

A regular meeting of the Town Board of the Town of Moreau was held on May 10, 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
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

John Donohue, Jr.	Councilmember
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Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Ellen Buttles, Deputy Town Clerk; Paul Joseph, Highway Superintendent; Michael Cucchiara & Liza Schepps from Nexamp.

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from April 26, 2022 (4 sets) were prepared and presented to the Town Board members in advance of the meeting, for their review, comment, correction and approval.

Resolution #2022-188

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to accept the minutes from April 26, 2022 (4 sets) as prepared.

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

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

61 HUDSON STREET

The Supervisor stated, that in order to complete the sale transaction, a resolution would need to be passed, which authorizes a boundary line adjustment between 59-61 Hudson Street and 57 Hudson Street. The Town Clerk was asked to read the following resolution:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: AUTHORIZING BOUNDARY LINE ADJUSTMENT BETWEEN 59-61 HUDSON STREET AND 57 HUDSON STREET, TOWN OF MOREAU

WHEREAS, the Town is the owner of 59-61 Hudson Street, South Glens Falls, New York, Tax Map No. 37-54-2-53 (the "Property"); and

WHEREAS, by resolution dated November 12, 2013, the Town Board declared the Property as surplus property; and

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WHEREAS, by resolution dated May 11, 2021, the Town Board accepted the offer of Emalee, LLC to purchase the Property; and

WHEREAS, during the course of title review and other work associated with the sale of the Property to Emalee, LLC, it was determined that there was an encroachment on the neighboring property of 57 Hudson Street, Town of Moreau (tax map number 37.54-2-54), which property is owned by Carmen Montanez; and

WHEREAS, in order to clear title such that the Town was able to convey marketable title of the Property to Emalee, LLC, it is necessary for the Town to execute a deed and survey identifying an adjustment between the two properties; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau in regular session duly convened, does hereby authorize the Supervisor to execute any and all documents necessary to effectuate clear and marketable title to 59-61 Hudson Street; and be it further

RESOLVED, that the Town Board hereby authorizes the Attorney for the Town to prepare any and all documents necessary to enable the Town to convey marketable title to 59-61 Hudson Street.

Resolution #2022-189

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 Town Clerk.

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

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

Attorney Buettner stated that the documents would be filed tomorrow and then they can close on the property within the next couple of days.

HIGHWAY DEPARTMENT

Resolution #2022-190

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, authorizing the Highway Superintendent to open a purchase order for Diesel Fuel in the amount of \$25,000.00. The purchases will be made from Main Care Energy under State Contract #69482 and will be paid from account #DB5142.460.

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

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

Resolution #2022-191

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A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing the Highway Superintendent to open a purchase order for Black Top/Nova Chip in the amount of \$271,464.00. The purchase will be made from Saratoga County under Saratoga County Contract #22-PWAC-3R and 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	Absent
Supervisor Kusnierz	Aye

ANNUAL STORMWATER REPORT

The Supervisor stated, that at the last Town Board meeting, he made the public aware that the Town had the Annual Stormwater Report available for review and comment. It was also posted on the Town's website. He stated that the public comment period had expired and that there were no public comments made. He stated that he had signed the document today.

WATER AND SEWER DEPARTMENT

The Supervisor stated that there was a business on Route 9, which has an extensive number of EDU's. Many years ago, the water line was brought to the site, but a meter was never hooked up. The Water/Sewer Superintendent is looking for direction as to whether they would have to pay the buy-in fees or not. The Supervisor referred the matter to the Water Committee for a recommendation at the next Town Board meeting.

The Supervisor stated that the Town has taken into consideration, comments made at the public hearing for the sewer ordinance. He stated that the Town has also received feedback from the City of Glens Falls in relation to the Facilities Agreement. Some minor changes have been made to the ordinance, which will require a new public hearing.

Resolution #2022-192

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to schedule a public hearing for Local Law 2 of 2022 at 6:15 p.m. on May 24, 2022.

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

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

At the last Town Board meeting, the Supervisor asked the Water Committee to review some accounts that incurred late fee penalties. Councilmember VanTassel explained that there were 10 property owners, which the Clerk's office didn't have valid addresses for. The Clerk's office has found valid addresses and the accounts have been rebilled. He stated that these bills were a little different in that the property owners didn't know that they were going to receive a bill. He stated that they would still be responsible for the bill, however, the question was whether they should be subjected to penalties. He stated that the recommendation of the Water Committee was to authorize the Clerk to remove the penalties.

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Resolution #2022-193

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, to remove the penalties from the following accounts:

<u>ACCOUNT #</u>	<u>PENALTY AMOUNT TO BE REMOVED</u>
70208	\$2.80
70123	\$2.80 IF PAID BY 5/13/2022
70124	\$2.80 IF PAID BY 5/13/2022
70125	\$2.80 IF PAID BY 5/13/2022
70126	\$112.00
70127	\$2.80
70350	\$2.80
70064	\$2.80
70013	\$5.60 IF PAID BY 6/1/2022

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

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

INSURANCE RENEWAL

The Supervisor reported that a proposal had been received from Dave Meager, the account executive for Amsure, for the Town’s umbrella policy. The Town budgeted an amount of \$99,500.00 based on information from Mr. Meager. There was an increase in premium of 3%. He stated that the cyber standalone product offered through Amsure is not a very good one, so they shopped it independently. They have a quote from CFC Underwriting Ltd. in the amount of \$3,778.19. This would be for \$1,000,000.00 in coverage with a \$5,000.00 deductible. The NYMIR policy premium is \$1,292.50. He stated that Amsure would be willing to prorate that amount if the Town were to purchase a cyber security policy separately. He stated that CFC won’t cover the Town if we don’t have multifactor authentication for off-site use of computers. He stated that there are 4 individuals that have access to do that. His recommendation was to rescind the ability for those 4 individuals to work from home. He stated that the issue would then go away. He stated that the Town can then look into having the necessary multifactor authentication as they move through the process. He stated that they want to have the ability for those employees to work from home. He stated that they could get a separate policy for cyber security from CFC and a renewal from Amsure for another year. He stated that it would still be less than what the Town budgeted for. He suggested that the IT Committee work with Jeff Cruz to get a quote for the multifactor authentication capabilities. The Supervisor stated that it was critical that the Town have this type of policy.

Resolution #2022-194

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel and carried, authorizing the renewal of the Town’s NYMIR insurance policy through Amsure and to purchase a separate Cyber Security policy at a later date from CFC Underwriting Limited in the amount of \$3,778.19. The Town also rescinds the availability for employees to access their work computers from home until a multifactor authentication process is in place. The Town will be refunded on a pro-rated basis for NYMIR Cyber Policy when the CFC policy becomes effective.

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

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

BIG BEND TRAIL PHASE 1

The Supervisor reported that the Town has been successful in receiving grants in the amount of \$250,000.00 for the Big Bend Trail. He stated that the Town has also received, for two years in a row, \$10,000.00 grants from Saratoga County. Councilmember VanTassel stated that the process is moving forward. He stated that it would probably be a 12 to 18-month process to get through the preliminary design phase. He stated that the Town has a few things they need to take action on. He stated that the Town needs to have a survey done for the topography and boundaries. He stated that they'll also need to hire someone as the grant administrator. Councilmember VanTassel had a recommendation to use the LA Group as the grant administrator, as they've already been deeply involved in the process. He thought they were in the best position to do that and suggested that he could get a proposal from them. The Supervisor asked if they would be willing to track down someone to do the survey. Councilmember VanTassel stated that they showed interest in doing the survey themselves. Councilmember VanTassel stated that the Recreation Committee would be happy to get a proposal from them. The Supervisor stated that it could be taken up at the next Town Board meeting.

Resolution #2022-195

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, declaring the Town's 2000 F-550 dump truck with plow as surplus equipment and authorizing the sale of the equipment on Auctions International.

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

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

The Recreation Leader submitted a request to the Town Board for conceptual approval of new batting cages at the location of the Softball Quads. The present batting cages were damaged beyond repair due to snow and wind during the winter. The Recreation Leader had spoken with representatives of the South Glens Falls Youth Softball organization, who have agreed to work with the Recreation Department, to construct a pair of new, more permanent, batting cages. The Youth Softball organization has contacts with Louisville Slugger, who have indicated a willingness to pay for the new cages and volunteers from Youth Softball would work with the Recreation staff to construct them. The Town Board members were in favor of the project.

Councilmember Stewart stated that he had walked the Park with the Recreation Leader looking at the backstops that will need to be replaced. He stated that he was willing to take the lead on this. He stated that there's money in an account designed for this purpose. He asked if this was something the Town Board was interested in before he gets quotes. He suggested that they look at doing one field per year instead of trying to do all four at once. He stated that they should improve the fields and commented that there are thousands of kids who use the Park on weekends. The Supervisor thought it was a good idea. He also suggested that he would like to see a capital plan for the Recreation Park, for one year, 5 years and 10 years.

Councilmember VanTassel reported that BOCES is anxious to do work. He stated that the Town, as well as BOCES, both reap the benefits from the student training. He stated that they need to come up with some

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projects and suggested a possible new entry to the Park, or potential new trail work. Councilmember Stewart stated that they could do some clearing at the Park. The Supervisor stated that there was a lot of compost at the Transfer Station that could be used for expansion at the Park. Councilmember VanTassel stated that the Recreation Committee needs to work with the Recreation Leader, and they have to get back to BOCES. He suggested short-term projects because the students will be done the end of May. He stated that they'll need a long-term strategy for BOCES in the Fall.

NEXAMP

Attorney Buettner gave a brief summary of where they were at. She stated that Mike Cucchiara and Liza Schepps were present from Nexamp. She stated that the project is going through site-plan approval with the Planning Board. Some things the Town Board needs to do are, to review the decommissioning plan, discuss the PILOT agreement, and to deal with the paper road. She stated that they had worked with the Highway Superintendent and the Planning Board and they are going to open the paper road to the Town for future development. They'll make the road to Town specifications. She stated that there is a resolution before the Town Board tonight, with respect to the decommissioning plan. She stated that there will be a decommissioning bond that the Town would be able to use if necessary. She stated that the plan has been reviewed by both the engineer for the Town and by herself. She stated that the project is on the agenda before the Planning Board this coming Monday for approval. The Supervisor asked how the Town would be protected if the company no longer existed or if it changed names. Attorney Buettner replied that it was the point of the bond and suggested that the bond will outlive their name. The Town Clerk was asked to read the following resolution:

RESOLUTION TOWN BOARD TOWN OF MOREAU

SUBJECT: ACCEPTANCE OF DECOMMISSIONING PLAN FOR BAKER FALLS SOLAR, LLC

WHEREAS, Baker Falls Solar, LLC is presently before the Town of Moreau Planning Board for site plan review of property located at 11-13 Electric Drive in the Town of Moreau (the "Property"), and

WHEREAS, as a requirement of site plan approval, Baker Falls Solar, LLC is required to provide a Decommissioning Bond acceptable by the Town as to cost and legal analysis; and

WHEREAS, Baker Falls Solar, LLC submitted a Decommissioning Bond to the Town, which has been reviewed by the engineer for the town and the attorney for the town and found acceptable as to amount and form;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau in regular session duly convened, does hereby accept the Decommissioning Bond presented by Baker Falls Solar, LLC.

Attorney Buettner asked that the words "and Plan" be inserted after the words "Decommissioning Bond" throughout the resolution.

Resolution #2022-196

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution with the noted changes from Counsel.

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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	Absent
Supervisor Kusnierz	Aye

SUPERVISOR ITEMS

The Supervisor reported, as Chairman of the Board of Supervisors, that he had spoken at an event to get individuals interested in signing up to serve as volunteer firefighters across the County. He stated that it was very well attended. He stated that there was a request from the Commissioner of Emergency Management Services to include the electronic banner on any electronic signage. He stated that he had reached out to the President of the Fire Company and believes that they will be putting the banner on their electronic signage outside the firehouse.

The Supervisor stated that an emergency purchase had to be made in relation to the Town's on-site back-up server. He stated that they need to memorialize the authorization to purchase and install the new back-up.

Resolution #2022-197

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, memorializing the authorization for the expenditure of \$3,441.28 for the purpose of replacing the Town's on-site back-up server.

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

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

The Supervisor stated that the Town Board had authorized to move forward with the employee handbook. He stated that there has been some back and forth between the insurance carrier and Counsel. He stated that the Town's payroll company, based on the changes from the insurance carrier, would have to add thousands of dollars to their proposal. He stated that he would like to refer this to the personnel committee for a recommendation. He stated that Counsel may have a recommendation, which will work for GTM.

Resolution #2022-198

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to accept the resignation of Jennifer Miller, Court Clerk, with her last day being June 17, 2022.

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

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

The Supervisor read her resignation letter aloud.

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Resolution #2022-199

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart and carried, authorizing the hiring of two part-time clerks for the Court at \$13.80 per hour, Brittany Abbenante and Kristine Brown, subject to any Court requirements.

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

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

COMMITTEE REPORTS

Councilmember VanTassel reported that the camera system is up and recording at the water plant.

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to adjourn to executive session at 7:50 p.m. for the purpose of having discussion regarding the work performance of an unnamed Town employee or employees.

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

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

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

The Town Board returned from executive session at 8:23 p.m. with the Supervisor noting that no action was taken in executive session.

PRIVILEGE OF THE FLOOR

There were no members of the public wishing to speak.

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:24 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

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Leeann McCabe
Town Clerk