

A regular meeting of the Town Board of the Town of the Town of Moreau was held on May 11, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The meeting was conducted via Zoom in accordance with the Governor's Executive Order 202 and all extensions, which allow for municipalities to hold meetings remotely, providing that the public has the ability to view and/or listen to such proceedings.

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

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

John Hogan	Councilmember
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Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

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

Resolution #2021-167

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to approve the minutes from the regular meeting held on April 27, 2021 as prepared.

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

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

Resolution #2021-168

A motion was made by Councilmember Noonan, seconded by Councilmember Donohue and carried, to approve the minutes from the month-end audit meeting held on April 27, 2021 as prepared.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

None scheduled.

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COVID-19 UPDATE

The Supervisor gave an update as of 3:00 p.m. today.

In Saratoga County

15,014 Total Confirmed Cases
166 Deaths
151 Active Cases – down from 288 as of the last Town Board meeting.
14,697 Recovered
10 Hospitalized – down from 15 as of the last Town Board meeting.

In the Town of Moreau

697 Total Confirmed Cases
12 Deaths
11 Active Cases
674 Recovered

In the Village of South Glens Falls

203 Total Confirmed Cases
0 Deaths
6 Active Cases
197 Recovered

The 7-day Average Testing Positivity Rate for Saratoga County is at 1.5%, which is down from 1.8% at the time of the last Town Board meeting.

As of May 11, 2021, 55.8% of County residents have received at least one dose of the vaccine and 47.5% have completed the series. 82.5% of seniors have received at least one dose and 75.8% have completed the series. The Supervisor mentioned that these numbers don't include those residents who may have been vaccinated in states outside of New York. Nor do the numbers include those vaccinated in Federal Government facilities such as Veterans Hospitals.

FENCES

The Supervisor stated that all Town Board members have received an email from another resident, where there's a situation which makes our present Town Code onerous for what she would like to have happen on her particular parcel. He stated that there are recommendations for changes from the Zoning Administrator. The Supervisor stated that he too had recommendations. He suggested that the Town Board members weigh in on the email received today and provide their recommendations to Counsel so that a draft local law can be prepared for the next Town Board meeting. Attorney Buettner stated that she would provide the Board members with a copy of the section of Town Code that had been revised by the Zoning Administrator.

Councilmember Noonan asked, if the Fence section were under the Zoning Chapter, wouldn't a request for a variance automatically go to the Zoning Board of Appeals for a decision. Attorney Buettner stated that the chapter at present doesn't allow for a variance. She stated that if it were in the Zoning chapter, it would have to go to the Zoning Board of Appeals. Councilmember Noonan asked if that would be the fastest way to get this accomplished. The Supervisor stated that he thought that was the way they were going with it. Attorney Buettner stated that they could just take the chapter and move it. She stated that they can make the changes necessary and renumber it.

RECREATION DEPARTMENT

A regular meeting of the Town Board of the Town of the Town of Moreau was held on May 11, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that there were a few requests from the Recreation Leader. The first being to hire lifeguards so they can get the beach open. The Supervisor asked if the Recreation Committee had been working with the Recreation Leader to make sure that the Town is complying with the COVID protocols that are in place, or do additional measures need to be taken. Councilmember Noonan stated that Mr. Olesheski is aware of the requirements and didn't have any concerns with the opening of the beach. Councilmember VanTassel agreed but stated that the Town Board should be aware of the written requirements as well, so they understand.

The Supervisor stated that the State has directed the local courts to open May 25th. They'll have strict requirements for monitoring, and someone will have to check everyone in. This will require more effort on the part of the Town staff. If these are the same protocols that will be required at the beach this year, they'll need to make sure they're ready to go.

The Supervisor read the following resolution into the record:

So be it RESOLVED:

That the following people be hired as Lifeguard for the Town of Moreau with an effective date of May 23, 2021:

<u>Employee</u>	<u>Rate of Pay</u>
Austin Peltier	\$12.50/hr.
Megan DePoy	\$12.50/hr.

And, that the following people be re-hired as Lifeguard for the Town of Moreau with an effective date of May 23, 2021:

<u>Employee</u>	<u>Rate of Pay</u>
Lea Richard	\$13.00/hr.
Reillyquinn Cahill	\$13.00/hr.

And, that the following people be re-hired and newly designated as Senior Lifeguard for the Town of Moreau with an effective date of May 23, 2021:

<u>Employee</u>	<u>Rate of Pay</u>
Zackary Smatko	\$14.50/hr.
Caleb Karig	\$14.00/hr.

The Supervisor stated that new hires would require physicals and background checks, which was to be included in the resolution.

Resolution #2021-169

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 Supervisor, with the noted addition.

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

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

A regular meeting of the Town Board of the Town of the Town of Moreau was held on May 11, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Recreation Leader presented a request to purchase (9) Rubber Mats (4'x12') for Disc Golf Tee Pads. The following quotes were presented:

Morley Athletic Supply Company Inc. Price: \$1,370.81 with shipping
P.O. Box 557
208 Division Street
Amsterdam, NY 12010

Linear Rubber Products Price: \$1,768.55 with shipping
120 Harvest Drive
Coldwater, OH 45828

Rubber Flooring Inc. Price: \$1,999.07 with shipping
2045 S. Vinyard, Ste. 118
Mesa, AZ 85210

The Recreation Leader recommended the purchase to be made through Morley Athletic Supply Inc.

Resolution #2021-170

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing the purchase of (9) Rubber Mats (4'x12') for Disc Golf Tee Pads from Morley Athletic Supply Company Inc., at a cost of \$1,370.81. The expense will be paid from account A7140.4.

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

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

Councilmember VanTassel stated that the mats are being purchased with a donation made from Stewart's Corp. They were thanked for their support to the Town.

The Recreation Leader presented a request to purchase a new 17 cubic foot upright freezer for the softball quad concession stand. The Supervisor stated that this wasn't a budgeted item. He also stated that Girls Softball purchased the last freezer, which made it exclusive for their use. He stated that if the Town purchases the new freezer, it will be public property, and anyone will have access to it. The Recreation Leader noted that he would use the \$800.00, which was budgeted for the purchase of grills, for this purchase and then budget for grills again in 2022. The Supervisor stated that he didn't support that. He stated that it was his goal and thought it was the Board's goal also, to expand recreational opportunities. His intent for that budgeted item was to have more areas in the Park where the public could grill. Councilmember VanTassel asked the Supervisor if he didn't support replacing the freezer that has become Town property and is the responsibility of the Town to maintain through the contract, or did he not support using the balance from those funds. The Supervisor stated that he didn't support using those funds. The Supervisor asked if there had been a discussion with Girls Softball. Councilmember VanTassel stated that in 2016 they started to steer away from in-kind trade because it was a messy thing built into the contract. There is verbiage that states, if they were to purchase an item as an in-kind trade, it would become the property of the Town of Moreau. Councilmember VanTassel stated that if the Town takes ownership, they also take on the responsibility. He stated, that up to this point, the Town has been allowed to rent the concession stand. He stated that there was discussion that they could pay more but would want exclusive rights. The Supervisor stated that his only concern was to see a sign on a Town purchase of a freezer that says: "Girls Softball Use Only". Councilmember VanTassel stated that he believed this has been addressed in the contract but stated that it could be more formally addressed if it hasn't. He stated that the Recreation Committee has no current position that there would be exclusive use. The Supervisor asked if someone had a conversation with them so they know they can't put a sign on

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it. Councilmember VanTassel stated that they didn't discuss a sign, however, they did discuss the fact that if the Town makes the purchase, it's not available for exclusive use. The Supervisor asked where they would make the purchase from. Councilmember VanTassel stated that they asked the Recreation Leader for a recommendation and because it wasn't budgeted for, he presented the option to purchase with the money budgeted for the grills. The Supervisor stated that he didn't want to see a maintenance item come out of funds that were budgeted for growth in the Park. Councilmember Noonan asked if they looked into repairing the freezer and Councilmember VanTassel stated that he was told it would cost more to repair than to purchase a new one. The Supervisor asked if this was something that had to happen tonight. Councilmember VanTassel stated that it didn't. Councilmember Noonan read a portion of the Recreation Leaders request that stated his goal was to have the concession stand up and running by next week. Councilmember VanTassel stated that there's also a shortage of appliances right now and it will be difficult to get them. The Supervisor was looking for another fund to make the purchase and stated that under Playground – Equipment they appropriated \$8,400.00. He stated that the amount has increased due to an adjustment and is now at \$12,000.00. He stated that there's an unencumbered balance of \$8,100.00 remaining. Councilmember VanTassel asked what account number he was referring to and the Supervisor replied A7140.2. Councilmember VanTassel stated that was the account the Recreation Leader wanted to pull from. The Supervisor stated again that he wasn't supportive of using funds that were designated for the grills. Councilmember VanTassel stated that there may be something else they could consider eliminating from that equipment fund (A7140.2), he just wasn't sure what equipment items were budgeted for. The Supervisor stated that he was okay with a resolution to expend money from that account with the understanding that it wouldn't come from the equipment funds designated for the installation of more grills. The Board members were in agreement.

The following three quotes were presented to the Town Board:

Lowe's 251 Quaker Road Queensbury, NY 12804	\$769.00 In stock in Wilton or available in Queensbury in 3-7 days
Home Depot 820 US Route 9 Queensbury, NY 12804	\$788.00 Currently out of stock
Best Buy 3062 Route 50 Saratoga Springs, NY 12866	\$699.00 No delivery for 2-3 weeks

Resolution #2021-171

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, authorizing the purchase of a 17 cubic foot upright freezer for the Girls Softball Quad concession stand from Lowe's, in the amount of \$769.00 and to be paid from account A7140.2, which has a balance of \$8,101.46 as of April 30, 2021. Additionally, the purchase will not be at the expense of the grills, that were budgeted for in 2021. The freezer will be Town property and not for exclusive use by any one entity, including Girls Softball.

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

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

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NEXAMP

The Supervisor stated that Nexamp had offered to give a brief synopsis regarding their proposal for the Industrial Park. He stated that there were components of the proposal that they are looking for Town Board consideration. He also commented that they've already been before the Planning Board.

Michael Cucchiara was present via Zoom to give a presentation. Mr. Cucchiara stated that there were two topics for discussion, the first being an easement they're seeking for the Baker Falls Solar project, which is located in the Moreau Industrial Park on Moreau Industrial Partners land. He stated that they would need an easement through Town parcels, particularly along the southern side of lot 16. He stated, that in order for them to move forward and seek approvals from the Planning Board, they would need to have a survey done and an archeological study on both the easement parcel and the parcel that they'll be developing on. He stated that he would have Liza go through the land lease proposal when he's finished with his presentation, which is a sister project to this one on the other side of the Industrial Park.

Mr. Cucchiara stated that Nexamp has been in business since 2008. They started in Boston doing small scale solar projects. Over the years they've grown into a nationwide leader, in particular, community solar. They have over 50 megawatts operating in New York State right now, with 150 megawatts either in construction or in development. He stated that they are an affiliate with the Mitsubishi Corporation and the Diamond Generating Corporation. He stated that they are developing projects in 11 states and the number continues to grow.

Baker's Falls Solar is what was presented to the Planning Board a few weeks ago. It's a 2.5-megawatt AC project or an approximate 3-megawatt DC project. Because of the design efficiencies in locating the roadway where it is, as well as being closer to the interconnection point on National Grid's distribution line that runs down Farnan Road, they discovered the best way to get out of their project and interconnect, is for the road to cross a National Grid easement right-of-way transmission line and then come down to Farnan Road along lot 15. The road itself would be 15' to 20' wide. It would be a non-exclusive easement, with roads typically being constructed with gravel, and after construction, to be used two to three times per year, to do typical maintenance on the site. The easement is structured so that it will hug the southern line of lot 16 and to have minimal impact of the lot for future development plans. He stated that they're only looking to build it and maintain it throughout the life. He stated that the construction phase will be the most active and after that will be minimal use. At the very end, where Farnan Road comes in, there will be 3-5 utility poles, that will make the interconnection with the Grid. Mr. Cucchiara stated that he hadn't shared their typical easement agreement with the Town attorney yet but that he was willing to push that forward, should the Town Board be open to negotiating such an easement on this property. He stated that he would be happy to discuss any questions the Town Board may have with regard to the proposed area. Supervisor Kusnierz thanked Mr. Cucchiara and asked if there were any other options available to them, other than this proposed easement. Mr. Cucchiara stated that they do have some other options going through some of the Moreau Industrial Park lands, but it puts them a little further down the line and would make it a little more costly. With their original plans, having to do an archeological study, some of the lands were flagged, and they wanted to avoid them. He stated that the plan presented is the most optimal from their point of view. Liza Schepps stated that the proposed area is somewhat centered between transmission line poles in the Niagara Mohawk land area. She stated that this was the most advantageous area for the Town, so they weren't splitting a lot right down the center for future land use. The Supervisor asked Counsel if this was unusual for the Town to convey an easement on Town property. Attorney Buettner stated that the Town of Moreau doesn't usually do this. She stated that it couldn't be conveyed or donated as a gift. There would have to be some sort of consideration. Mr. Cucchiara stated, regarding the conveyance, that they did include in their original correspondence, a \$5,000 up front, one-time payment, for the consideration. He stated, that was their typical payment when they have to cross lands. He stated that he didn't know if that would be acceptable to the Town. The Supervisor stated that this was the first time the Town Board was hearing the offer, so he wouldn't expect them to make a decision this evening. The Supervisor stated, that one of the challenges for the Town, is that the Park was built with funding from the general fund of over a million dollars. He stated, that one of the reasons the Town Board, at that time, decided to expend those funds for that purpose, was for job creation. He stated that they created a shovel ready site that would be ready for business to come in that brings jobs with it. He stated that he wasn't sure how well received this project

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will be with the public. He stated that they are certainly within the Town's Zoning to establish a solar generating facility within the Industrial Park, but they'll have to take into consideration what the initial intent was for building the Park. He stated that this was something the Town Board will have to take into consideration and wanted to make Mr. Cucchiara aware of that. Mr. Cucchiara stated that he understood and that it was raised by the Planning Board as well, with respect to where the project is actually sited. He stated, that because of the general consensus and comments from the Planning Board, and the reason why they selected these sites, was because it was the least impactful. He stated that the road could be a shared use for any future tenants. The Supervisor thought it would be helpful if the Town Board members had an opportunity to walk the location, either with Mr. Cucchiara or on their own. He did say that it would be more beneficial for them to be present, so they can point out or give more background as to where the array is going to be situated. The Supervisor asked if this was something he would be amenable to. Mr. Cucchiara stated that he would welcome that. He stated, that if the Town would grant them permission to get surveyors out on the site, they can flag the entry point off Farnan Road, so the Town can visualize the width they have planned and where it would track. He stated that they're working with a local civil engineering company (EDP). He stated that he could have them set this up within the coming weeks. There was a quick discussion regarding the width of the road. Attorney Buettner stated that it was 15' to 20' for the travel portion but it may be more based on what highway and fire says. Mr. Cucchiara stated that they may need it a little bumped out at the very entrance to allow for a truck, such as National Grid, to service and access their poles. Attorney Buettner asked if they needed National Grid to extend the easement as well. Mr. Cucchiara stated, that eventually, National Grid would seek a much smaller easement for just the length of where the pole will be located. Attorney Buettner stated that she was questioning the easement through National Grid property, after going through the Town's lot 16. He stated that she was correct and that there's a whole process they have to work through with National Grid to get fully across. Attorney Buettner asked, with regard to the flagging, if there might be a SHPO issue there. Mr. Cucchiara stated that there was an archeological study done back in the 1990's when the Park was created but they're required to do it again. He stated that they've already completed a phase 1A and phase 1B inside of the array area on the outer parcel, however, in between the time they completed that and as they are nearing SEQRA, the rules have changed. They used to only have to do phase 1B archeological digging sites only where they were trenching and building roads or electrical pads, not where the arrays were. Now they're requiring it to be the extent, so they'll have to go back and complete that in the interior. He stated that since there has been an adjustment or a proposed easement, they would have to include that as well. Attorney Buettner asked if he was requesting the Town to allow them to do this now. He stated that they were initially going to request that but may have to hold off until they know that this could be agreeable to the Town. He stated that he wouldn't want them to do it and then have to redo it at another access point, should they have to find another one. He stated, that as far as flagging, they could have their civil engineer get out there and show the entrance point and mark a few as it goes to the right-of-way, just for visual purposes. As far as the archeological study, he's going to have them access the site through the Moreau Industrial Park lands and do a full study where they have the rights to. He stated that he wouldn't have them do it at the easement until they know they have a path forward. The Supervisor asked if their other option included Town owned parcels or non-Town owned parcels. Mr. Cucchiara stated that it would be on Moreau Industrial Park property. It would be a little more expensive and in a potentially more sensitive area, which is why they opted to speak with the Town to see if this would be something they would be open to. The Supervisor asked what the roadway would consist of and Mr. Cucchiara stated that it would be gravel. The Supervisor asked if they would be willing to allow others to have access through this easement. Mr. Cucchiara stated yes. The Supervisor asked Mr. Cucchiara to email him when they have the property flagged and he'll reach out to the other Board members to see if they want to tour the property with Nexamp or by themselves. Mr. Cucchiara stated that they'll be in touch with the civil engineer and get some dates to the Town Board. He stated that they'd like to view the layout with the Town Board, so they can answer any questions they might have.

Liza Schepps spoke next. The project she discussed was to be a sister project of the first one, located farther down Farnan Road. She stated that this project will be a 2.5-megawatt AC, with a single axis tracker system. She stated that these panels would be situated North-South instead of the typical East-West. She stated that the max height is a little under 18'. She stated that the project would be on 17 acres of Town property set off from Farnan Road. She stated that this is in an M1 zone, to which solar is a permitted use. It would require a site plan review by the Planning Board. She stated that the lease offer for the Town is \$1,000 lump sum payment and after the construction phase, which is typically 12 months,

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they would perform tests and do their permitting and interconnection. They then move into the operational phase, which is an initial 25-year term with an option to extend to 40 years. She stated that it would be a \$5,000.00-megawatt DC rent or lease payment to the Town, with a 1.5% escalator. Based on how the project is designed currently, the first-year payment would be \$15,000.00. Mr. Cucchiara stated that this lease offer mirrors the lease offer they are providing to Moreau Industrial Park. He also stated that they can discuss energy credits to the Town as well. The Supervisor asked how the revenue numbers compare to projects on privately owned lands with PILOT agreements, compared to this, where the Town retains ownership of the land. Mr. Cucchiara stated that \$5,000 per megawatt is very competitive at this point.

COURT

The Supervisor's office received a request from the Town Justices to have their four Court Clerks attend the annual Magistrates Court Clerks Fall Conference from September 12, 2021 through September 15, 2021 at the Desmond Hotel in Albany, NY. The request reflected that the State has mandated this training as of January 2021 and therefore the Clerks must attend. The total request was for \$2,419.29 and will be paid from account A1110.4.

Resolution #2021-172

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing Jennifer Miller, Jamie Hickey, Edward Scalo and Ronald Belisle to attend the annual Magistrates Court Clerks Fall Conference to be held September 12, 2021 through September 15, 2021, at the Desmond Hotel in Albany, NY. The total cost, including meals, mileage and lodging is \$2,419.29. The expense is to be paid from account 1110.4.

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

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

61 HUDSON STREET

The Supervisor stated that this agenda item pertains to the sale of the old Town Hall building. Attorney Buettner stated that once the 30-day permissive referendum is up, the Town Board can go back and finish up the SEQRA. She stated that the Town needs to declare Lead Agency, which is a part of the resolution. The Town Clerk read the following resolution aloud:

RESOLUTION TOWN BOARD TOWN OF MOREAU

SUBJECT: AUTHORIZING TRANSFER OF SURPLUS PROPERTY TO EMALEE, LLC,
SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town is the owner of 59-61 Hudson Street, South Glens Falls, New York, Tax Map No. 37.54-2-53 (the "Property"), and

WHEREAS, by resolution dated November 12, 2013, the Town Board declared the Property as surplus property, and

WHEREAS, Emalee, LLC has offered to purchase the Property for One Hundred Fifty-Nine Thousand and NO/100 Dollars (\$159,000.00).

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau in regular session duly convened, does hereby accept the offer of Emalee, LLC in the amount of \$159,000 as the purchase price of the Property, and be it further

RESOLVED, that the Town Board hereby authorizes the Attorney for the Town to prepare any and all documents necessary to complete the conveyance of the Property, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Contract for Sale of the Property and any and all documents necessary to complete the conveyance, and be it further

RESOLVED, that the Town Board hereby declares itself Lead Agency for this Unlisted Action, and be it further

RESOLVED, that this resolution is subject to a permissive referendum as permitted by law.

Resolution #2021-173

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 Town Clerk.

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

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

CDBG PROGRAM

The Supervisor stated that the Town needed to designate a Certifying Officer for the CDBG grant. The Town Clerk read the following resolution aloud:

TOWN OF MOREAU

RESOLUTION TO DESIGNATE CERTIFYING OFFICER

WHEREAS, the Town of Moreau (hereinafter “Town”) has applied for funds and anticipates funds to be awarded through the Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development, as administered by the State of New York for a Wastewater Collection System Improvements Project, CFA #104756; and

WHEREAS, the Town Board of Trustees (hereinafter “Town Board”) as the anticipated recipient of the grant award is required to designate a Certifying Officer for the purpose of signing required documents pertaining to this grant; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby designate the Town Supervisor as the Town’s Certifying Officer for the purpose of signing required documents pertaining to this anticipated grant (CFA #104756); and

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Approved as to form this 11th day of May, 2021.

Resolution #2021-174

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.

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

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

WATER DEPARTMENT

The Water Superintendent submitted a request for the purchase of (21) 1 1/2" Radio Read Water Meters, (21) Flange Connecting Kits and (3) 1" radio read meters. The purchase is to be made from a sole source vendor. The purchase would be made from account I18310.4, which has a balance of \$120,993.34 as of March 31, 2021. The Supervisor noted that the meters are for the Leonelli project and that the contractor will be paying for the meters once they come in.

Ferguson Water Works 612 Pierce Road Clifton Park, NY 12065	\$13,397.79
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Resolution #2021-175

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing the purchase of (21) 1 1/2" Radio Read Meters; (21) Flange Connecting Kits and (3) 1" radio read meters from Ferguson Water Works, at a cost of \$13,397.79. The expense will be paid from account I18310.4.

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

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

The Supervisor stated that the Town needed to do some directional boring, where the services of RJ Kerr Inc. were used. He stated that the work has already been done by the contractor and there was no prior Town Board approval. The cost incurred by the Town was \$10,580.00, which needs approval. The Supervisor stated that a majority of the cost (\$8,600.00) will be borne by the property owners. The balance is \$1,980.00. He stated that this is the reason they need to look at the Town's policies of costs that are charged. Councilmember VanTassel stated that the Town had adopted the new fee schedule. The Supervisor stated that he hoped, with the new fee schedule in place, this situation shouldn't happen in the future, where the Town has to pick up the extra costs.

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Resolution #2021-176

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing payment of a voucher submitted by RJ Kerr Inc. in the amount of \$10,580.00.

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

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

The Supervisor stated that there is a draft resolution for policies and procedures in relation to water districts. The Town Clerk read the following resolution aloud as follows:

TOWN OF MOREAU
RESOLUTION AUTHORIZING SPECIAL DISTRICT COUNSEL
TO CREATE POLICIES & PROCEDURES FOR WATER DISTRICTS

WHEREAS, the Town Board is desirous of creating a policy to address increased development within the town; and

WHEREAS, prior to the drafting of the aforesaid policy the Town Board wants to commit that certain procedures be followed with respect to development; and

NOW, THEREFORE, IT IS RESOLVED, that:

1. Any new independent water districts within the Town are prohibited; any new special district or district extension, either municipally or developer initiated, shall become part of the Consolidated Water District to be created as soon as practicable.
2. The installation of multiple water meters on multifamily and commercial properties is prohibited ; a master meter shall be installed on the service or main supplying water to multifamily and commercial properties.
3. The use of ductile iron pipe and fittings for any water main operated and maintained by a water district shall be standardized or will be installed within public rights-of-way.
4. Developers shall be required to purchase reserve capacity as needed for their project's projected flows plus a 50% peaking factor. Residential projects shall estimate flows based on 110 gallons per day per proposed bedroom. Commercial projects shall estimate flows based on industry standards.
5. The payment of capacity and expansion fees is required upon Planning Board approval of a project or the issuance of a building permit, whichever comes first.
6. Vacant real property within the Consolidated Water District to be created shall contribute towards the debt service with the debt contribution based on the number of Equivalent Dwelling Units assigned to the type of real property.

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7. Large development projects located within 0.5 miles of existing municipal water and/or sewer infrastructure shall be required to connect to these utilities with the Town Board reserving the right to waive this requirement for small projects.
8. The Town Board will pursue revisions of the Town of Moreau Town Code, Chapter 145 entitled "Water" as needed to provide a fair and predictable policy for future development projects.
9. The Town Board will use a portion of the "capacity and expansion fees" collected to purchase additional reserve capacity from the Town of Queensbury and to study the feasibility of a new water supply source.

Resolution #2021-177

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 Town Clerk.

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

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

SEWER DISTRICT 1, EXTENSION 5

The Supervisor stated that there is a force main pump station that needs to be located along Route 9. He stated that there is a property owner who offered to allow the Town to use his property for the construction of the pump. He stated that it requires some legal affirmations and protections for all parties involved. He stated that Counsel has put together a draft a resolution, which authorizes the Town Supervisor to sign a lease with the property owner for the Route 9 Sewer Project. Counsel asked the Supervisor if he was doing the resolution for the donation of land for the pump station or if he was doing the resolution for the agreement to allow the contractor to use a portion of the property for a field office. He stated that he was doing the resolution for the field office. The Town Clerk read the following resolution aloud:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

**SUBJECT: AUTHORIZING SUPERVISOR SIGNATURE FOR LEASE
FOR ROUTE 9 SEWER PROJECT**

WHEREAS, the Town Board of the Town of Moreau is presently engaged in a sewer infrastructure installation project known as the Route 9 Sewer Project; and

WHEREAS, as a portion of the Route 9 Sewer Project, it is necessary for the contractors to have a location on Route 9 to use as a field office and storage area for equipment and vehicles during the pendency of the Project; and

WHEREAS, Hillman Properties, Inc. has agreed to enter into an Agreement with the Town for a portion of its buildings and property located on Route 9 to be used by the Town and its contractors and consultants for a field office and storage area for equipment and vehicles, and

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WHEREAS, the Town Board is legally authorized to accept this temporary donation of buildings and property pursuant to Town Law 64-8 as it will be used by the Town for a public purpose; and

WHEREAS, by Resolution dated June 26, 2018, the Town Board issued a negative declaration under the State Environmental Quality Review Act (“SEQRA”) for the Route 9 Sewer Project, which Project included a field office and storage area for equipment and vehicles; and

WHEREAS, as the field office and storage area for equipment and vehicles was contemplated within the entire Project by the Town Board in its deliberations under SEQRA, this acquisition of land falls within the original negative declaration issued on June 26, 2018;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Moreau to enter into an Agreement with Hillman Properties, Inc. for the use of buildings and land on its property located on Route 9 in the Town of Moreau for the use by the Town’s contractors and consultants as a field office and storage area of equipment and vehicles during the pendency of the Route 9 Sewer Project; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Attorney for the Town and the Laberge Group, Project Engineer, to prepare any and all documents necessary to effectuate this Agreement, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to sign any and all documents necessary for this Agreement.

Resolution #2021-178

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 Town Clerk.

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

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

The Supervisor stated that the next resolution was for the donation of land for a pump station. The Town Clerk read the following resolution aloud:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: AUTHORIZING ACCEPTANCE OF DONATION OF LAND

WHEREAS, the Town Board of the Town of Moreau is presently engaged in a sewer infrastructure installation project known as the Route 9 Sewer Project; and

WHEREAS, as a portion of the Route 9 Sewer Project, it is necessary for the Town to obtain land for the purpose of a sewer pump station on Route 9; and

WHEREAS, Hillman Properties, Inc. has agreed to donate a portion of Tax Map Parcel 77.-4-2, 1340-1406 State Route 9 for the sewer pump station (the “Property”), and

WHEREAS, the Town Board has determined that the Property is suitable for this purpose; and

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WHEREAS, pursuant to Town Law 64-8, the Town Board of the Town of Moreau is authorized to acquire, by gift, lands within the Town for a public purpose; and

WHEREAS, by Resolution dated June 26, 2018, the Town Board issued a negative declaration under the State Environmental Quality Review Act (“SEQRA”) for the Route 9 Sewer Project, which Project included the design and installation of a sewer pump station; and

WHEREAS, as the sewer pump station was included in the design of the Route 9 Sewer Project and therefore contemplated within the entire Project by the Town Board in its deliberations under SEQRA, this acquisition of land falls within the original negative declaration issued on June 26, 2018;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Moreau to accept the Property for use in the Route 9 Sewer Project as a sewer pump station; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Attorney for the Town and the Laberge Group, Project Engineer, to prepare any and all documents necessary to effectuate this donation, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to sign any and all documents necessary to conclude the donation of the Property to the Town; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the expenditure of those funds necessary to complete the transaction, including recording costs, tax apportionments and title insurance.

This resolution is not subject to a permissive referendum under Town Law Section 220.

Resolution #2021-179

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 Town Clerk.

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

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

SUPERVISOR ITEMS

The Supervisor thanked the members of the Highway Department, who in one day got the parking lot for the universal playground paved. He stated that the access road was complete as well. He stated that they did a fantastic job and commended them for assisting the Town with the final part of the project.

The Supervisor received notification from Charter Communications regarding some upcoming changes to their fees. He stated that Spectrum will be charging an additional \$1.54 monthly for their Broadcast TV Surcharge; the Seasonal Broadcast TV Surcharge will decrease by \$6.45; the Spectrum Receiver/Digital Adapter will increase by \$1.00 per receiver/adapter; Spectrum TV Select will increase by \$3.00; Spectrum TV Silver and Gold will both increase by \$8.00, except certain grandfathered/active packages where the increase is \$3.00; and, Latino Tier will increase by \$1.00.

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COMMITTEE REPORTS

The Supervisor stated that the Insurance Committee made a recommendation for the Town's current insurance coverage and carrier. He stated that the Town will be staying with Amsure. The Town Clerk read the following resolution aloud:

So be it RESOLVED:

That the Town Board approves the Town of Moreau's insurance policy renewal with Amsure, for the period of May 1, 2021 through April 30, 2022 at a cost of \$93,116.65, to be paid through various accounts. This policy includes automobile, property, umbrella, crime and general liability coverage.

Resolution #2021-180

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.

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

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

The Supervisor stated that he had received notice from Fred Coppola that he desires to resign from his position at the Transfer Station but also his willingness to stay on as long as they need him to during the transition. The Supervisor stated that his resignation was effective May 6, 2021 but commented that he's still working as necessary.

Councilmember Donohue stated that they were asked about a salary for the full-time Transfer Station Manger position. He and John Hogan thought that \$30,000 - \$34,000 was a good range. The Supervisor stated that they're ready to advertise, however, they needed to come to a consensus on the salary and whether the Town Board wants the position to be salary or hourly. Councilmember VanTassel preferred that it be a salaried position. He also recommended a salary range of \$30,000 to \$34,000. Councilmember VanTassel asked for this position and part-time positions to be posted at the Transfer Station as well as on the Town's Facebook page and website. The Town Clerk was directed to place the ad for a full-time Transfer Station Manager, with a salary range of \$30,000 to \$34,000 and to include health insurance and retirement benefits. The Town Clerk asked if she could add the part-time laborer position to the ad. The Town Board agreed to the request.

The Town Clerk asked if they could talk about the water billing issue that was discussed at the last Town Board meeting. She stated that the Water Committee was supposed to make a decision. She stated that there were two accounts, one that overpaid and one that underpaid. There was a question about the overpaid account by the Supervisor, as to whether they were the owners during the entire time period. There was also a question as to whether the overpayment should be refunded or credited. The Town Clerk stated that the owners were the same during the entire period. She stated that she needed direction from the Town Board. Councilmember VanTassel stated that he believed the overpayment should be refunded. Councilmember Noonan agreed. The Supervisor asked how they will handle the tax payor that didn't pay enough. Councilmember VanTassel's position was that he would have a hard time back billing for services due to a billing problem that we created. The Supervisor stated that this isn't spread through the whole Town, just the users in that district. He asked what water district the two accounts were in and the Town Clerk replied District 6.

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Resolution #2021-181

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, in reference to 11 Kimberly Lane, where the Town had a billing problem in Water District 6, which was caused by the Town having the wrong meter numbers recorded, that the balance due of \$163.14 be forgiven and the balance be credited. And, in reference to 4 Grey Fox Drive, where an overbilling occurred over a period of years, that they be refunded the amount of \$703.76.

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

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

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:58 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk