

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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; Town Residents: Robert Chadwick, Dominic Tom, Steven Attardo

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from March 22, 2022 (2 sets) were prepared and presented to the Town Board members prior to the meeting for their review, comment, correction and approval.

**Resolution #2022-154**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to approve the minutes of March 22, 2022 (2 sets) 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

**HIGHWAY DEPARTMENT**

The Highway Superintendent submitted a request to open a purchase order for crushed stone in the amount of \$8,000.00.

**Resolution #2022-155**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, authorizing the Highway Superintendent to open a purchase order for the purchase of crushed stone in the amount of \$8,000.00. Availability and cost will determine the supplier under County Contract #21-PWCSGS-50R. The expense will be paid from account DB5110.493.

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 regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Highway Superintendent submitted a request to open a purchase order for Driveway Aprons/Road Repairs – Asphalt in the amount of \$5,000.00.

**Resolution #2022-156**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, authorizing the Highway Superintendent to open a purchase order for the purchase of Driveway Aprons/Road Repairs-Asphalt in the amount of \$5,000.00. Availability and cost will determine the supplier under County Contract #22-PWAC-3R. The expense will be paid from account DB5112.493.4.

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 Highway Superintendent submitted a request to purchase Road Saver 221 Plexi-Melt Crack Sealer in the amount of \$7,066.50 from Crafcoc Inc. under NYS OGS Contract: Group 31555, Award #23250, Contract #PC69549.

**Resolution #2022-157**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing the purchase of Road Saver 221 Plexi-Melt Crack Sealer in the amount of \$7,066.50 from Crafcoc Inc. under NYS OGS Contract: Group 31555, Award #23250, Contract #PC69549.

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 Highway Superintendent submitted a request to open a purchase order for Gasoline in the amount of \$15,000.00 from Global Montello Group under NYS OGS Contract: Group #05600, Award #23237.

**Resolution #2022-158**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing the Highway Superintendent to open a purchase order for the purchase of Gasoline in the amount of \$15,000.00 from Global Montello Group under NYSs OGS Contract: Group #05600, Award #23237.

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 Highway Superintendent submitted a request to schedule the annual Spring Limb and Branch pick-up service starting April 18<sup>th</sup> and running through May 13<sup>th</sup>, with the week of May 16<sup>th</sup> to accommodate any residents that may need extra time to gather their limbs & branches out beside the road.

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

**Resolution #2022-159**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing a Spring Branch and Limb pick-up from April 18, 2022 through May 13, 2022, with the week of May 16, 2022 to accommodate any residents that may need extra time to gather their limbs and branches out beside the 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

**RECREATION DEPARTMENT**

The Supervisor stated that the Town Board had passed a resolution in relation to dumpsters. He stated that he would like the Board members to consider rescinding the March 22, 2022 resolution and reject all proposals so that it can go back out for new proposals. The Supervisor suggested that they could do much better.

**Resolution #2022-160**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to rescind Resolution #2022-137 and to reject all proposals that were provided.

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 they would have the Recreation Leader reach out for additional proposals for the next Town Board meeting.

**Resolution #2022-161**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, to increase appropriations by \$22,000.00 to HT7180.2 – Town-Wide Rec. Cap. Proj. Fund – Equipment. To increase appropriations for equipment purchase, with funding approved March 8, 2022 (Resolution #2022-121)

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 Stewart stated that the quote from Emerich Sales & Service was “Sourcewell Pricing”, which meets the requirements of State contract pricing.

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

**Resolution #2022-162**

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue and carried, authorizing the purchase of a new Kubota RTV-X900 side by side maintenance vehicle for the Recreation Department, from Emerich Sales & Service, in the amount of \$20,016.74; and to be paid from account HT7180.2

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 Stewart asked Counsel if they could use the remainder of the funds that came from Capital Reserve for the purchase of add-ons for the machine. She replied that it could be incorporated.

The Recreation Leader submitted a request to waive the fees for Crandall Public Library, who are using a pavilion at the Recreation Park to host a free event on July 28, 2022. They would still be required to provide the proper insurance certificate.

**Resolution #2022-163**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, authorizing Crandall Public Library the use of a pavilion on July 28, 2022 with the fee being waived.

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 Recreation Leader submitted an opinion for the best course of action for the old XRT and that was to auction it as is and auction the tracks separately. Councilmember Stewart agreed with the recommendation. The Supervisor stated that they would have to declare it as surplus.

**Resolution #2022-164**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, to declare the 2007 XRT with tracks as surplus.

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**

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that the Board members had a copy of the proposed zoning amendments. He stated that he was comfortable setting the public hearing on the draft local law. He recommended that they set a public hearing for April 26, 2022 at 6:00 p.m.

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to set a public hearing on Local Law 3 of 2022, draft Zoning Amendment, for April 26, 2022 at 6:00 p.m.

The Supervisor stated that this would put them on track to lift the moratorium well in advance of the sunset date of June 23, 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

### **WATER DEPARTMENT**

The Supervisor stated that the final draft of Local Law 2 of 2022 has been in the hands of the Board members since February 22, 2022. He suggested that they were at the stage to set a public hearing on this local law as well. He suggested that they schedule it for 6:10 p.m. on April 26, 2022. Attorney Buettner suggested that they schedule the public hearing for the Sewer Ordinance at 6:00 p.m. and the Zoning Amendment at 6:10 p.m. She stated that the developers would have more comments on the Zoning Amendment than the Sewer Ordinance.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried to rescind the previous resolution, which set a public hearing on Local Law 3 of 2022, draft Zoning Amendment for 6:00 p.m. on April 26, 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

### **Resolution #2022-165**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to set a public hearing on Local Law 2 of 2022, draft Sewer Ordinance, for 6:00 p.m. on April 26, 2022 and to set a public hearing on Local Law 3 of 2022, draft Zoning Amendment, for 6:10 p.m. on April 26, 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 an issue with security at 40 Nolan Road. He stated that the Board members have been provided with a quote from Storedtech in the amount of \$4,169.62. Councilmember Noonan stated that there were agencies, such as Department of Health, encouraging the security

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

upgrades. He stated that he believed this was a perfectly fine quote and that the Town has been using Storedtech for IT services already.

**Resolution #2022-166**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, approving the quote from Storedtech in the amount of \$4,169.62, for security and monitoring at 40 Nolan Road. The expense will be paid from the Consolidated Water account.

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

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

The Supervisor stated that the Town has been trying to secure any possible grants to help with the costs associated with the construction of infrastructure. He stated that he was made aware of federal earmarks for the 2023 budget. He stated that there was a limited window to request grant funding from our federal representatives and members of Congress. He suggested, as they move forward with the sewer infrastructure, he would like the Town to be in the game for opportunities of funding from federal dollars. To do that, it would require preparation, some of it technical in nature. He stated that his office doesn't have the capability or expertise from an engineering standpoint to complete the applications. He stated that he had asked the Engineer for the Town to provide the Town with a proposal. He stated that Laberge Group was familiar with what the Town is trying to accomplish. Laberge Group provided a proposal in the amount of \$3,000.00 plus reimbursable expenses for the development of a Community Project Funding application, for funding through Congressman Tonko, Senator Schumer and/or Senator Gillibrand, for the Town and County's Route 9 Wastewater Interconnection Program. The Supervisor recommended that they enlist their services in this process.

**Resolution #2022-167**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to approve the proposal offered by Laberge Group dated March 31, 2022, Contract Addendum #2022046-00, in the amount of \$3,000.00 plus reimbursables; and authorizing the Supervisor to sign the agreement.

Councilmember Stewart noticed that there was a line item in the agreement stating: "please note that all requested supporting documentation must be received by Laberge Group prior to April 7, 2022 or we cannot guarantee the completeness of the application". The Supervisor stated that he had contacted Laberge about this and told Councilmember Stewart that it wasn't a problem.

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 he had already reached out to the representatives, and Assemblywoman Carrie Woerner has agreed to do a letter of support to all three members of Congress. He also reached out to Senator Jordan and she has done the same. He stated that the documentation will be included in the packet of information.

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

### **SUPERVISOR ITEMS**

The Supervisor received correspondence from the New York State Department of Transportation dated March 31, 2022, advising a travel advisory to the traffic patterns of the I87 off ramps in the Town of Moreau. The Supervisor stated that changes are already in place.

At the request of Grant Cottage, the Supervisor did a letter of support to Congresswoman Elise Stefanik for funding of the new pavilion project.

The Supervisor received correspondence dated March 28, 2022 from the administrative assistant of Bikeatoga.org. The Supervisor read the correspondence which presented an opportunity to those who may benefit from their services. They are a non-profit organization located in the basement of St. Peter's Church @ 241 Broadway, Saratoga Springs. They offer free refurbishing of bicycles as well as providing free safety equipment, such as helmets, locks, lights and training wheels, as they are available, and provided with no questions asked. They provide donated bikes in need of repair to those looking for a bike. They are open Tuesday's from 6:00 p.m. to 8:00 p.m., Thursday's from 5:00 p.m. to 8:00 p.m. and Saturday's from 9:00 a.m. to noon. Appointments can also be made via text @ 518-290-0746. They welcome volunteers, no experience is necessary. The Supervisor stated that the Town would get the information up on their website.

As a reminder, the Supervisor stated that Saratoga County Soil and Water Conservation District is now taking registrations for the Spring tire recycling program. You must be a Saratoga County resident and you must pre-register to participate. The drop off date is May 26, 2022 from 4:00 p.m. to 5:30 p.m. and the fee is \$5.00 per tire, with or without rims. The drop-off location this year is behind Ballston Town Hall, located at 336 Charlton Road, Ballston Spa, NY. You can register on-line through the Saratoga County Soil and Conservation website or call them at 518-885-6900. The deadline is May 24, 2022.

The Supervisor stated that he had a copy of the Association of Counties review of the State budget and its impact on local governments. If anyone would like a copy, it's in his office.

### **COMMITTEE REPORTS**

The Supervisor stated that the personnel committee has been working to hire a substitute crossing guard.

#### **Resolution #2022-168**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, that Pamela Youker be hired as a Substitute School Crossing Guard and be compensated at the rate of \$13.50 per hour. This is to be effective 4/18/2022 and subject to the successful completion of a background check and 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 Councilmember Noonan has been working on a seal for the Town and that it's in final form. Councilmember Noonan stated that he's working with the designer to try and lighten up some spots. After this revision, he suggested they might be able to share it with the public.

The Supervisor stated, that he believed the Board members all had a copy of the profits and losses for the Transfer Station for the 1<sup>st</sup> quarter. Compared to last year's revenues at the end of March, the revenues are down approximately \$13,000.00. The Supervisor commented that it's a fine balance in what the Town charges, in competition with those that have driveway service. He stated that he wasn't sure why there

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

was such a significant drop and asked if the Transfer Station committee wanted to take a look at it. Councilmember Donohue stated, that last Fall, one of the haulers offered 6 months free and a discount for 6 months after that. He thought that might be part of the reason for the drop in revenues.

The Supervisor asked if all the Board members had received an email from the Water Superintendent in relation to a property owner for back fees, when they didn't own the property. The Town Clerk was asked to explain the circumstances. She stated that there are many people who apply for water service and the applications are held until the Water Department provides the meter number. In this instance, a lady had called and wanted to know where her water bill was. After some research it was determined that there was indeed a meter in her house that hadn't been called in to the Clerk's office. The Clerk stated that she had just purchased the home in October of 2021 and the water service application was submitted in October of 2020. The bill for the usage was calculated to be \$220.84, however, she hasn't been in the house the entire time. The Town Clerk stated that there would have been three billings since the hook-up and suggested that she be billed for only one of them, or 1/3 of the usage, which calculated to be \$73.61. The Supervisor stated that they can't expect someone to pay for the water when they didn't own the property. The Supervisor stated that they would need to do a resolution to adjust the bill. The property location was 200 Reservoir Road.

**Resolution #2022-169**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, that the property owner of 200 Reservoir Road shall be charged 1/3 of the total usage of water, which will be \$73.61.

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 Stewart spoke about the lifeguard building at the Sandbar Beach. He stated that he's working with department heads to see if they can come up with a solution to get the Town through this year. He stated that water is leaking in and that there were some other building issues. He hoped, that as a Board or Committee, they could come back with some solutions. He also hoped that they could get a better number of those who use the beach by attendance keeping. He stated that there is an issue for Counsel, being the ownership of the property. He stated that he had copies of the deeds that go back to the 1970's. The Supervisor stated that the Town has an agreement with the Village of South Glens Falls for \$1.00. Councilmember VanTassel stated, that at the time the agreement was signed by Mayor Phinney, the deed showed the property to be owned by National Grid (Niagara Mohawk). He suggested, that before they put any money into the Beach building, they should make sure of who owns the property. Attorney Buettner stated that she would look into it.

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, to adjourn to executive session at 7:55 p.m. to receive an update on a tax certiorari case; to discuss the work performance of an unnamed Town employee or employees; to receive an update on contract negotiations in relation to the sale of property in the Industrial Park; and, to discuss a potential litigation.

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 regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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

The Town Board returned from executive session at 8:31 p.m. with the Supervisor noting that no action was taken in executive session.

### **OTHER BUSINESS**

Councilmember Donohue stated that there was discussion at the last Town Board meeting to set a date for another solar workshop. He stated that he had reached out to NYS Agriculture & Markets as well as NYSEERDA and they both suggested that they would be happy to answer any questions the Board members may have, regarding the placement of solar in the Town. They did ask, that if there were questions, that they be consolidated, so they weren't responding to duplicate questions. Councilmember Donohue asked, that if any Board members had questions, that they submit them to him, and he would forward them himself. This would give them time to process and answer the questions before the scheduled workshop. He asked if they could set a date for a workshop at this time. The Supervisor stated that he was okay with the Board members providing their questions to Councilmember Donohue and for him to provide to the relevant agencies. He stated, that to remind the Board members, he had worked with NYSEERDA for many years and their agenda is to follow through with the wishes of the State's solar laws. He stated that their representatives had many calls to him, pressuring the Town to move forward with solar. Councilmember Donohue agreed that their look at solar would be different from NYS Agriculture & Markets.

Councilmember VanTassel stated that he had a few questions for Agriculture & Markets only and asked for a copy of the email that Councilmember Donohue sends. Councilmember Donohue stated that he would copy everyone with his emails. Attorney Buettner asked to be on the copy as well. Councilmember Donohue asked again if they could set a date. Councilmember VanTassel stated that he would like to see the answers to his questions before setting a workshop. Councilmember Donohue asked if they could set a date at the next meeting. The Supervisor stated that he wouldn't commit to that. Councilmember Donohue asked that they get any questions to him within the next two weeks and they can go from there to set a date. Councilmember VanTassel stated that he wanted to clarify, that based on the response to his questions, he might not be in favor of another workshop.

Councilmember Noonan asked about Old Bend Road Cemetery. He had a caller ask him if he could buy a plot. The Supervisor explained that cemeteries come into the custody of the Town due to abandonment. By State law, the Town is then required to maintain them. He stated that with some of the cemeteries the Town is maintaining, there are plots that aren't filled, that are owned by families. He explained that there have been discussions in the past as to whether the Town wants to be in the cemetery business. The Board members at the time didn't want to be in the cemetery business. He stated that they can't set a rule that states there will be no more interments in abandoned cemeteries because the families believe they have a right to be buried there. The Town Clerk asked to interject. She stated that the last time there was discussion, they adopted a permit application process that the funeral directors have to submit to the Clerk. She approves the application with no fees involved.

### **PRIVILEGE OF THE FLOOR**

No members of the public wished to be heard.

A motion was made by Councilmember Donohue, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:41 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 regular meeting of the Town Board of the Town of Moreau was held on April 12, 2022 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk