

A regular meeting of the Town Board of the Town of Moreau was held on March 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 7:01 p.m.

Town Board Members Present

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

Also present: Barbara Bartlett, Deputy Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Michael Fingar, US Light Energy; Town Residents: Tim and Michelle Mallory, Harry Gutheil, Brian Lemery, Pat Killian, Mike Shaver

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from February 22, 2022 (audit meeting) were prepared and presented to the Town Board members for their review, comment, correction and approval.

Resolution #2022-116

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to approve the minutes from February 22, 2022 (audit meeting) as prepared.

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

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

Karla Buettner, Attorney for the Town, arrived at approximately 7:03pm and notified the Board that the door to the building was locked. The meeting was paused while Councilman Noonan went to unlock the door.

EMPLOYEE HANDBOOK

Supervisor Kusnierz explained that the Employee Handbook is out-of-date due to its age and changes in the State and Federal laws. Councilmember VanTassel provided a brief update following his meeting with GTM, the Town's payroll service provider, regarding their proposal to provide an Employee Handbook. He explained that GTM handles Human Resources, bargaining units, etc, not just payroll, and has experience with municipalities in NY State. He stated that the handbook they could provide would incorporate all updates and be available to employees electronically. The fee for the first year would be a flat \$2,500.00 (no matter how many revisions) and \$750.00 each year thereafter for maintenance.

The Supervisor recommended moving forward with the proposal and asked for comments from the Board. Councilman Noonan and Councilman VanTassel stated that they spoke this afternoon regarding the old handbook and the required revisions and stated it would take an eternity to complete. They agreed that they should move forward, and the rest of the Board was also in agreement.

The Supervisor recommended the following resolution:

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

**TOWN BOARD RESOLUTION
TOWN OF MOREAU**

WHEREAS, the Town Board is committed to compliance with State and Federal labor laws and regulations; and

WHEREAS, the employee handbook for the Town of Moreau needs critical updates to remain in compliance with State and Federal labor laws and regulations;

SO, THEREFORE BE IT RESOLVED, that the Town Board transfer \$2,500 from the General Fund Contingent Account A1990.4, which has an available balance of \$34,610.49 as of February 28, 2022, to General Fund account A1620.4; and

SO BE IT FURTHER RESOLVED, that the Town of Moreau engage the services of GTM Payroll Services, Inc. to develop, edit, and update the employee handbook for the Town. The fees for these services are to be paid from account A1620.4 in an amount not to exceed \$2,500. Maintenance of the handbook will be revisited on an annual basis.

Resolution #2022-117

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 Supervisor.

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

Supervisor Kusnierz stated that there were several items under the Water Department, the first of which was the closing with Mr. Lance Hillman (Hillman Properties Inc) this morning for the donation of land for the Sewer Project for the pump on Route 9. Supervisor Kusnierz wished to express appreciation on behalf of the Town to Mr. Hillman for his help and for his generosity in donating the land to the Town. He explained that there was no cost to the Town involved with the donation, and Mr. Hillman's help saved hundreds of thousands of dollars in delays. Mr. Hillman will be provided with copies of the closing documents once they are filed with Saratoga County.

Supervisor Kusnierz stated that the Water Superintendent received correspondence from the NYS Health Department dated February 16, 2022 regarding the water supply emergency plan update and cybersecurity. The State had received revisions to the Water System Vulnerability Assessment and Emergency Response Plan and that it must be revised before final department approval. It included a list of items to complete the requirements, to be filed by April 30, 2022. The Supervisor stated that the Water Superintendent will be working on that.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Supervisor Kusnierz remarked, that following the consolidation of the water districts, there have been a couple of mailings from his office regarding the new billing structure. The first mailing was erroneously sent to about 19 parcels that were not in the water district due to inaccuracies in the information from Saratoga County G.I.S. They have since been notified that they are not in the water district and will not be billed. They also found that there were properties contained within the water district that do not have infrastructure running in front of their properties, which would make them unable to take advantage of the infrastructure. At the last Board meeting it was decided that the Town Board would refer to the Water Committee for recommendations on how to handle those. Recommendations were received by the Water Superintendent and Water Committee. The Water Committee (Councilmembers Noonan and VanTassel) spoke with the Water Superintendent regarding concerns from residents. Councilmember VanTassel stated that they believed that if an owner does not have access, either to hook up, or within 1,000 feet of a fire hydrant, they should be considered for removal from the Consolidated Water District. A study should be conducted to determine whether a property within 1,000 feet of a fire hydrant should pay the CWD fees. The Water Superintendent will check with other towns and fire departments to see how they address this, as well as the process to follow to remove qualified parcels from the CWD. The Water Committee's recommendation was to allow time before the next meeting to conduct the study prior to giving their final recommendation. Supervisor Kusnierz remarked that to install service to the 15 properties at the end of Jackson Rd would cost an estimated 1/2 million dollars. Resident Brian Lemery stated that the real issue is that there is no right-of-way. The Supervisor also explained, that as the Town did not budget for the cost of an infrastructure extension, and because the infrastructure is not available to those properties, it would not be fair to ask them to pay into something they can't access. Supervisor Kusnierz agreed with the Water Committee's recommendation to flesh out language of a policy and run it by the attorney for the next Board meeting. Supervisor Kusnierz stated that he has recommended to the property owners he has spoken with, not to pay yet, and that they will not be charged late fees until this is resolved. Mr. Lemery stated that the closest fire hydrant is 4/10 mile away through protected wetlands with no right-of-way, and Supervisor Kusnierz replied that they will get it ironed out.

Councilmember VanTassel reported that he is in the process of getting multiple quotes for additional layers of security for the Nolan Road water facility before the next meeting.

Supervisor Kusnierz received correspondence forwarded from the Clerk's Office to the Water Superintendent from the Office of Temporary and Disability Assistance regarding the New York State Low Income Household Water Assistance Program. The Water Superintendent recommends holding off to wait for the State to provide regulations for the program.

Supervisor Kusnierz provided information regarding an Intermunicipal Agreement with Saratoga County (and through them, the Saratoga County Sewer District Commission) to extend sewer capacity at an affordable rate, well into the future. He stated that negotiations with the City of Glens Falls are at a standstill and that Saratoga County could be an affordable alternative. The County would like to work with the Town of Moreau and the Commission passed a resolution unanimously. The system currently stops at the Town of Wilton, about 5 miles away. The resolution states that the County will partner with the Town of Moreau to extend the County infrastructure. Supervisor Kusnierz stated that the County option is more affordable to the rate-payers than it would be through the City of Glens Falls, as there is a financial commitment from the County and there would be no need for new debt.

The Deputy Town Clerk read the following resolution into the record as follows:

**TOWN OF MOREAU
RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN INTERMUNICIPAL
AGREEMENT WITH SARATOGA COUNTY**

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

WHEREAS, the Town of Moreau and Saratoga County are interested in partnering to strengthen Town and County sanitary sewer infrastructure as required to promote economic development and groundwater resource protection; and

WHEREAS, the Town of Moreau and Saratoga County desire to enter into an Agreement setting forth the terms and responsibilities of each municipality; and

WHEREAS, the Town of Moreau created Sewer District 1, Extension 5 to promote economic development and groundwater resource protection; and

WHEREAS, Sewer District 1, Extension 5 currently discharges sanitary sewer flows to the City of Glens Falls Wastewater Treatment Plan for treatment; and

WHEREAS, additional sanitary sewer treatment capacity must be obtained on an economically reasonable basis for long term operation of, and rate sustainability within, Sewer District 1, Extension 5; and

WHEREAS, the Town of Moreau has been unable to obtain an economically reasonable treatment capacity commitment from the City of Glens Falls; and

WHEREAS, the Town of Moreau has obtained a long term treatment capacity from Saratoga County Sewer District No. 1; and

WHEREAS, a connection to the County sanitary system would avoid the costs associated with the purchase of reserve capacity from the City of Glens Falls as originally contemplated within the Map, Plan, and Report prepared for the creation of Moreau Sewer District No. 1, Extension 5; and

WHEREAS, Saratoga County has determined that it will be mutually beneficial, and in the general public interest, to connect Sewer District 1, Extension 5 to the County collection and treatment system, hereafter referred to as the "County Connection"; and,

WHEREAS, Saratoga County Board of Supervisors has agreed to provide the Town with grant funds sufficient to evaluate, design, permit, and partially construct the County Connection; and

WHEREAS, the Town of Moreau has entered into an agreement with Laberge Group for professional engineering services required for the County Connection; and

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is hereby directed to authorize professional engineering and legal services to proceed as necessary for the completion of the County Connection; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of Moreau hereby authorizes the Town Supervisor to execute the Intermunicipal Agreement with Saratoga County and the Town's Sewer District 1, Extension 5;

Resolution #2022-118

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 Deputy Town Clerk.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor asked if there was any discussion. Councilmember VanTassel stated that keeping within the County makes sense, and the City of Glens Falls clearly won't have answers in time. Supervisor Kusnierz stated they would still work with Glens Falls, but that there is a cap, and the cost is higher. Councilmember Donohue remarked that the Town had a contract with Glens Falls that was much lower, but it had been allowed to expire and the rules changed. They did not take advantage of that, to buy the capacity we needed, at any point in the 10 years. He stated he was not willing to gamble with taxpayer dollars and 30-year debt for rate-payers, as we don't know what we are going to need; developers are not looking to come in right now; and we should not rush, but take a more measured approach. He stated that he is against it right now, but perhaps down the road it would be a better option to take a look at. Supervisor Kusnierz commented that he believes Councilmember Donohue's statements are inaccurate. He stated that they were working with the city during COVID and the closures at that time, etc, but feels that it is financially irresponsible to accept a worst-case scenario for the tax-payers. He then asked Councilmember Donohue if he suggests we take the Glens Falls proposal. Councilmember Donohue replied that we need to know what we need for capacity. Supervisor Kusnierz stated that BioChar is already coming in and will be a large user of sewer in the Industrial Park. Hoffman Carwash is another big user but needs to be guaranteed capacity before they can start, as well as apartments that are already approved but need capacity in order to build. Councilmember Donohue stated that we had a contract and didn't pull the trigger. Supervisor Kusnierz replied that Councilmember Donohue was on the Board then. Councilmember VanTassel expressed concern with statements that were inaccurate and portrayed to the public. He also commented that capacity isn't just for the Route 9 corridor but the entire Town. Councilmember Noonan said that he was happy to be looking to go south and does not see it as a gamble. He is looking forward to growth on Route 9 for generations. Councilmember Stewart stated that now is the time to look at it, having the support of the County and Federal funding. Look into evaluation and design and move forward. Supervisor Kusnierz reminded those present that the Map, Plan, and Report spells out that is cheaper to go with Saratoga County than to go north. The Town will have a say in the future, where they would not in Warren County. Supervisor Kusnierz stated that he does not support more expensive proposals.

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

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

TRANSFER STATION

Supervisor Kusnierz moved on to a request from the Transfer Station for the purchase of two rear tires for the loader, and stated that three quotes were obtained, per policy, as follows:

Adirondack Tire Route 9, Queensbury, NY	Price: \$2,677.50 installed
Moore's Tire Sales 4296 Albany St, Albany, NY	Price: \$1,814.00 (installation not included or offered)
Warren Tire 92 Warren St, Glens Falls, NY	Price: \$2,725.00 installed

The Department Head recommended Adirondack Tire, which not only included installation but also tire sealant. The expense would be paid from account TS8160.4 which has a current balance of \$127,413.30 as of February 28th. Councilmember Stewart has been down in person to see the tire situation and supports going forward with Adirondack Tire, and Councilmember Donohue agrees.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Resolution #2022-119

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue and carried, to approve the \$2,677.50 purchase for tires with installation and tire sealant from Adirondack Tire, Route 9 in Queensbury.

Further discussion, Councilmember Noonan stated that he was happy that the tires will be taken care of.

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 Kusnierz then turned to the Bid Opening of March 4, 2022 for Waste Hauling and Disposal Services. He noted that there were two bids, one from Waste Management, which is the current provider and also lowest bid in every category, and the other from Twin Bridges Waste & Recycling. He stated that the Board also needs to decide whether to go with the 9 month or the 21 month contract and recommended the 21 month option due to world events and increasing costs. Councilmember Noonan also felt it would be good to look out longer and supported the 21 month option. Supervisor Kusnierz read through the bid items:

	Waste Management 47 Delevan Avenue Delevan, NY 14042	Twin Bridges Waste & Recycling PO Box 442 Clifton Park, NY 12065
Proposal A		
Bid Item 1 (9) mos. (1) 42 cy cont.		
Transportation 1(a)	\$175.00 per pull	\$237.00 per pull
Disposal 1(b)	\$68.00 per ton	\$ 77.00 per ton
Alt. Bid		
Bid Item 1 (21) Mos. (1) 42 cy cont.		
Transportation 1(a)	\$190.00 per pull	\$237.00 per pull
Disposal 1(b)	\$71.00 per ton	\$ 77.00 per ton
Bid Item 2 (9) Mos. (1) 20 cy open top cont. for overflow		
Transportation 2(a)	\$175.00 per pull	\$237.00 per pull
Disposal 2(b)	\$68.00 per ton	\$ 77.00 per ton
Alt. Bid		
Bid Item 2 (21) Mos. (1) 20 cy open top cont. for overflow		
Transportation 2(a)	\$190.00 per pull	\$237.00 per pull
Disposal 2(b)	\$71.00 per ton	\$ 77.00 per ton
Bid Item 3 (9) Mos. (1) 20 cy open top cont. for back-up		
Transportation 3(a)	\$175.00 per pull	\$237.00 per pull
Disposal 3(b)	\$68.00 per ton	\$ 77.00 per ton
Alt. Bid		
Bid Item 3 (21) Mos. (1) 20 cy open top		

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

cont. for back-up		
Transportation	\$190.00 per pull	\$237.00 per pull
Disposal	\$71.00 per ton	\$ 77.00 per ton

Resolution #2022-120

A motion was made by Councilman VanTassel, seconded by Councilman Donohue and carried, to accept the bid from Waste Management for a 21-month contract.

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

Supervisor Kusnierz moved onto the Highway Department agenda item and the request to hire a laborer, from the last meeting. The Supervisor brought to the Board's attention that this was not a line item in the budget due to concerns for gas/diesel costs for 2022, as well as road salt and sand, and increases for those items. He stated that in 2021, purchase orders were exceeded beyond authority for diesel and salt, which had an effect on the 2022 budget. The Supervisor went on to say that the Town acted on a promotion last meeting that was not discussed at budget time, nor was it budgeted for. Due to Highway Department actions, \$13,467.41 has been spent which was not budgeted. He stated that if the Board moves forward with the hiring of a Laborer II position at \$18.23/hr. for the remaining 196 days, it would amount to \$28,585.00, not including health insurance. Other issues, he said, include rising gas prices which could be approximately \$67,000 - \$100,000 higher than the budgeted amount. Supervisor Kusnierz does not recommend hiring an additional laborer at this time. Councilmember Noonan stated, that if budgetary constraints are a concern, they should not move forward. Councilmember Stewart recommended tabling until the Highway Superintendent can find that it is viable with the money he has in his budget. He stated that the Supervisor had valid points, and also that the Highway Department should have the correct staffing. He recommends bringing this back in 2 weeks. Councilmember Donohue agreed that the Supervisor made a good point about the fuel. He stated that the Highway Department is completely funded by sales tax, which was unexpectedly high, and suggested that the unexpected income could offset fuel costs and an additional laborer. Councilmember Donohue stated that all of the departments have been bare boned with the uncertainty during COVID and asked if the Board was willing to look at the sales tax money to take care of this. Councilmember VanTassel stated that he would like to see detail on the sales tax funding. Supervisor Kusnierz commented that there is not a clear understanding of the budget process. He said the Highway and Fire Protection are both funded with sales tax, and that the income is reported monthly. It is not received up front. He stated that while they are expecting \$3 Million, only \$649,000 has been brought in so far. The Supervisor provided a historical narrative regarding sales tax stating that a former supervisor had done a great job with the fund balances, but when the next one took over, it went from \$2.7 Million to \$814,000 in 2017. Supervisor Kusnierz stated that he took over in 2018 and has brought it back to \$2.8 Million. He said he does not support an amendment to the budget or to draw on the sales tax which may be badly needed, and that the Department has been able to function. He didn't want to use sales tax in these economic conditions. Councilmember Donohue asked the Highway Superintendent about his staffing now as compared to five years ago, and the Superintendent replied that he had two fewer employees currently. The Supervisor stated that all of the offices have fewer employees, but that they are stepping up. Councilmember Stewart stated that he would like to keep his recommendation about coming back to this in 2 weeks after looking at the budget. The Supervisor stated, that with recent changes to the Board, he wanted to mention that the roof on the Highway Garage was replaced for \$600,000 and that \$200,000 of State Aid Municipalities Grant from NYS has not yet been received.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that the Board did not have a recommendation from the Highway Superintendent and did not receive the bid documents from the March 4th bid opening for the tractor. Superintendent Joseph stated they arrived late Friday, March 4th and he would have them for the next meeting.

RECREATION DEPARTMENT

Supervisor Kusnierz stated, that at the last meeting, the Board discussed a request for the purchase of a utility vehicle for Town / Recreation property. The Board had wanted to use Capital Reserve funds, subject to a referendum, and a formal resolution starts the clock ticking for members of the public to petition for a referendum.

The Deputy Town Clerk read the following resolution into the record as follows:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: TOWN-WIDE RECREATIONAL CAPITAL RESERVE FUND EXPENDITURE

WHEREAS, by resolution dated December 13, 2011, the Town Board of the Town of Moreau duly established a capital reserve fund designated as the Town-Wide Recreational Capital Reserve Fund for the purpose of funding the acquisition and development of lands within the Town of Moreau for recreational use, including capital improvements on lands presently owned, in fee or otherwise, leased or hereinafter acquired in fee or otherwise or leased by the Town and to purchase equipment for use on those Town lands; and

WHEREAS, the Town-Wide Recreational Capital Reserve Fund has a balance of approximately Three Hundred Twenty Thousand One Hundred Twenty-Two and 39/100 Dollars (\$320,122.39) as of 2/28/2022 and

WHEREAS, it is necessary for Town to purchase an XRT/ 4-wheel vehicle for the purposes of use around the Harry Betar Recreational Park and the Town; and

WHEREAS, the purchase of this equipment falls within the purpose of the establishment of this fund; and

WHEREAS, the Town Board having deliberated upon this matter;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the expenditure of funds, not to exceed Twenty-Two Thousand and NO/100 Dollars (\$22,000.00), from the Town-Wide Recreational Capital Reserve Fund, a capital reserve fund, for the purchase of an XRT/4 wheel vehicle for the purposes of use around the Harry Betar Recreational Park and the Town, and it is further

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

RESOLVED, that the Supervisor and/or Deputy Supervisor is authorized to execute any documents necessary to effectuate the purchase identified above; and it is further

RESOLVED, that this resolution is made pursuant to General Municipal Law Section 6-c and is subject to a permissive referendum, as permitted by law.

Councilmember Stewart recommended a change to the third “WHEREAS” and the “NOW, THEREFORE” by amending the words “XRT/4-wheel vehicle” to read “4 wheel drive utility vehicle”.

Resolution #2022-121

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, to adopt the foregoing resolution as amended.

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

Still under the Recreation Department, Supervisor Kusnierz wanted to make the Board aware that an employee had an accident during the last snowstorm resulting in \$5,000 of vehicle damage, and the Town is working with the insurance carrier to get that repaired.

The Board received a request regarding the location for the Community Garden. Councilmember Stewart stated that he had spoken with the Recreation Leader who had recommended somewhere on Town Hall property possibly behind the old Sherriff’s substation, but Councilmember Stewart would like to table this item for 2 weeks due to other items on the table.

The Board discussed a request from the Recreation Leader for a change in operational days and hours of the Sand Bar Beach to open Memorial Day weekend (May 28th) and only operate on weekends (Fridays, Saturdays, and Sundays), as opposed to 7 days a week, until July 1st when the beach would be open 7 days a week. The change would result in a savings of about \$7,000 in payroll costs, which the Recreation Leader suggested could be used to repair the bathhouse roof and other improvement projects at the Beach. Councilmember Stewart asked the Personnel Committee about applications for lifeguards. Councilmember VanTassel commented that they have historically scrambled to find help in June, but that there is a lot of use in July and August and that he supports the Recreation Leader’s recommendation for the schedule, though not necessarily for the use of savings. The Board was in support of the requested change, and the Supervisor confirmed with the Town Attorney that a formal resolution was not necessary.

Supervisor Kusnierz confirmed with Attorney Karla Buettner that the four spring sports contracts have been reviewed by counsel.

Resolution #2022-122

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing the Town Supervisor to sign the 2022 contracts with SGF Girls Youth Lacrosse, Empire City Soccer Academy, SGF Youth Lacrosse and Northeast Hurricanes Travel Baseball Club.

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

Councilmember Stewart	Aye
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A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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

The proposal from The LA Group for Professional Services for the Moreau Big Bend Trail had been tabled at the last meeting. Councilmember VanTassel gave an update after speaking with the LA Group and stated that the items that fell outside of the scope were actually already included in the grant, and he recommended moving forward.

Resolution #2022-123

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue to engage the services of The LA Group for Professional Services for the Moreau Big Bend Trail, from their February 21, 2022 proposal and consultant fees based on the lump sum of \$33,300.00.

Councilmember VanTassel stated for clarification, that the phase numbers of the proposal should not be confused with the phase numbers of the project.

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

REYNOLDS ROAD P.U.D.

Supervisor Kusnierz stated that the Zoning Administrator determined that the application for the Reynolds Road Planned Unit Development (PUD) 65 Reynolds Road is complete. The Town Board needs to decide whether to refer to the Planning Board, as required by local code. Mike Fingar, Chief Operating Officer for U.S. Light Energy, presented an overview of the project, including Community Solar, and also some modifications including possibilities for a community garden in the Conservation Area. The proposal also includes a “Future Development Area” that could possibly contain a Residential or Campground (luxury RVs), Agricultural, or Data Center components, and that the goal is to seek approval for any or all uses. Supervisor Kusnierz stated that the Board’s role at this time is to refer to the Planning Board, and that their thoughts/comments at this time may be premature.

Resolution #2022-124

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue to refer the U.S. Light Energy Reynolds Road PUD project to the Planning Board.

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

Councilmember Noonan explained, that per our town code, this is a formality for every PUD that comes before the Board.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

SUPERVISOR ITEMS

Supervisor Kusnierz stated that he had received correspondence from Charter Communications explaining that the CR1 Russia channel is no longer available, and that Spectrum is showing a channel slate message stating “program is no longer being provided by the supplier”, and that Spectrum is also dropping other channels due to current events in Ukraine.

The Supervisor also reported that he has been working with a prospective purchaser for the Mount McGregor Correctional Facility (which is in three towns including Moreau), for the which the project would be a recreational paranormal experience. He stated that ADK Preservation LLC Haunted Nights LLC is looking for support from the Towns of Wilton, Corinth and Moreau as well as from the Senate Representative and Senators in Saratoga County. Supervisor Kusnierz and the Board support signing on to the support letter. A formal resolution was not necessary.

The Supervisor stated that correspondence was received regarding Local Law #1 of 2022 filed on February 9, 2022 with New York State Department of State, which was the Cannabis Law that was adopted on December 22, 2021. The Local Law has been filed and is now in full force.

Correspondence from the Department of Transportation was received notifying the Town that the bridge in Schuylerville over the Hudson River will be replaced on Route 4. The intersection at Routes 4 and 32 will also be closed, which will redirect traffic through Moreau. Project will begin in 2024.

February 28th correspondence from Blue Neils, Saratoga County Cornell Cooperative Extension, described changes in the MS4 Program for Stormwater Management, and an announcement by DEC for the availability of permits, that could have a financial impact on MS4 budgets, and legal impacts regarding 3rd party certification, and described the MEP standard, and advised that the Board begin to use existing legal counsel for possible compliance shortfalls, etc.

Councilmember VanTassel had provided the Board members with some information on Cybersecurity from NYCOM following an Association of Towns Meeting that was very informative and stated they probably will have a future discussion regarding actions to take.

A letter from Jim Martin regarding the language of his contract as Town Zoning Administrator that states he needs authorization from the Town Supervisor for billable time exceeding the contracted amount. Supervisor Kusnierz stated that he has approved an additional 3 hours compensation (from 12 to 15 hours) and is now notifying the Board.

Supervisor Kusnierz stated he has a memo from Jeffrey Cruz, Human Resources / Principal Account Clerk, regarding Orbital Fire for potential cybersecurity services and shared it with the Board.

The Supervisor stated that they have received the Moreau Landfill 2021 Annual Report, which will be submitted to DEC tomorrow if the Board has no questions.

The Supervisor also wanted to make the Board aware that Jeffrey Cruz is working on the AUD, due 3/31/22, which is almost complete and will be ready for the next Board meeting.

COMMITTEE REPORTS

Committee reports were covered during the meeting.

EXECUTIVE SESSION

The Supervisor explained that there was a need for an Executive Session and asked if there was a motion. Councilmember Donohue suggested moving “Privilege of the Floor” before Executive Session so that the members of the public in the audience didn’t have to wait, and Supervisor Kusnierz stated that they have done that in the past and it resulted in delays of Town Board action.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adjourn to executive session at 8:55 p.m. for the purpose of discussing the performance of an unnamed employee or employees of the Town, and contract negotiations in relation to the transfer of 61 Hudson Street.

Asked if all in favor of adjourning to executive session, the following responses were given:

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

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

The Town Board returned from executive session at 9:07 p.m. with the Supervisor making note that no action was taken in executive session.

OTHER BUSINESS

Councilmember Donohue inquired about the anticipated timeframe for the sewer project. Supervisor Kusnierz replied that the contract states that the project will be completed by December 31, 2022.

PRIVILEGE OF THE FLOOR

Mike Shaver of 7 Pine Valley Drive stated that he would like his water bill corrected, as he was charged for 18,000 gallons when only 11,360 were used. Mr. Shaver referenced the Water Rate schedule that was approved by the Town Board on January 25, 2022 that specified the metered use charge of \$2.60 per 1,000 with a minimum of 36,000 gallons of usage annually. Supervisor Kusnierz stated that the schedule was changed today to clarify that the semi-annual billing minimum was 18,000 gallons, and that it was the intent of the 36,000 gallon annual minimum. The Supervisor stated that Mr. Shaver's bill is correct. Mr. Shaver stated that it is wrong to change the fee schedule as it was adopted and asked the other Board members how they feel. The Supervisor stated that they didn't change it, they clarified it. The Supervisor alerted Mr. Shaver that his time had expired. Councilmember Stewart stated that the point was valid and he will look for clarification and follow up with Mr. Shaver. Councilmember Noonan stated that he will do the same.

Michelle Mallory of 201 Fort Edward Rd stated that she lives within 1,000 feet from a fire hydrant and still has to pay extra insurance. She asked that when the Board speaks with the other communities, as stated earlier in the meeting, that they also specifically ask if they charge residents in her situation for the capital costs. She stated that she and her neighbors will all request water to be extended to their properties if they are charged to be in the district.

Harry Gutheil of South Glens Falls asked the Board if the village was considered as part of the study for the Sewer agreement with Saratoga County, as they may have been interested, and asked if the County was bringing the sewer to the town line. The Supervisor replied that the Town would construct, and that the county would help to fund. Mr. Gutheil asked if the sewer money was coming out of the A fund. The Supervisor replied that they need to expend through the A fund first, and then the district and Town would be reimbursed and made whole. Mr. Gutheil also stated that he was charged capital costs for 10 EDU's which were not in the Consolidated Water District, and the Supervisor replied that it had been taken care of and he was sent a letter stating that they were not in the district. He stated that he still has 10 more EDUs and asked how those are counted. The Supervisor explained the formula used to calculate EDUs, according to the Map, Plan and Report. Mr. Gutheil stated that they are vacant land and would need a road put in to use them and doesn't feel that it is equitable to pay for this when you can't build on the land.

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Pat Killian of 169 Burt Rd stated that he was here regarding the Solar Project and asked the Board if they had spoken with anyone yet about what they have had digested so far regarding the project over the past 3 years. He stated that Boralex would like to do an open house with a presentation and asked the Board if they had spoken with anyone regarding the Solar law. Councilmember Noonan replied that he has not spoken with anyone since Ag & Markets. None of the other members stated that they had spoken with anyone.

Brian Lemery of 21 Jackson Rd. Ext. stated that all deeds say they have external access and egress, he and described the path to the closest hydrant. He stated that he spoke with Mike Mooney who was unaware that there were no utility right-of-ways. Another problem is that the line they used to define the water district was not surveyed and the water's edge was used as the line. He stated that there is no fire protection down there or any municipal water. The Supervisor replied that he was not surprised that a utility right-of-way was never secured. The Supervisor also stated that he hopes to have a decision for them by the next meeting.

Mike Shaver stated that the new water fees were ripping the people off.

OTHER BUSINESS

Councilmember Donohue stated that he would like to have another Solar Workshop. Councilmember VanTassel stated that he would be okay with that as well, once Councilmember Stewart gets up to speed on the topic as a new Board member. Councilmember Noonan stated that they haven't gotten far in workshops and asked if Councilmember Donohue would be running the workshop. Councilmember Donohue said he would like to see a workshop like Mr. Killian had suggested, with presentations from Ag & Markets, NYSERDA, Mr. Killian's company, etc., and that someone from NYSERDA had offered something like this before COVID hit, to answer any questions they may have. He stated that the Board really only disagrees on 3 or 4 points and it would be good to have a chance to have all of their questions answered together in the same room and make a decision. Supervisor Kusnierz stated that they have spent a lot of time on this and thinks its poor government to change the zoning to benefit a handful of people. Councilmember Noonan said that if Councilmember Donohue could line everything up, he would be happy to attend. Councilmember Donohue stated that he is just looking for a compromise, to meet and discuss openly. Supervisor Kusnierz and Councilmember Donohue discussed whether they believed they could have a genuine conversation. Councilmember Stewart stated that there are three people on the Board that would support a workshop.

MOTION TO ADJOURN

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue and carried, to close the meeting for the evening at 9:36 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,

Barbara Bartlett
Deputy Town Clerk