation, but are a group of entrepreneurs from Saratoga and Washington Counties who are farmers, electricians, chefs, and waitresses; partners with a common goal of taking advantage of the opportunity NY State has given, which he said was to give small operators and groups an opportunity to get a foothold in the industry before large corporate interests and publicly traded companies take over what he called a \$7 billion industry. He said Shangri-La had also been navigating challenging regulations and communication issues with OCM, but said they had been compliant with inspections over the past 3 years. He clarified that the Shangri-La was not the license holder, that the tenants, who are Shangri-La employees from Washington County, were the license holders. He said they relocated from an adjacent County under guidance from the OCM. He said since then, and daily, additional steps are detailed by OCM for the company to follow. He said they were in the process of “decommissioning” the outdoor crop on Spier Falls Road, and were working with the Planning Board and OCM to follow the new path to make it a permanent, “community-tolerated operation.”

Mr. Klender said they heard the complaints about the odor, and described it as a “wild misjudgment” due to inexperience putting this quantity of plants in one area together, and said moving to an enclosed operation should address these concerns. He continued, saying the partners come from contracting and hospitality backgrounds, and said the cannabis operation was a means to an end. He said he wanted the Moreau property to represent more than “just a weed farm.” He brought hand-outs (see exhibit B), including a contact email for the company, which he provided to the Town Clerk. He indicated that they were harvesting 3 weeks ahead of the standard schedule due to the disruption to the neighbors from the smell.

Kim Wolak said she and her husband had built her house two years ago, and had written to Assemblywoman Woerner and Congresswoman Stefanik about the strong smell from the I-87 exit from the Northway and around the Moreau State Park. She said a neighbor informed her of the grow operation. She said as a person with chronic illness and as a nurse she sees the benefit of the product but said this is a bigger issue, saying that thanks to legalization of marijuana, you smell pot everywhere, and she now even smells it in her yard. She said she bought her property so she could be near the State park and in a quiet residential area. She asked how a project like this could be in a residential area and State park. She asked if the operation was organic or if it used pesticides. She described the aroma as “a Woodstock festival of skunks” and said after some time in her yard she felt dizzy. She asked if Moreau was a Right to Farm town, and what are the boundaries of those regulations, for example, can this type of farm be located near a school or park. She asked what the State and Town are doing to address the issues.

Kathy Montgomery said what she is hearing in the community is largely a concern about the lack of respect for Town regulations and the community. She said in her “past life” she would question doing business with a company operating like this. She said Shangri-La had demonstrated disregard for residents. She said based on the remarks by Mr. Klender, Moreau would be a testing ground. She asked if the Town wants that.

Chris Potter requested a moratorium on C-1 zoning. He asked if greenhouses should be allowed in this zone. He said he had looked at the zoning when he bought his house 12 years ago, when nobody was allowed to grow cannabis, and was comfortable with what was allowed. Now that cannabis is allowed as a crop, he suggested the zoning regulations be looked at again. Supervisor Fish said he had spoken with BPD Coordinator Westfall and a zoning change was planned to make zone C-1 greenhouses a special use permit. He said anyone wishing to set up a greenhouse would have to detail their plans and go through the process, that it would not just be allowed by default. He said when he was elected, the people would make the decisions, and that the people will tell the Board what should or should not be done, which is why the zoning change was discussed. He said he agreed with

Mr. Potter 100%. The Supervisor said that there are no laws now is the problem, and where there are permit fees to be approved and paid in advance, the company was in violation and had been cited. For that, he said the company will address the issues in court. Mr. Potter asked when the zoning change would be made, because the company could go through the Planning Board process before the change is made. The Supervisor estimated two months.

Councilmember Stewart said he agreed with the idea of a moratorium, as per his comments at the last meeting. He added that a moratorium protects the Town and company; the company won't spend money on engineering and legal fees. He also said he did not think marijuana is not the same as any other plant, and for example he said you do not need a license to grow an apple tree. The Councilmember said he agreed with the Supervisor, that a special use permit should correct the issue, but he said the Town is 9 months into the current moratorium and no zoning changes had been made yet, so he requested a 2-month process to amend the C-1 zoning for greenhouses. Supervisor Fish said the moratorium was only for six months and the Town had not exceeded that time yet. Councilmember Stewart corrected himself, saying we were well past 2 months into that re-zoning process. He went on to say he didn't understand the pushback on a C-1 moratorium, and said there should be a moratorium on industrial cannabis growth. He said a previous Town Board had put a moratorium on apartment complexes.

Mike Shaver said he mostly agreed with Councilmember Stewart but would like a moratorium on cannabis growth in the whole Town, including residential growth. He said he smells it in his back yard because his neighbor is growing cannabis. Councilmember Stewart said that unfortunately the law is such that you don't need a permit to grow at home. He said he didn't know how you could ever enforce a ban on residential growth. Mr. Shaver said it's all or nothing. He said the Board should not do anything until they have an answer to the enforcement question. The Councilmember said again a moratorium is a pause until all these issues get worked out.

Veronica Batkay said she had spoken at a past Board meeting and was the first to draw the Building Department's attention to the operation in July. She said no one at the Town knew it was happening, and that Mr. Klender can say he's doing things correctly, but she said from the beginning the operation was wrong and illegal. She continued, saying they put up a gate, three irrigation systems, and a large shed without the Town's knowledge and without permits. She said there were tens of thousands of plants and she said it was in her back yard. She said nobody wants to smell that, and that her clothes smelled of cannabis when she went elsewhere. She described it as a hazard, with chemicals in the air, and she said Town employees didn't know the property was sold in May. She asked what the Town was doing to stop it, and that she had taken Mr. Westfall on a tour. She said she had voted this Board in and was counting on the members. (There was applause from those in attendance.)

Jim Vaughn said that according to the Journal of Cannabis Research, each marijuana plant requires 6 gallons of water a day. He said he had heard Shangri-La had 7,000 plants growing out in the open. He said the plan proposed by Shangri-la included twelve greenhouses at about 3600 square feet, with between 1300 and 13,000 plants. He said if 7,000 plants were in a single greenhouse, times 12 greenhouses, that would require 576,000 gallons of water per day. He asked where the water would come from. He questioned if pesticides would be used and whether discharge water would contain pesticides. He also said electricity for nighttime illumination was the equivalent of an operating room light, which he said was 500 times brighter than normal lighting. He asked the Board to imagine 42,000 square feet of greenhouse space being lit with operating room lights. He said he could see a big electrical problem with that.

Donna Jarmac said she had done a lot of reading, and that even in the Office of Cannabis Management regulations, growing cannabis is described as a right, not a privilege. She said she didn't think the fault was with the Town, but that the State was at fault for not following its own regulations. She said, for example, the rules say the perimeter of the site needed to be fenced, but there was only a fence on one side of this operation. She also said it was not the OCM that sets the regulations, it is their regulatory board, the name of which she said she had

forgotten. She said that the regulatory Board was meeting that Thursday at 1 p.m., so she suggested people send a comment via email, attend the meeting, or watch the meeting online. She said this is the body that deals with rules and regulations that need to be changed. She suggested that if enough people gave feedback directly, it may not be on the Town to solve the issues. She added that there was a report due 30 days from the time of the license being issued, and they had to talk about the land. The land in use is not the same land as in their proposal, she said, and they had 30 days to notify the OCM. She went on to say she had read that the operator has a Tier 4 crop license, and not a permit for indoor growing. She asked how there could be discussion of an indoor growing operation when they aren't licensed for that. Supervisor Fish said the Town hasn't even seen the licenses yet. Ms. Jarmac said Moreau has enough issues already, adding there are 500 rules for dispensaries but none for cultivation. She said people travel to the State Park and on the horse trails and they don't want to smell that.

Bob Vittengl said he had lived on Mountain Road for over 45 years and the smell he said they usually smell is garbage from the State Park. He said he lived adjacent to the other resident on Mountain Road and that he has never smelled the cannabis odor on his property. He said the Board is there to protect the public and everyone is concerned about toxins. He said the terpenes in cannabis are what imparts the smell, and they are not known to be directly harmful to human health. He said vehicle emissions harm human health and contain greenhouse gases that cause climate change. Burning gasoline and diesel fuel produce harmful byproducts, he said, like hydrogen dioxide, carbon monoxide, hydrocarbons, benzene, and formaldehyde. He suggested that to actually protect the Town, then they should put a moratorium on combustion engines.

Joel Holden said he had spoken in the past and made notes this time. He said he wanted to start with quotes from people outside Moreau. He read a message from the Senior Vice President of the Capital Region Chamber of Commerce in which was stated that he and his wife had visited the beach at Moreau State Park and had to leave early due to the smell, which he learned later was from a nearby cannabis farm. Next he read a statement from Mitch Suprenant, past Town Supervisor and current Board member in Fort Edward, in which Mr. Suprenant said when he got off the Northway (I-87), all he could smell was pot. The statement said he hoped there would be an answer soon. To describe how bad he thought it smelled, Mr. Holden said to imagine if a skunk was trapped in the meeting room which the meeting was underway. He said the smell would be overwhelming and stay with those present after they departed the meeting. He said it was easy for people to drive through the affected area to an area free of the odor. He named some social media entities where online discussions had been held with those arguing for and against the operation. He said he thought those advocating for the smell of cannabis probably already have homes that smell of cannabis.

He said people have a right to smell what they want in their home but it should be confined to their personal space. He detailed the daily activities of his daughter, a sophomore in high school, as she goes through her daily routine, with the smell of pot in and around her home, escaping the odor only as she exits the car at school. Sometimes he said she smells it in the school bathroom where other students are vaping. Then coming home from an away game via the Northway, he said the bus fills with the smell when arrive at exit 17. Coming home from school, he said she re-enters the area of the smell where she will spend the evening doing homework, eating dinner, and sleeping at night before repeating the cycle. He said it had been going on since the beginning of the school year. He asked the Board what it was doing about it and asked them to take action to ban the growth, cultivation, and drying of cannabis in Moreau. He said it wasn't fair to residents or travelers to the area, and that any proceeds gained from the cultivation of cannabis will probably not offset the added cost of police and legal actions taken against the Town, or the large quantities of water taken from the ground. (Applause by attendees.)

William Tullock said the situation is worse than just bad smells, he said the smell involves a volatile sulfur compound (VSC). He said as the compound oxidizes the compound accumulates, creating unhealthy ground level ozone saturated with VSC. He referenced Ms. Wolak's remark that she had felt dizzy, saying it was a lack of oxygen that caused the dizziness. He said when he was afflicted, he recovered quickly in his house with air conditioning. He said he had reached out to NY State agencies for help. He said the foul odor should be enough to disqualify an applicant in the process because it affects quality of life, but the Clean Air Act protects the air

quality. He said he was able to escape the conditions and recover indoors, but he asked what about the animals that live in the area. He said calm weather was like putting a lid on the area. He equated it with running the car in the garage while you're in the garage. He said auto emissions are harmful oxides, and this smell contains sulfur oxides. He said he thought it was a health hazard it seemed nobody could comprehend and that he was angry.

Jonathan Schutse thanked the Board for the great meeting, and said he lives over one mile from the grow site, and he can smell it daily. He said he just wanted to give an idea how far the smell reaches.

Chris Potter said he didn't get an answer, so he asked what the process is to enact a moratorium. The Supervisor said the Town needed to consult with Counsel. Mr. Potter asked if it could be put on the agenda for the next meeting, and the Supervisor responded he didn't have a problem with that. Councilmember Noonan asked if a draft moratorium could be prepared for the next meeting. Attorney Bruening said of course he could draft documents very quickly if the Board describes what they want drafted. He said the document needed to be crafted carefully to ensure it will stand up to a legal challenge. Councilmember Stewart said it's not the process that is the issue, but the wording. Supervisor Fish said it took three months to get the current moratorium document in order. Councilmember Stewart said it's a protection for both sides, and that it is not that there's not a place for this in the Town, but that in the current location, residents are making it clear it is not working currently. Mr. Potter said that's the purpose of the pause, to figure it all out.

Councilmember Killian said the Board understand the people are upset, but the Board needs to do their due diligence. He assured those who were in attendance that the Board hears their concerns. He said they need to consult with Town Attorneys to do the right thing to address their concerns. Councilmember Stewart said if it were possible to change the zoning more quickly than enacting a moratorium, the special use permit would save taxpayer dollars and address many of the concerns. Supervisor Fish said the Town can enact all the rules in the world, but that doesn't mean that various entities won't come to the Town and start something without asking permission. He invited the Shangri-La partners to come to his office so he could explain everything, and said someone can't just come to Town and do whatever they want. He said if Shangri-La had followed the rules from the beginning, they would not be discussing this at the meeting that night. To end the topic, Supervisor Fish said they could have something ready for the next meeting.

Kathy Montgomery asked when considering water, ozone, or air whether harm had come to the residents or Town. She asked if wetlands were federally protected. Ms. Montgomery said the regulations around irrigation and stormwater were overwhelming, and asked if irrigation requirements had been followed. She asked if wetlands were in the area. Councilmember Stewart said he did not know. Ms. Montgomery suggested that an assessment was needed to determine if harm was caused. Councilmember Stewart said OCM regulates these matters and said the agency is difficult to reach. Supervisor Fish said his Confidential Secretary sent information to NY State Senator Jim Tedisco, who had sent a letter to the agency. The Supervisor Fish said the response Senator Tedisco's office received from OCM was vague. Supervisor Fish said for right now, the Town needs to handle the situation at hand.

Mike Shaver urged the Board to remember that the Town Board represents everyone, and urged a moratorium on all marijuana in Moreau.

Devin Klender returned to the podium to address concerns voiced at the meeting. He said anyone who was interested could attend the Planning Board meeting to see the original plan that was in place before anything was planted. He said cannabis is subject to 1000x more testing by the State than for foods sold at the store. He said they are not allowed to use pesticides, and is more organic than the most expensive foods in the store. He said there was no damage from water runoff. Councilmember Noonan asked once the plant is grown, cultivated, dried, and sold, how much tax revenue the Town would receive. Mr. Klender said if Moreau opted in for retail sales, it would receive approximately 4% of all tax revenue from sales. He said in addition there is a potency tax, which he said was about 30% of the wholesale cost that went to the State, totally just shy of \$1 million so far. He

said he was not sure how that money was redistributed from the State. He said he thought the retail percentage was meant to supply funding to the County. Councilmember Noonan summarized that the Town will receive nothing. Mr. Klender said that was true unless the Town opted for retail sales. He said their crop will go to the nearest shops in Saratoga County and Queensbury.

Supervisor Fish thanked everyone for coming and for their patience. He said the Board hoped to make a wrong a right going forward.

COMMITTEE REPORTS

Councilmember Stewart said the Recreation Director had come forward with an idea for the Town to host a showcase tournament. Such a tournament he estimated a 24-28 team showcase could bring \$15,000-20,000 profit for the Town. He said to his knowledge, such a tournament had never been run by the Town before, and the current Recreation Director has knowledge of these kinds of events. He said he had talked about implementing a stipend in the budget for this. By involving other organizations in concessions, he said it would allow the Town to run the showcase to put funds back into the recreation park facilities. Asked if he had anything to add, Recreation Director Brogan said this would showcase 14–16-year-old girls on 24-26 teams which would benefit the whole Town by bringing people to area restaurants and hotels, and benefitting the other organizations that assist as well.

Supervisor Fish asked Counsel if a resolution was needed when dates were set for the showcase. Counsel asked if there would be any deviation from regular fees. Councilmember Stewart suggested they could bring a resolution with showcase fees later. He said he was basically looking to see if the Board was interested at this time, so a weekend could be designated for the tournament, and if it didn't work out someone eligible for a later tournament could be offered the spot. The Board agreed they would like to move ahead with it. Councilmember Noonan said he had been advocating for the Town to run a tournament for years because he knew how much money could be made.

MARSHALL & STERLING (cont.)

Resolution 344-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, to authorize Marshall & Sterling to carry the Town's health and dental insurance for the next year.

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

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

The motion carried 4:0

EXECUTIVE SESSION

Resolution 345-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, to enter into executive session to discuss the work history of an un-named employee or employees.

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

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

The motion carried 4:0

The Highway Superintendent was invited to attend the executive session by Councilmember Stewart.

The executive session began at 8:41 p.m.

Resolution 346-2024 Motion duly made to suspend a Town employee pending a hearing on the matter for reasons stated in the Amended Notice of Charges and Discipline dated September 23, 2024. Motion received a second. A discussion was held regarding the allegations and the potential impact on Town employees. Motion carried unanimously without abstentions.

Resolution 347-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to adjourn the meeting.

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

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

The motion carried 4:0.

Respectfully submitted,

Erin Trombley
Erin Trombley
Town Clerk