

A regular meeting of the Town Board of the Town of Moreau was held on July 30, 2019 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilman
Alan VanTassel	Councilman
Gina LeClair	Councilwoman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; David Jones, Buildings and Grounds Working Supervisor; Reed Antis, Planning Board member and Town resident; Kathleen Moore, Post Star Reporter; Town Residents: Gregory McCarty and Pat Killian

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from July 9, 2019 and July 19, 2019 were presented to the Town Board prior to the meeting for their review, comment, correction and approval. The Supervisor stated that the minutes from the July 19, 2019 would be filed as prepared.

Resolution #2019-289

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to approve the minutes from July 9, 2019 as prepared.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

SET FUTURE MEETINGS AND WORKSHOPS

Resolution #2019-290

A motion was made by Councilman VanTassel, seconded by Councilman Hogan and carried, scheduling a bid opening date for the Highway Garage roof repair, for September 13, 2019 at 2:00 p.m., at which time the bids will be opened publicly and read aloud.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A regular meeting of the Town Board of the Town of Moreau was held on July 30, 2019 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Special meetings for the purpose of executive sessions to conduct employment interviews were scheduled for August 5, 2019 and August 8, 2019, both at 5:00 p.m. The Supervisor stated that his office would coordinate the interview times.

ADIRONDACK LYNX SOCCER ACADEMY, LLC CONTRACT

The Supervisor stated that the fall soccer program runs from September 7, 2019 – October 26, 2019. He stated that he would need authorization to sign the agreement.

Resolution #2019-291

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, authorizing the Supervisor to sign the agreement with Adirondack Lynx Soccer Academy, LLC.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

UNIVERSAL PLAYGROUND – SURVEY PROPOSALS

The Supervisor stated that his office had sent out letters requesting proposals to do survey work for the new Universal Playground site. He stated that there were only two proposals received.

Thompson Fleming Land Surveyors, P.C. 12 Lake Avenue Saratoga Springs, NY 12866	\$3,600.00
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VanDusen & Steves Land Surveyors 169 Haviland Road Queensbury, NY 12804	\$3,600.00
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The Supervisor stated that the proposals were for the same amount. One was a Saratoga County based company and the other was from Warren County. His suggestion was to go with the Saratoga County based business.

Resolution #2019-292

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to engage the services of Thompson Fleming Land Surveyors, P.C. for an amount not to exceed \$3,600.00.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Supervisor noted that because this was a public works project, the company would be paying prevailing wages.

A regular meeting of the Town Board of the Town of Moreau was held on July 30, 2019 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

HIGHWAY DEPARTMENT

The first request from the Highway Superintendent was to engage services for the Palmerton Heights project. The bid opening was held on July 19, 2019 with the following bids received:

Commercial Paving Company, LLC 1380 Towpath Lane Fort Edward, NY 12828	\$325,000.00
Delsignore Blacktop Paving, Inc. 42 Brick Church Road Troy, NY 12180	\$256,894.65
Evolution Construction Services P.O. Box 511 Mechanicville, NY 12118	\$332,905.75
Kubricky Construction Corp. 269 Ballard Road Wilton, NY 12831	\$339,386.00

The Highway Superintendent's recommendation was to contract with Delsignore Blacktop Paving, Inc.

Resolution #2019-293

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, that the Notice of Award be given to Delsignore Blacktop Paving, Inc. and to authorize the Supervisor to execute the contract.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The following prices were received for the purchase of a Plasma Cutter:

Airgas on Karner Road 84 Karner Road Albany, NY	\$3,220.00
Haun Welding Supply Inc. 560 Queensbury Avenue Queensbury, NY 12804	\$2,686.00
Taylor Welding Supply Co. 22 Lower Warren Street Glens Falls, NY 12801	\$2,755.00

The Highway Superintendent's recommendation was to purchase from Haun Welding. There is \$13,382.20 available in account DB5130.2 as of July 2, 2019.

A regular meeting of the Town Board of the Town of Moreau was held on July 30, 2019 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Resolution #2019-294

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried, to purchase a Plasma Cutter from Haun Welding at a cost of \$2,686.00. The expense will be paid from account DB5130.2.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Highway Superintendent submitted correspondence to the Town Board stating that he would be appointing Brian Huntley to the position of Working Foreman.

Resolution #2019-295

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to appoint Brian Huntley to the position of Working Foreman.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Resolution #2019-296

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to hire John Johnson Jr. as a part-time, as needed Flagger/Wing Person, pending successful completion of a pre-employment physical.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Highway Superintendent received notification from NYS DEC that they denied the Town's permit request for the Fedor Road culvert work. The stream is a class CT, which requires a different type of culvert than what the Town originally anticipated. The classification also stipulates at which time of year the work can be done. In light of this information, the culvert replacement will have to be postponed until the 2020 budget year. The required design calls for an open bottom with either an arch or a box culvert. Both require cement footings to be in place to set the culvert on. The Supervisor stated that there's a possibility the Town will be applying for a \$50,000 grant from Saratoga County Soil & Water.

INVEST IN MOREAU – SCPP PLAN

The Supervisor stated that the Saratoga County Prosperity Partnership is willing to draw up a pamphlet, which would be titled "Invest in Moreau". In the pamphlet would be tear out sheets with brief descriptions of the Town. The sheets will also show commercial properties that are for sale in the Town, which would

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include zoning, acreage, tax map number, current assessment, as well as the contact information of the current owners or the brokers that would be handling the sales. The Supervisor commented that there would be no cost to the Town for this service. The Town Board was in agreement to have the Supervisor reach out to the Saratoga County Prosperity Partnership for this service.

COURT REQUESTS

A request was received from Justice McCabe to attend the 2019 Annual NYS Magistrates Conference, to be held in Lake Placid, NY, from September 15, 2019 through September 18, 2019. The total cost of the conference is \$782.25 (excludes mileage costs). Mileage and one nights lodging will be reimbursed by the State. It was reported that there was money budgeted in account A1110.4 for this expense.

Resolution #2019-297

A motion was made by Councilman Noonan, seconded by Councilwoman LeClair and carried, authorizing Justice McCabe to attend the 2019 Annual Magistrates Conference in Lake Placid, New York, from September 15, 2019 through September 18, 2019, at a cost of \$782.25. The expense will be paid from account A1110.4.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A second request was received from the Court for the four (4) Court Clerks to attend the 2019 Annual Magistrates Court Clerks Fall Conference from September 29, 2019 through October 2, 2019 at the Double Tree Inn, Syracuse, New York. It was mentioned that NYS has mandated Court Clerks training as of January 2019 and the conference must be attended. The total cost for four (4) Clerks to attend is \$2,744.68. The cost includes mileage, lodging and registration fees. There is money budgeted for this expense in account A1110.4.

Resolution #2019-298

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, authorizing four (4) Court Clerks to attend the 2019 Magistrates Court Clerks Annual Fall Conference from September 29, 2019 through October 2, 2019 in Syracuse, New York, at a cost of \$2,744.68. The expense will be paid from account A1110.4.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

WATER DISTRICT #2 TOWER LEASE AGREEMENT

The Supervisor stated that the lease, which was assigned to AT&T is about to expire. When the lease agreement was initially signed back in 2006, the Town was receiving \$21,600.00 per year, with a 2% escalator annually. He stated that an addendum was added to the lease agreement because additional equipment had been added to the top of the tower. The Town currently receives \$37,661.00 annually. The Town was approached last fall to see if we were interested in renewing the lease agreement. At that time, they offered the Town \$37,500.00 annually. The Town Board wasn't ready to move on that at the time

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because there was still time left on the contract. AT&T came back to the Town with a new proposal of \$26,259.00 annually. The Town Board was not supportive of the proposal and did not move forward with the negotiations. They expressed interest in negotiations again and Counsel was called in to handle the negotiations. As a result, AT&T has put \$37,500.00 annually back on the table, with an initial five (5) year term and five (5), five (5) year extensions, with a 7% increase at the beginning of each five (5) year term. AT&T is asking the Town if they are supportive of their latest proposal. The Supervisor suggested that the Town Board move forward and accept the offer.

Resolution #2019-299

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, authorizing the Supervisor to execute the "Second Amendment to Water Tower Lease Agreement with Option to Lease" with New Cingular Wireless PCS, LLC.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

SEWER DISTRICT 1 – EXT. 5

The Town has received a proposal from Fiscal Advisors & Marketing, Inc. to be financial advisors for services relating to the issuance of bonds and anticipation notes. He stated that it would be for the expenditures that would be incurred as we move forward with the sewer project. The Supervisor stated that it was strongly recommended that the Town hire someone to manage the expenses and prepare them for reimbursement from the Environmental Facilities Corporation.

Resolution #2019-300

A motion was made by Councilman Noonan, seconded by Councilwoman LeClair and carried, to enter into an agreement with Fiscal Advisors & Marketing, Inc. at a cost not to exceed \$15,000.00 and authorizing the Supervisor to sign the agreement.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

ANNUAL FIRE ALARM & SUPPRESSION INSPECTION

At a previous Town Board meeting, there was an approval for semi-annual fire sprinkler inspections, however, it was strongly recommended that the Town also have the fire alarm system inspected annually. The Town Board had decided to hold off on the inspections until 2020 but it was recommended that it be done now. The Supervisor recommended that they move forward with the proposal of \$1,575.00 to inspect the alarm and suppression system.

Resolution #2019-301

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to engage the services of Professional Fire Protection, Inc. for an annual inspection of the fire alarm and suppression system. The cost of the inspection is not to exceed \$1,575.00.

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Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

TOWN LANDFILL INSPECTION AND MAINTENANCE

The Supervisor reported that CT Male had done an inspection of the landfill back in June. It was reported that there were two (2) gas vents, which were damaged and in need of repair. He stated that the Highway Department has helped out with this in the past. He stated that he would reach out to Paul Joseph to see if he can help with these repairs.

ASSESSOR

The Supervisor stated that he wanted to table discussion on this matter until after the Board has discussion in executive session. He stated, that most likely, they'll be taking action after the executive session.

PRIVILEGE OF THE FLOOR

Reed Antis asked if the sewer project will start in 2020 or if it will be pushed back. The Supervisor believed that construction would begin in 2020-2021. He stated that the engineers are working diligently to expedite installation. He stated that the Town is in the process of getting right-of-ways for the commercial corridor that the district encompasses.

Greg McCarty, resident of Reservoir Road, stated that he and several residents who live in between two subdivisions have expressed some concerns through social media regarding the condition of properties on the road. He stated that there is a sign pointing to a foreclosed house that has a message that there's no sewer. He also commented that there is a house three doors down that had burned down and is still vacant, with no caution tape keeping the public from entering. Thirdly, he asked, as a result of the Town Board taking action on multi-unit developments, that the Town put a hold on them until the zoning has been re-assessed. He stated that there are two areas along the Route 9 corridor that have multiple properties that are zoned commercial, however, the land use is residential. He stated that he would like to put a hold on new building permits within those areas until the zoning is re-assessed.

The Supervisor stated that he had received correspondence from Mr. McCarty and had reached out to him each time. He stated that the Building Department staff has been down Reservoir Road to take a look at the concerns and the Zoning Administrator had provided detailed information to Mr. McCarty. The Supervisor stated that he would follow-up with him to ensure that nothing new is out of compliance.

The Supervisor responded to the question regarding multi-family permits. He stated that some of the properties were grandfathered in when they were purchased, prior to the zoning that occurred in 1979. The properties were purchased with the expectation to be used for a specific purpose and the owners probably wouldn't be happy if the Town limited their ability to get a return on their investment.

Patrick Killian asked if there were any vendors looking to come into the Route 9 corridor. The Supervisor asked if he meant commercial development and Mr. Killian replied yes. The Supervisor stated that he's had conversations and that there is some commercial work going on. He stated that Saratoga Olive Oil has purchased the old Aqua Falls Pools and will be turning it into a distribution center for on-line sales. He stated that there are other projects in the works but there are confidentiality agreements in place, so the seller was unable to relay to him what the property would be used for. He did know that the project is estimated to be \$10,000,000.00.

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SUPERVISOR’S ITEMS

The Supervisor reported that he had received correspondence from the Town of Queensbury stating that the actual cost for the production of water in 2018 was \$1.03 per 1,000 gallons and the budgeted rate for 2018 was \$1.11 per 1,000 gallons. This gave the Town a credit of \$0.08 per 1,000 gallons for the year 2018. The Supervisor reported that the Town would be receiving a credit on their fall water bill in the amount of \$16,151.52.

The Supervisor stated that he had received email correspondence from a representative of Magna 5 (formerly Cornerstone Telephone Co.). He wanted to know if the Town Board would be interested in having his company take a look at the Town’s telecommunication services. The Supervisor’s recommendation was to refer the matter to the telecommunications committee.

The Supervisor received a resignation letter from Helen (Honey) Potter who has been a long time crossing guard for the Town of Moreau. The Supervisor read her letter aloud, which stated that she would be happy to assist as a substitute crossing guard as needed.

Resolution #2019-302

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to accept the resignation of Helen Potter from her position of crossing guard.

The Supervisor commented that Ms. Potter provided a valuable service and always with a smile. On behalf of all the Town residents, he thanked her for all that she’s done over the past several years.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Supervisor reported that he has been working with Saratoga County to apply for a matching grant from the County to construct a biking/walking/hiking trail along the Hudson River, from the end of Nolan Road and with a goal to get to the I87 underpass. He stated that it was a matching grant program up to a maximum of \$10,000.00. He also stated that at budget time, they will make sure they have the funds available. As part of the grant application, he asked the Highway Superintendent to put together the number of workers and hours per day for an estimated cost of the project, so it could be submitted. The Supervisor stated that they submitted the last of the information needed on Monday.

The Supervisor stated that he had received an email inquiry from David Byrne, who is a Town resident and has a NYS Certified Disabled Veteran Small Business. He would like to meet with the Supervisor for the possibility of leasing the Town landfill for a solar project that will hope to create a revenue stream for the Town of Moreau and decrease taxes. The Supervisor will reach out to him for more information.

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to adjourn to executive session at 7:46 p.m. for the purpose of discussing a potential Town employee for the role of covering the Assessor’s duties for the Town of Moreau.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A regular meeting of the Town Board of the Town of Moreau was held on July 30, 2019 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Town Clerk did not sit in on the executive session.

A motion was made by Councilman Hogan, seconded by Councilman VanTassel and carried, to adjourn the executive session at 8:11 p.m., with no action taken in executive session, and to resume the regular meeting.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilman VanTassel, seconded by Councilman Hogan and carried, to close the meeting for the evening at 8:12 p.m.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk