

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

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

PRESENT:	Kyle Noonan	Councilmember
	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	John Donohue, Jr.	Councilmember
	Jesse A. Fish, Jr.	Supervisor
ALSO PRESENT:	Erin Trombley	Town Clerk
	Glen Bruening	Town Counsel
	Josh Westfall	Building, Planning and Development (BPD) Coordinator

**OTHERS PRESENT:** Dan Cahalane, Bob Vittengl, Liza Schepps (Nexamp), Nick Schupp (Renuea Energy), Shawn Brazo, Olivia Feldman (Lightstar), Derek Long (US Light Energy), Vince Sparrer, Bruce Lant, James Hooper, Richie Wiltshire, Maria Jennings, Mike Shaver, Brandon Hayes, Tim Bennett, Benjamin Vaillancourt, Carl Hourihan, Nicole Haddadnia, Ben Murphy

## **PUBLIC HEARING**

Supervisor Fish explained that a public hearing would be held on Proposed Local Law 7 of 2024, related to 532A Selfridge Road rezoning from R2 to R5. He said the Town had received feedback from both the Town and County Planning Boards. He asked the Town Clerk to read the comments. She read:

“July 15, 2024

Supervisor Jesse A. Fish, Jr.  
Deputy Supervisor Pat Killian  
Councilmembers John Donohue, Kyle Noonan and Mark Stewart  
Town of Moreau  
Town Hall  
351 Reynolds Road  
Moreau, New York 12828

*Re: Letter in Support of Request for Extension of Zoning  
Lands of Murphy  
532A Selfridge Road (77.-1-27.1)*

Dear Supervisor, Deputy Supervisor and Councilmembers:

I am the owner and tenant, along with my husband Paul Smith, of the property located at 516 Selfridge Road (77.1-29) in the Town of Moreau. Our property adjoins the Murphy property to the south. As indicated in the Murphy’s July 15, 2024 letter to the Town Board, our property as well as several others in the neighborhood and in close proximity to the Murphy’s property are used for agricultural purposes, many specific to equine use.

By this letter, we would like to share our support for the zoning extension to R-5 to include the Murphy’s property. In the day and age where we see agricultural properties converted to solar farms and residential subdivisions it is nice to see that other properties are being proposed for agricultural use. Having spent 45 plus years around horses and raising them for the past 35 years I do not see limitations with the Murphy’s property that would inhibit raising horses on their property.

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

If any additional information is needed or if you have any questions please feel free to contact me via either telephone or email.

Respectfully Submitted,

Aimee Smith”

The Town Clerk also read a letter from Saratoga County Planning Board:

“Joshua Westfall, Building, Planning and Development Coordinator  
Town of Moreau Town Hall”

“Sent via email...”

“Regarding SCPB Referral Review #24-122 – Zoning Amendment – Map Review – Town of Moreau  
A proposal to re-zone one of two parcels that is owned by the Murphy family, 7.82 acres, from One- and Two-Family Residential District (R-2) to Agriculture, One- and Two-Family Residential Districts (R-5) in order to allow the keeping of horses. This lot has existing residential improvements.

Location: 532A Selfridge Road (County Reforestland)  
Tax Map #: 77.-1-27.1  
Zoning: One- & Two-Family Residential (R-2)

Received from the Town of Moreau Town Board on July 25, 2024.

Reviewed by the Saratoga County Planning Board on August 15, 2024.

**Decision:** Approve

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

Sincerely,

Kimberly Lambert, Senior Planner  
Authorized Agent for Saratoga County”

**Resolution 294-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to open the public hearing on Proposed Local Law 7 of 2024, 532A Selfridge Road rezoning from R2 to R5.

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

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

The motion carried 5:0

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

**PUBLIC HEARING**

No comments were made.

**Resolution 295-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to close the public hearing on Proposed Local Law 7 of 2024.

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

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

The motion carried 5:0

**PUBLIC COMMENT PERIOD**

Nick Schupp identified himself as a Project Manager for Renua Energy and said he wished to reiterate his comments from July in regard to the proposed solar law, which was that one concern about the proposed law was that there would be solar arrays all over Town. He said numbers show this will not be the case, and that there are only 3 or 4 locations possible based on the number and capacity of substations. He said he also wanted to mention that with solar it is possible for the Town to gain energy independence, which is important for national and local security, which he said he observed during his time in the military. He said laws like the proposed solar law help strengthen the community.

Jim Hooper said he was amazed that a 5-Megawatt limit is not listed in the proposed Solar law. He said everywhere in the State community solar guidelines, a 5-Megawatt limit is listed to prevent obtrusive arrays. He said a project proposed for the property across the street from his is two 5-megawatt plans with a fence in between. He suggested the Board look carefully at that aspect. He also referenced a proposed RV park in conjunction with the aforementioned solar project, saying that whatever else is included in a solar proposal should have to be completed first. He asked what would stop a solar company from putting up panels after their PUD is approved and then neglecting to complete the rest of the proposal. He said the company had never run an RV park, and if they don't do the work, the Town could have a 10-Megawatt array and no RV Park.

Derek Long, of US Light Energy said he wanted to reiterate his company's support for the draft ordinance as written, and that they look forward to working with the Town.

Bob Vittengl said he was involved with the Town in the past, and said he didn't think the Town was seeing the problem coming in the future in terms of energy use and demand. He said between 2020 and 2040, the demand for electricity would double. He said in 2020, 28% of electricity was renewable, 30% was nuclear, and 42% was everything else, including natural gas. In the present time, he said, Indian Point (nuclear) has been shut down and by the same time in 2025, the rest of the nuclear plants will be shut down. That means there will be decreased production even as consumption continues to grow, he said, and that the Town will need all the renewables it can get. He continued, saying he was amazed that 125 years ago, a big renewable energy plan was passed in much less time than the solar law that's being proposed in the present day. He said Spier Falls Dam was the largest construction project in the United States at the time it was built. He said that since then, five other hydroelectric dams have been built. He suggested the Town embrace, rather than restrict, residential, commercial, and industrial solar to combine with the hydroelectric resources of the Hudson River surrounding the Town on three sides, to make Moreau a "powerhouse for the State of New York."

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

## **OLD BUSINESS**

Supervisor Fish gave an update on the closure of Speakman Street. He said an engineering report had been received by the Board, and that they needed to speak with the Engineers and Highway Department to develop a plan. No funds were budgeted for work on this road, the Supervisor said, and if anyone wanted to see the report, he said they could make a Freedom of Information request with the Town Clerk's office. He then asked if Highway Superintendent Abrams had any comments on the report. Superintendent Abrams said the report details approximately \$100,000 to do some 70-foot test wells, wherein hopefully bedrock would be found. If not, he said the price increases substantially, adding that ten years ago the projection for the work on Speakman Street was in the multiple millions of dollars. Supervisor Fish said not only is the work millions of dollars, but there is also no guarantee this will permanently repair the road. Councilmember Stewart asked what the point of the test would be. Superintendent Abrams said bedrock would be something to anchor to. Councilmember Stewart asked if the engineering survey would also be looking at the cause of the issue. Superintendent Abrams said they know the spoils from the development being built were dumped at this location and the road was put on top. Now, he said, it's going into wetlands en route to the river.

## **PROPOSED LOCAL LAW No. 6 of 2024 (Solar)**

Supervisor Fish said the public hearing on the proposed solar law was opened July 22<sup>nd</sup> and that comments had been received from the Town and County Planning Boards. He asked the Town Clerk to read the comments.

She said it had been addressed to her at Town Hall. She read:

“Re: SCPB Referral Review #24-119 - Zoning Text Amendment Review - Town of Moreau Solar Law (Local Law#6)

A proposed Local Law to incorporate into the Town's Zoning Chapter 149 to regulate Solar Energy Systems.

**Location:** Town-wide

Tax Map #: N/A

Received from the Town of Moreau Town Board on July 22, 2024.

Reviewed by the Saratoga County Planning Board on August 15, 2024.

**Decision:** Approve

**Comments:** The Saratoga County Planning Board reviewed the draft law and questioned if there were specific qualifications of the environmental monitor. There was concern about how soil stockpiles will be managed and mitigated to ensure best practices are used, especially since some of these soils may be stored for extended durations.

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

Sincerely,

Kimberly Lambert, Senior Planner  
Authorized Agent for Saratoga County”

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

She also said there was a memorandum addressed to Supervisor Fish dated July 18, 2024 from Josh Westfall, Town of Moreau Building, Planning & Development Coordinator, regarding the solar law review—County Planning Board and Town Planning Board. She read:

“For your review in relation to proposed Local Law #6, please find the following information based on discussion of the Town Planning Board and Town Staff discussion with County Planning staff.

Should you have any questions, need additional information, or have any concerns please do not hesitate to contact me in advance of the July 22, 2024 Town Board Meeting.

**County Planning Board:**

The Building, Planning and Development Coordinator has worked with the Town Clerk’s Office to refer this legislation to the County Planning Board for their review. The next County planning Board meeting will be August 15, 2024 in Ballston Spa at the County Office Building.

In Accordance with NYS Town Law and General Municipal Law, Saratoga County must review the text of this proposed legislation as it is intended to be included in the Zoning Chapter. It is assumed the County may provide comments and give approval. If the County disapproves the Solar Law, then a supermajority (majority plus one) of votes would be needed by the Town Board in order to pass the legislation.

As the County Planning Board has not formally reviewed this application, the Town Board may wish to keep the Public Hearing open in order to fully consider any County Planning Board Comments.

**Town Planning Board**

At the July Planning Board meeting, the Board made the following comments:

- Not compatible with Comprehensive Plan and Farmland Protection Plan. May need a Comp Plan update/amendment
- Should be greater stakeholder engagement. Should hold a public workshop to get more robust input.
- Site Plan Review is outside of typical TB parameter. Voiced concerns with no Planning Board review.
- Should have a public workshop to gain better understanding of resident’s perspectives
- Mowing and site maintenance not addressed.
- Language considering visual assessment should be added.
- The Town Board should ensure that the use is not detrimental to adjacent uses/ properties. Some language to this effect may be beneficial.
- Concerns about safety (code enforcement capability, man gates in fencing for emergency, etc.).
- 60% lot coverage is high.
- Small scale is restrictive in that it requires electricians to wire installations.
- The Town Board should look at T/O Glenville law for guidance.”

**Resolution 296-2024** A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to close the public hearing on Proposed Local Law 6 of 2024.

**Discussion:** Attorney Bruening asked the Supervisor if he would like BPD Coordinator Westfall to enumerate some changes that had been made to the draft legislation before closing the hearing. He said hearing about the changes may prompt additional questions or comments.

BPD Coordinator Westfall said some of the changes occurred on pages 14 and 16, especially §E. He said in the many instances where the phrase “the degree to which” occurred, it would have required the Board to quantify

something. The text of §E was revised to say: “The Town Board in reviewing the SESO Rezoning application for installation and operation of a Large-Scale Solar Energy System shall consider the public health, safety, and welfare including the following factors: ...” This change would make the listed items in that section factors rather than specific conditions, he said.

Councilmember Noonan asked what prompted this change, to which Mr. Westfall replied that he had conferred with Town Counsel, and they felt that the old language was too restrictive for the Board in considering a Special Use Permit, and that the updated language gave the Town Board more discretion. Attorney Bruening also said multiple comments raised the issue of certain types of projects being excluded, but that they are included in the proposed law already. BPD Coordinator Westfall said the language had been simplified to address large scale and small scale projects.

Councilmember Stewart asked if it was appropriate to close the hearing without members of the public outside of those in attendance at the meeting knowing about the changes that had been made. Town Counsel said those present could be queried, but he opined that the changes were wordsmithing that slightly alter the way the law would direct the Board, and did not change the draft legislation in substance. He continued, saying the Board had the discretion to determine whether the change was significant and proceed with closing the public hearing, or to keep the hearing open.

Councilmember Noonan asked if discussion would end if the Public Hearing closes. He said the Board had not had an opportunity for discussion since the July 22 workshop. He continued, saying he felt the Public Hearing wasn’t an opportunity for the Board to discuss, but rather to listen. Attorney Bruening said they would advise that the end of the Public Hearing is when the Board’s deliberation process begins. He said discussing public comments, environmental review (SEQR) and other steps are yet to be completed even after public hearings close. Councilmember Stewart indicated that he favored closing the public hearing so they could begin to address Planning Board concerns and other comments.

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

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

The motion carried 4:0

Following the vote, the Town Board opened discussion with Councilmember Stewart directing questions to BPD Coordinator Josh Westfall. He began by asking if it is uncommon for the Town Board to have the final decision on an overlay district, to which Mr. Westfall responded that this legislation is modeled on the PUD process. Councilmember Stewart asked if it is uncommon that the body that writes the law also governs the process of approval. Mr. Westfall said there are cases like this, but not the majority. Next, Councilmember Stewart asked whether maintenance should be written into the law as part of zoning. The BPD Coordinator said it is typically a code enforcement issue.

Councilmember Stewart directed Mr. Westfall to [page 9, §C] of the draft law, where smaller arrays are addressed. His question was whether the requirement of an electrician for small, household solar energy was too restrictive. He asked why they couldn’t install it themselves and then have an electrical inspection just as if they had built their own house. He voiced concern that this would force homeowners to pay for installation when they might otherwise be qualified to do the work themselves.

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

Councilmember Noonan noted that the Planning Board had commented that 60% for a maximum area use is high. He followed up by asking if the 60% was of the total land or just 60% of the total area suitable for solar within a site. Mr. Westfall said it would be 60% of the aggregate of acreage in the solar project area. Councilmember Noonan said the question had been asked by someone at the New York State Department of Agriculture and Markets. He said in review of the Planning Board comments, he was uncomfortable with excluding the Planning Board, whose terms of service are longer than that of Town Board members, and who have more experience with some of the considerations of these projects. He cited remarks submitted by Planning Board member Ann Purdue and her expertise. He did not think enough revision work could be done by a proposed September 10 date and was concerned about acting in haste.

Councilmember Donohue commented that this law has been in the works for four-and-a-half years, that Councilmember Noonan had participated in past workshops, and that they were certainly not rushing. In the process so far, he said they had consulted with current and past attorneys, Mr. Westfall, former Zoning Administrator Jim Martin, NYSERDA, the Department of Agriculture and Markets, Saratoga County, other community laws, as well as public comments, which had been integrated into the draft law under consideration. He said he wanted to move the law forward at that meeting.

Councilmember Stewart said he respected Councilmember Donohue's opinion but respectfully disagreed in part. He said they have moved the current legislation ahead, but that the Town and County Planning Boards had commented recently and the Public Hearing had just closed. He said he took some offense to the suggestion that the process was being unnecessarily delayed, but rather he urged his colleagues on the Board to take the time to get the law right. He mentioned again his discomfort with a requirement for small scale projects to be installed by a qualified installer per the Building Department. He cited the ambiguity of the 60% figure for site use which he said may need rewording. He also asked if the Planning Board should approve these projects based on their training. He said he would be okay with a few weeks more to iron out these issues. He specifically said he would like to review §C3 to eliminate the language restricting installation to installers determined to be qualified by the Building Department. Supervisor Fish said there should also be wording requiring whoever is installing the panels to be certified to do so and have insurance.

BPD Coordinator Westfall said he re-read the language and said it could be revised—the intention was to require the installer to be qualified, not to restrict installation to a certain list of installers. Councilmember Killian chimed in saying there are regulations dictating voltages that people can or cannot install, and considerations for direct current and alternating current. He said it would not be a typical homeowner or electrician that would have the right qualifications to do this type of work. He said there are regulations and certifications that limit who can. Supervisor Fish said the Building Department could have a list to choose from if a homeowner doesn't already have a qualified installer. Councilmember Stewart asked again if the Town Board is the right body to be looking at these issues to make determinations. He asked why on this one subject the Town Board does not defer to the Planning Board. Supervisor Fish posited that it could be because some Town Board members have been involved in developing this law for years. He said if the right thing is to pass the authority to another body, he's okay with that, but he wanted to get the law right the first time.

Attorney Bruening suggested the parts of the process are 1) the legislation of the overlay district, and 2) the special permit review. Councilmember Noonan asked if SEQR wasn't a third step in the process. Counsel said there is one SEQR for the entire thing. Councilmember Stewart asked about the (former Tee Bird South golf course) solar project proposal referenced by Mr. Hooper during public comments, and whether it was a loophole that would allow them to operate a 10-Megawatt project. Mr. Westfall said he was not familiar, but said at 10 Megawatts, a project would be eligible for commercial rates. Supervisor Fish asked what leverage the Town had if the other components of the proposed project don't come to fruition. Councilmember Stewart said that could be part of the PUD approval. If the law passed as it was, he said, the PUD on the former golf course would end and they would seek approval for their solar array based on the solar law, and would not have any requirement to build or maintain an RV park there. Mr. Hooper asked from the audience if they would be allowed to continue

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

to let the property become overgrown and unkempt, as he said it is now. Mr. Hooper asked if the law didn't have any restrictions or regulation on the other 40% of the property. Councilmember Donohue said it was private property and the Town cannot tell them what to do with it any more than they can with any homeowner in the Town. Attorney Bruening said there is a site review built into the current legislation, so the plan for the entire property would be reviewed prior to potential approval. Mr. Westfall said currently that review authority rests with the Town Board.

Supervisor Fish asked if he could move on with the agenda or if they wanted to continue discussing the topic. Councilmember Stewart said unless they plan a workshop, this is the time to discuss it. He asked Mr. Westfall what the benefit would be of leaving approval in the hands of the Town Board vs. the Planning Board. Mr. Westfall responded that if any part of the process were to be delegated to another body, the site review would be most appropriately reviewed by the Planning Board, who could make a recommendation to the Town Board, as with the current PUD process. Councilmember Stewart said he thought it would be better to have a fresh set of eyes on the project for site review, and that no Board should have the power to control all parts of the process. Councilmember Donohue said he agreed with this change, saying it gave the process more structure. He asked if everyone agreed, and they nodded.

Councilmember Donohue asked for clarification on the exact regulating body that determines who is qualified to install solar panels and the percentage of site question. BPD Coordinator Westfall said he would look into it further. Supervisor Fish said they should send the law back for additional revision. Councilmember Stewart said they could get the revisions, open another Public Hearing on the changes, then close the Public Hearing on September 10, and put it back on the agenda for the end of September for a vote.

**Resolution 297-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to hold a public hearing on changes to Proposed Local Law 6 of 2024 (solar) on September 10 at 7:01 p.m.

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

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

The motion carried 5:0

### **PROPOSED LOCAL LAW 7 of 2024 (Rezoning)**

Supervisor Fish explained that because the Board would be acting on the rezoning law ahead of the proposed solar law, the proposed Local Law No. 7 of 2024 will become Local Law No. 6 of 2024 hereafter.

Attorney Bruening reviewed the process of this legislation up to this point; it was determined that the action was unlisted and SEQR part 1 had been completed by BPD Coordinator Josh Westfall in July, the Board had received public comments, as well as feedback by both the Town and County Planning Boards. Counsel then led the Town Board through the SEQR Part 2 (environmental assessment) process. In response to each of the 11 questions read by Counsel, the Board responded "no" or "small impact." Counsel explained Part 3, the determination of significance was to be completed next by way of resolution.

**Resolution 298-2024** A motion was made by Councilmember Stewart, seconded by Councilmember



*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

Donohue, to check the box indicating the determination has been made based on information and analysis of any supporting documentation that the proposed action will not result in any significant adverse environmental impact.

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

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

The motion carried 5:0

Supervisor Fish asked the Town Clerk to read a prepared resolution to adopt Local Law No. 6 of 2024. She read:

**“MOREAU TOWN BOARD RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2024, A LOCAL LAW AMENDING THE TOWN ZONING MAP CHANGING THE ZONING OF TAX MAP PARCEL 77.-1-27 AT 532A SELFRIDGE ROAD FROM R-2 TO R-5 ZONING DISTRICT**

WHEREAS, the Moreau Town Board has considered the adoption of Local Law No. 6 of 2024 entitled “A Local Law Amending the Town Zoning Map Changing the Zoning of Tax Map Parcel 77.-1-27 at 532A Selfridge Road from R-2 to R-5 Zoning District” pursuant to Municipal Home Rule Law Section 10 and Town Law Article 16; and

WHEREAS, the Town Board has determined that this Local Law would best enhance and protect the health, safety and welfare of the citizens of the Town of Moreau; and

WHEREAS, the proposed change in zoning was referred to the Saratoga County Planning Board which issued a decision approving the proposed Local Law without comments; and

WHEREAS, the proposed change in zoning was referred to the Town of Moreau Planning Board which by resolution recommended approval of the proposed zoning change; and

WHEREAS, the Town Board duly held a Public Hearing on the proposed Local Law on August 27, 2024 and, after hearing all interested persons, closed the hearing; and

WHEREAS, the proposed Local Law is an unlisted action as defined in Title 6 of the Compilation of Codes, Rules and Regulations of the State of New York § 617.2, and the Town Board undertook review pursuant to the New York State Environmental Quality Review Act and determined that the proposed Local Law will not result in any significant adverse impacts to the environment.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. The Town Board hereby adopts Local Law No. 6 of 2024 in the form attached to this Resolution.
2. The Town Board hereby authorizes and directs that a copy of the relevant portion of the Town Zoning Map consistent with Local Law No. 6 of 2024 be produced and filed in the Town Clerk’s Office.
3. The Town Board hereby authorizes and directs the Town Clerk to file Local Law No. 6 of 2024 with the New York Secretary of State, along with a copy of the relevant portion of the Town Zoning Map consistent

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

with the Local Law, and acknowledges that Local Law No. 6 of 2024 shall take effect immediately upon filing by the Secretary of State.

4. This Resolution shall take effect immediately.”

**Resolution 299-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to adopt the resolution as read.

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

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

The motion carried 5:0

#### **WATER DEPARTMENT**

A truck was recently purchased for the Water Department which now needs a plow, Supervisor Fish said, adding that Highway Superintendent Abrams assisted in obtaining quotes from T&T Sales, Dejana, and Bodak's. The Water Superintendent, Kristian Mechanick, preferred to purchase the plow locally, Supervisor Fish said. Councilmembers Stewart and Killian agreed that the decision to purchase locally was acceptable, with Councilmember Killian adding the cost of gas to drive to the vendor in the event of an issue would be worth the difference.

**Resolution 300-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to authorize the Water Department to purchase the plow from Dejana for a price not to exceed \$6,570.95.

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

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

The motion carried 5:0

#### **BAKERS FALLS CONSENT AGREEMENT**

Supervisor Fish said Town Counsel had been working with BPD Coordinator Westfall on the Bakers Falls Consent Agreement, paying special attention to the decommissioning bond, which is a 25-year bond, and the life of the project, which is expected to be 40 years. He continued, saying to protect the Town, the company is required to obtain a new bond after 20 years. Attorney Bruening added that another big issue had been worked out as well, which was to narrow the agreement so the company only utilizes a portion of the utility easement, and none of the conservation easement. He said there had been other changes made as well, which had not yet been reviewed by the company. Among the changes, Counsel mentioned payment options, references to the decommissioning plan, and decommissioning bond. He said the company had requested some changes which they were not comfortable with, but if the company finds the changes that had been made acceptable, he said the

agreement was ready to go. Counsel also said that with this project the Town had a PILOT (Solar Payment In-Lieu-Of-Taxes) agreement which is yet to be fully worked out, and that Hudson Falls Central School District had previously opted out of the PILOT law. He said the District may, therefore, seek a full assessment on the property. Attorney Bruening went into some more detail on the payment plan as a follow-up to a past legal question; one option, which was included in the agreement, was a longer, 40-year term, with a \$5,000 payment every five years. The company, he said, was anticipating a 40-year process but their decommissioning bond was only for 25 years, which was addressed by establishing that the company come back with a new bond if they wish to continue. This piece of the agreement was among the changes he referenced that had not been fully reviewed by the company.

Liza Schepps of Nexamp Solar said she was there to speak on behalf of Bakers Falls Solar. She said that when the project went through the site plan approval and special use permit process, there had been a very thorough decommissioning review and approval with the condition that the decommissioning bond be replaced within a certain number of days if the issuing company goes out of business or the bond otherwise ended, so she wanted to be clear that they had already agreed to maintain the bond.

Councilmember Stewart asked if they should approve the agreement without the company reviewing it. Counsel said they could approve it with authorization for Counsel and Mr. Westfall to make minor adjustments, or come back for approval if big changes are needed. Councilmember Stewart asked Ms. Schepps if the company would be okay with the changes that had been reviewed during the meeting. She said yes and that the agreement only needed to be in a recordable form, adding that it should state that Bakers Falls Solar is required to fulfill the tax obligation with the school as well. She continued, saying the company is in negotiations with the school district about which type of PILOT agreement they want. She said the ultimate decision was with the school district. She asked if it was clear what the consent acknowledgement agreement refers to and offered to give an overview, which the Board declined.

**Resolution 300-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the August 27 version of the Bakers Falls Solar Consent Agreement with the additional stipulations outlined by Town Counsel, and to authorize the Supervisor to sign the Agreement.

**Discussion:** Councilmember Stewart asked Counsel if the requested tax information in relation to the school would be acceptable. Attorney Bruening advised, following discussion with the Assessor about the PILOT process and what Hudson Falls had done, that the clause be eliminated entirely. He said this is also what the company had requested, and it was also not enforceable by the Town. Counsel said that though the original proposal included extending or replacing the bond after 25 years, he said the amount of the bond was set at a certain dollar amount; the Board may require a higher bond over time as prices increase. Attorney Bruening said the cost to decommission could easily double in 40 years. Ms. Schepps said some Towns require a decommissioning cost estimate be recalculated and approved by the Town after a certain number of years. She said this was the company's strong preference to avoid slowing the process any further. Attorney Bruening said that the agreement was in essence an agreement between the Town and Bakers Falls Solar to get together and hash out these finer details.

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

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

The motion carried 5:0

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

## **PLANNING BOARD CHAIRMAN**

Supervisor Fish said he had been contacted by Acting Planning Board Chairman, John Arnold, to express his interest in being considered for the Planning Board Chairman position.

**Resolution 301-2024** A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, to appoint John Arnold as Planning Board Chairman.

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

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

The motion carried 5:0

## **FHLB MUNICIPAL LETTERS OF CREDIT**

Supervisor Fish explained that FHLB Municipal Letters of Credit or Municipal Letters of Credit (MULOC) is something issued by the Town's Bank on behalf of the Town as collateral to take out loans. He said this was acceptable to the Town's attorneys, but Board approval is needed.

**Resolution 302-2024** A motion was made by Councilmember Donohue, seconded by Councilmember Noonan, to authorize the Supervisor to sign the addendum for the FHLB Municipal Letters of Credit with Glens Falls National Bank.

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

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

The motion carried 5:0

## **ADIRONDACK BALLOON FESTIVAL**

Supervisor Fish referenced advertising information for the Adirondack Balloon Festival guide, saying the Town has traditionally placed an ad, and though the prices have increased, the price to the Town would be \$400 this year. He said the Town was advised that the \$450 level of sponsorship would be ideal because it is the same price as the current half-page ad.

**Resolution 303-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve a full-page ad for the Adirondack Balloon Festival at a cost not to exceed \$450.

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

Councilmember Noonan	Aye
----------------------	-----

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

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

The motion carried 5:0

### **GREENWAY GRANT**

Supervisor Fish said the Board was looking into applying for a \$25,000 grant which has a 50/50 match in addition to the \$10,000 already received from the County for Recreation equipment needed to maintain trails in the winter, particularly the Big Bend Trail. Board authorization is needed to proceed with the application, he said.

Supervisor Fish asked the Town Clerk to read a prepared resolution. She read:

“WHEREAS, the Town of Moreau is applying to the Hudson River Valley Greenway for a grant under the Greenway Conservancy Trail Grant Program for a project entitled Big Bend Trail Winter Access to be located in the Town of Moreau, and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, be it resolved that the Town Board of Town of Moreau hereby does approve and endorse the application for a grant under the Greenway Conservancy Trail Grant Program, for a project known as Big Bend Trail Winter Access and located within this community.”

**Resolution 304-2024** A motion was made by Councilmember Stewart, Seconded by Councilmember Donohue to accept the following resolution as read by the Town Clerk, and authorizing Building, Planning and Development Coordinator, Josh Westfall, to apply for the grant.

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

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

The motion carried 5:0

### **CONSERVATION ADVISORY COUNCIL**

Supervisor Fish said the Town Code allows for an unpaid, 9-person advisory body whose role is to provide feedback to the Town and Planning Boards. He added that some grants require this Council. Building, Planning and Development Coordinator, Josh Westfall, said the issue had come up the day prior when an applicant proposed building a garage within 100 feet of wetlands. Mr. Westfall said Chapter 82 of the Town Code requires an application to the Town Clerk according to Chapter 82 §6A, which would be forwarded to the Town of Moreau Conservation Advisory Council, who would refer the application to the Board with their comments within 15 days. At this time this body does not exist, he said.

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

Regulated activities he listed that the Conservation Advisory Council must weigh-in on in the current code include (§82-4): the erection of structures, roads, pilons, or placing other obstructions to determine whether the ebb & flow of water would be impacted; any form of pollution, not limited to the installation of septic tanks, running sewer or other effluent waste that will drain into freshwater wetlands; the portion of a subdivision of land that involves any fresh water wetland; and any activity that substantially impairs the function of wetlands. Further, he said their authority includes advising the Town Board on matters of preservation, development, and use of natural resources and manmade features; maintenance of an index of open spaces in private ownership, including but not limited to large geomorphic physiologic features, such as streams, floodplains, swamps, marshlands, and wetlands; and occasionally working with the Planning Board to advise the Town Board on features, plans, and programs related to environmental improvements in the Master Plan of the Town. He said they can also recommend changes to existing laws or ordinances related to environmental control.

He said if the Board does not wish to go forward in forming this council, then he suggested making modifications to Chapter 82. Councilmember Stewart asked if the NYS Department of Environmental Conservation (NYSDEC) was already regulating such things, adding that he thought it was redundant and could add hurdles to the process of getting projects approved. He said the DEC's regulations are likely to get stricter over time and make it even harder to meet standards. His suggestion was to take this discretion away from the Town. Attorney Bruening asked whether the Town should exercise control for projects that are below the DEC jurisdiction He deferred to Mr. Westfall for suggestions on how to manage that within the Town code. Councilmember Stewart said he would excuse himself from this discussion and a vote because he has projects before the NYSDEC. Councilmember Noonan asked if this body would be involved in site plan review. Mr. Westfall explained they would advise the Town Board except where a project may be proposed that may impact wetlands. Councilmember Noonan asked if the decision had to be made that day or if they could discuss it in the office another day. BPD Coordinator Westfall said it could wait and be discussed later.

The decision was made to revisit this topic another day.

## **BOCES**

Supervisor Fish said that in the Spring the Town Board approved an agreement to allow BOCES to work with the Town. Since then, it was decided it would make more sense to have the term of the contract aligned with the school year rather than the calendar year. The contract in question, he said, included the Hudson Falls BOCES and Myers Center program out of Saratoga, and that specific projects would be discussed in the future.

**Resolution 305-2024** A motion was made by Councilmember Stewart, Seconded by Councilmember Noonan to authorize the Supervisor to sign a 2024-2025 BOCES contract.

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

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

The motion carried 5:0

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

## **COMMITTEE REPORTS**

### Recreation

Councilmember Stewart said, in relation to the Greenway Grant application, and after discussion with Mr. Westfall, Recreation Director Brogan, Principal Account Clerk Cruz to discuss fund allocation. Councilmember Stewart said funds from the sale of a dump truck, plow truck, and other equipment had been moved to the General fund, and there were funds left over after the purchase of a Kubota machine.

### Technology Committee

Councilmember Killian said the committee met and was reviewing some different IT solutions for the Town as well as the current provider. Councilmember Stewart added that they were looking ahead to putting out an RFP and having bidders present to the Board so the Board can be confident the Town is getting the best deal possible. Councilmember Killian said they were looking to make it possible to make presentations of material to the public to help people understand what's happening in the Town.

Councilmember Noonan said he met with Kevin Lynch from Swift Fiber, the fiberoptic company that had been doing work in the Town, after a resident brought to the Board's attention that she was unaware the work would be happening in her yard. He said Mr. Lynch would like to come present to the Board and would inform the Board when they were back in Town to do additional work.

### Recreation II

Councilmember Donohue wanted to make everyone aware that the August 28 concert in the Concert in the Park Series would feature Electric City Horns, and was being sponsored by the Town. He said the free concert would be held at the Cooper's Cave Park on First Street in South Glens Falls from 6:00-8:00 p.m.

## **PUBLIC COMMENTS**

No public comments were made.

## **SUPERVISOR'S ITEMS**

### Employment

Supervisor Fish said applications were being accepted for Zoning Board Secretary, to begin in September. Applications were also being accepted for both Tanglewood and Moreau Elementary School crossing guards.

### Sewer Engineering

The Supervisor said that on August 8, he had gone to Canton to meet with Town engineers to explain what was happening with the Town sewers. He said there was an unexpected \$3.5 million contract needed. The engineers' quote was not to exceed \$10,000 to assess the situation, make a plan, and put it in writing for the Board. The firm will be at the Town on September 20 to pick up anything they may need that the Supervisor had not already provided. October 18<sup>th</sup> would be the initial draft delivery date, with a final proposal to be delivered December 4. He said his hope was to get it all in order so rates can be set for January billing. He said people want to get on the sewer line, and currently the old rates have to be charged. In short, he said the Town has to pay for this. Currently 84 people are "on the hook" for the bill, he said. The Supervisor had discussed the potential for a grant in 2025 to help pay for it, and the engineers have said to get it would be like hitting a home run because they had already received a grant for the project.

**Resolution 306-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to authorize the Supervisor to sign a contract with the engineering firm for a sum not to exceed \$10,000.

In answer to a question by Councilmember Stewart, the Supervisor said he had spoken to the owners of the LLC in the Industrial Park and he said they were not happy. Since the sewer bypass line was run by the Industrial

*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

Park, both the LLC and the Town have to pay for that line, he said. He also said that line had been paid for in the 1990s but now it has to be paid for again as things stand at this time.

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

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

The motion carried 5:0

#### Town Clerk

Supervisor Fish said he had received a memo from the Town Clerk regarding the hours required to collect school taxes. He said employee hours are being shifted to cover extended hours but overtime may still be required.

**Resolution 307-2024** A motion was made by Councilmember Stewart, seconded by Councilmember Killian to authorize overtime pay for Deputy Town Clerks for four weeks in the month of September if it is required.

**Discussion:** The Town Clerk said since school tax collection extends through the month of October, the resolution should extend through October. Councilmember Stewart asked if the Town Clerk had reviewed the budget and if there were funds available for this. Supervisor Fish said he had spoken with Principal Account Clerk Cruz, and that funds had not been budgeted, but that this could be paid out of tax penalties the Town would receive. He said there are funds to move for this, but that it had not been budgeted. Councilmember Stewart said at this time he would make the motion for 4 weeks and see how it goes. He referenced the extended hours planned for the office during collection in reference to the overtime needed. The Town Clerk clarified to say that the hours of collection would not create overtime, the time spent reconciling and preparing the deposits at the end of each day would create overtime. Councilmember Stewart asked her to come back at the end of September to discuss it further. Councilmember Noonan asked if the Board approved this, if it would be allocating funds the Town did not have. Supervisor Fish said funds would have to be transferred.

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

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

The motion carried 5:0

#### **EXECUTIVE SESSION**

No Executive Session was required.

#### **ADJOURNMENT**

**Resolution 308-2024** 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:



*A Regular Town Board Meeting was held at 7:00 PM, and a Public Hearing on Proposed Local Law 7 (537A Selfridge Road Rezoning) was held at 7:01 PM on August 27, 2024 at the Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York.*

---

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

The motion carried 5:0

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

*Erin Trombley*

Erin Trombley, Town Clerk