

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The meeting was held live as well as broadcast via Zoom.

The Supervisor called the meeting to order at 7:05 p.m.

The Town Clerk called the roll.

#### **Town Board Members Present**

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

#### **Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Leah Cronin, Assessor; Others: Wm. J. Gifford and Elizabeth Bennett

The Supervisor welcomed everyone and led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

The minutes from September 28, 2021 (2 sets), October 6, 2021 and October 7, 2021 were prepared and presented to the Town Board members prior to the meeting for their review, comment, correction and approval.

#### **Resolution #2021-327**

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, approving the minutes from September 28, 2021 (2 sets) as prepared.

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

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

#### **Resolution #2021-328**

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, approving the minutes from October 6, 2021 and October 7, 2021 as prepared.

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

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

#### **COVID-19 UPDATE**

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated, that as of October 24, 2021, the County reported the following:

The 7-day rolling average testing positivity rate: 3.4%  
Active cases in the County: 384  
Hospitalized: 31

Town of Moreau has 31 active cases and the Village of South Glens Falls has 7.

Those age 12 and over who have received at least one dose of vaccine: 86.7%  
Those age 12 and over who have been fully vaccinated: 81.3%  
Those age 18 and over who have received at least one dose of vaccine: 87.5%  
Those age 18 and over who have been fully vaccinated: 82.0%  
Those age 65 and over who have received at least one dose of vaccine: 99.3%  
Those age 65 and over who have been fully vaccinated: 91.2%

The Supervisor stated that Saratoga County has been chosen to have a pilot program in conjunction with Saratoga County and the South Glens Falls CSD, in relation to adjusting quarantine time based on protocol. The CDC has been working closely with the Commissioner of Public Health. The pilot program will be evaluated to see if it's something that can happen across New York State and other agencies across the country.

### **LOCAL LAW 3 OF 2021**

The Supervisor stated that the Town Code currently sets the hours for the Recreation Park from 8:00 a.m. to 4:00 p.m. This local law would allow the Town to set the hours by resolution. Attorney Buettner stated that they had to do SEQRA first before they could adopt a resolution. She stated that they had parts 1, 2 and 3 of the Short Form EAF in front of them and that she took the liberty of identifying that there would be no or little impact. She stated, that if they were comfortable with her answers, they could issue a negative declaration. The Town Board members were in agreement with her answers. Attorney Buettner stated that they would now need to adopt the resolution, which includes the negative declaration. The Town Clerk read the following resolution aloud:

#### **RESOLUTION TOWN BOARD TOWN OF MOREAU**

**SUBJECT: ADOPTION OF LOCAL LAW 3 OF 2021, REPEALING SECTION 102-1 AND REPLACING WITH NEW SECTION 102-1 OF THE CODE OF THE TOWN OF MOREAU**

WHEREAS, the Town Board of the Town of Moreau ("Board") is considering the adoption of Local Law No. 3 of 2021, which, if adopted as proposed, would repeal the existing Section 102-1 of the Code of the Town of Moreau in its entirety and replace it with new Section 102-1, allowing the Town Park hours to be set by Resolution of the Town Board; and

WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2021 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 3 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on October 26, 2021 at the Town Municipal Complex; and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 3 of 2021; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 3 of 2021, which amends the law as stated above; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

#### **Resolution #2021-329**

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution as read into the record by the Town Clerk.

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

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

#### **LOCAL LAW 4 OF 2021**

The Supervisor explained that the State mandates that the Assessors exempt wind and solar farms for real property on property taxes for 15 years. He stated that it was an effort to go-green. To ensure that no tax dollars are lost, towns are able to enter into PILOT agreements with solar developers or system owners. Taxing jurisdictions had the option to opt out of the exemptions and allow solar farms to be fully taxable. The Town Board did not exercise the option. He stated that Saratoga County and South Glens Falls CSD did not opt out either. Attorney Buettner stated that the procedure would be the same as the last local law. The Town Board members were in agreement of Attorney Buettner's responses to questions 1-11 being no or small impact. The Town Clerk read the following resolution aloud:

### **RESOLUTION TOWN BOARD TOWN OF MOREAU**

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

SUBJECT: ADOPTION OF LOCAL LAW 4 OF 2021, ADDING “SOLAR ENERGY SYSTEM PILOT LAW” TO THE CODE OF THE TOWN OF MOREAU

WHEREAS, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 4 of 2021, which, if adopted as proposed, would add “Solar Energy System PILOT Law of the Town of Moreau, New York” to the code of the Town of Moreau; and

WHEREAS, the Board finds that the adoption of Local Law No. 4 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 4 of 2021 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 4 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on October 26, 2021 at the Town Municipal Complex; and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 4 of 2021; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 4 of 2021; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

### **Resolution #2021-330**

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, to adopt the foregoing resolution as read into the record by the Town Clerk.

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

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

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### **SENIOR CITIZENS RPTL EXEMPTION**

The Supervisor stated that a recommendation was brought to him by the Assessor for the Senior Citizen Low Income Real Property Tax Exemption. The exemption was enacted in 1967 and has been increased 9 times over the years. The last time the adjustment was made was in 1996. He stated, that to qualify for the program, you must be 65 or older and the exemption for the property sought must be the primary residence. There would be requirements for proof of income eligibility. He stated, that if they want to do this for the 2023 tax year, they have to adopt the local law before the end of the year. He stated, that since this hadn't been adjusted in many years, he thought the Town should consider it. He stated that he would be bringing it up at the County level as well. The Assessor was present and stated that she was looking forward to this. She stated that the scale hasn't been adjusted for over 25 years. She stated that the exemption is for those who need it the most and the goal is to keep those seniors in their homes as long as they can. The Supervisor stated that this would increase the threshold to \$32,400.00.

### **Resolution #2021-331**

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to schedule a public hearing for Local Law 5 of 2021, Senior Citizens RPTL Exemption, for November 4, 2021 at 5:45 p.m.

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

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

### **TOWN HALL GENERATOR**

The Supervisor stated that the generator didn't start the last time it was tested, and they've received a quote from Milton Cat in the amount of \$1228.80. The labor portion was \$824.00. He stated that he had reached out to the Highway Superintendent to see if his mechanic could take a look at the unit. He recommended that they authorize the vendor to make the repairs after it's been looked at by the mechanic. He stated that if the Town can make the repairs, we would just need to purchase the parts.

### **Resolution #2021-332**

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the expenditure of up to \$1,228.80 for Milton Cat to perform the necessary repairs to the back-up generator at Town Hall, subject to prior review by the Highway Department. The expense would be paid from account A1620.401.

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

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

### **RECREATION DEPARTMENT**

Councilmember Hogan stated that the Recreation Leader was asked to get three quotes for a pole barn at the Recreation Park. He stated that the barn would be for cold storage of Recreation equipment. The following quotes were received:

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Curtis Lumber                                 \$12,684.47  
40 Big Bay Road  
Queensbury, NY 12804

Versa Tube Building Systems     \$18,186.00  
50 Eastley Street  
Collierville, TN 38017

DIY Pole Barns                             \$18,659.28  
105 Quinter Farm Road  
Union, OH 45322

Councilmember Hogan stated that the Recreation Department would provide the labor. The Recreation Leader was looking for a contractor who would oversee the project, but they don't have a price on that yet. Councilmember Hogan stated that he would like to move forward on the purchase of the materials and stated that the recommendation from the Recreation Leader was to purchase from Curtis Lumber.

A motion was made by Councilmember Hogan and seconded by Councilmember Noonan to purchase a 24' by 40' pole barn from Curtis Lumber at a cost of \$12,684.47.

The Supervisor stated that the Town doesn't have the necessary skilled labor to perform the work in a timely fashion. He also stated that this purchase would be coming from the Town-wide Capital Project Fund and it would be subject to a permissive referendum, which would potentially put a public hearing right around Thanksgiving. The Supervisor stated that he's been on the Town Board in different capacities when public hearings have been scheduled around holidays and he feels it's unfair to the residents. The Supervisor stated that the Town has budgeted for this expense in the 2022 Budget. The Supervisor recommended that instead of rushing to get it done this year, they should wait and address it in 2022. He stated that there will be more to the cost than just \$12,000.00. Councilmember Noonan and Councilmember Donohue both agreed.

Councilmember Hogan withdrew his motion.

#### **VANBUREN STREET – WATER MAIN EXTENSION -SEQRA**

The Supervisor stated that this was something that the Town Board was correcting. He stated that a water line hadn't been placed according to the map, plan and report and it ran short of a couple customers. He stated that the Town has an obligation to make this correct. He stated that the cost of the project would be between \$180,000 to \$200,000. He stated that the project has been budgeted for next year, but they need to secure the necessary easements first. As part of the project, the Town needs to do a SEQRA. Attorney Buettner stated that she had reached out to Don Rhodes. He indicated to her that this was something that could be done tonight if the Town Board wanted to. She stated that Part 1 describes the project. The Town Board was in agreement with Part 1 and Attorney Buettner went on to Part 2. She stated that everything had been marked as small or no impact except Question #7 (a), which asked: Will the proposed action impact existing water supplies? She stated that it was marked as moderate to large impact may occur. She stated that Part 3 explains the impact. The Town Board accepted the determination before them.

#### **Resolution #2021-333**

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, that there is no significant environmental impact and the Town Board, as lead agency, wishes to issue a negative declaration under SEQRA.

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

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

Attorney Buettner stated that she would advise Mr. Rhodes, engineer for the Town, that the resolution has passed.

### **WATER DEPARTMENT**

The Supervisor stated that the Town has received notice from the NYS Comptroller's Office, that they've received the order of the Town Board consolidating the water districts. He stated that the Town Board has the Water Ordinance before them. The Board members and Department heads were asked to review it and provide comment. They have a red-line copy based on those comments. He stated that they'll need to set a public hearing next.

### **Resolution #2021-334**

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, setting a public hearing for Local Law 6 of 2021, which if adopted would repeal Chapter 145 of the Town Code and replace it with a new Chapter 145. The public hearing is scheduled for November 9, 2021 at 6:45 p.m.

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

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

Attorney Buettner stated that she would draft the public hearing notice for the Clerk.

### **SUPERVISOR ITEMS**

The Supervisor wanted to make the Town Board members aware that the 2022 Association of Towns annual meeting and training school is scheduled for February 20-23, 2022, at the Marriott Marquis in New York City. He stated that he had the information in his office if anyone is looking for details.

The Supervisor stated that he had received the sales tax report for August activity. He stated that the Town has received \$2,584,022.00 year to date for 2021. He stated that the 3<sup>rd</sup> quarter showed a 3.48% increase over last year. He stated that the Town will have to determine what to do with the excess sales tax.

The Supervisor had a request for barricades and asked Councilmember Noonan to explain. Councilmember Noonan stated that for several years his neighborhood has had a Halloween parade and block party, which requires Town Board approval. He stated that it would be for October 31<sup>st</sup> and that a small portion of Jerome Lane would be closed. He stated that the neighbors were all aware.

### **Resolution #2021-335**

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, granting authorization of a block party request for October 31, 2021, for portion of Jerome Lane, from 4:00 p.m. to 6:00 p.m.

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

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

The Supervisor stated that there had been a request for a streetlight on the corner of Route 9 and Blanchard Road. He stated that he had asked the Highway Superintendent to reach out to the County's engineer. Mr. Joseph did reach out to the engineer and was told that the Town would have to pay for the cost of the light. The Supervisor asked Attorney Buettner how the Town would create the lighting district. Attorney Buettner stated that she would have to look into it and get back to the Supervisor.

### **COMMITTEE REPORTS**

Councilmember Hogan stated that there is still an issue with the hot water heater at the Town Hall. He stated that they need to order another part and are still trying to get it repaired. He also stated that some of the fluorescent bulbs have blown out in the hallways and that they've ordered more. He asked where the old ones can be disposed of. The Supervisor stated that he would check with Public Works and let him know.

Councilmember VanTassel stated that Spectrum has been on-site and that they may be getting the circuits installed soon. He stated that it would allow for residents to call in without having to hang up and dial other numbers for other departments.

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to adjourn to executive session at 8:10 p.m. to receive an update on contract negotiations with the City of Glens Falls, in relation to sewer capacity; to receive an update from the sewer team, which includes Special Counsel and Engineer for the Town; and to discuss the employment history of an unnamed Town employee.

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

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

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

The Town Board returned from executive session at 9:02 p.m. with the Supervisor making note that no action was taken in executive session.

### **OTHER BUSINESS**

#### **Resolution #2021-336**

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to set a public hearing for the 2022 Preliminary Budget, on November 4, 2021 at 6:00 p.m.



A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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

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

Councilmember Donohue requested that they schedule another workshop with regard to the Solar Law. He stated that it's been 2 years and they owe it to the residents who have made comments.

The Supervisor stated that he would like to get through all of the public hearings first.

Councilmember Hogan stated that he would like to discuss the overlays more.

Councilmember Donohue asked if they could schedule a workshop at the next regular Town meeting.

A motion was made by Councilmember Hogan, seconded by Councilmember Donohue and carried, to close the meeting for the evening at 9:07 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk