

The Town Board of the Town of Moreau, Saratoga County, held a public hearing on proposed Law 3 of 2024 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 28th day of March, 2024.

The meeting was held in person. The Supervisor called the meeting to order at 6:01 PM with a roll call and the Pledge of Allegiance.

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

ALSO PRESENT:	Erin Trombley	Town Clerk
	Bill Nikas	Attorney
	Philip Gitlin	Attorney
	Elizabeth Bennett	Confidential Secretary

OTHERS PRESENT: Dennis Davall, Gina LeClair, Tammy Saunders, Marie McHugh-LeClair, Brigid Martin, Sue Lacy, Sheila Itzo, Jorge Padron, Charles Dumas, Esq., Alex Portal (Post-Star reporter)

Supervisor Fish opened the floor to public comments proposed Local Law 3 of 2024.

Gina LeClair thanked the Board for taking steps to enact a moratorium so soon after taking office.

Dennis Davall said he has been very active, said he appreciated the Board's efforts, and thanked the Board.

Marie McHugh-LeClair thanked the board.

Supervisor Fish asked the Town Clerk to read a letter from the Saratoga County Planning Board for the record:

“March 28, 2024

Jesse Fish, Supervisor
Town of Moreau Town Hall
351 Reynolds Road
Moreau, NY 12828

Sent via email to: moreausuper@townofmoreau.org

Regarding SCPB Referral Review #24-31 – Moratorium – Town of Moreau

A proposed 9 month moratorium for temporarily prohibiting the issuance of permits or approvals allowing industrial uses and operations in Moreau's manufacturing and industrial zones including permits or approvals including the processing of any waste material that may release contaminants into the environment.

Location: Town-wide
Tax Map #: Not applicable

Received from the Town of Moreau Town Board on March 4, 2024.

Reviewed by the Saratoga County Planning Board on March 28, 2024.

Decision: Approve with Comment

Comment: the Saratoga County Planning Board approved the proposed moratorium and offered the following comments for consideration by the Town of Moreau Town Board:

- Language of the proposed moratorium should be reviewed with respect to industrial waste haulers, commercial waste hauler licenses and resident permits. Clarification should be provided if they are affected by the proposed moratorium.
- The Town Board should consider what the plan, schedule, and budget are to address the stated purpose of the moratorium.
- Criteria should be developed for the waiver process review in the moratorium.

Please contact Saratoga County Planning Board if you have any questions regarding this matter.

Sincerely,
Signed by Jason Kemper, Director of Planning and Economic Development
Authorized Agent for Saratoga County”

The floor was re-opened for comments by Supervisor Fish.

Brigid Martin said if stopping Biochar was the goal of the moratorium, the Board should save taxpayers’ money and wait for the New York State Department of Environmental Conservation (NYSDEC) decision because if they determine the project isn’t good enough, why go through these actions. She then introduced a petition that she said contained the signatures of over 50 people, including students. Summarizing the contents of the petition, she said signers was the Board to know they oppose the moratorium, that they believe good jobs would be hindered, and that economic growth is needed for their futures. She went on to say moratoriums kill growth. She said the signers believe denying opportunity means denying stable employment, and that they support green jobs that protect the environment. She said past Supervisors are working to kill industry now, and that the petition signers believe Town’s elders squandered the students’ futures, leaving them fewer employment opportunities post-high school-graduation, asking the Board members to remember when they graduated from high school and how many factories there were back then. She said Social Security is the only job here now and that most are on welfare through Social Security. She said the petitioners seek to stop the moratorium. She listed companies from the petition who would be shutting down local operations in 2024, many of whom employ Moreau residents. She said she moved to the area with Neilson. She said that it was nice for the Board members to believe they are protecting the environment in their old age, but that the NYSDEC is covering it, and that they need to think about more than the retirees who helped get them elected. She then submitted the petition to the Town Clerk for the Board to review. As Ms. Martin left the room she shouted, “Don’t harass those kids!”

Gina LeClair said the students had been “fed a bill of goods,” adding that she assumed none of them had come to Town Board meetings to ask questions and that it was unfortunate. She said that they had been told 100 cars a day or an hour could come down Fort Edward Road, and she called that statistic, “crazy stuff.”

Jorge Padron said the moratorium will not stifle development or scare businesses away and added that the Board’s action is not responsible for the business closures previously listed by Ms. Martin. He said the new codes could be shaped to attract more business and that he was shocked to hear that people believe that the Board’s actions impacted the listed companies. He thanked the Board for taking a look at the code.

Charles Dumas said he is the attorney representing Saratoga Biochar Solutions (SBS) and asked if the Local Law in discussion was #3 and not #2. Supervisor Fish explained that the laws are numbered in the order they are adopted, and that a more recent proposed law had been adopted ahead of the proposed moratorium. Mr. Dumas said he was the attorney that guided SBS through the approval process in 2021-2022. He said he was

saddened by what has happened. The project, he said, was intended as a pilot with metrics. They had gone through two public hearings by the Planning Board, he said, adding that amendments had been made to address concerns raised. He said the vocal public opposition to the project has impacted SBS's reputation through mischaracterizations and misinformation on social media. Mr. Dumas said he believed the moratorium was targeting SBS, and as evidence he cited local laws that already address waste, stating that section 92 of Town law is clear regarding the definition of hazardous waste. He said SBS followed all the rules. He went on to say that the Industrial Park was made for manufacturing and that it had been marketed to SBS. He then said they had gone through a long and rigorous approval process, that the Article 78 challenge had been reviewed by a judge and the action was sustained in a 48-page decision. He said SBS had done everything asked of them and that the moratorium is directed at SBS in an attempt to pull the rug out from under them. He closed by saying he believed there were due process issues, asking the Board to consider the Saratoga County Planning Board suggestions—that there should be metrics on the moratorium—and again asked for a fair process on SBS's behalf.

Bill Nikas said he was at the County Planning Board meeting and wanted to provide insight into the formal comments made there. First, he said the proposal was approved. Regarding waste hauler permits, he said it is defined in Section 91-14 that the Town Board has no say, and that documents simply have to be submitted to the Clerk and if the conditions are met, the license is issued. The moratorium does not preclude haulers working in the Town, he said. On the second comment, he said that the moratorium was intended to be a good faith review of the Town's code, not just in relation to a single project, but to address all the issues of the Industrial Park and zone, and to provide clarity in the code. He went on to say that the County wants to make sure everything is done within the period of the moratorium period, and that an extension won't be needed. A waiver process mentioned by the County Planning Board is not needed, he said, giving as an example preventing solar farms, a waiver can be issued to clarify. He stated that he felt the concerns expressed are already addressed within the document. Finally, Mr. Nikas said first the Board must pass the local law, and that Attorney Phil Giblin was present to ask any questions of.

Supervisor Fish asked if Board members wanted to weigh in with comments.

Councilmember Killian said the Board was there to listen. He said many things needed to be done related to commercial and residential issues, and that there was good and bad on both sides. Many things are subject to interpretation, he added, and that it takes time to understand everything. He said the moratorium is a good idea in that it gives them time to review and understand everything.

Councilmember Stewart said the purpose of the pause is the review Town code, and that the actions they were taking are the first steps. He said they will act in best faith.

Councilmember Donohue referred to Mr. Dumas' comment that SBS adhered to every law, pointing out the laws in question are over 30 years old and that the needs of the residents have changed, circumstances and dynamics have changed in that time. He said no project should move forward based on code that old, and that it's a common sense move to update the code and then make decisions based on the new codes and the comprehensive plan. Councilmember Donohue said Mr. Dumas represents business and that he (Councilmember Donohue) represents the residents. He closed by saying he wants to see common sense growth in the Town of Moreau.

Supervisor Fish said there had been much controversy and many comments and they still haven't completed the process. He said the Zoning Board of Appeals Administrator is retiring, and there is a new comprehensive plan ready to go except for updating Town codes. He said the new codes will be easier to follow because there will be less grey area moving forward.

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Resolution 131-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to close the public hearing.

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

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

The motion carried 4:0

Supervisor Fish stated that there would be a special meeting at 6:00 PM on April 1 for the purpose of the Town Board voting on Local Law 3 of 2024.

Resolution 132-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adjourn the meeting.

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

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

The motion carried 4:0

The meeting was adjourned at 6:33.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk