

A regular meeting of the Town Board of the Town of Moreau was held on February 8, 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; Malcolm O’Hara, Attorney for the Town; Town Justices John Hogan and Jeffrey McCabe; Town Residents: Brad Nelson and Tim & Michelle Mallory

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from the January 25, 2022 audit meeting were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2022-80

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart and carried, to approve the minutes from the January 25, 2022 audit meeting as prepared.

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

COVID-19 UPDATE

The Supervisor reported that his office still has N95 masks and COVID-19 test kits available for pick up. He stated that they’ve just received another shipment of test kits, totaling 2,100 to date, with a significant amount remaining. He stated that they’re more lax in giving out the test kits. Any Town resident can receive what they need instead of limiting them to 1 per person.

Town of Moreau

2,811 have tested positive to date - there are currently 52 active cases and 2740 recovered

Village of South Glens Falls

814 have tested positive to date – there are currently 21 active cases and 787 have recovered

There have been 19 deaths in the Town of Moreau and 6 deaths in the Village of South Glens Falls.

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ASSESSOR’S OFFICE

The Supervisor stated that the Town Board had received information from the Assessor in relation to engaging the services of GAR Associates. He stated that they have an addendum to the original agreement, which was dated May 29, 2019. He stated that the Town has been utilizing their services to assist the Assessor with commercial properties. He stated that the addendum is an approximate 50% reduction from the cost last year. The Supervisor made a recommendation that the Town engage their services and then read through the proposal. After reading the proposal he stated that the Assessor is also recommending that the Town engage their services.

Resolution #2022-81

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing the Supervisor to sign the addendum agreement between the Town of Moreau and GAR Associates LLC.

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

WATER DEPARTMENT

The Supervisor stated that the Town has received a proposed revised contract addendum from the Town’s engineer, Laberge Group, for services related to the Sewer District 1 Extension 5 project. He stated that the addendum would increase the total contract amount by \$2,886.50. The Supervisor stated that this would be for the overtime costs, which exceed the 40 hour per week schedule. He stated that the total is for actual overtime costs from the engineer’s subcontractor. He stated that the Town has received payment from the EFC and now has to pay New Castle. New Castle will deduct the cost of this from the charge to the Town. He stated that it would be a wash to the Town.

Resolution #2022-82

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing the Supervisor to enter into a contract addendum #2018107-02, revised on this date February 8, 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 the Town has been advertising for a Water Department laborer and that Councilmember VanTassel, Mike Mooney and himself have interviewed an individual. He stated that he was an excellent candidate and brings with him a wealth of knowledge. He also stated that he was recommended by the current Water Superintendent. He stated that it was his recommendation that they move forward with the hire. He stated, that within the confines of the budget, rather than making it an hourly position, to make it a salaried one, which would assist the Town with overtime costs. He stated that the individual’s name is Rickey Mangona. The Supervisor stated that they came to an agreement on an annual salary of \$51,200.00. He also stated that Mr. Mangona wouldn’t require benefits. He asked if any

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Board members had any questions. Councilmember Stewart asked if this person had any water certifications and the Supervisor replied that he didn't but is willing to get them.

Resolution #2022-83

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, to hire Rickey Mangona, for the position of Water Department Laborer, at an annual salary of \$51,200.00, subject to successful completion of a pre-employment physical within a 2-week period.

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 Mike Mooney had been hired as an outside contractor at a rate of \$75.00 per hour, part-time, as needed. In speaking with Mr. Mooney, he stated that he was interested in becoming a Town employee and not a contractor. The Supervisor stated that he's willing to be compensated at a rate of \$61.00 per hour instead of \$75.00 per hour. With the hiring of the full-time laborer, Mr. Mooney wouldn't have to put in the same number of hours that he has been.

Resolution #2022-84

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to rescind the resolution, which engaged the services of Mike Mooney as an outside contractor at a rate of \$75.00 per hour on a part-time basis and to designate him as a part-time Town employee, named as the Town Water Superintendent, at a rate of \$61.00 per hour, effective February 14, 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 noted that they didn't set an effective date for the hire of Rickey Mangona.

Resolution #2022-85

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, establishing a start date for the Water Laborer, Rickey Mangona, to be February 14, 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

HIGHWAY DEPARTMENT

The Supervisor stated that the Town's Highway Superintendent had received correspondence from NYS DOT regarding the Dark Signal Initiative, which is a NYS program that has been ongoing for 10-years,

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where the traffic lights in NYS are wired for a generator to be hooked to them in case of an outage. He stated that this isn't a mandate, rather a volunteer program, in that municipalities can purchase a generator to run the lights if they choose to. The Supervisor stated that the program has received lukewarm success across the State because it's quite an expense for smaller municipalities. The Supervisor wanted to make the Board members aware, should they want to budget money in the future.

The Supervisor stated that they've received a request from the Highway Superintendent, similar to the request at the last Town Board meeting, in relation to promoting a Highway employee to the level of mechanic/MEO. He stated that the matter had been referred to the Highway Committee for recommendation. The Highway Superintendent's request, dated February 3, 2022, stated that there were enough funds to cover the salary increase in accounts DB5510.1 (\$309,000) and DB5142.1 (\$309,000). The Supervisor stated that account DB5510.1 doesn't exist. He asked if the Highway Committee had more information. Councilmember Donohue stated that he had spoken with Paul Joseph and was told that the funds for this are in the budget. He stated that it's immaterial if some of the numbers in the request got mixed up. He stated that it's their responsibility to get it moved forward. He suggested that the Town was being nitpicky with the account numbers presented and that the funds were available. The Supervisor stated that it does a disservice to the public to characterize how you fund a particular position as nitpicking and to make a statement that there are plenty of funds there, maybe there are and maybe there aren't. He stated, at budget time, when the Town Board approved the total compensation for the employees' payroll, there was no discussion on the part of the Highway Superintendent, otherwise it would have been provided for in the budget. He stated, that the money provided for in the budget at this time, is for the compensation rates based on the adopted contract, with the projected increases for FICA, retirement and things like that. He stated that it doesn't take into consideration any promotions, nor were they asked for. Councilmember VanTassel stated that he heard both sides and that he feels frustrated and embarrassed to have an employee that's being impacted by a technicality. He stated, that if it's an option, he would like to get it done before the next meeting. Councilmember Donohue stated that he had spoken with Jeffrey Cruz and was told that there was some unexpected sales tax money from last year, in the amount of \$896,000 plus. He asked if they could transfer some of those funds, if needed, into the Highway Department and was told that it could be done. He stated, that if funding is the issue, talk to Mr. Cruz and see if the Town can move some of the funds over and get this employee compensated. Councilmember VanTassel stated that he stands strongly with the position the Supervisor made, in that they need to be more specific about where the money comes from. He stated that he's okay with it either way but doesn't like to see an employee, who had something that was committed to him, not come through. The Supervisor stated, that if a Town Board member or the Highway Superintendent can accurately provide where the money will come from, we can move forward. Councilmember VanTassel stated that the Personnel Committee or Highway Committee can talk to the Highway Superintendent and get it done right this time. Councilmember Donohue stated, in speaking with the Highway Superintendent, that this is the way he's always made requests. He stated, that if this isn't the proper way to do it, it's an issue that needs to be taken care of. He suggested that a memo be sent to the department heads, stating exactly what is expected from this administration. He stated that he wants to make sure that everyone follows the proper procedures. Mr. Kusnierz stated that this was his fifth year as Supervisor, and he hasn't changed what he's looking for with these types of requests. He stated that other departments don't seem to have a problem with what's expected. He stated that they'll take it up, if they have the proper information, at the next Board meeting.

COURT OFFICE

The Supervisor stated that the Board members have received a request from the two Justices looking for two students on a per diem basis to electronically scan all of their files into the system. It was indicated in the memo, that it would be a large undertaking as there are thousands of files to be scanned. Upon completion of that, it would be a quarterly event going forward. The students would come in on days off, vacation or summer to complete the task. They would either be paid an hourly wage or as a contractor, subject to the Board's decision. The students could also be used in other departments as needed. The Supervisor stated that he didn't know if an intern program had been discussed. Judge McCabe stated that this is all new. He stated, that after listening to the last agenda item, they'll have to go back and look at their budget to see what they can do. He stated that this idea was a thought by the Court Clerks. He stated that they hadn't even discussed any money yet, they were looking for the Town Board's viewpoint on the

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matter. The Supervisor asked the Personnel Committee to look into this with the two Justices. He stated, that if they're going to establish that type of program, it should be open to the public. He stated that the Town is an equal opportunity employer. Judge McCabe stated that they have JCAP funds that just came in for \$5,000.00, already earmarked for this year, but stated that this was something that JCAP could pay for. He stated that he would like to start it this year, but if they have to wait until next year, they'll come up with an assessment plan and submit it for JCAP funds. He stated that they could get the school involved to come up with some selective candidates. He suggested that there might be students who want to get involved with the criminal justice system. Councilmember Stewart stated that there are students who want to get into criminal justice that may want to volunteer. He asked if there would be any credits given for the work. Judge McCabe stated that he didn't know but that in Saratoga Springs School District, they have an intern program and the students do get credits. He stated that he would check with Lisa Flynn, who is the head of the intern program in Saratoga Springs School District. Judge McCabe also stated that they'll be looking to hire two more clerks and a court officer, due to vacancies that will be coming up. He stated that he would have an application in for the next Town Board meeting. Judge McCabe asked if there were any questions for them. Councilmember VanTassel asked how the revenues were looking. Judge McCabe stated that they were about average, maybe up a little bit.

RECREATION DEPARTMENT

The Supervisor stated that he had a conversation with Councilmember Stewart as a result of an incident that occurred during the Town's basketball program. He stated that a student's mother declined medical attention for her daughter and took her home. He stated that Moreau Emergency Squad had responded and followed their procedures for declination of services. The Supervisor stated that the student is participating in a Town sanctioned event and that there is no policy on returning to the event. He stated, from a legal standpoint, there's some legal liability for the Town, that there isn't the proper protocol in place. He stated that it would be a good idea for the Town to have a policy in place. He stated that they all have a copy of the School Districts policy on returning to competition after an injury and suggested that Councilmember Stewart take that and work with the Personnel Committee and Town Attorney to come up with a policy that the Town can consider and possibly adopt at the next Board meeting. The Supervisor stated that he appreciated Councilmember Stewart bringing this to his attention.

The Supervisor stated that the next discussion is a carryover from the last Town Board meeting, in relation to the repairs of the 2007 Club Car XRT and asked Councilmember VanTassel to address the subject. Councilmember VanTassel stated, as a member of the Recreation Committee, and along with Councilmember Stewart, they spoke with the department head. He stated that it's in relation to the 2007 Club Car that's in for repairs, at a minimum of \$2,000.00. He stated that it wouldn't be worth that at the end of the day. He stated that their recommendation is to not repair it and that they'll try to sell it for parts. He stated that the tracks are above and beyond the value of the equipment, so they'll try to sell those at the same time. He suggested that the Supervisor and Councilmember Stewart both have knowledge on heavy equipment and can come up with some standards. The Recreation Committee can come back to the Board to explore a purchase. He stated that it wasn't budgeted for, however, there may be other options from the capital reserve fund or from the increased sales tax revenues. He stated that the Recreation Committee would come back to the Town Board with some recommendations. Councilmember Stewart stated that they'll be working with the department head to see what other equipment can be used. Councilmember Donohue agreed that they shouldn't be putting money into old equipment and that they need proper equipment to do the work at the Park. He stated that this is a good place to start.

BIG BEND TRAIL

The Supervisor stated that the Town was awarded a \$250,000.00 grant for a trail along the Hudson River. After the last Board meeting, he had reached out to the company who was heavily involved with the success in receiving the grant, to see if they were interested in submitting a proposal to make sure we provide the necessary documentation. He stated that the Town has received a proposal from The LA Group in relation to the Big Bend Trail, which outlines what they're willing to do at an hourly rate, not to exceed \$750.00, including reimbursable expenses. He stated that they would be involved in the registering and completing tasks through the Grants Gateway, addressing pre-permitting and SHPO

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questions, completing the Short Form EAF and assisting with cost share and budget summary. He stated that they're willing to do this according to the fee schedule that was attached to the change order, not to exceed \$750.00. The Supervisor recommended that they move forward with their services. He stated that there were certain things that needed to be done, which were time sensitive. The Supervisor asked the Town Clerk to read the proposed resolution. The following resolution was read into the record:

RESOLUTION

WHEREAS, the Town of Moreau applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") under the Recreational Trails Program, or other for the purpose of funding the Big Bend Trail Phase I; and

WHEREAS, the Town of Moreau is authorized and directed to accept these grant funds in an amount not to exceed \$250,000, the project described in the grant application; and

WHEREAS, the Town of Moreau is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such Big Bend Trail Phase I;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

BE IT FURTHER, RESOLVED, that the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual(s) who hold(s) the following elected or appointed municipal office(s) or employment position title(s): Town Supervisor and/or Deputy Supervisor.

Resolution #2022-86

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

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

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

The Supervisor read through the Short Environmental Assessment Form, Parts 1 and 2 and following, the Town Board declared that the proposed action would not result in any significant adverse environmental impacts. Counsel directed the Supervisor to sign Parts 1 and 3. He stated that the signature lines should show the Town of Moreau as the applicant along with the Supervisor's name.

Resolution #2022-87

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, authorizing the Supervisor to sign the addendum to the contract/change order (Job #2021062-001) in an amount not to exceed \$750.00.

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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

SUPERVISOR'S ITEMS

None

COMMITTEE REPORTS

The Supervisor stated that the Town had received over a 1/2 dozen applications for the Clerk for the Water Department and they also have some applications for the Billing Coordinator position, which will be vacant April 1, 2022. He asked the Personnel Committee to look them over and if the other Board members have any applicants they want the Personnel Committee to consider, to get the applications to the Committee.

Councilmember Donohue stated that Paul Joseph is looking into pricing for a new loader for the Transfer Station and is also setting up appointments for the Committee members to speak with some of the representatives, to see what they offer for lease programs.

Councilmember Stewart stated that he had spoken with the Recreation Leader to determine where the community garden will be located. He stated that there was \$2,500 grant money awarded and the Recreation Leader is looking for direction from the Town Board, so they can start planning on raised beds. Councilmember VanTassel stated that he would have a conversation with Councilmember Stewart and that they would bring a recommendation back to the Board.

The Supervisor stated that he needed a brief executive session, however, he knew there were members of the public wishing to speak and rather than make them wait until after executive session, he asked if they wanted to be heard at this time.

PRIVILEGE OF THE FLOOR

Brad Nelson addressed the Town Board by stating that he had received a letter from the Town about water. He stated that he doesn't have water running in front of his house. The Supervisor stated that he was aware of these issues. He stated that when they adopted the Water Ordinance, they knew they would have to tweak it along the way. He stated that they've just been made aware, that there are property owners within the Water District, that don't have infrastructure in front of their homes. The Supervisor recommended that the Water Committee look into this. He stated that if the homeowner wants water, the Town has an obligation to install the infrastructure. He stated, that if the infrastructure is there, it creates a benefit to the homeowner, and they would have to pay. But if there is no infrastructure and they can't tie into it, they shouldn't have to pay. He did say it would be beneficial to the Town to close the loop there. Mr. Nelson stated that he wanted to make sure he wasn't going to be charged. The Supervisor asked the Water Committee to look at these issues and come up with a proposal for the Town Board to discuss at the next Board meeting. He stated that he wanted to have it hashed out before the next billing. The Supervisor told Mr. Nelson that there could be a situation where the other property owners could petition the Board to extend the water line and then they would be responsible. The Supervisor asked Mr. Nelson if he wanted water and Mr. Nelson stated, "not necessarily".

There were no other members of the public wishing to speak.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adjourn to executive session at 8:17 p.m. to discuss an unnamed Town employee's work history and to receive an update on contract negotiations regarding the sale of 59 Hudson Street.

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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

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

The Town Board returned from executive session at 8:30 p.m. with the Supervisor noting that there was no action taken in executive session.

OTHER BUSINESS

The Supervisor stated that they were all anxious with the moratorium on subdivisions. He stated that they committed to the residents that they would try to get a Zoning Sewer Ordinance in play as quickly as possible. He stated that the Board members have received a draft copy of a proposed Sewer Ordinance but that they hadn't received zoning changes yet. He stated that Counsel was working on it. He stated that they'll need a Board meeting to schedule a public hearing but will need the documents available for the public first. He suggested that they schedule a brief special meeting for next week to receive an update on the Zoning and Sewer Ordinance to see if they're ready to go, to set a public hearing. If they are, he stated that they can schedule the public hearing at that meeting.

Resolution #2022-88

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue and carried, to schedule a Special Town Board meeting, to receive an update on the Zoning and Sewer Ordinance, for February 17, 2022 at 5:00 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

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:32 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