

A regular meeting of the Town Board of the Town of Moreau was held on July 27, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The meeting was open to the public as well as being broadcast via Zoom.

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

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Kyle Noonan	Deputy Supervisor

Town Board Members Absent

Theodore T. Kusnierz, Jr. Supervisor

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Town Residents: Mike Shaver, Maria Jennings, Angela & Brittany Wadsworth

The Deputy Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from June 29, 2021 and July 13, 2021 (3 Sets) were presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2021-248

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried, to approve the minutes from June 29, 2021 and July 13, 2021 (3 sets) as prepared.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

SET FUTURE MEETINGS AND WORKSHOPS

Resolution #2021-249

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, to set a Town Board workshop for August 26, 2021 at 6:00 p.m. to discuss the Solar Law.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

RECREATION DEPARTMENT

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Resolution #2021-250

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, that Madalynn Harris be hired as a Lifeguard for the Town of Moreau Recreation Department at a rate of \$12.50 per hour, effective immediately and subject to the successful completion of a background check and pre-employment physical within a 2-week period.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

Resolution #2021-251

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, authorizing the Supervisor to sign the agreement with Empire City Soccer Academy for the 2021 year.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

HIGHWAY DEPARTMENT

Resolution #2021-252

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, authorizing the purchase of gasoline from Global Montello Group, in the amount of \$15,000.00. The purchase will be made under State Contract #PC68456 and will be paid from account DB5142.460.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

The Highway Superintendent submitted a request to attend the 2021 NYSATSH annual conference, which is to be held in Saratoga Springs from September 28, 2021 through October 1, 2021.

Resolution #2021-253

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried, authorizing the Highway Superintendent to attend the 2021 NYSATSH annual conference, to be held from September 28, 2021 through October 1, 2021 in Saratoga Springs, NY, at a cost not to exceed \$550.00. The expense will be paid from account A5010.401.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

WATER DEPARTMENT

The Deputy Supervisor presented the Town Board with a request from the Town Clerk and Water Superintendent. One of the customers within Water District 6 had a meter that registered about 25 gallons per minute. The Water Superintendent researched the problem and initially could find no leak that accounted for the usage. The bills were estimated and after further investigation it was determined that there was a leak. The customer has since contacted Rural Water and they also told the customer that they have a leak. The question to the Board was whether or not they felt this person should be billed for the usage, since they've already been billed estimated amounts. All Board members present stated that if the water went through the meter, they should be billed. The total usage calculated to \$11,520.81 and the amount billed was \$808.96, which has been paid. This leaves a balance due the Town of \$10,711.85. Mr. Fish asked if the Town would provide any special considerations in this situation. Councilmember VanTassel stated that the customer can contact the Town Board if they have any questions.

TOWN CLERK'S OFFICE

Resolution #2021-254

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, to accept the resignation of Jill Bennett from the position of Deputy Town Clerk/Deputy Receiver of Taxes, effective July 31, 2021.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

Councilmember VanTassel thanked Mrs. Bennett for her service to the community over the past 3 1/2 years.

TRANSFER STATION

The Deputy Supervisor stated that there was a request to have the brush at the Transfer Station chipped. Only one proposal was received. It was noted that there was \$5,500 included in the current year's budget.

Wood Waste Reduction Services P.O. Box 461 Glens Falls, NY 12801	\$5,000.00
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Wm. Biers, Inc. 100 Port Street Albany, NY 12202	No proposal submitted
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Galusha & Sons, LLC 426 Dix Avenue Queensbury, NY 21804	No proposal submitted
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Resolution #2021-255

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried, approving an agreement with Wood Waste Reduction Services in the amount of \$5,000.00, for the grinding of the brush at the Transfer Station, with the Town Supervisor being authorized to sign the agreement. The expense will be paid from account A8160.4.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

The Deputy Supervisor stated that the Transfer Station is looking to purchase a set of radios to be used for communication purposes. He stated that it should be under \$100.00 and that paperwork should be coming.

MEDICARE REIMBURSEMENT

Resolution #2021-256

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried,

WHEREAS, the Town Board has authorized the partial reimbursement of Medicare for eligible retirees on the Medicare Advantage health plan; and

WHEREAS, retiree Linda Blackburn-Winans enrolled in the Medicare Advantage plan on March 1, 2021;

SO BE IT RESOLVED, that the Town Board hereby authorizes Medicare Reimbursement payments for Linda Blackburn-Winans retroactively in the amount of \$289.20 quarterly.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

CANNABIS LAW

Attorney Buettner stated that the Governor enacted a Marijuana Regulation and Taxation Act in March, which legalized marijuana use in New York. She stated that there was a whole host of things that the law did. She stated that local governments will have the option to decide whether or not they want to permit retail dispensaries and on-site consumption. She stated that the Town Board has to decide if they want to opt out of the law. The Town has the right to opt out of allowing retail dispensaries or on-site consumption or both. She stated, that if the Town Board wants to opt out, there's a procedure that has to be done by local law, which is subject to a permissive referendum. She stated that there are time periods that have to be met if the Board decides to opt out. Attorney Buettner stated that there would be taxes on these, just as there are taxes on alcohol. She stated that it's a 4% excise tax that gets split, 25% to Saratoga County and 75% to the Town. If it's in the Village and there is no IMA in place, the 75% gets divided equally. If the Town wants to allow both the dispensary and the on-site consumption, they don't have to do a thing. If the Town doesn't want to allow either the dispensary or the on-site consumption, they must pass a local law by December 31, 2021. If the Town decides to opt out, they can always opt back in. However, if they don't opt out by December 31, 2021, they cannot opt out at a later date. The Deputy

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Supervisor asked if they could limit the dispensaries to certain areas of the Town. Attorney Buettner stated that was the only thing they could do. The Deputy Supervisor stated that he would like to know how the residents feel about it before sharing his own thoughts. He stated that he doesn't like the idea of passing up the tax benefit of having a dispensary in the community. He stated that he wouldn't want the on-site consumption without knowing all the details. Councilmember Donohue agreed with the Deputy Supervisor and also stated that he wanted to know how the public feels.

SUPERVISOR ITEMS

The Deputy Supervisor reported that a letter was received from a resident on Bluebird Road, requesting a speed limit reduction from 55 mph to 45 mph, from Fort Edward Road to the Hudson Falls Bridge. The reasons listed for the reduction were:

More chemical liquid trucks coming and going from the Industrial Park.

Lena's Senior Day Care.

Good Shephard's Senior Center.

Schermerhorn Apartments on both end of this section of road.

ATV's, dirt bikes, cars, speeding and racing up and down this section of road daily, and on Farnan Road.

Passing on double yellow lines.

No police patrols in this area.

The Deputy Supervisor stated that the letter was from Mary Hall. He also commented that he had minutes from previous Town Board meetings relating to the speed limit. He read a section from the January 20, 2019 minutes, where a reduction had been requested but denied by NYS DOT, because the reduction wasn't warranted. He read a section of the minutes from September 8, 2020, where Councilmember Donohue asked if the Town could use the County's radar sign on a regular basis. He stated that he had received complaints of speeding on Feeder Dam Road, Bluebird Road and Reservoir Road. The Supervisor mentioned that he too had received complaints and that the radar sign from the County is on a first come first serve basis. He stated that there are 23 Supervisors in the County and that it might be a while before the Town would be able to use it. The Deputy Supervisor stated that these signs can be borrowed, and they can also be purchased. He stated that they are a deterrent while in place, but it ultimately comes down to being a law enforcement issue. Councilmember Donohue stated that it's a combination of the signs and law enforcement. He stated that the City of Glens Falls has one and it's sponsored by an insurance company. He stated that he would look into it and see what the costs are and suggested that maybe the Town could purchase one and have one of our local businesses as a sponsor.

The Deputy Supervisor stated that the Town was contacted by Karen French, who works for the Southside Cemetery Association. She inquired about blocking the access to the road down to the old sand pit off William Street. The gate they placed has been vandalized many times and they can barely get it across the road. There was a brief discussion, and because this isn't Town property, the Town wasn't able to help with the problem. The Deputy Supervisor did mention that there are companies that can supply barriers. He stated that he would advise Ms. French.

The Deputy Supervisor announced that a section of County Road 31 (Fortsville Road), where it crosses the north branch of the Snook Kill between Hatchery Road and Clark Road, will be closed beginning Monday, August 2, 2021 until approximately Friday, October 22, 2021. The road is being closed for a culvert replacement.

COMMITTEE REPORTS

Councilmember Donohue stated that he had spoken with Mike Hastings regarding the roof replacement at the Transfer Station. Mr. Hastings told him that he had been coordinating with Pete Olesheski, Recreation Leader, and that they should have it done soon.

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Councilmember VanTassel stated that there are several open positions within the Town. He stated that there was a radio button placed on the home page of the Town's website that points to the job postings. He asked that all department heads share this link with people they know to get the word out. He also stated that they've exhausted the Civil Service list for the Clerk positions and suggested that we advertise.

Resolution #2021-257

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, authorizing the Clerk to publish help wanted ads for the vacant Clerk positions and to make note of the Town's website in the ad.

The Town Clerk asked if she was also to note that these are Civil Service positions. Councilmember VanTassel replied that she should.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

Councilmember VanTassel stated that he had spoken with Lisa and Jeffery in the Supervisor's office about taking advantage of some of the free job posting sites. The Deputy Supervisor stated that he would reach out to the Supervisor's office.

Councilmember Hogan reported that the loader at the Transfer Station had a flat tire. He stated that all of the tires are bald and because of rust issues they'll need rims. He spoke with Mike Hastings and asked him to get three quotes for new tires but in the meantime, they'll need to get the tire patched. He also stated that the Town will need to decide what to do with this piece of equipment because it's so rusted out, it won't be in service much longer. He was hoping to have more information by next week.

Councilmember Hogan reported that there was more vandalism in the Recreation Park last night. He stated that they're still looking into cameras and hopes to have more information for the next meeting.

Councilmember VanTassel stated that the disc golf is taking off and that people are playing in the rain and shine.

PRIVILEGE OF THE FLOOR

The Deputy Supervisor stated that anyone wishing to speak would have three minutes. Angela Wadsworth of Gansevoort Road stated that she was still having the same issue that affected her years ago. She stated that she wanted to repeat the information so that the public could hear here. She suggested that people put their surveys in a safe deposit box so that no one can re-set the lines. Or, have an unqualified surveyor come in and do a survey without a complete deed search. She stated, that without this proper survey, it's cost her a lot financially. She stated that her defense was her tax map and it was altered. She stated that the property next door wasn't a buildable lot. She made comment that the builder didn't follow the engineering report. She stated that she's the one suffering from the damages and didn't do anything wrong herself. She stated that she didn't stand a chance in court because of the altered documents and the misleading dimensions. She stated that she wished she had more time to explain to the Board and to the public that nobody should be left with this kind of impact. She commented that the septic system was installed improperly and too close to the surface. She stated that she's also tired of being flooded out. She stated that the engineers report made note that the neighbor (her) would be highly impacted if they didn't obey the report. She also stated that septic is supposed to be 100 feet from a well and that her septic is only 87 feet to their well. She stated that no building should have been built on a lot that was 87' wide by 170' deep. She stated that they should have listened to her, so she wouldn't be \$100,000.00 in dept. She stated that she did what she was supposed to through court and stated that she can't continue to be

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ignored and discriminated against. She asked for someone to tell her how to correct this. The Deputy Supervisor stated that he would have a conversation with the Building Department. The Deputy Supervisor thanked her for sharing her thoughts.

Mike Shaver addressed the Town Board with his concerns over the water consolidation. He stated that he agrees with the consolidation for the purpose of paperwork and such but doesn't want the Town Board to lose sight of the 2.3 million in reserve funds. He stated that he didn't think those who don't have debt now, should have to pay the debt for the new districts. He commented that there should be some workshops with public input.

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried, to adjourn to executive session at 8:20 p.m. to discuss the sale of real property, to receive an update on the Erie litigation and to discuss a personnel matter.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

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

The Town Board returned from executive session at 9:01, stating that no action was taken in executive session.

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried to close the meeting for the evening at 9:01 p.m.

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

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Deputy Supervisor Noonan	Aye
Supervisor Kusnierz	Absent

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk