

A regular meeting of the Town Board of the Town of Moreau was held on January 25, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The meeting was held in person, as well as broadcast via Zoom.

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

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Rick Rogge, property owner

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from December 28, 2021 (Regular Meeting), January 4, 2022 and January 11, 2022 were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction and approval.

The Supervisor asked for a motion to approve the minutes from the December 28<sup>th</sup> audit meeting. Councilmember VanTassel made a motion to approve, however, the Town Clerk stated that the minutes were from the regular meeting and not the audit meeting. She also stated that she had made some minor grammatical corrections to this set of minutes and a change to one of the councilmembers names in the Organizational Minutes. The Supervisor stated that the motion should state that the minutes were from the regular meeting and asked if all members were all in favor. The Town Clerk stated that she didn't recall there being a motion and a second. Councilmember VanTassel withdrew his original motion.

**Resolution #2022-69**

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, to accept the minutes of the regular meeting held on December 28, 2021 as amended by the Town Clerk.

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

Councilmember Stewart	Abstain
Councilmember Noonan	Abstain
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

**Resolution #2022-70**

A motion was made by Councilmember Donohue, seconded by Councilmember Noonan and carried, to accept the minutes from January 4, 2022 and January 11, 2022 as amended by the Town Clerk.

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

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Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

### **COVID-19 UPDATE**

The Supervisor stated that there was a Nassau Court, that agreed with the argument, that the requirement to wear a mask was unconstitutional and that the legislature was the only body that has the authority to make the requirement of wearing a mask. He stated, that several hours ago, a stay was issued, putting the mask requirement back in effect. He stated that there was some confusion with the Department of Education. Attorney Buettner asked if she could explain. She stated that the Nassau County Supreme Court decision is binding only in Nassau County and is not binding in Saratoga County at all. She stated that Albany County, in November, issued an opposite decision, so there are conflicting decisions. She stated that the mask mandate is still in place in Saratoga County. The Supervisor commented that Saratoga County is not enforcing the mandate.

#### **In Saratoga County:**

75 Individuals currently hospitalized, with 37 of them not fully vaccinated.

The Town of Moreau had received COVID-19 home test kits last week and all 700 were dispensed. The Town has secured an additional 700 that can be obtained at the Town Hall. Those interested would need to stop by the Supervisor's office and provide ID for proof of residency. There are also N95 masks available. The Supervisor stated that there was information on the Town's website.

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

147 Positive cases

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

39 Positive cases

### **WASTE HAULING RFP'S**

The Supervisor asked the Town Board members what term they wanted for the contract. He stated that it could be either a 9-month or 21-month contract because of the extension they have with the current vendor. The Board members were in agreement to ask for pricing with both terms.

### **Resolution #2022-71**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, setting a bid opening date for Waste Hauling services, for March 4, 2022 at 2:00 p.m. and for the RFP to include options for both a 9-month and 21-month agreement.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

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**FORT EDWARD ROAD SPEED LIMIT**

The Supervisor reported that he had received a request for a speed limit reduction from a property owner on 77 Fort Edward Road. The Supervisor read the correspondence that he had received, which cited a number of accidents which occurred over the past 5-years. He stated that the Town had requested a reduction back in 2010 from 45 mph and it wasn't changed. He stated that a study was also done in 2009 and it was determined that the speed limit was appropriate. The Supervisor recommended that they pass a resolution asking for another review of the speed limit.

**Resolution #2022-72**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, authorizing the Town Clerk to submit a request to NYS Department of Transportation for a reduction of speed limit on Fort Edward Road, between State Route 197 and Bluebird Road.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Town Clerk asked if she was to request a specific speed limit and the Supervisor replied that it would be for a reduction. He stated that they would do a traffic study and any reduction would be based on the study.

**HIGHWAY DEPARTMENT**

The Highway Superintendent requested to spend an additional \$5,100 for road salt from the 2021 budget.

**Resolution #2022-73**

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart and carried, to open an additional purchase order, in the amount of \$5,100.00, for rock salt for 2021, from Morton Salt.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that there was a statement from the Highway Superintendent, that he would be moving one of the mechanics up to the wage scale of a Mechanic/MEO. The statement referred to Dustin Underwood who was hired as a mechanic in October 2016. The Supervisor stated that this wasn't requested at budget time. He also stated that the Highway Superintendent would have the authority to take this action if the Town has provided for it. The Supervisor asked if the Highway Committee wanted to speak with the Highway Superintendent. Councilmember VanTassel agreed that there should be a conversation with the Highway Superintendent. He commented that this person has been asking for the position for quite a while and per the contract it should have been brought forward. The Supervisor stated that this agenda item would be sent to the Highway Committee for review and recommendation.

The Highway Superintendent submitted a request to put bid specs out for a 2022/2023 Tractor with mowers. The Supervisor stated that this was budgeted for in the 2022 year, in the amount of \$124,840.00.

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He stated, the way the bid documents are written, there will be an option to provide a price for a new tractor and an option to provide a price with a trade.

**Resolution #2022-74**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing the Highway Superintendent to put bid specs out for a new Highway Tractor w/mower, which includes a trade option, subject to review and approval by Counsel and the Highway Superintendent, and with a bid opening date set for March 4, 2022 at 2:10 p.m.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

**BUILDING DEPARTMENT**

The Supervisor stated that there was correspondence from the Town’s Zoning Administrator in relation to Ty Hall’s request for a change in zoning. In order for the process to move forward, the Town Board has to refer the request to the Planning Board for review and comment. He asked the Board members if this is what they want to do at this point in time. Councilmember Noonan stated that he had questions for Jim Martin and that he was uncomfortable moving forward until he speaks with him. Attorney Buettner explained that this wasn’t the PUD request, it’s a request for a zoning change. She stated that it gets referred to the Planning Board for a recommendation and then the Town Board makes the decision to approve it or not. The Supervisor stated that he would like to be respectful of his colleagues request for more information before a decision is made to send to the Planning Board.

**Resolution #2022-75**

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, referring the application of Ty Hall, for a Zoning Map Amendment, to the Planning Board, pursuant to Town Code Section 149-87.

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

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

**TOWNWIDE TRAILS**

The Supervisor stated that the Town has received a grant in the amount of \$250,000.00 from the Office of Parks, Recreation and Historic Preservation in New York. He stated that the Town has also received grants from Saratoga County for two years in a row. He stated that he had reached out to the LA Group to see if they were interested in administering the grant. He stated that he’s received two calls from Parks and Recreation and that they wish to speak with him regarding some deadlines, which are required to receive the funding. He stated that he hadn’t had a chance to speak with the State yet regarding the timeline and he hasn’t received a call back from the LA Group yet. He also stated that a member of the Town’s Planning Board, Erik Bergman, is interested in assisting the Town with the trail system. The Supervisor stated that he would update the Town Board when he hears back from the LA Group.

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### **NEXAMP, INC.**

The Supervisor stated that he believed the Board members had received correspondence from representatives of Nexamp, Inc. He stated that some questions have come up. He stated that Counsel was looking to see if the Town had worked with the Assessor to come up with the cost of a PILOT agreement. He stated that they don't have the information yet. He stated that there were other questions they addressed, regarding the decommissioning bond and the utility and access easement. He stated that they indicated in their email, that the Town engineer has agreed that the costs for decommissioning are appropriate and recommended that the Planning Board and Town Board accept the bond. The Supervisor stated that they're waiting to hear back from the Town engineer. They had attached a copy of the bond format, to which Nexamp, Inc. stated they would pay for the legal review. They were also looking for follow-up after their presentation relating to the access easement. They had stated that they would work with the Town Highway Superintendent to go over the details but wanted to know if this is a correct next step. The third question was relating to the PILOT timeline. He stated that they need to know what the Board's decision is on their request for the utility and access agreement. He stated that he didn't know if the Board was prepared to discuss this tonight. He asked the Board members to review the request and submit their thoughts before the next Town Board meeting. He also stated that they should have more answers on the PILOT at that time.

### **WATER DEPARTMENT**

The Supervisor stated that he had a conversation with Mike Mooney. Mr. Mooney had worked with the Town engineer and the Supervisor's office and following the meeting came up with a rate analysis. The Supervisor stated that the capital projects, such as the water towers and the VanBuren Street project, are lumped into the operating budget. Mr. Mooney recommended removing capital projects from the operating budget and to establish a separate budget. The Supervisor stated that it would be approximately \$410,000 that would be separated. Mr. Mooney also gave a recommendation of revising the capital charge to \$56.00 per EDU. The Supervisor explained Mr. Mooney's calculations. Mr. Mooney also recommended establishing a minimum usage of 36,000 gallons annually and with a rate set at \$2.60 per thousand gallons of usage. Mr. Mooney also suggested putting at least \$1,000,000 of the \$2,500,000 estimated fund balance into a capital reserve fund. The Supervisor stated that Mr. Mooney had a suggestion relating to the administrative operations of the Water Department and that was to hire a full-time clerk to solely work for the Water Department, who would be responsible for billing and to answer water related questions. The Supervisor stated that he agreed with him and was of the opinion that they should establish a position. He stated that the person could operate out of his office. He stated that it was Mr. Mooney's opinion, that if there were a full-time clerk and a full-time laborer, that office could run effectively. The Supervisor read through Mr. Mooney's suggestions, with the last being that the owner of Sisson Grove has decided to start putting water line in at the project. Mr. Mooney stated that the work is being done at their own risk and that they're aware that the project is not fully approved and there may not be sewer capacity for it. Mr. Mooney's report also stated that the work would have a full-time inspector and an engineer will certify that it has been completed pursuant to the plans. The Supervisor stated that there were some issues with that work and that he has a conference call tomorrow with Special Counsel and the Town Engineer.

### **Resolution #2022-76**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried to earmark an amount of \$410,000.00, that was budgeted for in the 2022 water budget, from the operational account and have it utilized for capital projects. Specifically, the painting of the water tower and the VanBuren Street construction project.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

**Resolution #2022-77**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to set a capital charge annual rate of \$56.00 per Equivalent Dwelling Unit (EDU) and set the 2022 water rate at \$2.60 per thousand gallons, with a minimum usage of 36,000 gallons per year.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor stated, that to create a capital reserve fund would take some additional work, which Attorney Buettner stated she would have for the next meeting. She also asked for a copy of Mr. Mooney's suggestions.

The Supervisor recommended that they establish a clerk position for the water department and to start the new hire at the same rate that they started the Building Department clerk at.

**Resolution #2022-78**

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart and carried, to create the position of Clerk at a rate of \$38,500.00. The position would be full-time with the usual benefits package.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Town Clerk asked what was expected of her. She wanted to know if she is to continue to bill semi-annual as they have been. The Supervisor stated, that in conversations with Mike Mooney, they would like to see a transition to quarterly billing, which can be taken up at the next meeting. He stated that he didn't know if the Board members had a chance to speak with Mike Mooney or look at any of the proposals yet. Councilmember VanTassel was of the opinion to stay on the same billing cycle until they have the resources and people in place. Councilmember Noonan agreed that they shouldn't move to quarterly billing until they have someone in place. Councilmember VanTassel asked the Town Clerk if there was a change happening with the current vendor. She stated that she was told last year, that if the Town wanted to continue to be supported, they would need to purchase the new utility billing program offered by the vendor. She stated that she recently found out that they would be supporting their clients for at least another year because they wouldn't have the capability of transferring 70-80 accounts within a year. She stated, that her memo to the Board offers the option to keep everything as is, as the vendor has already billed the Town for this year's maintenance agreement. She stated that it's not any kind of a rush,

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however, the vendor is asking her what the Town is planning to do. She stated that they want to know if the Town wants to move forward with a new program. She stated that there's money budgeted for it. The Supervisor asked that the Water Committee get together with the Town Clerk and Mike Mooney and work out how best to proceed and come up with a recommendation for the next Board meeting.

### **RECREATION DEPARTMENT**

The Supervisor stated that the Rec Park's 2007 Club Car XRT needs significant work, which will cost approximately \$2,200.00 to repair. The Recreation Leader is asking for permission to spend up to \$3,500.00 should anything else be found once the unit can be driven and tested. The Supervisor had concerns because there was only \$2,000.00 budgeted in 2022 under contractual for repairs. He also stated that there was no recommendation as to where the money would be coming from. He asked how they were going to pay for the repair and if the Town Board wanted to move forward with it, or do they want to wait and purchase a new one in the next fiscal year. Councilmember VanTassel stated that they could probably work with the Recreation Leader to find some money but also wasn't sure if it would be a good investment on a 2007 piece of equipment. Councilmember Noonan stated that the Recreation Leader was on-line to answer questions if the Town Board wanted to speak with him. The Supervisor stated that they still don't have the proper paperwork, which is required, to show what account the money will come from. The Supervisor recommended that this agenda item be tabled and have the Recreation Committee work with the Recreation Leader. Mr. Olesheski stated that the contractual line covers many things such as equipment and maintenance and repair throughout the year. He stated that he had asked the Board to increase that line by \$2,000.00, which they did for 2022, knowing that they didn't replace any equipment in the 2022 budget. He stated that any repairs have to come out of the contractual line. The Supervisor stated that he was aware it would have to come out of contractual, however, the point he was making, was that he didn't submit the proper paperwork as to where he would like the money to come from out of contractual. He stated that there's a policy, that if they're going to spend funds, to list the current balance and what account would be utilized, as well as the amount of the request, along with three quotes. The Supervisor stated that he didn't have that paperwork and that he wasn't sure if the Board members had it either. He stated that it bogs things down when they don't have it. Mr. Olesheski stated that the paperwork didn't exist due to the time frame that they were under. He stated that it was a dealer only item, so there wouldn't be three quotes. He also stated that the only place the money could come from is the contractual line. Mr. Olesheski stated, that if the Board would like, he would put the proper paperwork together for the next Town Board meeting. He made the Board members aware, that if they wait, the repair might not be completed under the same timeline. He stated that Satch Sales has other equipment that they're working on and that the Town's machine is sitting in their garage apart at the moment. He didn't know if they would put it back together and wait to make the repair. He stated that the piece of equipment is essential and if they get any more snow, it will make their work more difficult at the Park. Councilmember VanTassel stated to Mr. Olesheski that he would work with him tomorrow. The Supervisor asked the Town Board members if they want to repair it, knowing that it's a 2007 and knowing that a new one would cost about \$16,000.00. Councilmember VanTassel stated that the Recreation Committee would work with the Recreation Leader and make some recommendations.

### **SUPERVISOR ITEMS**

The Supervisor stated that there has been some additional interest in some of the Town's lots in the Industrial Park. He asked Attorney Buettner to explain to the Town Board members, the process that would take place, if the Town were interested in selling one of the lots. Attorney Buettner stated that because it's a Town owned lot, it's owned by the taxpayers. She stated, that in order to sell it, there would need to be a resolution, subject to permissive referendum. She stated that they would need to put it out to the public and if the public doesn't feel they would be getting enough for the property, they would petition to have it put out for a referendum vote and it would be put on the ballot for a special election. They would have 30 days to do that. If it's not done within 30 days, the resolution goes forward and the Town sells the property. She stated that it would be just like selling any other property. She stated that they would have to go through some environmental assessment forms and go through the SEQRA process. The Supervisor stated that this conversation was as a result of a cold call he received a few weeks ago from a company in California, who are looking to expand to the east coast. They thought that the location of the Town's Industrial Park being close to Route 4 was ideal. He stated that it's an agricultural oriented business.

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### **COMMITTEE REPORTS**

The Supervisor stated that he had a request from his office staff for approval to advertise for the position being vacated by Tammy Daley. The Supervisor questioned whether they wanted to fill the position with a part-time or a full-time person. Councilmember Noonan asked if this person would still have the Billing Coordinator duties and the Supervisor replied, Billing Coordinator and other support duties. Councilmember Stewart suggested that the position stay full-time and see how busy they are. The Board Members were in agreement to keep the position full-time.

### **Resolution #2022-79**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to advertise for the position of Billing Coordinator to be vacated on April 1, 2022.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that there was someone present wishing to speak regarding a grant that the Town was unsuccessful in receiving. Rick Rogge addressed the Town Board. He stated that he had previously been involved in grant writing in North Carolina and in visiting with his brother Dave Rogge, who owns Lamplighter Acres, he was asked to look into this and try to assist him to move forward. He stated, that in talking to Laberge Group, there was an opportunity for a grant. He stated that the grant would be for a significant amount of money. He stated that he would like to move forward and take a look at this and if for some reason they believe there isn't a shot, he would like to look into it as deep as they would allow him to. He asked the Town Board for their support. The Supervisor stated that he was supportive of the grant application, however, in having a discussion with the Laberge Group, the municipality has to apply for the grant not the property owner. He asked the Board members if they want Laberge Group to try again and apply for the grant. Councilmember VanTassel asked about the financial aspect. It was decided that the Supervisor would reach out to the Town engineer for a proposal and action could be taken at the next Town Board meeting. Mr. Rogge asked that the Supervisor send him an email, since he won't be at the next Board meeting.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adjourn to executive session at 8:37 p.m. for the purpose of receiving an update on a pending contract with the Town, that has pending legal ramifications.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

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

The Town Board returned from executive session at 9:01 p.m. with the Supervisor making note that there was no action taken in the executive session.

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**OTHER BUSINESS**

None

**PRIVILEGE OF THE FLOOR**

No members of the public wished to be heard.

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to close the meeting for the evening at 9:02 p.m.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk