

A regular meeting of the Town Board of the Town of Moreau was held on November 23, 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.

The Town Clerk called the roll.

#### **Town Board Members Present**

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

#### **Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Mark Stewart, Councilmember Elect and Jana DeCamilla, Post Star Reporter

The Supervisor welcomed everyone and led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

The minutes from October 26, 2021, November 4, 2021 (2 sets) and November 9, 2021 (2 sets) were prepared and presented to the Town Board members for their review, comment, correction and approval.

#### **Resolution #353**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to approve the minutes of October 26, 2021, November 4, 2021 (2 sets) and November 9, 2021 (2 sets), as were corrected before the meeting.

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

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

#### **COVID-19 UPDATE**

The Supervisor reported that the 7-Day Rolling Average Testing Positivity Rate for Saratoga County was at 6.9%

#### **In the Town of Moreau**

104 Active Cases

#### **In the Village of South Glens Falls**

40 Active Cases

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Ages 5 and older who have had at least one dose of the vaccine	84.7%
Ages 5 and older who are fully vaccinated	76.5%
Ages 12 and older who have had at least one dose of the vaccine	89.3%
Ages 12 and older who are fully vaccinated	82.6%
Ages 18 and older who have had at least one dose of the vaccine	90.1%
Ages 18 and older who are fully vaccinated	83.3%
Ages 65 and older who have had at least one dose of the vaccine	99.9%
Ages 65 and older who are fully vaccinated	92.8%
Ages 5-11 who have started their vaccine series	24.2%

The Supervisor stated that Saratoga County has the highest number of vaccinations in the region and they are presently at #5 in the State. He stated that the Saratoga County Public Health Department is doing a phenomenal job in ensuring that those who want the vaccine are receiving it.

Saratoga County residents ages 18 and over who have received the booster vaccine	22.2%
Statewide percentage	18.3%
Nationwide percentage	19.6%

Saratoga County residents ages 50 and older who have received the booster vaccine	43.4%
Statewide percentage	21.0%
Nationwide percentage	29.3%

Saratoga County residents ages 65 and older who have received the booster vaccine	53.0%
Statewide percentage	30.5%
Nationwide	41.4%

#### **STANDARD MEDICAL TESTING SERVICES AGREEMENT**

The Supervisor stated that this agreement is for pre-employment physicals and drug screening.

#### **Resolution #2021-354**

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, authorizing the Supervisor to sign the agreement with Mountain Medical for the period from January 1, 2022 through December 31, 2022.

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

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

#### **ASSESSOR'S OFFICE**

The Assessor submitted a request to close her office on December 10, 2021, from 11:30 a.m. to 4:00 p.m. so that she and her Senior Clerk may attend the Saratoga County, Warren County and Washington County Assessors Association meeting.

#### **Resolution #2021-355**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing the Assessor's request to close her office on December 10, 2021 from 11:30 a.m. to 4:00 p.m. so that the Assessor (Leah Cronin) and her Senior Clerk (Riley McGuiggan) may attend the Saratoga, Warren, Washington County Assessors' Association meeting.

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

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

### **BUILDING DEPARTMENT**

The Supervisor stated that there were some projects coming before the Town, specifically, the Grove on Sisson Road, which will require technical review by engineering and legal counsel.

### **Resolution #2021-356**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing the Supervisor to sign an escrow agreement with the Town engineer, Laberge Group, as well as with Special Counsel for sewer and water, William Ryan, as necessary for the technical review of The Grove project on Sisson Road.

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

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

### **WATER DEPARTMENT**

The Supervisor stated that his office had received a request from Mike Mooney for the purchase of chlorine analyzer maintenance and repair kits, and some reagent, in the amount of \$1,450.50. Normally by resolution the Water Superintendent has the authority to make those purchases, however, there isn't a Water Superintendent at this time.

### **Resolution #2021-357**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing the Water Department Contractor to purchase chlorine analyzer maintenance and repair kits, and some reagent for the Water Department, in the amount of \$1,450.50.

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

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

The Supervisor stated that he had a conversation with Mike Mooney at length regarding the Water Department. He stated that Mr. Mooney explained that the chlorine monitors at all four sites haven't been calibrated for a very long time. He stated that the employees were taking the readings, but they may not have been accurate. He stated that Mr. Mooney will be taking care of that. The Supervisor stated that Mr. Mooney has offered to come before the Town Board, at a workshop setting, to discuss what he has seen in the Town's Water Department and make recommendations for policies. The Supervisor stated that he would welcome the opportunity and told the Board members that Mr. Mooney was available next week.

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**Resolution #2021-358**

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to schedule a Town Board workshop for December 1, 2021 at 5:00 p.m. to discuss Water Department operations.

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

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

The Supervisor stated that there had been a request for a water hook-up from Patten Property Development. He stated that the Water Department usually does the tap and installs the water meter. He stated that Mr. Mooney wanted clarification because he was surprised to hear that the Town does that. The Supervisor was told that most municipalities require the contractors to perform the work and the towns perform the oversight. He stated that this individual has paid for the tap fee but has a contractor to do the work, who has done work for the Town in the past. Mr. Patten is looking for a refund of \$1,175.00 for that work. The Supervisor stated that his office told Mr. Patten that they would bring the matter before the Town Board this evening. He also stated that the house has already been sold and they will need water as soon as possible. In speaking with Mr. Mooney, the Supervisor stated that other municipalities have a fee for the right to tap in, but that the developer is responsible to do the work. He understood that they're also responsible for the cost of the meter as well. The Supervisor stated that this was something that the Town Board should discuss. The Supervisor asked the Board members if they were willing to allow a contractor to do the work, and if so, are they also willing to refund the developer. Councilmember Noonan asked how the Town would be protected if someone else is tapping into the Town's line. The Supervisor stated that the Town would have our contractor, Mike Mooney, oversee the work. Councilmember Noonan questioned the amount of the refund and it was explained that if the work is done by the contractor, they must pay for a meter. The fee for the tap includes the cost for a meter.

**Resolution #2021-359**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing a refund to Patten Property Development in the amount of \$1,175.00, as a result of the property owner being responsible for the tap-in and installation of a water meter. The work may only be conducted with the oversight of either the Town of Moreau or a representative of the Town of Moreau.

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

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

The Supervisor stated that the Town is in the process of working to extend the infrastructure on VanBuren Street. He stated that he had received correspondence from Laberge Group indicating that the water main under VanBuren Street may extend further than previously thought, but they aren't sure. The Supervisor stated that the Town has two options. They can have someone look for it, however, there is very fragile old pipe that was used for that infrastructure. Or, the Town could contract with someone who specializes in locating underground infrastructure. The Supervisor stated that they would be responsible for any damage done to the pipe. Laberge Group received a proposal from GPRS, who specializes in locating underground infrastructure, in the amount of \$1,800.00 to perform the work. The Supervisor recommended that they engage the services of GPRS.

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**Resolution #2021-360**

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to engage the services of GPRS, for an amount of \$1,800.00, to locate the water pipe on VanBuren Street. And, authorizing the Supervisor to sign the agreement.

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

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

The Supervisor stated that the intermunicipal agreement with the Village of South Glens Falls, to provide water on an emergency basis, expires on December 8, 2021. Councilmember VanTassel asked if the Supervisor's office could provide the Mayor with a copy of the last agreement. The Supervisor asked Attorney O'Hara if he would notify Attorney Buettner that the Town is looking to put the agreement back in place. He stated that she was involved with the addendum that was written for it. He wants to make sure that the proposed addendum is in the new agreement.

The Supervisor stated that he had a proposal from Laberge Group in regards to tying the Town's infrastructure into the County. He stated, that if they decide to move forward, and in order to be on track with next years' construction season, they'll need to do a photogrammetric survey when there's no snow on the ground. The Supervisor stated that he had reached out to the engineer for the Town to give a price. He stated that the proposal would require an addendum to the existing contract. The proposal was for an amount, not to exceed \$24,300.00. The Supervisor's recommendation was to move forward with the proposal. He stated that they could use ARPA money for this purpose.

The Supervisor read the following resolution aloud:

**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 maintains a current balance of \$465,995.68; 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 investment in wastewater infrastructure projects is an eligible use of funds received through the American Rescue Plan Act;

**Therefore, be it RESOLVED**, that the Town of Moreau recognize \$24,300.00 of the monies received through the American Rescue Plan Act as revenues in the fiscal year ended December 31, 2021; and

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**Be it FURTHER RESOLVED**, that the Town Board of the Town of Moreau hereby authorize a contract addendum with Laberge Group to perform a photogrammetric survey for the purposes of implementing wastewater infrastructure in the Town of Moreau in an amount not to exceed \$24,300.00 and further authorize the Supervisor to sign all necessary documents related thereto.

The Supervisor asked if there was any discussion. Councilmember Donohue stated that there were way too many questions that needed to be answered with regard to the cost of running the line to the County, and that he would be voting no. There was a lengthy exchange between the Supervisor and Councilmember Donohue. Councilmember Noonan was supportive of looking into the Town's options.

#### **Resolution #2021-361**

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.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	No
Supervisor Kusnierz	Aye

The Supervisor stated that they'll need to schedule a workshop to discuss the recent water consolidation. The Assessor and Town Clerk will need some direction moving forward.

#### **Resolution #2021-362**

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to schedule a workshop on water consolidation rates and billing, for December 1, 2021 at 6:00 p.m.

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

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

#### **TRANSFER STATION**

The Transfer Station submitted a quote to replace the two front tires of the loader. They also commented that they'll need to replace the back tires soon.

Adirondack Tire	A - \$3,277.50	Camso
Route 9	B - \$2977.50	Galaxy 20-ply
Queensbury, NY	C - \$2,327.50	Galaxy 16-ply
Warren Tire	A - \$3,227.90	Loadmaster 20-ply
92 Warren Street		
Glens Falls, NY		
McCarthy Tire	No response	
Cobleskill, NY		

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The recommendation of the Transfer Station was to purchase the 20-ply from Adirondack Tire. The Supervisor recommended they go with the 16-ply tire from Adirondack Tire, due to the limited use of the loader. Councilmember Noonan agreed that they should go with the 16-ply.

### **Resolution #2021-363**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, that the Town authorizes the purchase of two new front tires for the Transfer Station loader from Adirondack Tire, Queensbury, New York, in an amount not to exceed \$2,327.50.

Councilmember Donohue was of the opinion that they should purchase four new tires. There was a lengthy discussion relating to the condition of the loader.

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

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

The Supervisor stated that he was asked by Councilmember Hogan at the last meeting as to how the County handles fluorescent light bulbs. He stated that the County purchases boxes at \$100 per box, which includes shipping. Once the box is full, it's mailed out to a company that recycles the bulbs. The Supervisor stated that DEC has a whole division that oversees the commercial disposal of fluorescent bulbs. He also stated that he believed Home Depot will accept them.

### **MORATORIUM ON LARGE SUBDIVISIONS**

As a result of a conversation from the last Town Board meeting, Counsel was directed to draft the necessary documents for a temporary moratorium on subdivisions of ten homes or more for six months. The Supervisor stated, that the purpose of the moratorium is to give the Town time to review, draft, and adopt necessary zoning code changes in relation to dense proposed developments. He stated that the moratorium would be for six months and would put a stay on any development in the Town for projects that haven't received final approval, that are either located within a 1/2 mile of an existing sewer main, and include a subdivision of ten units or more. Included in the language of the proposed moratorium the Town Board would have the authority to grant a variance permitting construction, as defined in the proposal. The Supervisor recommended that they establish a public hearing and special Town Board meeting for December 21, 2021 at 6:00 p.m. He asked Attorney O'Hara what steps they needed to take, and Attorney O'Hara replied that they just needed to schedule the public hearing.

### **Resolution #2021-364**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to schedule a public hearing and special Town Board meeting for the proposed moratorium as discussed, for December 21, 2021 at 6:00 p.m.

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

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

The Supervisor asked Counsel if they had to do the resolution authorizing the special district at this meeting and Attorney O'Hara replied no.

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### **RECREATION DEPARTMENT**

The Supervisor wanted to make the Town Board aware that the Town Clerk received correspondence from New York State Department of State on November 19, 2021, indicating that Local Law 3 of 2021, which was filed on November 2, 2021, has been received. He stated that this local law is now legal and enforceable, which means that the Town Board can now set Park hours by resolution.

#### **Resolution #2021-365**

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to set Park hours from November 1, 2021 through March 31, 2022, from 8:00 a.m. to 4:00 p.m. Monday through Sunday, and authorizing the Recreation Leader to establish additional hour during the winter months, weather permitting, and with the necessary funding in place.

The Supervisor stated that the Recreation Committee can work with the Recreation Leader to determine if they want to keep the Park open later once there's snow.

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

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

### **SUPERVISOR ITEMS**

The Supervisor stated, that at the last Town Board meeting, there were members of the public from Old Saratoga Road voicing their concerns over the training exercises at the former Mt. McGregor Correctional Facility. He stated, that a while back, one of the exercises caused a shelter in place, which was directed by Saratoga County Emergency Management Services, until they could determine the source of the gas, which later turned out to be tear gas. The Supervisor stated that he indicated at that time, that it would be helpful to engage Senator Jordan and Assembly member Woerner. He stated that he had spoken with them both and this week received a copy of a joint letter that the Assembly member is sending along with the Supervisor's signature to the Commissioner of the Department of Corrections, which highlights what transpired, the concerns that the Town has, and looking for feedback from the Commissioner as to what they will do to prevent this from happening in the future and to make the Town aware of any training exercises in general.

The Supervisor received correspondence from Jared George, from Tri-Capital Realty, looking to see what lots the Town owns in the Industrial Park. He stated that he provided the information to him.

The Supervisor stated that the Town has received more sales tax for 2021 than what was budgeted. He stated that they'll need to pass a resolution to place the money somewhere. He recommended putting it in the General Fund.

#### **Resolution #2021-366**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, that sales tax received by the Town of Moreau in excess of the estimated amount adopted in the 2021 budget be recognized as revenue for the General Fund to be posted to account code A1120.



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

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

The Supervisor commented that Saratoga County is the fastest growing county outside of the metropolitan area. He stated that the Town of Moreau is in the top 20 of fastest growing towns in upstate New York.

The Supervisor reminded everyone that the deadline for the Sexual Harassment training is November 30, 2021.

The Supervisor received a phone call from the Town's agent involved with the sale of 61 Hudson Street. He stated that the prospective buyer went before the Village Planning Board last week, but there wasn't a quorum, and therefore they couldn't conduct business. He stated that the project has been rescheduled for December 8, 2021. The Supervisor stated that the prospective buyer is extremely frustrated but is trying to get the necessary approvals from the Village. He stated that she's hopeful to get the determination that she's looking for.

The Supervisor reported that there is an employee from the Transfer Station who's out on disability. He stated, that for staffing purposes, they'll be short until December 1, 2021. Councilmember Hogan stated that the Town had hired someone who backed out because of a family issue, but since then the family issue has been resolved and is now able to work.

### **COMMITTEE REPORTS**

Councilmember Hogan addressed the winter basketball program. He stated that he had a conversation with the Recreation Leader today and he's hesitant to start putting the basketball out there because of the schools. Councilmember Hogan stated that the school doesn't want parents in attendance at practices. He stated that he didn't really understand. Councilmember Noonan questioned that as well. The Supervisor stated that he thought this was moving forward months ago. Councilmember Hogan stated that it's ready to go, but with COVID numbers and not knowing if the schools will shut down, they weren't sure if they should move forward. He suggested that there would be many refunds if that happens and questioned if the Town should have the program. He stated that the Recreation Leader is looking for direction from the Town Board. Councilmember Noonan stated that they should move forward and follow the school's protocols. The Town Clerk interjected and stated, that in years past, the parents would bring siblings and they were unattended running through the halls of the schools. She also stated that there isn't any space for spectators in the elementary gyms. Councilmember Hogan stated, that in his experience with elementary schools, spectators have to stand against the walls because there is no seating. He stated that when he was told that parents wouldn't be allowed as spectators, he wasn't sure if that was just for practices at the elementary schools or if it included the games at the Senior High. Councilmember Noonan stated that he would get clarification from the School on Monday but suggested that they move forward with the program. Councilmember VanTassel stated that he too wanted clarification on the restrictions. He also stated that the Town should be transparent with the parents and let them know of the decision.

The Supervisor stated that there was discussion at the last Town Board meeting relating to the chips produced from the Transfer Station. He thought that the Transfer Station Committee was to come up with and RFP and decide how much the Town should keep. He asked if the Committee members worked on that. The answer was no.

### **EXECUTIVE SESSION**

The Supervisor stated that the CSEA contract is expiring at the end of this year. He stated that he's designated Councilmember VanTassel to be with him on the negotiating team. He stated that they will be meeting with the Union on December 6, 2021 at 10:00 a.m. He also stated that his office hasn't received a

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list of asks yet. He stated that they'll be meeting with the Town's labor attorney prior to the meeting. He asked, that if any Board members have anything to be included in the discussions, to share that with him and he'll get that to the labor attorney ahead of the meeting.

**OTHER BUSINESS**

None

**PRIVILEGE OF THE FLOOR**

Jana DeCamilla introduced herself as the new Post Star reporter.

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:40 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk