

The meeting was held in person. The Supervisor called the meeting to order at 7:02 PM and led the Pledge of Allegiance followed by an attendance roll call.

PRESENT:	Kyle Noonan	Councilmember
	Patrick Killian	Councilmember
	John Donohue, Jr.	Councilmember
	Jesse A. Fish, Jr.	Supervisor
ABSENT	Mark Stewart	Councilmember
ALSO PRESENT	Dianne Lewis	Deputy Clerk
	Malcomb O’Hara	Counsel
	Anna Labiak	Water Department Clerk
	Elizabeth Bennett	Confidential Secretary
	Chris Abrams	Highway Superintendent

OTHERS PRESENT: Barbara Porter, Linda Blackburn, Sue Lacy, Melissa Lacy, Dennis Davall, Bob Lippman, Michelle Smith, Richard Wiltshire, Kenneth Brooks, Ellen Buttles, Ronald Kowalski, Sam W., John Munton, Sheila Itzo, Jeanne Fleury, Tom Masso, Ann Purdue, Ray and Helen Morris, Ken Miner, Cody Touse, Benjamin Vaillancourt, Brandon Hayes, Marie McHugh-LeClair, Alan Oppenheim, Mike Shaver, Kevin Ostrander, Steve Burnett, Jan Kropp, Charles Rowson, Dominic Tom, Raymond Apy, Maria Trabka, Bill Nikas, Logan Mahoney, Connor Basile, Alex Portal (Post-Star reporter)

FUTURE MEETINGS & WORKSHOPS

No meetings or workshops set.

SOUTH HIGH MARATHON DANCE (SHMD)

Supervisor Fish stated that the Friday and Saturday following the meeting would be the 47th Annual South High Marathon Dance at the high school. He said he would be attending the dance to speak and meet with the dancers. He added that each year the Town Board signs a proclamation in recognition of the students and the community in their efforts to raise money for the marathon recipients. To save time at the opening ceremony, he said SHMD student chair people had been invited to attend the Board Meeting. They were invited to introduce themselves before the reading of the proclamation.

Logan Mahoney, Cody Touse, and Connor Basile stepped up and introduced themselves as chairpeople of this year’s dance. Supervisor Fish praised their work saying, “It’s a heck of a thing you do.” He said their efforts are appreciated, that they have touched many families, and their work on this is “very commendable, very commendable.” They thanked him for his comments.

The Deputy Clerk then read the Proclamation:

“**WHEREAS**, the South Glens Falls High School is hosting the 47th annual South High Marathon Dance on March 1st and 2nd of 2024, to raise funds to benefit twenty-one (21) local individuals and thirteen (13) organizations; and

WHEREAS, the first South High Marathon Dance, in 1978, took place with about 50 dancers participating in couples; and has grown to approximately 650 dancers this year; and

WHEREAS, the students will dance for an amazing 28 hours over a two-day period, wearing hats, fanny packs, sunglasses, feather boas, costumes, inflatable pool toys, dancer shirts and, for some, their coveted senior shirts; and

WHEREAS, the Marathon Dance has become a massive celebration, leading up to this year's SHMD weekend with the ever-enthusiastic and highly anticipated school "Spirit Week," which includes Neon Day, Tie-Dye Day, Cause Day, Hollywood Day and Red and Blue Day; and

WHEREAS, the student organizing committee works tirelessly to select recipients, make videos, promote the dance, and decorate the school; all while being full time students, many of whom are also involved in athletics, extracurricular activities or hold part time jobs; and

WHEREAS, the Marathon Dance has evolved from a weekend activity to a regionally and nationally recognized event, raising money, year-round, through numerous community and school activities, such as the hugely successful Middle School Basket Raffle, various Elementary School fundraisers, a summer golf tournament, the always creative fundraisers of individual dancers, and countless local events sponsored by, and taking place at, our selfless local businesses; and

WHEREAS, the first marathon dance raised \$1,500 for the Moreau Emergency Squad, the 2023 Marathon Dance raised over \$630,000 for 22 individuals and organizations, while the marathon dancers and larger SHMD community have raised a grand total of over \$10.5 million for 641 beneficiaries, in 46 years; and

WHEREAS, this year's recipients include: Olivia Allen, Molly Clothier, Susan Dobert, Allison Dwyer, Emily Elder, Ann and Richard Gordon, Donna Harper, Cynthia Linendoll, Rian McCann, Rochelle Monroe, Christopher O'Brien, Rebecca Otruba, Rohan Michael Robichaud, Alyssa Rowell, Brad Simon, Stephen Tucker, Georgianna Vance, The Walsh Family, Adam Wells, Jr., John Wilcox, Marshall Zeh, and the Alzheimer's Association of NENY, Cancer Center Community Crusaders, CAPTAIN Community Human Services, Hometown Thanksgiving, Jake's Help from Heaven, Kelly's Angels, Inc., Moreau Community Center, O'Brien's Angels/Food For Thought, Operation At Ease, Rebuilding Together Saratoga County, Saratoga Center for the Family, St. Peter's ALS Regional Center, the Ben Osborn Memorial Fund; and

WHEREAS, The South High Marathon Dance is a time-honored tradition, which now has second and third generation dancers and volunteers, is able to bring together an entire community each year and which leaves a forever mark on the hearts of those touched by it, and

WHEREAS, The Moreau Town Board extends their heartfelt thanks to all those involved and especially to the students and volunteers who devote their time and effort to making the Marathon Dance a success; and

NOW, THEREFORE, BE IT RESOLVED that the Moreau Town Board hereby proclaims March 1st and 2nd, 2024 "**South High Marathon Dance Weekend**" as a tribute to the support and generosity of our community."

Attendees clapped for over 10 seconds following the reading of the Proclamation.

Resolution 100-2024 A motion was made by Councilmember Killian, second by Councilmember Noonan, to approve the South High Marathon Dance 2024 Proclamation.

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

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

The motion carried 4:0

PUBLIC COMMENT FOR AGENDA ITEMS

Dominic Tom raised a question about agenda item #16, Local Health Officer. He said he had learned some time before that Towns much have a designated Health Officer and he asked if this was just being done by the Town. Supervisor Fish said the Health Officer’s 4-year term was ending, and a local Hudson Headwaters nurse with children in the school district was interested in the position. Mr. Tom urged the Board to table to issue to revisit the resolution passed five or six years prior to make it more possible to reach the Health Officer. He said in the past he had attempted to have the Health Officer visit a family that he felt would benefit from a visit from the Health Officer, but all requests had to go through the Town Board for approval. He had brought his concerns to a then-Town Councilmember at the time who he said refused to bring the matter to the full Board. He said there are people living in what he called “squalor” in the town, including in his neighborhood. County caseworkers, sheriffs and local police have been called in to check on the various people, but he said he’s never seen a report filed by any Health Officer. Supervisor Fish asked if he was referring to the County or Town Health Officer. Mr. Tom clarified that he was referring to the Town Health Officer, and he said the name and contact information of that officer had never been publicly published. He said he hoped the Town Board would revisit the resolution, and let the candidate know that their help is needed in the community directly. He said those efforts should not be interfered with by the Board of Health or Town Board. Supervisor Fish thanked Mr. Tom for his remarks.

Allen Oppenheim said he is a partner in the Moreau Industrial Park LLC who owns half of the Industrial Park. He wanted to make everyone aware of the history of the Industrial Park’s creation from the developer’s view. Before his organization’s time, he said the park was created in 1994 through the combined efforts of then-Niagara Mohawk, the Town, and Saratoga Economic Development Corporation (SEDC). Moreau Industrial Park, LLC became involved in 2006 with the purchase of Niagara Mohawk’s interest in the project. Obtaining funding and improving road infrastructure were what he said their understanding was of the focus of the project up to that point. He said extant amenities included “significant power” and process water supplies. He said he thought heavy industrial use was always planned. He said they have worked cooperatively with the Town through several administrations along with SEDC. He said he knew there was frustration with lack of development and the loss of some deals. He mentioned WoodStone, a wood pellet plant, as an example. He said Industrial sites are becoming scarce to the Town’s South, ripening conditions for such development in the Town. In addition to Biochar, he said there was also a solar project recently approved and some others as well. Mr. Oppenheim said their goal continues to be to work with the Town to bring new businesses, jobs, tax revenue, and industry to the community. He said they are very invested and have spend hundreds of thousands of dollars in taxes. They want to capitalize on market conditions and good communications with the Town will be critical. He asked the Board what good does it do for the community to put a moratorium sign on all industrial zone activity saying, “We’re closed for business”?, and he named Saratoga Biochar, saying they had spent significant time and resources over a couple of years obtaining Town approvals. He asked what message

this sends to the business community and future investors, especially with recent investment in Town sewers along Route 9.

Maria Trabka who identified herself as the Special Projects Manager for Saratoga PLAN (Preserving Land and Nature), wanted to address item 11 on the agenda, the potential passage of a resolution to support Saratoga County funding for a Town land conservation project. She said Saratoga PLAN started in 2003, but she said it really started in the late 1980s with the merger of several conservation organizations to form PLAN. Saratoga PLAN, she said, works across the county to preserve the rural character, farmland, open spaces, trails for people, and natural areas for wildlife. Chuck Rausin and Jan Krebs contacted Saratoga Plan, she said, to ask if their 81 Acres on Old Saratoga Road, adjacent to Moreau Lake, could be protected. She said the property would be a natural buffer a nice continuation of the wooded habitat of the Palmertown Range. She went on to say the Palmertown Range is a 60 square mile area that has been identified as an important ecological area. The Palmertown Range is partly in Moreau, partly in Corinth, as well as in Wilton and Greenfield. A strategy for conserving the area was developed between the Village of Corinth, City of Saratoga Springs, Saratoga PLAN, Open Space Institute, Saratoga County, and two New York State agencies. She said the goal is to expand the contiguous forested habitat. Saratoga PLAN applied for grant from the Nature Conservancy's resilience program and would like to apply to Saratoga County's Farmland and Open Space program for another grant. The Old Saratoga Road couple is offering to donate a conservation easement which restricts property use in perpetuity, ensuring it will stay forested and additional residences cannot be built on it. The Town of Moreau's support is needed to apply for Saratoga County funding, which would be disbursed to the Town and then to Saratoga PLAN. Surveying, title insurance, and other due diligence, drafting of the easement and legal fees will be handled by Saratoga PLAN with those funds.

OLD BUSINESS

Medicare Reimbursement

Discussion: Supervisor Fish said that in the past the Medicare reimbursement cap was set at approximately \$289. He said there are some options for the Board to choose from. The current employee handbook wasn't reviewed carefully before it was released, and it says the Town will fully reimburse \$524.10 to both the employee and spouse, according to the Supervisor. He said it would come out to a \$40,000 or \$50,000 increase. The increase had not been budgeted for according to the Supervisor. Because the handbook was published this way, the Town is responsible for that increased payment for Quarter 1, 2024 reimbursements. The Supervisor said one of their choices is to stay with that rate of reimbursement for the retired employee, adding that the Medicare cost to the retiree has gone up but the reimbursement rate has not in a number of years. He said that he believed our retirees deserve the full reimbursement. Councilmember Noonan asked if Supervisor Fish would receive this reimbursement since he is a retiree. Supervisor Fish said he would not because he is not on Medicare. Councilmember Noonan asked which account the funds would be paid from. Supervisor Fish said it would come from the existing account, with funds compiled from multiple sources by Principal Account Clerk, Jeffrey Cruz, to pay for Option B, "No Spouse Rider." Supervisor Fish said there is enough money to pay that sum. He said if the Board goes with the other option, which includes the spouse, funds would have to be found to make up the difference.

Councilmember Noonan said he had been out of town when the conversation was had with Jeffrey Cruz and he would need to speak with him to review figures to make sure we have sufficient funds and that it is sustainable for the future. He said he is not comfortable moving ahead without speaking to the Principal Account Clerk

first. Supervisor Fish said that this conversation was begun at a past meeting. Councilmember Noonan said it was two weeks prior and he had been away from all communication for the past week. Councilmember Donohue said the Board should move forward, that this was part of the employees benefits that they earned. Councilmember Noonan asked for clarification on what option was being proposed. Councilmember Donohue said it was the employee option B, the No Spouse Rider. Supervisor Fish said the employees deserve it, and though it sounds like a lot of money to the Board members, it totals about \$1,000 a year increase to the retiree, which means a lot to someone on a limited income.

Resolution 101-2024 A motion was made by Councilmember Killian, second by Councilmember Donohue, to adopt option B for the retiree Medicare reimbursement rate.

Supervisor Fish called for a roll call vote, the results of which were:

Councilmember Noonan	Nay
Councilmember Killian	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 3:1

South Glens Falls Fire Company Contract

Discussion: Supervisor Fish said the Fire Company had asked for the vote to be postponed at the previous meeting to allow them to look into some things. He asked for a motion to approve the contract. Councilmember Noonan asked if a new public hearing was supposed to have been held before the vote. Supervisor Fish said, “We are good on that.”

A motion was made by Councilmember Killian, second by Councilmember Donohue, to approve the South Glens Falls Fire Company contract. No vote was held.

REQUESTS FOR PROPOSALS (RFPs)

According to the Board minutes from January 13, 2012, then-Councilmember Kusneirz stated he was happy with the town’s attorney but said “the Town couldn’t go wrong with sending out RFPs” to see if taxpayers could benefit from it. The Board did not object to RFPs being sent out. On November 26, 2016, under Supervisor Gardner Congdon, then-Councilmember Kusneirz made a motion, seconded by then-Councilmember Pendergrast, to send out Legal Services RFPs. On November 13th, former Councilmember LeClair made a motion, seconded by Councilmember Noonan, to send out RFPs for professional services under then-Supervisor Kusneirz. At that meeting a comment was made, according to Supervisor Fish, that it would be beneficial to the taxpayers to continue the practice. Supervisor Fish said he was looking to send out RFPs for both legal services and Town Engineers. Councilmember Noonan questioned whether the Board had already authorized an RFP for Town Designated Engineer. Supervisor Fish said no. Councilmember Donohue said it was on the agenda but was not approved. Councilmember Noonan apologized for thinking it had been approved. He went on to say that though he would have disagreed, the Town now needs to issue RFPs for Legal Services and he asked when can it be discussed in an open forum.

Supervisor Fish said they had received an email that day stating Bartlett, Pontiff, Stewart & Rhodes, P.C. was giving the Town 30 days' notice. Both Councilmember Noonan and Supervisor Fish expressed disappointment that the Town had been essentially fired by the firm. Councilmember Noonan went on to say it was because Town Hall had not been acting professionally toward the attorneys in his opinion. He said the Town has many legal issues on the table now and the Town will not have the legal representation that knows all its business. Further, Councilmember Noonan said a majority of the Board did not want that firm to represent the Town, and he said he didn't understand why, and he saw that the Village struggled to obtain legal coverage. He said he anticipates "an uphill battle." Councilmember Noonan then asked how long the RFP process takes. Supervisor Fish said it will take, "however long it takes." Councilmember Killian said going to RFP is a good idea because going forward there were too many conflicts where counsel wasn't able to represent the Town. He said if we can't get proper legal consult we need to move forward. Councilmember Donohue said to give 30 days' notice was their choice and wasn't going to be productive now to point fingers.

Resolution 102-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to put out RFPs for legal and engineering services.

Supervisor Fish called for a roll call vote, the results of which were:

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

The motion carried 4:0

LAW 2 OF 2024

Bill Nikas of Hudson Falls was present to discuss the proposed moratorium on industrial and commercial zones. He said he wanted to address why he was there. He said he represents three local municipalities including the Village of South Glens Falls, the Town of Fort Edward, and the Village of Hudson Falls. They asked him to relate to the Moreau Town Board that each of the municipalities had passed a resolution supporting a moratorium being passed by Moreau's Town Board. He was also there as a citizen of Hudson Falls and wanted to tell some of his history. He said back in the 1980s he faced the same situation as the current Board of Moreau. The NYSDEC where they wanted to close "all the old, polluting landfills." Garbage barges came up the Hudson River from New York City. In discussion with the NYSDEC they asked about building a new, modern landfill, which the NYSDEC declined, he said, because they were prioritizing "resource recovery." They were asked if they meant burning garbage, and he said the NYSDEC said no. They asked about something new they had heard about: dioxins. He said NYSDEC said not to worry about it because it was safe, new technology. He said "Hudson Falls became 'Trash Plant City,'" rather than resource recovery. Mr. Nikas said they won an award and are now labeled a "disadvantaged community."

A Moreau Town Board of the past learned from the mistakes made in Hudson Falls, he said, and passed Local Law 92. He said it bars processing and disposing of certain wastes generated outside of Moreau. He said today's Board faces another NYSDEC policy and a new "benign technology," namely pyrolysis. He added that PFAS are also new and said he fully expects the NYSDEC to issue the Saratoga Biochar permit because, in his words, "they didn't care then, in the '80s, and I don't believe they care now." He asked if Law 92 was written to

protect Moreau from a fate like Hudson Falls', why has this issue arisen? He said he was sure that if 10 independent attorneys read and interpreted the law, no waste disposal project would have been sited in the Town.

He said a mistake was made by the Town, but after having met Mr. Apy and his group at one of the public hearings they held in Hudson Falls, he felt that while they were well-intentioned and felt that were solving a big problem, they were also partially to blame for the error in Moreau. He said that this is an experienced group of developers who surely knew that the Town Planning Board did not have legal authority to interpret or waive local laws. Mr. Nikas said the caption of Law 92 would have been a red flag for them in their due diligence process of reading the Town codes. Their next step should have been to approach the Town Board for a remedy in the form of an amendment, formal ruling, or to be told they can't proceed, according to Mr. Nikas. He said they did not do that, and there was no excuse.

Mr. Nikas said he had written a position paper for the current Board in mainly layman's terms to lay out the argument that Local Law 92 cannot be circumvented, which he says should have been seen by the past Board. Two of the precedents cited in his paper used the term, "harsh result," and explained that in the case where a mistake has been made, the court support the values of the community over the harsh result a developer may face. He said the moratorium currently being discussed will give the Board time to review the Town Code, determine how to avoid mistakes like this in the future, to talk to the owners of the Industrial Park to see what modifications to the code might help to sell parcels, to market industrial and manufacturing growth.

He continued, saying that if the Board proceeds with the moratorium, there will be lawsuits filed, so the moratorium has to be written to be defensible in court. Mr. Nikas recommended Attorney Philip Giblin, who he described as an environmental law specialist who presented at the last Clean Air Forum in Moreau. He said that at one time Mr. Giblin was General Counsel for NYSDEC, and now is a partner in what Mr. Nikas called "one of the premiere law firms in New York State." Mr. Nikas said Mr. Giblin had reviewed the moratorium documents and was present to address the Board and answer any questions there may be.

Attorney Phil Giblin said he had suggested a moratorium at the Clean Air Forum as a potential path to move ahead with consideration of how Chapter 92 and other code such as Chapter 91, which contains definitions, would "interplay" with the Saratoga Biochar project as it was proposed. He said he reviewed what Mr. Nikas drafted and called it a good step forward for the Town Board. Councilmember Noonan said the proposed moratorium seemed geared toward zoning and environmental angles. He said his understanding was that moratoriums are for zoning and not so much environmental concerns continuing to say the proposed document targets a specific industry. He questioned whether it would be defensible if the document took an environmental approach. He then asked if Mr. Giblin would recommend going forward with the proposal drafted by Mr. Nikas. Mr. Giblin responded that Chapter 92 says you can't use the property for waste disposal purposes for waste from outside the Town. He said despite this the Planning Board had given site-line approval. He said he had been practicing environmental and land-use law for 50 years and he said he has never seen a case where a Town code made something illegal and then a Planning Board approved it. As the legislative arm of the Town, he said the question for them now is what to do. He said it is the Board's responsibility to determine the intent of the local code, and to determine if what was prohibited by the law has been approved by the Planning Board. Mr. Giblin said the environmental terms defined in the local code and zoning regulations "come together."

Councilmember Killian addressing Councilmember Noonan saying they are all elected officials and now is the time to make decisions not based on the past. He said he understands the financial investment people have in various projects and the well-being of the town has to be considered. Councilmember Killian stated that in his opinion now is the time things need to be done for commercial and industrial zoning, and the moratorium is a good idea to get everything done. Councilmember Noonan then directed a question to Councilmember Killian: what would he like to see done industrially? He said the Board had not discussed what they would like to see in the Industrial Park, only to get this moratorium done as soon as possible. Councilmember Killian said it was a good question. He said parks need a platform to build on like any business. He said his head was spinning because so much new information was coming in, but as elected officials they have to act because nothing has been done in so long. He said the Board needs to structure the business of the Town for the longevity of our Village and Town. He said it's not easy but the Board needs to take the time to digest what is happening and why. Councilmember Donohue said reference had been made to rushing into this decision, and he said the Zoning Administrator said the zoning hadn't been revised in 30 years. He said that's not rushing into things, and things that made sense 30 years ago don't make sense anymore. He suggested they look at residential growth and traffic in that time. He added, "If not now, when?"

Mr. Giblin spoke up, adding moratoriums often precede towns looking at their zoning laws to prevent owners and developers from hastily starting projects that do not align with town visions of the future. They are also usually short, he added, at 6 months to a year, long enough to make legislative decisions. They are not usually used, he said, to consider an instance of a project approval potentially being in violation of town code, but it can be used for that purpose.

Mr. Nikas said the Town Board controls the length of the moratorium and an action at the meeting, he said, was not committing the Board to anything. He said they would be doing what the process requires in turning over the moratorium process to the Planning Board and the County Planning Board for their 30-day review. Only after that will the Board set public hearings, he said, when the Board is ready. He said they would be sitting down with park lot owners, property owners, and community members, holding workshops. Mr. Nikas closed by saying that those whose opinions the Board solicits to help them develop the codes is within their control.

Supervisor Fish said he agrees with Councilmember Donohue, that for years and years things were not addressed. He said as the Water Superintendent he saw how slowly things moved and when changes were needed sometimes things were swept under the rug. He said he is not anti-industry, and not against expansion, but it has to be done within Town Code, and the code needs to be reviewed and updated. In the end, he said, if it falls under the Town's code, then sobeit, it will be welcome. If it does not, he said the Board needs to protect the people and the environment they live in. He said one project is being highlighted, and it's an unproven industry. He said he did not know if everyone was going to get sick, but he also doesn't know that they will not get sick. He said in his opinion it's time to move forward and get it done and he does want to meet with the affected parties. Councilmember Donohue said he's not comfortable making decisions based on codes from 30 years before. He also cited Allen Oppenheim's remarks saying there was lack of sales in there even with the old code. He said maybe something's wrong with the code keeping things out unnecessarily. By changing things, there is potential to attract new businesses, he said, and this is a positive thing.

Resolution 103-2024 A motion was made by Councilmember Killian, second by Councilmember Donohue, to send the document to the Town Planning Board and the County Planning Board.

Supervisor Fish called for a roll call vote, the results of which were:

Councilmember Noonan	Nay
Councilmember Killian	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 3:1

Discussion: Counsel O’Hara said, for the record, that the proposal that the Board had just passed concerning Local Law #2 was the version drafted by Attorney Bill Nikas reviewed by Attorney Giblin, which was not the draft prepared by his firm and discussed at the last meeting. He said his firm had no input into the draft, they had not been asked to review it nor had they reviewed on behalf of the Board. He said his firm is not signing off on the draft. Supervisor Fish asked for clarification that the draft had not been looked at by Bartlett, Pontiff, Stewart & Rhodes. Counsel O’Hara confirmed that it had not been reviewed. Supervisor Fish said it had been sent to the Firm. Counsel O’Hara said it had been sent the morning of the meeting. Supervisor Fish said, “Duly noted.”

HIGHWAY DEPARTMENT

Resolution 104-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to approve the proposed 4-day workweek for the Highway Department from April 1, 2024 through November 1, 2024.

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

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

The motion carried 4:0

Discussion: Counsel O’Hara added that there is collective bargaining around this subject and if there are any questions, they can ask him after the meeting. He said there are additional steps to the process following the Board’s approval.

Resolution 105-2024 A motion was made by Councilmember Killian, second by Councilmember Noonan, to approve the mounting and balancing of four tires for Truck #15 at a cost not to exceed \$2,615.48 under NYS contract PC68490.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Donohue	Aye

Supervisor Fish Aye

The motion carried 4:0

Resolution 106-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to approve \$30,000.00 to Jointa Lime Co. for grinding and fill from Redmond Rd. to Potter Rd. under Saratoga Contract 23-PWPSR-46R.

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

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

The motion carried 4:0

Resolution 107-2024 A motion was made by Councilmember Killian, second by Councilmember Donohue, to approve \$4,000.00 for the purchase of road materials from account DB5110.493 under Saratoga County contract 23-PWCSGS-50R.

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

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

The motion carried 4:0

Resolution 108-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to allocate \$385,000.00 from account DB5112.493.4 to purchase blacktop from Palette Stone under Saratoga County contract 23-PWAC-3R.

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

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

The motion carried 4:0

GENERATORS

Discussion: Copper Field Power Systems & Electric and Troy Industrial Solutions quoted for once-a-year oil change service for 6 generators. Milton CAT quoted twice-a-year service, which Highway Superintendent

Abrams called, “Extraordinarily more expensive.” Supervisor Fish said normally the generators used to be serviced twice annually, in the fall and spring. He asked Superintendent Abrams if the vendors would be on-call for repairs needed between annual services. Superintendent Abrams said Copperfield would be on-call for repairs. When asked, he said he leaned toward recommending Copper Field Power based on their other municipalities serviced and \$2 million bond. Councilmember Noonan asked if they hadn’t done an emergency repair recently and asked if they had been good. Superintendent Abrams said to remember these are service contracts and don’t cover emergency repairs. Councilmember Killian asked with what frequency the generators are run or tested. Superintendent Abrams said he believes Town Hall’s generator is started once a week, the Highway Department generators are started and run 15-20 minutes twice a week, and he was unsure about the rest of the generators.

Resolution 109-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to sign the service agreement contract with Copper Field Power Systems & Electric of Troy, NY.

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

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

The motion carried 4:0

TRANSFER STATION

Discussion: Superintendent Abrams described the situation at the Transfer Station cardboard recycling station, stating that the large sliding barn doors have become soft, come off the tracks, and drag on the ground, making them difficult to open and close for staff. Birds have taken up residence as well. Supervisor Fish asked who would do the work, and Superintendent Abrams said he had staff members who could complete the work. Councilmember Donohue said he believes these doors are original to the station, and described them as large, wobbly, and heavy. He said it’s a concern for employee and public safety should one fall. Councilmember Donohue said the plan shown to him would be an “easy fix” that wouldn’t cost a lot. He also described the issue with pigeons in the center making a mess. In repairing the doors the building could be sealed to prevent pigeons roosting inside, and pressure washing would clean the existing mess. Supervisor Fish asked if the structure in question is a county building, and who staffs it. Superintendent Abrams indicated the Town mans the station.

Resolution 110-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to allocate up to \$2,500.00 for repairs to the Transfer Station cardboard recycling station.

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

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

The motion carried 4:0

Resolution 111-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to advertise for a part-time Transfer Station laborer for \$15/hr. to ensure all shifts are filled.

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

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

The motion carried 4:0

RECREATION DEPARTMENT

Discussion: Supervisor Fish said other municipalities are paying up to \$20 an hour for open water lifeguards, reminding the other Board members that our open water has a current. He also said it's important to pay a competitive wage to attract and keep candidates for these positions. Councilmember Noonan said that in 2023 the lifeguards threatened to quit if not given a "big, huge stipend." He said they did it and the wage worked out to approximately what is being proposed for 2024. He added that a big competitor for hiring young lifeguards is the Great Escape and it would be great to get our beach staffed.

Resolution 112-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to hire Lifeguards to staff the sand bar beach and snack bar for \$20/hr.

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

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

The motion carried 4:0

Resolution 113-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian, to authorize Supervisor Fish to sign South Glens Falls Girls Youth Lacrosse and South Glens Falls Youth Lacrosse contracts.

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

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

The motion carried 4:0

BUILDING DEPARTMENT

Discussion: Supervisor Fish said that long-time Zoning Administrator Jim Martin would be retiring in May 2024. Applications have been received and candidates interviewed, he said, and a decision has been made. Josh Westfall has been selected for the position. Supervisor Fish described his credentials as including years of planning, zoning, land use, and grant writing experience. He went on to say there would be a 6-week transition where Jim and Josh will work together. Based on calculations by the Principal Account Clerk, hiring a full-time employee will save the Town money and is amply budgeted for in 2024.

After Supervisor Fish called for a motion, Councilmember Donohue made a motion to hire Josh Westfall as a full-time Building, Planning, and Development Coordinator for \$84,000 per year, Councilmember Noonan said he had not interviewed either candidate. He said he had received a message that day stating “the Board has decided.” He said he didn’t know how the statement could be made that the Board had decided when the entire Board hadn’t had an opportunity to weigh in on it. Councilmember Killian said interviewing had been underway for 3 or 4 weeks. He said there may have been misinterpretation of who was right for the position based on education or other credentials, and said the misinterpretation was on his part. Councilmember Donohue withdrew his original motion.

Resolution 113-2024 A motion was made by Councilmember Donohue, second by Councilmember Noonan to table further action on the hiring until the next meeting.

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

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

The motion carried 4:0

SARATOGA PLAN, PALMERTON RANGE CONSERVATION

Supervisor Fish stated that Saratoga PLAN had reached out about a project they were working on. He continued to say generous Town residents had gifted an 81-acre conservation easement to their Old Saratoga Road property to Saratoga PLAN. Documents from the Town are required, he said. He then asked the Deputy Clerk to read a letter of support into the record:

“February 28,2024

Robert Davies, Executive Director
Saratoga PLAN
112 Spring Street
Saratoga Springs, New York 12866

Dear Mr. Davies,

I am writing to express the Town of Moreau’s support for Saratoga PLAN’s project to protect 81 acres of forested property on the Palmertown Ridge with a perpetual conservation easement and to seek needed funding from The Nature Conservancy and Saratoga County to complete the transaction.

The Town of Moreau has long been a collaborating member with Saratoga PLAN and other entities in the Palmertown Partnership that shares our goal to protect this highly resilient, ecologically intact landscape in the Adirondack Foothills. We find it exciting and heartening to know that the landowners, the Charles W. Rowson and Janet L. Kropp Family Trust, understand the importance of their land and are willing to donate and retire their property’s development rights.

Their foresight will ensure that this habitat will remain natural and unfragmented for generations of native fauna and flora to thrive while continuing to contribute ecosystem services and benefits for human descendants, too. By donating a conservation easement, their generosity makes this project financially efficient. Grant and donation funds need only cover transaction costs and ongoing stewardship and enforcement of the conservation agreement.

Municipalities in the Saratoga County region are fortunate that we have a strong, respected, professional land trust in Saratoga PLAN to help us accomplish our shared conservation goals and protect our region’s valuable and irreplaceable natural resources.

Please share this expression of our support for this conservation project with decision-makers for potential funding and others who can help facilitate its success.

Sincerely,

Jesse A. Fish, Jr.
Moreau Town Supervisor”

Resolution 114-2024 A motion was made by Councilmember Killian, second by Councilmember Donohue to authorize Supervisor Fish to sign a letter of support for Saratoga PLAN’s Palmerton Range conservation project.

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

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

The motion carried 4:0

The Deputy Clerk was asked to read the resolution endorsing the conservation of the Trust property into the record:

“**WHEREAS**, the Town of Moreau states a goal to ‘protect open spaces’ in its 2019 Comprehensive Plan;

WHEREAS, Saratoga PLAN (preserving land nature) ('PLAN') is a not-for-profit conservation organization preserving the rural character, natural habitats and scenic beauty of the Saratoga County region so that these irreplaceable assets are accessible to all and survive for future generations and is an accredited land trust 'qualified organization' under Section 170(h) of the Internal Revenue Code of 1986 and has the power and authority to acquire and hold conservation easements under Article 49 of the New York State Environmental Conservation Law;

WHEREAS, the Palmertown Range has been identified as a highly resilient, ecologically intact landscape in the Adirondack Foothills, with unfragmented forest cover and aquatic resources, which, if protected, will likely provide functional habitat for generations of native fauna and flora to thrive while continuing to contribute ecosystem services and benefits for human descendants;

WHEREAS, the Town of Moreau has participated as a collaborative member in the Palmertown Partnership that shares goals to protect the conservation values, recreational potential, and compatible economic development benefits of the forested landscape of the Palmertown Range as described in the Partnership's *Southern Palmertown Conservation and Recreation Strategy*;

WHEREAS, the Charles W. Rowson and Janet L. Kropp Family Trust (the 'Landowner') owns Tax Parcel 89.-1-4, adjacent to and buffering a tributary to the Snook Kill and the popular Moreau Lake State Park, encompassing 81 acres of predominantly forested land (the 'Property') in the Town of Moreau and the Palmertown Range and seeks to protect the Property with a perpetual conservation easement by donating and retiring the land's development rights and limiting its uses;

WHEREAS, Saratoga PLAN has sought funding from The Nature Conservancy for funding to steward and enforce the terms of the conservation easement on the Property and seeks to apply, with the Town of Moreau's endorsement, to Saratoga County's Farmland and Open Space Program for funding to cover the transaction costs of completing a conservation easement on the Property; and

NOW, THEREFORE, the Town Board for the Town of Moreau, at a regularly scheduled meeting on February 27, 2024, voted to endorse conservation of the Trust's Property and Saratoga PLAN's submission of a grant application to Saratoga County's Farmland and Open Space Program to conserve this land."

Resolution 115-2024 A motion was made by Councilmember Donohue, second by Councilmember Noonan to approve the Resolution as read into the minutes.

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

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

The motion carried 4:0

BUILDING DEPARTMENT (Cont.)

Discussion: Supervisor Fish said the Building Department Clerk position had been vacant for 6 months prior to Katrina Flexon’s hiring. After checking into the budget, he said there is sufficient funding to hire someone to help in the office for no more than four weeks. Supervisor Fish added that there couldn’t be a better person for the job than someone who worked in that office over 25 years. Councilmember Noonan asked how many hours a week the position would be. Supervisor Fish said, “20.”

Resolution 116-2024 A motion was made by Councilmember Killian, second by Councilmember Donohue to hire Kathy Perez at \$20/hr. for 20 hours week on a contract basis to assist and train the Building Dept. Clerk beginning March 4, 2024.

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

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

The motion carried 4:0

FORTSVILLE ROAD

Discussion: Supervisor Fish described the situation on Fortsville Road; Bellamy is extending sewer line past 3 homes whose wells are too close to the sewer path. Sleeving the line would encapsulate the sewer contents to prevent potential contamination of the wells. As an alternative, the project’s engineers proposed moving to approximately 600 feet of open trench, eleven feet deep with County storm sewer running alongside it. He said with this there would be potential to lose part of the storm sewer, and part of the road. The entire project is to be paid for by the Town of Moreau, and the original contract sum was to have been \$223,000.00. Supervisor Fish said he had met with Bellamy who told him they do not want to trench the area and risk losing the storm drain, road, and telephone pole. He said neither he nor the contractor understood why they wanted the open trench. He said the contractor’s revised proposal which includes pulling the line through as it has been done on the rest of the line, would cost just over \$203,000.00. According to Supervisor Fish, doing it the way Laberge wanted it done would cost \$260,000.00. He said the Town would save \$60,000.00 letting the contractor continue to work the way he had been. When he inquired of Laberge why they wanted an open trench he said he received no response. They did send a letter saying they wouldn’t pay for restoration of any properties affected, Supervisor Fish added. He went on to say Bellamy’s package price includes “soup to nuts” for the \$203,000+ figure. He also said if the county road were lost due to trenching, the Town would be liable for much more than \$257,000.00. Councilmember Killian said from his experience as an electrician, there is more risk in digging than with a trench. Councilmember Killian said he was confused why this is being worked out now. Supervisor Fish said this should have been engineered, accounted for, and inclusive at the beginning. He said he did not understand why the Town is paying for this as well. Councilmember Noonan said he would also like to save the Town \$60,000, but wanted to know if there would be any legal ramifications if the Town goes against the engineers’ recommendations.

Resolution 117-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian to accept Bellamy’s revised lump sum proposal of \$203,989.00.

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

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

The motion carried 4:0

ETHICS ADVISORY COUNCIL

Resolution 118-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian to appoint Sonya Fowler to the Ethics Advisory Council for the remainder of the term ending December 31, 2026.

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

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

The motion carried 4:0

BOARD OF ASSESSMENT REVIEW

Supervisor Fish said the stipend of Planning and Zoning Board members had been increased in 2023. He was looking to approve an increased stipend for Board of Assessment Review members to \$100 from \$75. He added this is an increase of \$270 from the Assessor’s budget.

Resolution 119-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian to increase the meeting stipend for Board of Assessment Review members to \$100.

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

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

The motion carried 4:0

CONCERTS IN THE PARK

Discussion: Supervisor Fish said that Councilmember Donohue had consulted with Counsel and learned that the Town is able to sponsor concerts in the park. Councilmember Donohue said he is a member of the Chamber

of Commerce, and that the Town had been approached about sponsoring concerts. Businesses and other individuals in the community have co-sponsored the concerts in the past, he said, adding that there is some money in the budget, and this is a way to get people out in the community together. Councilmember Noonan said in 2023 they were told they could not sponsor concerts because the Town was not allowed to give money to a certain entity. Counsel O'Hara said the distinction is that the Town can co-sponsor an event for the community's good. A contribution could not be made, he said, to a charitable entity to host the concerts, but co-sponsoring is acceptable as an official Town function. Councilmember Noonan said that last year the cost was \$500, and this year it's \$1000. He questioned if it was just the cost of things rising. Councilmember Donohue said the cost of hiring the bands is higher.

Resolution 119-2024 A motion was made by Councilmember Donohue, second by Councilmember Killian to co-sponsor concerts in the park.

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

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

The motion carried 4:0

LOCAL HEALTH OFFICER

Supervisor Fish said that March 2020 a Local Health Officer was appointed per New York State mandate, and since then no record of the Local Health Officer having been called upon to provide services to the Town has been found. The appointee, he said, lives 25 miles away, and with their term ending March 10, 2024, he would like to fill the position with someone local. The Board had the resume of a local Physician's Assistant, Supervisor Fish said, who he had interviewed and was known to other Board members.

The Deputy Clerk read the proposed resolution into the record:

"February 27, 2024

RESOLUTION TOWN BOARD AS LOCAL BOARD OF HEALTH, TOWN OF MOREAU

Subject: Appointment of Local Health Officer

WHEREAS, pursuant to Public Health Law §302(2), the Town Board of the Town of Moreau ('Board') is the Local Board of Health for the Town of Moreau; and

WHEREAS, as the Local Board of Health, the town board has the authority pursuant to Public Health Law §308 and §320 to appoint a Local Health Officer that meets the qualifications contained in the state sanitary code; and

WHEREAS, the Town of Moreau desires to appoint a Local Health Officer to begin a term, on March 11, 2024 and extend to December 31, 2028;

NOW THEREFORE, BE IT RESOLVED, that the Town Board acting as the Local Board of Health, hereby appoints Jacqueline Buckley, PA as the Local Health Officer for the Town of Moreau; and

BE IT FURTHER RESOLVED, that the Board hereby fixes the salary of the Local Health Officer at Two Thousand and NO/100 Dollars (\$2,000.00) annually, plus reasonable expenses as set forth in Public Health Law §323; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to notify the New York State Department of Health of this appointment.”

Resolution 120-2024 A motion was made by Councilmember Noonan, second by Councilmember Donohue to adopt the resolution as read into the minutes.

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

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

The motion carried 4:0

SUPERVISOR’S ITEMS

Letters of Support:

Supervisor Fish said that he had received letters from Common Roots, NY State Senator Jim Tedisco, and an unnamed Town resident asking the Town Board to “please do the best we can at helping them with Biochar.” He said all of them cited unresolved pollution from the past. He said they were showing support with resolutions and letters.

Primary Polling Location Change:

The primary polling place usually located at Oliver W. Winch Middle School is being moved to the Moreau Community Center according to Supervisor Fish. He added that the change was initiated by the school district citing security concerns during polling when students are in the building. Moreau Community Center offered their space, he said, and the process is under way. Supervisor Fish thanked Donna Nichols, the Community Center’s Executive Director, for her help with the matter.

PUBLIC COMMENT PERIOD

Dominic Tom said he had been a *Schenectady Gazette* reporter covering the Town of Duanesburg, which said was similar to Moreau in that it was largely rural. He said a father and son had used a farm in Duanesburg to

host a festival called Harley Rendezvous. Town residents objected to the noise and other issues with the event, he said, but the organizers had good attorneys who exploited zoning code deficiencies to support their activities. After some time, Mr. Tom said the Town hired a land use attorney specialist who was able to successfully break up the business relationship, though the event continued with much more oversight by the Town. Mr. Tom said with a moratorium on the table, he believes the Town will need to find the funds to hire a land use specialist to defend the Town's position.

On another topic, Mr. Tom said the discussion on the Building Department reminded him of an item on his wish list he had presented to the Board about one month prior, which was a per diem Human Resources Manager to advertise positions in trade journals, to do preliminary interviews to thin the pool of candidates for the Board to review, and to guide the Board in interviews. He said the Town is a multi-million-dollar business that needs to become more professional in some areas previously ignored.

EXECUTIVE SESSION

No executive session was required.

ADJOURNMENT

Resolution 121-2024 A motion was made by Councilmember Noonan, second Councilmember Killian, to adjourn the meeting.

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

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

The motion carried 4:0 and the meeting was adjourned at 8:02 PM.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk