

A regular meeting of the Town Board of the Town of Moreau was held on November 10, 2020 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
Kyle Noonan	Councilmember
John Donohue, Jr.	Councilmember
Alan VanTassel	Councilmember (Via Zoom)
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town.

The Supervisor welcomed everyone to the meeting and then led those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from October 15, 2020, October 27, 2020 (2 sets) and October 29, 2020 were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2020-277

A motion was made by Councilmember Donohue, seconded by Councilmember Noonan and carried, approving the minutes from October 15, 2020, October 27, 2020 (2 Sets) and October 29, 2020 as prepared.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

A Town Board workshop was scheduled for November 18, 2020 at 5:30 p.m. to discuss the proposed Solar Law.

COVID-19 UPDATE

The Supervisor stated that the Governor has signed an additional executive order 202.72, which extends the suspension of in-person meetings through December 3, 2020, which allows the Town to continue with Zoom meetings. He stated that the Governor announced new guidelines regarding State travelers on October 31, 2020, which allows Out-of-state travelers to New York to “test out” of the mandatory 14-day quarantine. Travelers must get tested within three days prior to landing in New York, quarantine for at least three days upon arrival, and get a test on day four of arrival. If travelers receive a negative test on day four of quarantine, they may exit quarantine when they receive the negative result. States that are contiguous with New York continue to be exempted from quarantine protocol. Essential workers also continue to be exempted. Travelers who are out of the State for less than 24 hours do not need to quarantine but must get a test on day four of arrival back in New York. All travelers covered by the advisory must continue to fill out a traveler health form upon arrival into New York State. On October

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20th, the Governor and the Health Department released the interim guidance for warrants and restrictions on travelers. He stated that this information is posted on the Town of Moreau's website.

In Saratoga County as of today:

1,536 total confirmed cases
20 deaths
140 active cases
1,376 recovered
11 hospitalized
7 day rolling average testing positivity rate is 1.3%
The number of cases in the last seven days is at 108

In the Town of Moreau as of today:

62 total confirmed cases
1 death
5 active cases
56 recovered

In the Village of South Glens Falls as of today:

23 total confirmed cases
0 deaths
2 active cases
21 recovered

ADOPT 2021 BUDGET

The Supervisor thanked his colleagues on how the Town Board worked together to come up with a budget, which he thought was reflective of where the Town is currently, financially, as a result of the pandemic and the decrease in sales tax. He stated that this was a very conservative budget, that's appropriate for these challenging times. He stated that the total appropriations for 2021 will be \$8,064,618. This includes the revenue that's raised from the library tax. He stated that this budget will meet the needs of the residents, and it conservatively accommodates the projected drop in sales tax revenue. He stated that they estimate sales tax to come in at \$2.4 million for 2021. In 2019 the Town received \$3.3 million and to date this year, we've received \$2.6 million. He stated that the tax rate will remain flat at .979572 per assessed thousand, which will raise \$1.4 million in revenue. He stated that an average home in the Town of Moreau, assessed for \$200,000, would pay approximately \$195.00. He stated that they've tried to reduce the overall tax impact over the past three years. One of the ways they had the greatest impact was to eliminate the fire protection tax. So, at the conclusion of this budget, that will have saved the taxpayers directly, over \$2.1 million dollars. While doing that, they were still able to increase funding for our first responders. He stated that they were able to reduce appropriations by just over 19%, and taking the library out, it means the appropriations for the Town purposes will be \$7,254,642. He stated, that when he took over as Supervisor, he was committed to restructuring the budget so that the Town wasn't so reliant on fund balance, so that they had sustainable budgeting. He commented that they've done a good job to that end. He stated that the General Fund fund balance, which they will be using this year, is down 81%. The Highway Fund fund balance has been decreased by 49%. For the Town Outside B Fund, they've reduced the revenues that they rely on for the fund balance by 59%. For water district users, Water Districts 2 and 5 will use zero fund balance. In Water District 4, they've decreased the use of fund balance by 36%. He stated that there were some projects that they didn't get to in 2020 that they will be able to continue to move forward on in 2021. Most of the projects are recreation related, which he stated is important to our residents.

Resolution #2020-278

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

WHEREAS, the Town Board held a public hearing for the 2021 Preliminary Budget on November 5th, 2020; and

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WHEREAS, the public hearing was held in accordance with New York State General Municipal Law and the Governor's March 13, 2020 Executive Order 202.1 and all extensions;

So be it RESOLVED, that the Town Board adopt the 2021 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 Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

BOARD OF ASSESSMENT REVIEW

The Supervisor stated that there was a member of the Board of Assessment Review who requested to not be re-appointed at the end of his term. He stated that this leaves only two members on this Board. The minimum number of members is three. He stated that the Assessor would like to have up to five members if there's an opportunity, but in the interim, she has interviewed all that had applied and has a recommendation this evening, if the Town Board chooses to move forward. He asked if the personnel committee wanted to review before they act on it. Councilmember Noonan saw the recommendation and stated that he would approve of it. The Supervisor stated that the Assessor recommended Lisa Ostrander and read from her letter of interest.

Resolution #2020-279

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to appoint Lisa Ostrander to the Board of Assessment Review for a five-year term, which started October 1, 2020 and will expire September 30, 2025.

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

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

HIGHWAY DEPARTMENT

The Supervisor stated that municipalities must email their CHIPS Pave NY and EWR reimbursement request forms and supporting documentation to NYSDOT by November 17, 2020. He stated that the Highway Superintendent was aware of this timeline and he's working on it.

The Supervisor reported that there was a motor vehicle accident on October 26, 2020, which damaged guide rails on Old Saratoga Road. The Highway Superintendent received an estimate for the repair in the amount of \$2,187.48. The work will be done by Town & County Bridge and Rail under Saratoga County Contract. The insurance company for the driver who caused the damage will be billed for the repairs as soon as they receive a copy of the accident report. The Supervisor suggested, that from a safety standpoint, they should move forward on it.

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Resolution #2020-280

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, authorizing Town & County Bridge and Rail to repair a damaged guide rail on Old Saratoga Road in the amount of \$2,187.48.

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

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

The Supervisor stated that they needed to accept the deed to Timber Lane and directed the Town Clerk to read the following resolution aloud:

MOREAU TOWN BOARD

RESOLUTION ACCEPTING DEED TO TIMBER LANE FOR DEDICATION

WHEREAS Timber Lane Holdings, LLC has offered a deed to the Town of Moreau to dedicate Timber Lane, as more particularly described in a survey map entitled “Map of an Asbuilt Survey for a Road Known as Timber Lane,” dated December 16, 2019, made by Darrah Land Surveying, PLLC, to be filed in the Saratoga County Clerk’s Office contemporaneous with the deed, and

WHEREAS, the Highway Superintendent and the Engineer for the Town have recommended acceptance of Timber Lane for dedication for highway purposes, and

WHEREAS, pursuant to Moreau Town Code §124-17, Timber Lane Holdings, LLC delivered to the Attorney for the Town a Warranty Deed with Lien Covenant, conveying Timber Lane to the Town; and

WHEREAS, pursuant to Moreau Town Code §124-17(1), Timber Lane Holdings, LLC delivered an Irrevocable Letter of Credit in the amount projected by the Letter of Credit Estimate as well as an Affidavit affirming the installation of the top coat of Timber Lane; and

WHEREAS, Timber Lane has already been improved as a street or highway, in accordance with the standards and specifications for a town highway within the Town of Moreau, and in conformance with applicable regulations and requirements and provisions of state law pertinent thereto; and

WHEREAS, Timber Lane Holdings, LLC has complied with all submission of all of the required documents contained in Moreau Town Code §124-17, including the providing of a Title Insurance Policy naming the Town of Moreau as the insured party and as as-built survey plat;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, on behalf of the Town, does hereby consent to the order of the Highway Superintendent laying out the said street and does hereby accept the deed of dedication on the said road, to be known as Timber Lane; and it is further

RESOLVED, that the Town Clerk is directed to record the deed in the Saratoga County Clerk’s Office.

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Resolution #2020-281

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution.

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

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

PURCHASE OF RECREATION LAND

The Supervisor stated that he had been approached by a real estate agent from Albany, who is representing a landowner in the Town of Moreau. He wanted to know if the Town might be interested in some property that's contiguous to our current Recreation Park. He told the agent that the Town is always interested but that he would have to bring this before the Board for consideration and discussion. Since that time, the Supervisor stated that he had spoken with Board members informally. The Supervisor described the property as approximately 54 acres of residential land (tax map # 50.-3-13). It's contiguous to the approximate 59 acres that the Town had purchased, and it borders Fort Edward Road. If purchased, this would expand the Town's Park up to 218 acres. The Supervisor looked at the possibility of using Capital Reserve Funds, and after speaking with Jeff Cruz, it was determined, that after scheduled projects for next year, there will only be \$45,000 available in that fund. He stated that the asking price was around \$300,000 but when the agent reached out to him, the owner had lowered the price to \$199,000. After speaking with Board members to see what number they were comfortable with, they arrived at \$175,000. The Supervisor had a conversation with the broker, who in turn brought the offer to the property owner. They stated that they would be willing to act on the offer, with the contingency that the closing take place in 2020. The Supervisor asked the Board members if they thought this would be a good idea. Councilmember Noonan thought it was a good idea and suggested that the Town would have the space to build and grow recreational programs for an indefinite amount of time in the future. Councilmember Donohue was also in favor explaining that it would expand recreational activities. Councilmembers Hogan and VanTassel were also in favor of the purchase. The Supervisor stated that this would be an investment in the Town's future. He stated that there's nothing more valuable than having land contiguous to what you already own. He stated that it would position the Town for decades to come. The Supervisor's recommendation was to utilize General Fund, Fund Balance, to make the purchase temporarily. He stated that prior to becoming Supervisor, one of the things the Town was doing, from a budget standpoint, was relying heavily on Fund Balance. He stated that they saw a dramatic draw down over the years. He stated that it was basically unsustainable budgeting. When his administration came in, the General Fund balance had decreased to just over \$800,000 and has since grown to \$1.29 million in 2018. In 2019 it dipped a little bit because of repairs but was still at \$1.14 million. As of August this year, the Town had \$1.3 million in Fund Balance. The total amount including unexpended funds for 2020 puts our Fund Balance tonight at just over \$1.7 million. The Supervisor recommended that they use \$175,000 from Fund Balance, which he would characterize as a temporary use. He stated that the next agenda item this evening is to discuss the sale of 61 Hudson Street. He stated that they have some numbers in mind for a sale price, which will get them close to \$175,000. He suggested that they would be using the money from the sale of Town property, which hasn't been used in many years, and using that to leverage the purchase of the 54 acres. He stated that there are some administrative acts they would need to take, should they decide to move forward with the acquisition.

The Town Clerk read the following resolution aloud:

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**TOWN BOARD
TOWN OF MOREAU**

RESOLUTION: To Purchase Real Property Located at 239-241 Fort Edward Road

WHEREAS, the Town of Moreau (“Town”) has entered into negotiations to purchase vacant land located a 239 – 241 Fort Edward Road, Town of Moreau, tax map parcel number 50.-3-13, comprised of approximately +/- 54 acres of vacant land (“Property”), such Property abutting the Harry J. Betar Recreational Park; and

WHEREAS, the Town has negotiated a purchase price of One Hundred Seventy-Five Thousand and NO/100 Dollars (\$175,000.00) for the Property; and

WHEREAS, it is in the best interest of the Town to purchase the Property for future parkland and recreational public purposes;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board approves the purchase price of One Hundred Seventy-Five Thousand and NO/100 Dollars (\$175,000.00); and be it further

RESOLVED, that the Town Board hereby directs the Attorney for the Town to prepare a Contract for Sale and Purchase of the Property upon terms and conditions as negotiated, for a purchase price of One Hundred Seventy-Five Thousand and NO/100 Dollars (\$175,000.00), and such other documents as are necessary to effectuate the purchase; and be it further

RESOLVED, that the Town Board hereby authorizes Supervisor to obtain quotes for the purposes of obtaining a survey and Phase I Environmental Study of the Property, if necessary, and additionally authorizes the Supervisor to execute contracts retaining such consultants after attorney review; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute and deliver to the Seller copies of the Contract for Sale and Purchase to transfer the property at 239-241 Fort Edward Road in the Town of Moreau, and be it further

RESOLVED, that the Town Board further authorizes the Supervisor to execute any and all other documents necessary to effectuate the purchase.

Resolution #2020-282

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 Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

The following resolution was presented for the purpose of a Lead Agency Declaration Under State Environmental Quality Review Act.

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**TOWN BOARD
TOWN OF MOREAU**

RESOLUTION: Lead Agency Declaration Under State Environmental Quality Review Act

WHEREAS, the Town of Moreau (“Town”) is considering purchasing property located at 239 – 241 Fort Edward Road, Town of Moreau, tax map parcel number 50.-3-13, comprised of approximately +/- 54 acres of vacant land (“Property”), such Property abutting the Harry J. Betar Recreational Park; and

WHEREAS, the Town Board is duly qualified to act as Lead Agency under the State Environmental Quality Review Act (“SEQR”).

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby declares itself Lead Agency for SEQR review purposes; and be it further

RESOLVED, that the Town Board hereby determines that the proposed action is an Unlisted action under SEQR; and be it further

RESOLVED, that the Town Clerk and/or Attorney for the Town is directed to forward a certified copy of this resolution and the proposed short environmental assessment form to any involved or interested agencies as may be determined.

Resolution #2020-283

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution.

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

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

SALE OF 61 HUDSON STREET PROPERTY

The Supervisor stated that there was an attempt to market this property a couple times over the past several years, unsuccessfully. He stated, that one of the advantages this time, is that the real estate market is on fire. He stated that this is a good time to get the property on the market and hopefully there will be a quick turnaround. In order to do this, it will require an agreement with a real estate agent. He stated that the asking price will be \$165,000, based on the current market conditions and an appraisal that was performed a few years ago. All Board members were in agreement to sell the property.

**TOWN BOARD
TOWN OF MOREAU**

**RESOLUTION: To Authorize Supervisor to Execute Exclusive Listing Agreement for
Sale of 61 Hudson Street, South Glens Falls**

WHEREAS, the Town of Moreau (“Town”) is the owner of 61 Hudson Street, Village of South Glens Falls, such property formally being utilized as the Moreau Town Hall (“Property”); and

WHEREAS, the Town no longer has a public purpose need for the Property; and

WHEREAS, the Town has previously obtained appraisals to value the Property; and

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WHEREAS, the Town Board believes it to be in the best interest of the Town to list the Property for sale.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the retainage of Robert Cohn Associates, Inc. d/b/a CBRE, to act as a Broker to list the Property for sale; and be it further

RESOLVED, that the Town Board hereby approves of that the Property be offered at a listing price of One Hundred Sixty-Five Thousand and NO/100 Dollars (\$165,000.00); and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute the Agreement for the Exclusive Right to Lease/Sell/Exchange with Robert Cohn Associates, Inc. d/b/a CBRE for the purposes of listing the Property for sale.

Resolution #2020-284

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution.

Councilmember Hogan asked what the commission is. The Supervisor replied 6% upon the sale of the property. Attorney Buettner stated that there is a one-year commitment but suggested that it could be negotiated. She stated that the resolution is only to authorize the Supervisor to sign the listing agreement. The Supervisor thought the Town would be better served with a six-month commitment and stated that he would have a conversation with the agent and get back to the Town Board. Councilmember Noonan stated that if the property is being actively shown, they can renew the agreement for an additional six months. Councilmember Hogan agreed that a one-year term would be too long, if they weren't actively trying to sell the property.

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

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

SUPERVISOR'S ITEMS

The Supervisor reported that the Association of Towns will be having their annual meeting for 2021, virtually during Presidents' week.

The Supervisor stated that the Town had applied for a grant from the local Saratoga County Youth Bureau, which is a pass through from New York State to the New York Office of Children and Family Services. Typically, we receive \$3,037 to help offset the costs of operating the Sandbar beach. This year, since the beach was closed, he wasn't sure if the Town would still be eligible to receive the funding. It was determined that the Fall Flag Football and Recreation Soccer are eligible activities, and that we would still be qualified.

The Supervisor stated that he had interviewed an individual at the request of Ted Monsour, for part-time work at the Transfer Station. He asked the members of the Personnel Committee to reach out to Mr. Monsour and come up with a recommendation. His plan is to take action at the next Town Board meeting.

The Supervisor reported, that the tractor the Town Board approved the purchase of, arrived at the Park last Thursday. They also picked up the old tractor for trade the same day.

The Supervisor asked for an update on the interviews for the Clerk position. Councilmember VanTassel stated that Councilmember Noonan and he went through 30+ applications and did final interviews on

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eight or nine people. They've given a recommendation to the Supervisor and Board members on two candidates for consideration. He stated that he would like to act on this at the next Town Board meeting. The Supervisor stated that anyone wishing to meet with the finalists are free to do so. It is his hope as well, that they take action at the next regularly scheduled Town Board meeting.

COMMITTEE REPORTS

Councilmember Hogan stated that he had taken a walk down by the river today and noticed that BOCES has quite a lot of equipment down there. The Supervisor stated that they moved some of the equipment from the Rec Park to that site last week. He commented that they did a phenomenal job clearing the old skidder trail. He stated that they're clearing the trail and pushing the brush back along the river. He stated that this will be an incredible expansion to the Town's recreational opportunities. He stated that the students working on the project are taking great pride in what they're doing. He stated that the work they're doing is worth tens of thousands of dollars, and they're doing it for free. He stated that they should be commended for everything they've done this year and last year at the Universal Playground. He thanked them for all their help.

Councilmember VanTassel reported that he was made aware by the Water Superintendent, that his handheld remote reader is so old that it isn't supported anymore. He stated that Jeffrey and he have contacted the vendor for the process of reviewing the options. He stated that they'll have some recommendations at the next Town Board meeting, to get Mr. Fish in a position where he can continue to read meters. He stated, that in the meantime, he's reading the meters manually.

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 7:58 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk