

A regular meeting of the Town Board of the Town of Moreau was held on October 12, 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
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

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

The Supervisor led the Pledge of Allegiance.

COVID-19 UPDATE

In the Town of Moreau there are 32 active cases

In the Village of South Glens Falls there are 12 active cases.

The 7-day rolling average testing positivity rate in Saratoga County is at 2.9%.

The number of breakthrough cases for those who have been fully vaccinated is at 1.08%.

The number of residents in Saratoga County who are hospitalized is at 8.

Those 12 and older who have had at least one dose of the vaccine is at 85.7%

Those 12 and older who are fully vaccinated is at 80.6%.

Those 18 and older who have had at least one dose of the vaccine is at 86.4%.

Those 18 and older who are fully vaccinated is at 81.3%.

Those 65 and older who have had at least one dose of the vaccine is at 98%.

Those 65 and older who are fully vaccinated is at 90.9%.

MIKE NOLAN 5K RACE

Councilmember Noonan stated that the race is scheduled for November 7, 2021 and it will start at 9:30 a.m. He stated that the route was changed up a bit this year. There will be people identified as “Safety” making sure that everything runs properly. Councilmember Noonan stated that the Highway Superintendent is aware of the race and has no issues. The Supervisor stated that it’s a worthwhile cause.

AMERICAN RESCUE PLAN ACT – REIMBURSEMENT

The Supervisor stated that the Town has received the first installment of ARPA funding in the amount of \$600,000. The Town needs to use some of that money to backfill monies that the Town was required to expend. He gave an example of employees that had to stay home during the pandemic. The Supervisor stated that he had prepared a resolution for the Town Board and explained that he had asked the Principal Account Clerk to review the expenditures that occurred during the pandemic and to annotate those funds that could be made whole. The resolution would allow the Town to reconstitute the specific fund balance. The Supervisor read the following resolution aloud:

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**TOWN BOARD RESOLUTION
TOWN OF MOREAU**

WHEREAS, the American Rescue Plan Act was signed into law and included \$774 million from the federal Coronavirus Local Fiscal Recovery Fund for certain cities, towns, and villages in New York State; and

WHEREAS, the Town of Moreau has received \$606,408.44 from the Office of the New York State Comptroller in the fiscal year ended December 31, 2021; and

WHEREAS, in accordance with Generally Accepted Accounting Principles, the Town of Moreau has recorded funds received through the American Rescue Plan Act as a liability until eligible expenditures are recognized; and

WHEREAS, the Town of Moreau had eligible expenses during 2020 and 2021 in personal services for the General Fund, Town Outside Fund, Highway Fund, Transfer Station Fund, Sewer Fund, Water District 1 Fund, Water District 2 Fund, Water District 3 Fund, Water District 4 Fund, Water District 5 Fund, and Water District 6 Fund;

Therefore, be it RESOLVED, that the Town of Moreau recognize \$140,412.76 of the monies received through the American Rescue Plan Act as revenues in the fiscal year ended December 31, 2021; and

Be it FURTHER RESOLVED, that the Town Board of the Town of Moreau authorize reimbursing the General Fund, Town Outside Fund, Highway Fund, Transfer Station Fund, Sewer Fund, Water District 1 Fund, Water District 2 Fund, Water District 3 Fund, Water District 4 Fund, Water District 5 Fund, and Water District 6 Fund for eligible personal services expenses incurred in 2020 and 2021 for a total of \$140,412.76.

Resolution #2021-305

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

Asked if all in favor, the following responses were given

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

SOLAR PILOT LAW

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, setting a public hearing for the draft Solar Energy PILOT Law, on October 26, 2021 at 6:40 p.m.

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

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

TOWN OF MOREAU LANDFILL

This agenda item was tabled until later in the meeting.

BUILDING DEPARTMENT

This agenda item was tabled until after executive session.

HIGHWAY DEPARTMENT

The Supervisor stated, that at the last Town Board meeting, they increased appropriations to pay for the balance on the Fedor Road work. They adopted two resolutions, but only needed to adopt one. Money was moved that didn't need to be. He stated that he was looking for a motion to rescind one of the resolutions.

Resolution #2021-307

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, to rescind Resolution #2021-286, which appropriated \$17,861.56 to DB5112.431.

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

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

The Highway Superintendent requested to purchase \$6,000.00 of winter sand and provided the following quotes:

Cranesville Aggregate Saratoga Road Gansevoort, NY 12831	\$7.25/Ton
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Palette Stone 269 Ballard Road Gansevoort, NY 12831	\$11.00/Ton
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Town of Ballston PO Box 67 Burnt Hills, NY 12027	\$7.75/Ton
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BJ Farms 276 General Fellows Road Greenwich, NY 12834	\$7.75/Ton
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The recommendation of the Highway Superintendent was to purchase from Cranenville Aggregate.

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Resolution #2021-308

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the Highway Superintendent to purchase Winter Sand from Cranesville Aggregate in the amount of \$6,000.00 @ \$7.25/Ton. The expense will be paid from account DB5142.491.

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

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

The Highway Superintendent submitted a request to open a purchase order in the amount of \$50,000.00 for the purchase of Rock Salt from the 2021 budget year.

Resolution #2021-309

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the Highway Superintendent to open a purchase order in the amount of \$50,000.00 with Morton Salt, under Saratoga County Contract #20-PWS-10R, and to be paid from account DB5142.490.

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

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

The Supervisor received a request from a family requesting a streetlight on the corner of Blanchard Road and Route 9. The Supervisor asked Attorney Buettner if a lighting district would need to be created and she replied yes. She stated that they would need to submit a petition to the Town Board. The Supervisor stated that he would respond to the family and let them know the procedure.

The Supervisor stated that he had received a request for a speed limit reduction on Gansevoort Road to 30 mph, from Bluebird Road to William Street.

Resolution #2021-310

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, directing the Town Clerk to request a reduction in the speed limit to 30 mph for Gansevoort Road, between Bluebird Road and William Street.

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

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

The Supervisor received information from the Highway Superintendent regarding a Fleet Card program. He stated that there's no fee to use the card. The Highway Superintendent stated that he hadn't seen the bill from the Village yet to make sure of the price per gallon. He stated that they are able to purchase gas tax free with the card. The Supervisor had the bill from the Village of South Glens Falls and stated that

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there were 239 gallons purchased for \$143.91. The Supervisor stated that no one had reached out to him to authorize this and it wasn't cleared by the Town Board to use the Village's card. When he heard there was a problem, his office asked him to find a solution and get back to him so they could talk about it. The Supervisor stated that he received a bill from the Village Clerk and didn't know what it was about. The Highway Superintendent stated that they had no fuel and was told they could be up to two weeks without. He stated that the Town needed gas and the Village authorized him to use their card. He stated that it was a Fleet Card. With the card, you can get gas from any gas station and they don't get charged with the taxes. The Supervisor stated that Councilmember Noonan looked at the receipt provided by the Village and it was 44.3 gallons purchased at \$2.39 per gallon for the Recreation Department vehicle. For Truck #2, 25 gallons were purchased at \$2.39. Mr. Joseph stated that when those receipts are printed, they include the taxes, and when the bill comes the taxes are excluded. He stated that he would have the bill from the Village tomorrow. The Supervisor asked, if the Town authorized a Fleet Card, whose name would it be under. Mr. Joseph stated that it would be in the Town's name. Councilmember Hogan asked if he was just looking for one card. Mr. Joseph replied one or two. Mr. Joseph stated that he was present with the card when the Rec, Water, and his Department got the gas. Councilmember VanTassel asked, if he's looking for Town Board authorization to get the card, to provide all of the information. He stated that it's a structured program. He stated that he would like to see the documents. The Supervisor stated, for the credit card agreement, they need to know whose name the card would be under, and it asks for a signature. He stated that he wouldn't put his name on it. Councilmember Noonan asked Mr. Joseph if he would be comfortable with the card being in his name as a department head. Mr. Joseph replied that he wouldn't have a problem because he would have full control over it. The Supervisor asked the Highway Superintendent to get more information on the program.

ZONING BOARD ADMINISTRATOR

The Supervisor stated that they had reviewed the previous contract, which had a one-year extension on it, and the Town Board authorized him to sign it. After that, there was a request to change some of the language in the contract. It was referred to the Attorney for the Town and she prepared an addendum to the contract. He stated, that before they could act on this amendment, they would need to rescind the first resolution.

Resolution #2021-311

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to rescind resolution #2021-261, which authorized the Supervisor to sign the agreement with the Town's Zoning Administrator, unchanged from the previous year.

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

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

Resolution #2021-312

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, authorizing the Supervisor to sign the First Amendment to the Agreement with the Town's Zoning Administrator, effective August 1, 2021 through July 31, 2022, and to execute the First Amendment to the Agreement.

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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	Absent
Supervisor Kusnierz	Aye

2021 SARATOGA COUNTY TRAILS GRANT

The Supervisor stated that the Town had applied for a \$10,000 Trails Grant in 2020, which was received. He stated that they also applied in 2021. He stated that he needs authority to sign the contract so the Town can receive the money from the 2021 Trails Grant.

Resolution #2021-313

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing the Supervisor to sign the agreement between the Town of Moreau and Saratoga County for the 2021 Saratoga County Trails Grant Program.

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

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

RECREATION DEPARTMENT

The Supervisor reported that there have been some changes in staff due to availability.

Resolution #2021-314

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, to classify William Noonan, Scott Merrill and Bruce Homicz as Part-time, year-round employees.

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

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

The Supervisor stated that Recreation hours were established by Local Law years ago. Attorney Buettner stated that the hours in the Town Code were from 9:00 a.m. to Dusk. There was a request from the Recreation Leader stating that the current summer hours are from 8:00 a.m. to 8:00 p.m. and he's asking that they be amended to fall hours from 8:00 a.m. to dusk. Winter hours would go into effect November 1st from 8:00 a.m. to 4:00 p.m. The Supervisor stated that nothing could be done without a Local Law. Attorney Buettner recommended that the Town rescind the current Local Law or amend it to reflect that hours will be set by resolution of the Town Board. Attorney Buettner was asked to draft an amendment to the Local Law and a public hearing was scheduled as follows:

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Resolution #2021-315

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, scheduling a public hearing for Local Law 3 of 2021 for October 26, 2021 at 6:35 p.m., which would reflect the hours at the Recreation Park be set by resolution of the Town Board.

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

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

The Supervisor stated that the Town had budgeted \$35,000 from the Town-wide Capital Reserve Fund for the construction of a pole barn at the Recreation Park for equipment storage. The Recreation Leader has looked into getting one constructed this year and has provided the Town Board with a quote for a 24' x 40' pole barn kit from Curtis Lumber. The Supervisor didn't comment on the quoted price because the Town had only received one quote at this time. The Supervisor had a concern with who would be constructing the pole barn. Councilmember Hogan stated that Mr. Olesheski has been reaching out to contractors. The Supervisor asked, that once he gets more information, to bring it before the Board. He stated that any purchase would be subject to a 30-day permissive referendum, and that they'll need to get it going. Councilmember VanTassel reminded Councilmember Hogan that if someone else will be putting it together, they must pay prevailing wages. Councilmember Hogan stated that the Recreation Leader is looking for someone to supervise and have the Town employees do the actual work. Attorney Buettner stated, that if the Town uses their own employees, they won't have to pay prevailing wages.

EMPLOYEE HEALTH CARE PLAN

The Supervisor stated, that each year, the Town Board needs to decide what plans they're going to offer, and it has to be done prior to November 30, 2021. The Town Board members have spoken informally with each other after the Supervisor had a conversation with Jaeger & Flynn. The Supervisor stated that the Town is looking at an increase from \$339,462 to \$370,273 for the CDPHP HMO Silver Plan, which is just over a 9% increase. And, for the MVP Silver 3 EPO, from \$14,901 to \$15,555, which is a 4.39% increase. He stated that these are the least expensive options, with keeping everything the same. The Supervisor was hoping they could move forward on this so they can start negotiations with CSEA.

Resolution #2021-316

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

So be it RESOLVED:

The Town of Moreau accept the following healthcare plans for Town employees for the period beginning December 1, 2021 and ending November 30, 2022:

- CDPHP HDHMO Qualified (324)
- MVP Silver 3 EPO HDHP

So be it FURTHER RESOLVED:

That Jaeger and Flynn Associates have the authority to contact both CDPHP and MVP to procure these plans on the Town's behalf.

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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	Absent
Supervisor Kusnierz	Aye

WATER DEPARTMENT

The Supervisor stated that the Town Board members all have a copy of the proposed Water Ordinance for the Consolidated Water Districts. He stated that they wouldn't be acting on this tonight and that there are still some minor changes that need to occur. He provided the document to Department Heads for input and has received feedback from the Town Clerk. He asked, that if there are any recommendations, to get them to him and he will forward them to Special Counsel.

The Supervisor stated that there was discussion during the budget workshops regarding the purchase of a 5' x 10' trailer for the Water Department, for use when mowing. The following quotes were received:

Versatile Trailer Sales Wilton, NY	\$1,946.00
Lowes Glens Falls, NY	\$1,799.00
Tractor Supply Saratoga Springs, NY	\$1,999.99

The recommendation of the Water Superintendent was to make the purchase from Versatile Sales.

Resolution #2021-317

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing the Water Department to purchase a 5' x 10' trailer from Versatile Trailer Sales in the amount of \$1,946.00. The expense will be paid from account 8310.2.

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

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

ELECTED OFFICIALS SALARIES

The Supervisor stated that the Town is required by law to set the elected officials' salaries before a public hearing is set.

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Resolution #2021-318

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, that the Town of Moreau set the salaries for elected officials for the 2022 budget year as follows:

- Supervisor \$50,750
- Council People \$12,985
- Town Justices \$30,036
- Town Clerk \$48,488
- Highway Superintendent \$62,662

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

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

SUPERVISOR ITEMS

The Supervisor stated that the Town is under contract to sell 61 Hudson Street. They had a contractor visit the site to disconnect the cooling unit. This had to be done so that MC Environmental Services could drain and remove the fuel tank. The Supervisor reported that the tank was full and that it will cost \$0.99/gallon to dispose of the fuel. They'll drain it tomorrow and begin to remove it on Monday.

COMMITTEE REPORTS

Nothing reported.

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, to adjourn to executive session at 8:00 p.m. to: receive an update from Special Counsel on contract negotiations with the City of Glens Falls, in relation to sewer capacity; to discuss the work history of a prospective Town employee; to discuss a potential lawsuit in relation to the Town landfill; and to discuss the work history of a current Water Department employee.

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

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

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

The Town Board returned from executive session at 9:32 p.m. with the Supervisor noting that no action was taken in executive session.

OTHER BUSINESS

A regular meeting of the Town Board of the Town of Moreau was held on October 12, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Resolution #2021-319

A motion was made by Councilmember VanTassel, seconded by Councilmember Hogan and carried, that the Town Board hire Katrina Flexon as Clerk, Full-time for the Building Department, at a salary of \$38,500.00, effective immediately and subject to the successful completion of a background check and pre-employment physical within a 2-week period, and with a 12 month probationary period.

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

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

PRIVILEGE OF THE FLOOR

No one was present to make comment.

Resolution #2021-320

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, setting a Town Board Budget Workshop for October 20, 2021 at 7:00 p.m.

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

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

A motion was made by Councilmember Hogan, seconded by Councilmember VanTassel and carried, to close the meeting for the evening at 9:35 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk