

A regular meeting of the Town Board of the Town of Moreau was held on November 9, 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 7:00 p.m.

Town Board Members Present

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

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Don Rhodes, Engineer for the Town; William Ryan, Special Counsel; Mark Stewart, Councilmember Elect; Town Residents: Clifton Harriman and Dan Campagnone

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from October 12, 2021, October 20, 2021 and October 26, 2021 (3 sets) were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2021-337

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to approve the minutes from October 12, 2021 as prepared.

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

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

Resolution #2021-338

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to approve the minutes from October 20, 2021 and October 26, 2021 (3 sets) 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

In Saratoga County, 22 individuals are hospitalized. Of that number 15 have not been fully vaccinated and the remaining 7 have been vaccinated.

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The percentage of breakthroughs in the vaccinated population in Saratoga County = 1.6%

The percentage of breakthrough cases that are hospitalized in Saratoga County = .07%

The Town of Moreau has 68 active cases

The Village of South Glens Falls has 11 active cases

In Saratoga County:

Ages 5 and older who are fully vaccinated is 81.6%
There are 168 children, ages 5-11 that have had one dose.

Ages 12 and older that have received at least one dose of the vaccine = 88.1%

Ages 12 and older who are fully vaccinated = 82.1%

Ages 18 and older who have received at least one dose of the vaccine = 88.9%

Ages 18 and older who are fully vaccinated = 82.7%

Ages 65 and older who have received at least one dose of the vaccine = 99.9%

Ages 65 and older who are fully vaccinated = 92.1%

Upcoming vaccination clinics:

Today at the Saratoga County Public Safety Building, they offered Pfizer vaccines for those 5-11.
Today at the Galway Fire Department, they offered Pfizer booster vaccines to those 65 and older.

November 10, 2021, a Pfizer vaccine clinic will be held for 5-11-year old's, between 2:30 p.m. and 5:30 p.m. for those who reside in Saratoga County. The clinic will be held at the Saratoga County Public Safety Building. Registration is required.

November 10, 2021, a Moderna booster clinic will be held for those ages 65 and older, from 9:30 a.m. to 12:30 p.m. at the Saratoga County Public Safety Building. Registration is preferred and strongly recommended. Limited walk-in appointments will be available.

Vaccines are free and no proof of insurance is required. For more information, visit the Saratoga County website at: www.saratogacountyny.gov/covid or by calling Saratoga County Public Health at 518-584-7460.

LOCAL LAW 5 OF 2021 – SENIOR CITIZEN REAL PROPERTY TAX EXEMPTION

The Supervisor stated that a public hearing had been held for this local law and no comments have been received from the public. In order to adopt the local law, there are steps that need to be taken.

Attorney Buettner stated that the Town Board has SEQRA forms before them, Parts 1, 2 and 3. She stated that she took the liberty of going through Part 2 indicating that the adoption of the law would have no or small impact. She stated that she would be happy to go through questions 1-11 and have the Town Board respond, or if the Town Board is comfortable with her answers as no or small impact, then the Town Board can go through Part 3 and issue a negative declaration. It was the Town Board members decision that there is no significant impact with respect to this local law. It was also the Town Board's determination to issue a negative declaration. Attorney Buettner stated that the negative declaration was included in the resolution before them. The Supervisor stated that this local law changes the threshold

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under section 130-2 of the Code of the Town of Moreau. He stated that the previous threshold was \$17,500 and it will be \$24,000 if adopted. The Town Clerk read the following resolution aloud:

RESOLUTION
TOWN BOARD
TOWN OF MOREAU

SUBJECT: ADOPTION OF LOCAL LAW 5 OF 2021, AMENDING CHAPTER 130, SECTION 130-2(B) 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. 5 of 2021, which, if adopted as proposed, would amend Chapter 130, Section 130-2(B) of the Code of the Town of Moreau; and

WHEREAS, the Board finds that the adoption of Local Law No. 5 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, especially the senior citizens of the Town; and

WHEREAS, the Board finds that the adoption of Local Law No. 5 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. 5 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on November 4, 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. 5 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. 5 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 #2021-339

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.

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

LOCAL LAW 6 OF 2021

The Supervisor stated that this local law is in relation to the Town's Water Ordinance. He stated that the public hearing was held earlier this evening. No testimony was received. Attorney Buettner stated, that during the public hearing, Councilmember Hogan had requested a change to be made and that the Ordinance needs to be amended before they move forward. Councilmember Hogan reiterated that in section 21-B it states 2 days' notice, and in section 25-C it states 3 days' notice. It was the Town Board's determination to change both sections to read 3-days' notice. Attorney Buettner asked if there were any other minor changes that the Town Board wished her to make. They had none. She stated that the Town Board had a SEQRA form before them. She stated that she had marked them as small or no impact and that she would be happy to go through questions 1-11 if the Town Board would like. Or, they can do what they did before and advise that they're comfortable with her answers of small or no impact and then issue a negative declaration, and that there is no significant environmental impact. It was the Town Board's determination, that the adoption of Local Law 6 of 2021 would have no significant environmental impact, and to issue a negative declaration. The Town Clerk read the following resolution aloud:

RESOLUTION TOWN BOARD TOWN OF MOREAU

SUBJECT: ADOPTION OF LOCAL LAW 6 OF 2021, REPEALING CHAPTER 145 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 145 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. 6 of 2021, which, if adopted as proposed, repeals Chapter 145 in its entirety and replaces it with a new Chapter 145 to apply to the Consolidated Water District; and

WHEREAS, the Board finds that the adoption of Local Law No. 6 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. 6 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. 6 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on November 9, 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. 6 of 2021; and

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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. 6 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 #2021-340

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

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

ADOPT 2022 BUDGET

Resolution #2021-341

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

WHEREAS, the Town Board held a public hearing for the 2022 Preliminary Budget on November 4, 2021; and

WHEREAS, the public hearing was held in accordance with the York State General Municipal Law;

So be it RESOLVED, that the Town Board adopt the 2022 Preliminary Budget as presented at the public hearing.

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

PLANNING AND ZONING BOARD SECRETARY

Resolution #2021-342

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to amend Resolution #2021-262 by eliminating the last line that reads: 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.

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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

Resolution #2021-343

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, that Katrina Flexon, Clerk for the Town of Moreau Building Department, serve as Secretary for the Planning Board and the Zoning Board of Appeals and receive a stipend not to exceed \$100.00 per meeting.

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 made mention that Councilmember Elect Mark Stewart was present and congratulated him on his win. He stated that he was welcome to join them in executive session later in the meeting.

SOUTH GLENS FALLS FIRE COMPANY HOLIDAY PARADE

The Supervisor stated that he had received a request from the Fire Company to close a section of Route 9 in an effort to provide for a successful holiday parade. The closure would be from Bluebird Road in the Town of Moreau to River Street in the Village of South Glens Falls. The Supervisor stated that the Fire Company, as a requirement from NYSDOT to receive a permit, will have to have a \$5,000,000 insurance policy in effect, which can be achieved by a \$1,000,000 per occurrence and a \$4,000,000 umbrella. He stated that the Fire Company is aware of the requirement. The Supervisor stated, that in order for the Fire Company to be issued a special use permit from NYSDOT, the municipality must be in support of it.

Resolution #2021-344

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, in support of the South Glens Falls Fire Company Holiday Parade, which will be conducted along Route 9, in the Town of Moreau, from Bluebird Road to River Street, in the Village of South Glens Falls.

Councilmember Noonan asked if they would be following the same parade route from William Street to River Street. The Supervisor stated that they indicated it would be the same route as the one two years ago.

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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SEQRA – SEWER TREATMENT ALTERNATIVES

The Supervisor stated that the Town is exploring treatment alternatives, which will require the completion of SEQRA and a resolution. Don Rhodes was present and stated that this would give the Town an alternative for discharge from Sewer District 1 Extension 5. He stated that it would follow local roads and connect with the County. Mr. Rhodes stated, that in order to submit a grant application, the Town needs to go through SEQRA. He stated that the Board acted on Part 1 at the last meeting and they now need to go through Part 2 and 3. Attorney Buettner stated that the Town Board had the SEQRA form before them and the questions have all been answered as small or no impact, based on the information prepared by Laberge Group and SHIPO. She stated that she was happy to go through and ask the questions if the Town Board would like her to, or they can accept the questions as identified. She stated that there is a resolution before the Town Board determining no significant environmental impact, and a negative declaration. The Town Clerk was asked to read the resolution aloud as follows:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU
SUBJECT: SEQR DETERMINATION REGARDING THE COUNTY CONNECTION FOR
SEWER DISTRICT 1, EXTENSION 5**

WHEREAS the Town Board has had an opportunity to review the County Connection for Sewer District 1, Extension 5, which includes the installation of sewer infrastructure to connect with the Saratoga County Sewer District; and

WHEREAS, the Town Board has reviewed Part I of the Long Environmental Assessment Form prepared by Laberge Group, engineer for the Project, and

WHEREAS, by Resolution dated October 20, 2021, the Town Board declared itself Lead Agency for this Type I project under the State Environmental Quality Review Act (hereinafter referred to as “SEQRA”); and

WHEREAS, the Town sent Lead Agency designations to all interested and involved agencies, all of whom have agreed to the Town’s designation as Lead Agency for this action; and

WHEREAS, the Town has reviewed Parts 2 and 3 of the EAF as to whether the action will have any significant adverse environmental impacts; and

WHEREAS, after reviewing Parts 2 and 3, the Town Board determined that the action will not have any significant adverse environmental impacts and a negative declaration should be issued;

NOW THEREFORE BE IT RESOLVED THAT, the Town Board hereby determines there is no significant environmental impacts and that a negative declaration be issued, and

BE IT FURTHER RESOLVED, that the Attorney for the Town is directed to file the negative declaration with the Environmental Notice Bulletin.

Resolution #2021-345

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

Councilmember Donohue stated that he had a concern with this and that it was probably something that should have been looked at before the project started. He stated that the Town is stuck now. He also stated that he will vote for the adoption of this resolution in order to keep the Town’s options open.

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Councilmember Noonan stated, as a member of the Town Board from the start of the process, that he did feel the Town has been trying to negotiate with the City of Glens Falls in good faith, so to characterize that they haven't been negotiating is a mischaracterization. He also stated that he felt the Town was making a great move for the future of the sewer system in the Town, for 50 to 75 years down the road.

The Supervisor stated that the Town Board has a responsibility to protect the interest of the taxpayers and rate payers in the Town. He stated that he has had multiple meetings with the City of Glens Falls and will not allow the Town of Moreau to be held hostage to the outrageous proposed fees and penalties for a new agreement with the City, without providing an option to the rate payers. He also stated, that the reason the Town is in this position, is because previous Town Boards, under a different administration, sold out the Town. He stated that they sold capacity for developers to put up apartments through the PUD process, in a community that had capacity earmarked for economic development for the future of the Town, along the Route 9 corridor. He stated that he supported this resolution and will do everything he can to ensure that the Town gets the best deal for the rate payers in the various sewer districts. Councilmember Donohue stated that he was on the Town Board when this project started and commented that they failed to look at capacity. He stated that they dropped the ball. He also commented that the Supervisor was part of the past administration. The Supervisor stated that he was a Councilmember and that it was Supervisor Jenkins sitting in his seat. He stated that he asked numerous questions and was lied to on the record. He stated that he based his decisions on the information that Mr. Jenkins had provided. He stated that this administration is doing everything transparently. Councilmember Donohue stated that Mr. Kusnierz was Supervisor in 2017 and the capacity wasn't negotiated until 2020.

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

CITY OF GLENS FALLS FACILITY AGREEMENT

TOWN OF MOREAU RESOLUTION OF INTENT TO RENEW THE FACILITY AGREEMENT BETWEEN THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF GLENS FALLS AND THE TOWN OF MOREAU

RESOLVED, the Town Board hereby directs the Attorney for the Town to inform the City of Glens Falls that the Town intends on exercising its option pursuant to Section 14.02 of the Facility Agreement between The Board of Water and Sewer Commissioners of the City of Glens Falls and The Town of Moreau, as amended by the Addendum to Facility Agreement dated August 21, 2008, to renew the Agreement for a term of ten (10) years on the same terms and conditions.

Resolution #2021-346

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

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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

TRANSFER STATION

The Supervisor stated that he received information from a Transfer Station employee, that an individual had stopped by the Transfer Station and stated they were willing to haul the compost. He stated that there was a proposal from O'Connor Realty dba O'Connor Sand & Stone, which he read aloud. The Supervisor stated that he didn't believe an RFP had been done for that but stated that he told the individual he would bring it to the Town Board's attention for discussion. It was decided that they would give the information to the Transfer Station Committee for a recommendation.

WATER DEPARTMENT

Resolution #2021-347

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to accept the resignation of Kristian Mechanick. Mr. Mechanick's notice was given on November 4, 2021, which stated that his last day will be November 17, 2021.

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 this resignation creates an opening in the water/sewer department. He stated that the personnel committee has interviewed a few individuals and he has interviewed some personally. He recommended the Town hire Jeffrey Dickinson.

Resolution #2021-348

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried that the Town Board hire Jeffrey Dickinson as Laborer, Full-Time for the Water/Sewer Department at a rate of pay of \$24.00 per hour, effective November 29, 2021. This position is to be provisional for a six-month period and subject to the successful completion of a background check and pre-employment physical within a 2-week period from the effective date.

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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Resolution #2021-349 [Rescinded by Town Board Resolution 2/8/2022 lm]

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried,

WHEREAS, The New York State Department of Health requires public drinking water systems to be administered by a properly licensed water plant operator pursuant to 10 NYCRR Subpart 5-4;

So be it RESOLVED:

That the Town Supervisor is authorized to sign a contract, subject to review and approval by the Attorney for the Town, with Michael Mooney, Director of the Wilton Water and Sewer Authority, at a rate of \$75.00 per hour and Robert Campchero, licensed operator, at a rate of \$50.00 per hour to provide all necessary oversight to ensure the Town of Moreau Water & Sewer Department complies with all relevant laws and New York State Department of Health regulations on an as-needed basis.

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 the Town had received a petition for a water district extension. He stated that they're looking to be added to the agenda for the next available meeting. He stated that it was received too late in the day to be included in tonight's agenda. He stated that he would get a copy of the document to Attorney Buettner for her review. The petition was in relation to Jacobie Farms subdivision. Attorney Buettner stated that a copy should also go to the engineer for the Town. The Supervisor agreed and stated that he would get a copy to Special Counsel as well.

SUPERVISOR ITEMS

The Supervisor stated that he had received a revised certificate of notice to close a highway. He stated that it was in relation to Fortsville Road. Due to all the heavy rains, the project was delayed. He believed they were going to start paving this week and the guard rails should go in shortly after. The notice stated that they hoped to have the road back open by November 30, 2021.

The Supervisor stated that the Town had received a quote from Milton Cat to repair the generator at the Town Hall. The Town Highway Department looked at the generator and indicated that they were able to do the repairs, if they have the parts. The Highway Superintendent reached out to Milton Cat and was told, the work that needs to be done, is not applicable to that model. The Supervisor stated that they aren't sure what needs to be repaired, but once they know, there has already been a resolution, which authorized the purchase of the parts.

The Supervisor stated that he had received correspondence from Nexamp today but stated that he wasn't sure exactly what they were looking for. He asked Attorney Buettner if they were looking for an easement. She replied that they were, and they were also looking for approval from the Town Board of their final plan. Attorney Buettner stated that she didn't have a copy of the document that the Supervisor was referring to. The Supervisor stated that he would get her a copy. The Supervisor stated that he wasn't in favor of utility right-of-way's on Town property. He stated that he didn't know how the rest of the Town Board felt. The Supervisor asked if they were asking for the same easement again and Attorney Buettner stated that it was for a different spot this time. Attorney Buettner stated, that if the Town wants to move forward and give the easement, over the paper road, the Town has the authority to require what specifications they want for the road. The Supervisor stated that he has had conversations with prospective tenants in the Industrial Park, who are interested in the paper road. He stated that the Town Board needs to be aware of that and it should be taken into consideration. He stated that there are a lot of moving parts to all of this. It's not just one project coming before the Town Board. The Supervisor stated

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that he would get a copy of the correspondence to Attorney Buettner so she can review and advise the Town Board. Attorney Buettner believed they were looking for three things: A utility easement, a pilot agreement, and they want the Town Board to approve their decommissioning plan.

COMMITTEE REPORTS

The Supervisor stated that the Town has received an application for a Substitute Crossing Guard, which they will give to the personnel committee for review and a recommendation.

Councilmember Donohue stated that the brush at the Transfer Station has all been chipped up and the Highway Department has been hauling it away. He stated that they just need someone to haul the compost away. He stated that they did a great job clearing everything out and that it looks good. Councilmember Noonan asked if they were saving the chips for down near the river. The Supervisor stated that they budgeted money to secure County grants for paving the trail along the river. He stated that any chips would be used on the non-paved portions of the trail. The Supervisor stated that they can't just give the chips away and suggested that the Transfer Station come up with an RFP and decide how much the Town wants to keep for themselves.

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, to adjourn to executive session at 8:01 p.m. to discuss the work history of an unnamed Town employee and to receive an update on a current litigation. Councilmember Elect, Mark Stewart, and Engineer for the Town, Don Rhodes were invited into the executive session.

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 session.

Mr. Rhodes left the executive session at approximately 8:30 p.m.

The Town Board returned from executive session at 8:42 p.m. with the Supervisor noting that no action was taken in executive session.

OTHER BUSINESS

Councilmember Donohue stated that there have been people in attendance at meetings who sit through lengthy executive sessions before they can speak during privilege of the floor. He asked if that portion of the meeting could be scheduled before executive session. The Supervisor stated that he puts the agenda together. He stated that they used to have the privilege of the floor earlier in the agenda but found that the legislative portion of the agenda started to get pushed later into the evening, because the public portion became a dominant part of the meeting. The Supervisor stated, that with past administrations, meetings used to last until 1:00 a.m. He stated that he works hard to keep the meetings around an hour and a half at best. He stated that he was okay with where the privilege of the floor was on the agenda and didn't think it was an issue. Councilmember Donohue stated that there are people who want to speak but leave because the executive sessions are so long. He didn't think it would cut into the meeting by scheduling the privilege of the floor before executive session. He stated that it's fair for the residents who want to speak.

Councilmember Donohue stated that he would like to schedule a workshop for the proposed solar law. The Supervisor stated that he wasn't ready to move forward on it. Councilmember VanTassel stated that he would like to get Councilmember Stewart up to speed. He didn't want to make any decisions before he's sitting on the Town Board. Councilmember Donohue stated that this process shouldn't be taking this

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long and out of respect for the people who want to take advantage of the solar, they should be moving forward. He stated that they have all the information they need to move the process.

PRIVILEGE OF THE FLOOR

Dan Campagnone, 183 Old Saratoga Road, addressed the Town Board regarding an incident that happened at the Mount McGregor Correctional Facility property. He stated that he was the person who called 911. He stated his wife went outside and came back in stating she couldn't breathe. He then went outside to see what was happening and to make sure his house wasn't on fire. He stated that when the South Glens Falls Fire Company arrived, they didn't know what was causing the type of smoke. Mr. Campagnone stated that he thought it was tear gas. He stated that he had a relative who works for the correctional facility that told him they do exercises at the facility on Thursdays. Mr. Campagnone wanted to make sure the Town Board was aware because this is the second time an incident like this has happened. He stated that there was an issue two summers ago when people were touring Grant Cottage and the same thing happened. He stated that it didn't come down as far as his residence the first time though. He stated that he wanted to know why it happened, who it was, and that he doesn't want to see it happen again. He also stated that the State Troopers are up there doing target practice. He stated that they shoot for hours at a time and it's loud. He stated that there was a neighborhood here and didn't know why they were using that facility.

Clifton Harriman, 185 Saratoga Road, addressed the Town Board with the same concern. He stated that he wanted the minutes to reflect that they were concerned. Mr. Harriman stated that he had called the Sheriff and was told that there was an accident but that there was nothing to be concerned about. He stated, that if it happens again, and there are small children outside, it won't be the end of this. He stated that tear gas could hurt them. He asked the Supervisor what he has heard and what he has done to this point.

Supervisor Kusnierz stated that he was made aware of the situation by County Emergency Response. He was told that there was a situation and that they were investigating it. He stated that he reached out to the Department of Corrections and spoke with the Deputy Commissioner expressing his concerns and the neighbor's concerns. He was told that they do training at that facility as well as other correctional facilities around the State. The Supervisor stated that he had told them, that the Town should be notified as the municipality, in case they get calls on it. The Deputy Commissioner stated to him that they did notify the State Troopers. The Supervisor told her that it was nice that another State agency knew, but the Town wasn't notified. He stated, that prior to speaking with the Deputy Commissioner, he spoke with Sheriff Zurlo and he wasn't aware of the training either. The Supervisor stated that they've committed to notify, not only the State Police, but also the County Sheriff and the Supervisor for the Town, prior to any training events. He stated that he believed they have about 30 exercises per month and relayed to the Department of Corrections that it affects the safety and welfare of the residents when something on their property affects residents on another property. He was told that it was a weather event that caused the tear gas to come down the valley. The Supervisor stated again that he would be notified if they were to train again. Mr. Harriman asked if he meant training with tear gas. The Supervisor replied yes. The Supervisor stated, that as far as target practice goes, they do that across the State and will continue to. He stated that Federal law enforcement uses those facilities as well.

Mr. Campagnone asked where they go from here. The Supervisor stated that they could reach out to State Senator Jordan or State Assemblywoman Woerner and make them aware of the issue. He stated that he had spoken with them and they are aware, however in his experience, they will respond to multiple complaints on the same issue in an attempt to resolve. The Supervisor recommended that they write letters of concern to both Senator Jordan and Assemblywoman Woerner.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 9:00 p.m.

A regular meeting of the Town Board of the Town of Moreau was held on November 9, 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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk