

A regular meeting of the Town Board of the Town of Moreau was held on August 10, 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 Supervisor called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
John Donohue, Jr.	Councilmember
Kyle Noonan	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

Alan VanTassel	Councilmember
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Also present: Leeann McCabe, Town Clerk; ~~Stephanie~~ Stefanie Bitter [amended 8/25/2021 lm], Attorney for the Town; Amber Danaher, Community Coalition for Family Wellness; Town Residents: Angela & Brittany Wadsworth, Erin Trombley and Pat Killian; Village Resident: Brigid Martin

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from July 27, 2021 (2 sets) were presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

Resolution #2021-258

A motion was made by Councilmember Noonan, seconded by Councilmember Donohue and carried, to approve the minutes from July 27, 2021 (2 sets) as prepared.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

None scheduled.

COVID-19 UPDATE

The Supervisor reported that last Friday, Saratoga County issued a public health advisory on COVID-19 transmission in Saratoga County. He stated that the County is experiencing transmission that's being fueled by the Delta variant. The County Public Health Services has recommended at this time, that all individuals wear a mask when indoors, when not around members of your own household; outdoors in crowded settings; and, when engaging in activities that require close contact with others who are not vaccinated. Public Health also recommends vaccinations for anyone who is eligible and testing for those with signs or symptoms of the disease.

Over the past 7 days in Saratoga County:

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240 cases reported, or 104.41/100,000 population and a positivity rate of 4.46%. Since June 6, 2021, approximately 40% of cases reported were identified as individuals between the ages of 18-39.

Additional cases have occurred between the ages of 6-11.

89% of individuals hospitalized have not been fully vaccinated.

.007% of fully vaccinated individuals in the County have been hospitalized due to the COVID disease.

169 COVID related deaths have been reported to Saratoga County Public Health.

99.4% of those deaths were individuals that were not fully vaccinated.

The Supervisor stated that there will be a press conference tomorrow at Saratoga County to provide an update to the residents. He stated that 91% of individuals 60 and up in Saratoga County have been fully vaccinated. He stated that the percentage was a testament to the hard work at the Public Health Department under the leadership of Dr. Kuhles. The Supervisor stated that Saratoga County is the only county in the State that has an epidemiologist as their commissioner of public health.

In Saratoga County:

The positive test numbers over the past 7-day period is at 290

The 7-day average positivity rate is at 4.6%

There are currently 11 individuals that are hospitalized

In the Town of Moreau

There have been 15 reported cases as of yesterday

In the Village of South Glens Falls

There have been 4 cases reported

The Supervisor stated that there will be free COVID vaccination clinics on August 11, 2021 at the Saratoga Regional YMCA in Malta, from 10:00 a.m. to noon; August 12, 2021 at Stewarts, 504 Route 9P in Saratoga Springs (Both clinics on the 11th and 12th will be offering the Johnson & Johnson vaccine); and, August 13, 2021 at the Saratoga County Public Safety building, Ballston Spa from 9:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 3:30 p.m. The Supervisor encouraged anyone who has concerns with the Delta variant to get vaccinated if they have not already done so.

COMMUNITY COALITION FOR FAMILY WELLNESS

The Supervisor stated that Councilmember Hogan had been working with the Recreation Department on this subject. Councilmember Hogan stated that a representative wanted to give a presentation to the Town Board with regard to a Halloween event at the Park. Amber Danaher presented before the Board and explained that her organization is a drug free coalition. She explained how her organization, in coordination with the Moreau Community Center, wanted to do a Trunk-or-Treat event at the Recreation Park. The children would trick-or-treat to trunks instead of houses but along with candy, they would hand out information from valuable resources. She stated that they had held the event last year at Pine Knolls Church, but due to the size of the event they backed up traffic. She thought Moreau Recreation Park would be a better venue because of the space. They would have craft vendors, food trucks, face painting, an inflatable obstacle course from the National Guard, a haunted hayride and an outdoor family movie. She stated that they anticipate approximately 100 trunks. The date of the event is tentatively scheduled for October 23, 2021 with a rain date of October 24, 2021.

The Supervisor stated that it sounded like a good idea. Attorney Bitter stated that the Town would need insurance from the food vendors along with a copy of their license from the Department of Health.

Councilmember Hogan stated that the Town would also need the insurance from the Community Coalition. He stated that the Town doesn't allow any kind of inflatable devices but that the climbing wall would be okay.

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The Supervisor suggested that the Recreation Committee work with the Recreation Leader for the layout. Ms. Danaher stated that she had already worked it out with the Recreation Leader. She also commented that they've received permission from the Superintendent of Schools to use the parking lots at Moreau Elementary School for overflow parking. She stated that there would be one-way traffic in and out of the Park and they hope to have people who will direct traffic and park cars. She stated that traffic would exit by way of Jan Avenue.

The Town Board members were all in agreement of the planned event.

LEWIS & GREER

The Supervisor explained that Lewis & Greer was Special Counsel for the Town, and in the past when there is a conflict with our own Counsel representing the Town, we've used them. He stated that there is an instance where this has happened again. His recommendation was for the Town Board to authorize the Supervisor to sign the retainer agreement.

Resolution #2021-259

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, authorizing the Supervisor to sign the retainer agreement with Lewis & Greer, as Special Counsel in the matter of Bluebird Village LLC vs. the Town of Moreau, at a rate of \$195.00 per hour, plus costs and disbursements.

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

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

WATER DEPARTMENT

The Supervisor reported receiving correspondence from the Town Clerk regarding the Utility Billing program. The Town Clerk explained that the vendor we currently use for our water and sewer billing will no longer support the current program after January 1, 2022, unless we decide to purchase the newer version and stay with them, in which case they would support the program until the data is migrated to the new program. She stated that they had received two quotes. One from the vendor who services the Town of Queensbury and one from our current vendor (Edmunds GovTech). The quote from the first vendor was approximately \$66,000.00 to purchase the program and to convert the data. The quote from Edmunds was \$8,000.00. The Town Clerk stated that she needed direction because with the water consolidation, if it were to go through, they may start billing on January 1st and the Town will need to update their current program. If the Town decides not to go with Edmunds, they would be in a spot without the support to get the new billing up and running.

The Town Board was in agreement to stay with Edmunds GovTech. The Supervisor asked the Town Clerk to be sure to get the information to the Principal Account Clerk for budget purposes.

The Supervisor reported that the Town Board had received correspondence from the Water Superintendent, Jesse Fish, dated August 9, 2021, advising that he would be retiring effective September 30, 2021. He stated in his letter that his last day would be September 29, 2021.

The Supervisor stated that they'll need to move forward with filling the position.

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HIGHWAY DEPARTMENT

The Highway Superintendent submitted a request to open a purchase order with Sprague Operating Resources for Diesel Fuel, in the amount of \$20,000.00. The purchase would be made under State Contract #PC68214. The amount budgeted for the current year was \$65,000.00. There is \$39,386.65 remaining in the budget as of 8/3/21.

Resolution #2021-260

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the purchase of Diesel Fuel under State Contract #PC68214, through Sprague Operating Resources, in the amount of \$20,000.00. The expense will be paid from account DB5142.460.

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

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

ZONING ADMINISTRATION

The Supervisor stated that the contract with Jim Martin expired on July 31, 2021. There was wording in the contract, that it could be extended for a year. He asked if the Board members wanted to take action or discuss the contract in executive session. It was decided that this agenda item should be tabled until after discussion in executive session.

DEPUTY TOWN CLERK

The Supervisor tabled this agenda item until after executive session.

HIGHWAY CLERK

The Supervisor tabled this agenda item until after executive session.

SUPERVISOR ITEMS

The Supervisor reported that the mortgage recording tax received from June 1, 2021 – June 30, 2021 was \$65,463.50. He stated that it was good news compared to last year at the same time when we received \$44,649.50.

The Supervisor stated that he had received correspondence from the Saratoga County Soil and Water Conservation District, in relation to the Tire Recycling Program. He stated that the Town recently held an event, which was very successful. He reported that the next recycling event will be held at the Malta Town Hall and will be open to Saratoga County Residents. He stated that residents will have to complete the registration form, which he will have placed on the Town's website. The dates for the event will be October 20, 2021 through October 22, 2021. You must make an appointment to participate.

Councilmember Donohue asked the Supervisor if there was any discussion at the County level to do a hazardous waste day and the Supervisor stated that there were no plans at this time. He asked if he would look into the possibility of having one through the County. He stated that he receives many calls from residents wanting to know how to dispose of things that can't go to our Town Transfer Station.

The Supervisor reported that the Municipal Health Inspection report was completed on July 23, 2021. He stated that Agriculture & Markets completed the inspection for the County's Animal Shelter located on County Farm Road in Ballston Spa. The County received a satisfactory report in all categories.

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The Supervisor stated that he had received correspondence from NYS DOT regarding the I87 Interchange. The correspondence stated that work will begin on August 16, 2021 to replace the 103' wide bridge over I87, and to realign the four ramps to create "T" intersections. He stated that he would put the information on the Town's website.

The Supervisor stated that he had received a call from Mayor Bodkin relating to Beach Road in the Village of South Glens Falls. Due to heavy rains, an engineering study was done, and the road had to be closed. Parking is available at the top of the hill to those wishing to use the bike trail and the beach.

The Supervisor reported that the beach will be losing lifeguards who are returning to college on August 22, 2021. He stated that it was probable they wouldn't be able to find replacement lifeguards before that time. The recommendation was to close the beach after August 21, 2021.

The Supervisor received correspondence from NYS Agriculture & Markets, who received a letter from Saratoga Plan. He stated that New York State has awarded Barber Brothers Dairy Farm in Saratoga County \$322,589.00, to purchase the development rights permanently, to protect the farm. The Supervisor stated that the program has handed out \$62,000,000 over the past several years.

The Supervisor received correspondence from New York State Taxation and Finance, in relation to the communication ceiling, which the Tax Department determines annually. He stated that the total ceiling is \$888,957.00.

The Supervisor stated that the contractor doing the sewer construction (New Castle Paving) is moving at a rapid pace. According to the engineering plans, they're goal is to have the sewer on Route 9, the pump station placed, and the force main operational by the end of this year, so that the Town can bring on the commercial customers. He stated that the contract gives them until June of 2022, but they're on an aggressive pace.

COMMITTEE REPORTS

The Supervisor reported, that he received notice today, that the loader at the transfer station is leaking fluid badly. Councilmember Donohue stated that the hydraulic pistons were shot and that they seriously need to see what they want to do with this piece of equipment. He stated that the cab is rusting out, the tires are bald, the rims are cracked, and the make-shift step isn't safe. Councilmember Hogan stated that he had spoken with Mike Hastings and asked him to get prices for repairs.

Councilmember Hogan stated that they're still waiting to hear back on cameras for the Recreation Park. He stated that the nature camp was a success, basketball was well received, and disc golf is operational.

The Supervisor asked if the Town was getting any use out of the pickle ball courts. Councilmember Hogan stated that they were being used, but they haven't done a head count. Councilmember Noonan stated that there are some cracks on the pickle ball courts. The Supervisor commented that the cracks were filled. Councilmember Noonan thought that the people playing on the courts were not anticipating cracks that were filled. He thought that was something they can think about.

The Supervisor stated that the Town Board had authorized the roof to be replaced over the compactor at the Transfer Station. He asked where they were at. Councilmember Donohue stated that Mike Hastings is coordinating with Buildings and Grounds and they're hoping to get it done in a few weeks.

Councilmember Donohue stated that he had a conversation with the Mayor of the Village of South Glens Falls and Trustee Joe Orlow regarding the concerts in the park. He suggested that maybe the Town could budget some money next year for concerts. He stated that the Village would be having a concert this month.

The Supervisor stated that they budgeted money for a pole barn to store equipment at the Recreation Park. He asked if anything has been done with that yet. Councilmember Hogan stated no, but that he would look into it.

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Councilmember Noonan stated that he has a stack of applications for the two Clerk positions and that he and Councilmember VanTassel would start going through them and set up interviews. He stated that the Personnel Committee would bring recommendations to the Board. The Supervisor suggested that any Board member who would like to have someone interviewed, to get the names to the Personnel Committee. He also stated that he was happy to call a special meeting if they have to.

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to adjourn to executive session at 7:58 p.m. to receive an update on a tax certiorari case, to discuss a contract with the Town's Zoning Administrator, to discuss the work history of an unnamed Town employee or employees, and to receive an update on the contract negotiations for the sale of 61 Hudson Street.

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

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

The Town Clerk was invited into the first part of executive session.

The Town Board returned from executive session at 9:07 p.m. and it was noted that there was no action taken in executive session.

Resolution #2021-261

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the Supervisor to sign a one-year extension to the agreement with the Zoning Administrator.

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

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

Resolution #2021-262

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the appointment of Barbara Bartlett as Deputy Town Clerk/Deputy Receiver of Taxes and Deputy Registrar, at an annual salary of \$40,000.00, subject to successful completion of a background check and physical within a 3-week period. The appointment date will be provided to the Town Board by the Town Clerk. ~~Ms. Bartlett also agrees to perform the duties of the Planning and Zoning Board Secretary for a minimum of 1 year. Compensation will be that which is currently provided for in the organizational minutes.~~ [Amended 11/9/2021 lm]

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

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

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PRIVILEGE OF THE FLOOR

The Supervisor stated that individuals wishing to speak will have three minutes and should keep their comments germane to Town business and with no characterization regarding Town personnel.

Erin Trombley, 126 Lamplighter Acres, addressed the Town Board. She stated that there was an accident on Route 9 Monday, which took down power lines and closed Route 9 for an entire day. She stated that she understood it was a State road and that National Grid was responsible for the power lines. She wondered if there was something that the Town could do to advocate for people who live in the affected areas when something like this happens. She stated that Route 9 was closed from Butler Road to Route 197. She stated that nobody could get in or out of Lamplighter Acres. She stated that there are elderly people who live in there, who were without power and air conditioning. They have phones that rely on electricity and couldn't call out. She stated that it was very unclear as to what they should do. She had left very early in the morning, but once outside the Park, she couldn't get back in. She tried several times and finally went back to her office in Lake George. When she heard the power was restored, she waited three hours and then headed home. The road was still blocked off. She stated that she's not a law breaker but at that point she went around the barrier to get home. She stated again, that she understood this wasn't a Town issue but hoped in the future that the Town would be able to help by directing traffic to allow the local residents to be able to get to and from their homes.

Angela Wadsworth addressed the Town Board. She stated that she wasn't here to repeat herself but to be a reminder of the damages that were caused to her property by elected officials. Ms. Wadsworth commented that Attorney Buettner was pulled from a certain area this evening because of a conflict of interest and she wondered why she wasn't pulled when there was a conflict of interest with herself. Ms. Wadsworth stated that she was denied her due process because of that when addressing the Zoning Board of appeals. She went on to say that she was displeased with the way the Supervisor had been treating her. She also stated that the survey done for the property next to hers was improper. She stated that she had asked to be put on the agenda so that she could warn the taxpayers on how some Town officials like to alter tax maps. She stated tax maps are used by Planning Boards, Zoning Boards, Courts, Police Departments and Attorneys. She asked why the Supervisor wasn't going out to that property with Code Enforcement as he had promised her. She stated that she was promised many times and hasn't seen a Code Enforcement Officer up there. Ms. Wadsworth presented a photo and stated that it was illegal to run power lines 100' down a property line without protection.

The Supervisor stated that her time had expired. There was a brief exchange.

A motion was made by Councilmember Noonan during the exchange, to close the meeting for the evening at 9:20 p.m. Councilmember Hogan seconded the motion.

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

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

Meeting was adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk