

A regular meeting of the Town Board of the Town of Moreau was held on August 24, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The meeting was open to the public as well as being broadcast via Zoom.

The Supervisor called the meeting to order at 7:10 p.m.

**Town Board Members Present**

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

**Town Board Members Absent**

Kyle Noonan	Councilmember
John Donohue, Jr.	Councilmember

**Also present:** Leeann McCabe, Town Clerk; Jesse Fish, Water Superintendent; Karla Buettner, Attorney for the Town; Brigid Martin, Town Historian; Greg & Charlene Hewlett

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from August 10, 2021 were presented to the Town Board prior to the meeting for their review, comment, correction and approval.

The Supervisor made note of an error in the set of minutes that needed to be corrected. He stated that Attorney Bitter’s first name was spelled incorrectly, and that it should be spelled Stefanie.

The Supervisor stated that there weren’t enough Councilmembers present at this meeting to approve the minutes and therefore, this agenda item was tabled.

**SET FUTURE MEETINGS AND WORKSHOPS**

The Supervisor stated that they would need to schedule a special meeting for Thursday and that it would be an executive session with action taken afterwards.

**Resolution #2021-265**

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, to schedule a special meeting of the Town Board on August 26, 2021 at 5:30 p.m.

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

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

**COVID-19 UPDATE**

The Supervisor stated that the 7-day rolling average testing positivity rate for Saratoga County remains steady at 4.5%, which characterizes Saratoga County as a high transmission rate county.

14 Active cases in the Town of Moreau  
9 Active cases in the Village of South Glens Falls  
82.0% of individuals in Saratoga County over the age of 12 have received at least one vaccine dose.

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82.9% of individuals in Saratoga County 18 and over have received at least one vaccine dose.

The Supervisor stated that the County Health Department continues to do a great job in making sure the vaccines are available. The Supervisor announced the following upcoming vaccine clinics, sponsored by Saratoga County Public Health:

August 25, 2021 from 5:00 p.m. to 7:00 p.m. residents will receive the single dose vaccine from Johnson and Johnson. The clinic will be held at the Saratoga Regional YMCA in Malta.

August 26, 2021 and August 27, 2021 from 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:30 p.m. residents may receive the first dose vaccine from Pfizer at the Saratoga County Public Safety Building. The return date for the second dose for those vaccines given on August 26, 2021 will be September 16, 2021 and the return date for those vaccines given on August 27, 2021 will be September 17, 2021.

Third dose clinics for the Pfizer vaccine will be held on the following dates at the Saratoga County Public Safety building:

August 25, 2021 from 1:30 p.m. to 3:30 p.m.

August 26, 2021 from 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:30 p.m.

August 27, 2021 from 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:30 p.m.

The third dose vaccines are for those residents who are severely immunocompromised. The Supervisor recommended anyone looking to receive the third dose vaccine, to check the County's website to make sure they meet the criteria for the vaccine. The County's website page is: [www.saratogacountyny.gov](http://www.saratogacountyny.gov)

## **WATER DEPARTMENT**

The Supervisor reported that the Water Superintendent has decided to stay with the Town a little bit longer and his new retirement date will be October 29, 2021.

The Supervisor stated that the Water Committee has been working with Mr. Hewlett, who is the new owner of the Pines Mobile Home Park. He stated that new information has come to light since the last Town Board meeting, in relation to very high water usage. He stated that there was good news in that the leak has been found and has been repaired. The Supervisor stated that Mr. Hewlett was present and wanted to address the Town Board regarding his very high water bill.

Mr. Hewlett gave a lengthy presentation to the Board with regard to his water bill. He stated that once they were sure there was a leak, they were diligent in getting it fixed. He stated that there was a long period of time that they weren't confident that there was a leak. Mr. Hewlett went over the timeline of events that led up to the finding of the leak. He stated that Jesse Fish had done a good job trying to find the leak from the onset. He stated that Jesse had tried a different meter to see if maybe there was something wrong with the current meter and it read half of what was going through the current meter. He tried a second meter and it read half the usage as well. He presented the Board members with a spreadsheet of historical data. He questioned the validity of his water bill because he stated that he wasn't sure if the new meter that was eventually installed started with a zero reading. He stated that it was an old meter taken off a shelf and could have already had usage on it. Mr. Hewlett was disappointed by the length of time it took to be confident there was a leak. Had the Water Superintendent been confident in April, he would have had the issue resolved. He stated that the Town had sent him water bills from March through June, which were estimated and that he had paid them. He was getting the impression from the Town to pay the estimates because they weren't sure yet if there was a leak or a problem with the meter. At the end of June, a new meter was installed, and it was determined that there must be a leak. He stated that he received a bill the end of July for \$12,000.00, which was based on estimated meter readings.

The Supervisor asked if Mr. Hewlett had paid the estimated bills and it was confirmed that he had. He stated that Mr. Hewlett's MHP had used a total of over 3.3 million gallons since March and asked the Water Superintendent if that was correct. Mr. Fish stated that he had given the meter readings to the Town Clerk. The Water Superintendent stated that there was a period of time that the water wasn't being

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metered, while they were trying different meters. The Supervisor asked if they would have used over 3.3 million gallons and the Water Superintendent stated yes. Mr. Fish stated that his bill reflects usage from the original meter, once they found out it had been working properly, and from the new meter that was sent out to be tested. He also stated that they didn't keep track of any usage when they tried the second and third meters. There was a long conversation between Mr. Hewlett and the Town Board as well as with the Water Superintendent over the integrity of the billing and the readings. Mr. Hewlett stated that he would have handled this a long time ago if there was any confidence that there was a leak. The Supervisor asked the Water Superintendent what he thought after seeing the first reading of 800,000 gallons usage. He stated that he thought there was a leak and offered to use his equipment to try and find the leak, which the Town isn't obligated to do on private property. He stated that he couldn't find a leak. He suggested that when the reading got so high in March, he believed it was because the pipe thawed. He stated that the water was probably barely running through the crack and then when it thawed it let loose. The Supervisor asked Mr. Hewlett what he was asking from the Town. Mr. Hewlett stated that he wanted the data that the Town used to be thrown out and to use the historical data from May, June and July. He didn't dispute the March reading. Mr. Fish explained about the meters that were put on and taken off. He stated that the two meters he tried after the original meter was taken off were 3/4" meters and weren't made for this size pipe. He stated that they didn't run with the same gear ratio that a 1 1/2" meter would. He stated that after he took them off, they used a brand-new meter off the shelf. Mr. Fish stated that Mr. Hewlett questioned the accuracy of this new meter and Mr. Fish explained that he would take it off and have it tested. While the meter was being tested, he put the old meter back on. Master Meter certified that the new meter was working properly, and it was put back on. The Supervisor stated that he understood Mr. Hewlett's position. He stated that Jesse is confident in the numbers that were provided. He stated that there's 3.3 million gallons of water that needs to be paid for. He asked Mr. Hewlett again what he was looking for from the Town. Mr. Hewlett stated, that based on what Jesse had reported this evening, they have no useful data and he would therefore not like to be billed for those months. He stated that the data can't be confirmed for April, May and June and that was the period he didn't feel he should be billed for. The Supervisor asked him if he had a total amount that he wanted to be forgiven. Mr. Hewlett stated that he hadn't added it up. The Town Clerk stated that she would be happy to explain to Mr. Hewlett how she calculated the bills. Councilmember VanTassel asked Mr. Hewlett, that if the Town Clerk could validate the billing, would he feel that he was responsible to pay for the water. He stated no because the Town wasn't timely in determining that he had a leak. The Water Superintendent asked Mr. Hewlett if he initially asked him if the problem could be the meter. Mr. Hewlett replied yes. Mr. Fish stated that it's his responsibility to make sure that the equipment isn't failing. He stated, that unfortunately, it takes a long period of time to make that determination. He stated that they do the best they can and as quick as they can. The Supervisor asked Mr. Fish who was responsible for the infrastructure after the meter. Mr. Fish replied that the property owner is responsible. The Supervisor asked the Town Board if they had any comments. Councilmember VanTassel stated, that if Mr. Fish has validated the usage from the meters, the owner should be billed for the usage. He further stated that someone has to pay for the water, and it shouldn't be the other users in the district. The Supervisor asked Mr. Fish if it was the Town's policy not to charge for a new meter and Mr. Fish replied no, but in this case he had the new meter put on to see if there was a problem. He stated that he still had the old meter and could put it back on. The Town Board members were not in favor of altering the bill. The Town Clerk invited Mr. Hewlett to her office in the morning so she could explain the bill.

### **NYS HISTORIC MARKER GRANT**

The Supervisor stated that the Town's Historian has offered to apply for a grant, at no charge to the Town, that would provide for New York State Historical Markers. He stated that the grants are provided for by the Pomeroy Foundation. The Supervisor stated that he supported her recommendation and is okay with her applying for the grant as long as the Board members are okay with it. Attorney Buettner asked the Supervisor if there is an actual application. Ms. Martin replied yes. Ms. Buettner stated that the application will need to be signed and therefore the Supervisor will need authorization to sign it.

Ms. Martin addressed the Town Board and stated that there are only two people who can apply for the grant. She also stated that the final sign-off will be from the property owners. She stated that she didn't want to take any action before she received approval from the Town Board. She stated, that if the Town

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Board approves of her applying for the grant, she'll start by reaching out to the property owners and then send her letter of intent. She would then file the application.

**Resolution #2021-266**

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, authorizing the Supervisor to sign the application for receiving materials from the New York State Historic Markers Grant Program, for five locations, as provided for by the Town Historian for the Historic Marker Improvement Plan.

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

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

**SEWER DISTRICT 1, EXT. 5**

The Supervisor reported that National Grid has signed their easement. He stated that this was the last one that was needed for the sewer project. He stated that one of the requirements for National Grid to sign the easement is that the Town secure "Owner's and Contractor's Protective Liability Policy Declarations" for the duration of the project. He stated that this was offered through the New York Municipal Insurance Reciprocal (NYMIR) program. National Grid is looking for \$1,000,000.00 Per Occurrence Limit and a \$2,000,000.00 General Aggregate Limit. The cost of the additional insurance would be \$193.60.

**Resolution #2021-267**

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, authorizing the purchase of additional insurance from NYMIR in the amount of \$193.60, and authorizing the Supervisor to sign for the endorsement.

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

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

**SUPERVISOR'S ITEMS**

The Supervisor reported, that countywide, sales tax receipts for August are up 21.6%. In the Town of Moreau, they're up 20.49%. He stated that the Town has received \$263,795.00, which brings the year-to-date total to \$1,894,943.00. He stated that it's a lot better than where we were last year.

The Supervisor reported that the Saratoga County Office for the Aging is having their senior picnic at the County fairgrounds. Lat year, due to COVID-19, it operated as a drive-thru. In an abundance of caution, they will be doing the same this year. The picnic will take place on September 9, 2021 from 11:00 a.m. through 3:00 p.m. at the Saratoga County fairgrounds. It will be a car hop style event. They'll use Gate 1 for entry and Gate 6 for exit. If anyone should have questions about the event, they should call 518-884-4100.

The Supervisor reported that the official Census numbers are out. The Town of Moreau saw a 10% increase in population. In 2010 the population was recorded as 14,728 and in 2020 it was recorded as

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16,202. He stated, that he saw in the Business Review, the Town of Moreau was listed in the top 20 as one of the fastest growing towns and villages in upstate New York.

The Supervisor stated that he had received notification from the New York State Department of Budget, regarding the Town's Coronavirus Recovery Funds, that the numbers are being adjusted. It's going up \$4,931.51. The total amount that the Town will receive is \$1,212,816.86.

The Supervisor received an email from Molly White regarding Nolan Road. He stated that he reached out to the Sheriff for more patrols. She also requested a reduction in the speed limit. Councilmember Hogan thought the speed limit was already 30 mph. The Supervisor stated that they'll need to verify the current speed limit and if it's higher they can ask to have it reduced.

**Resolution #2021-268**

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, that should the current speed limit on Nolan Road be greater than 30 mph, the Town is authorized to make a request to lower the speed limit to 30 mph.

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

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

The Supervisor stated that he had received a notice from the Sheriff regarding the Impaired Driving High Visibility Campaign (Stop DWI), which started on August 20, 2021 and will run through September 6, 2021. He stated that this is part of the Statewide Stop DWI campaign.

The Supervisor stated that he had received a report from the beach, while they were still operating, in relation to a young girl who had gone under the water. The report documented that Austin Peltier saw the girl go under and pulled her from the water. The Supervisor gave kudos to Austin Peltier for saving the girl.

**COMMITTEE REPORTS**

None

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, to close the meeting for the evening at 8:15 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk