

A regular meeting of the Town Board of the Town of Moreau was held on June 28, 2022, in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:02 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; Lisa Sperry, Supervisor’s Confidential Secretary; Karla Buettner, Attorney for the Town; Town Residents: Ty Hall, Vicki Hall, Kathy & Mike Thomas, Robert Vittengl, Jr. Others: Justin Grassi

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from May 24, 2022 (3 sets) and June 14, 2022, were prepared and presented to the Town Board prior to the meeting, for their review, comment, correction, and approval.

**Resolution #2022-227**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to approve the minutes from May 24, 2022 (3 sets) and from June 14, 2022, as prepared.

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

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

**LOCAL LAW 4 of 2022 – ZONING MAP AMENDMENT**

The Supervisor asked Counsel to give an overview of the Local Law. Attorney Buettner stated that the Local Law is a Zoning Map change, which adjusts 4 split zoned parcels into one zone. The amendment will take the parcels out of split zoning and put them all into a C-3 zone. She stated that the Local Law only addresses the split zoning change. It does not address the PUD application that included the four parcels.

The Supervisor stated that it becomes a problem, when during the creation of zoning maps, parcels are bisected. There is a mechanism that allows a municipality, through local law, to address the bifurcation. He stated that the Town has heard from the neighbors, during the public hearing process, with their concerns. He stated that he had some concerns as well. He stated that he was also aware, that during the PUD process, the Town Board has the ability to impose certain requirements as part of the approval process. Attorney Buettner stated, that if the Local Law is enacted, there would be a PUD process, at which time there would be another opportunity for the public to address this. She stated that it would go to the Planning Board to make a recommendation to the Town Board. It then goes back to the Town Board to create a new Local Law. If the PUD becomes a law, the Town Board can take into account the public opinion and impose requirements. She wanted to clarify, that the neighbor’s concerns would be clarified during the PUD session and not this Local Law session.

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Councilmember Noonan stated that he had heard from quite a few neighbors with their concerns. He stated that they're aware the Planning Board has approved this zoning change. Attorney Buettner corrected his statement by saying that they recommended the change. He stated that there were more people that came out with concerns than those that were for the project. He stated that he supports the neighbor's concerns. He stated that he wanted to explain to them, that this part of the process only changes the zoning. He stated that the PUD part is completely different.

Councilmember VanTassel stated that he was supportive of tonight's action. He stated that the Planning Board has weighed in and the County has weighed in. He stated that they can weigh in on the PUD at the next stage.

Councilmember Stewart agreed with Councilmember VanTassel and looked forward to moving this forward.

Councilmember Donohue stated that it made sense to have the parcels in one zone and not two. He stated that they can address the PUD in the next process.

Attorney Buettner stated that the Town Board had before them parts two and three of the Short Environmental Assessment Form and that the applicant already filled out part one. The Town has already declared themselves lead agency. She stated, that if the Town Board desired, she could go through questions 1-11 on the form. The Supervisor asked that she do that. Attorney Buettner read questions 1-11 and all were answered "No, or small impact may occur". She asked if it was the Board's determination, that there will be no significant adverse environmental impacts. The answer was yes. She asked if it was the Board's determination, that they will issue a negative declaration, which is in the next resolution. The answer was yes. The Supervisor asked the Town Clerk to read the following resolution aloud:

RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU

ADOPTION OF LOCAL LAW 4 OF 2022,  
AMENDING THE ZONING MAP OF THE TOWN OF MOREAU

WHEREAS, the Town Board of the Town of Moreau ("Board") is considering the adoption of Local Law No. 4 of 2022, which, if adopted as proposed, amend the Zoning Map of the Town of Moreau, to extend the C-3 district to include the entirety of tax map parcels 49.60-1-39.2, 49.60-1-38, 49.60-1-37, 49.60-1-44.1, 49.60-1-46 and 49.68-1-9; and

WHEREAS, the Board finds that the adoption of Local Law No. 4 of 2022 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 4 of 2022 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, the Board has found it in compliance with the Town's Comprehensive Land Use Plan to rectify the issue of split zoned parcels; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 4 of 2022 was properly noticed in the newspaper and posted, and was duly conducted on May 10, 2022, and closed on May 24, 2022 at the Town Municipal Complex; and

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WHEREAS, the Board has considered the public comments provided before and those made at the public hearing, including verbal and written comments; and

WHEREAS, the Saratoga County Planning Board has issued a decision approving the Local Law pursuant to General Municipal Law §239-M; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 4 of 2022; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 4 of 2022, which amends the law as stated above; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration under the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

**Resolution #2022-228**

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	No
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that the Local Law will become effective upon filing with the State.

**RECREATION DEPARTMENT**

The Supervisor reported that an email had been received from the Recreation Leader in relation to beach operations in the Village of South Glens Falls. As a result of the severe low water, due to the ongoing work to the dam, which is expected to last through Labor Day, the beach will have to be closed.

**Resolution #2022-229**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, that as a result of circumstances beyond the Town's control, the Beach will be closed for the Summer of 2022 season for safety reasons.

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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 Supervisor stated that the Town had received several \$100,000.00 in grants for the Big Bend Trail. Some were from Saratoga County. He stated that he's working to secure additional grants to do phase 1 and possibly more phases. Councilmember VanTassel has been working with The LA Group and a proposal has been submitted to the Town Board. The Supervisor stated that they would like to get this going but they still have some outstanding questions for The LA Group, in relation to the costs of services. Councilmember VanTassel stated that they should be in a position to know what direction they want to go at the next Board meeting.

The Supervisor commented that he was at the Recreation Park following a softball tournament held this past weekend. He stated that the tournament was heavily attended and that there was an inordinate amount of refuse that was generated. He listed, lawn chairs and damaged tents that were left behind. He stated that the staff is spending more time than they should, cleaning up after tournaments. He stated that the time has come, that they may want to consider a clean-up fee. He asked the Recreation Committee to look into this and come up with a recommendation.

Councilmember Stewart stated that the Recreation Department is down by six pieces of equipment that are out of service. He stated that he wanted to work with the Recreation Leader, Councilmember VanTassel and Jeff Cruz, to see what Capital Funds they have available. Also, to see what funds can be moved around due to the Beach closure. He stated that the Recreation Leader is requesting to purchase a zero turn, which would be in the \$9,000 category. Councilmember Stewart wanted the Town Board to be aware of the situation and stated that he would hopefully have more information for the Board to look at.

The Supervisor asked the Recreation Committee to look into getting grass in between the basketball courts and the universal playground. He stated that there's organic material at the Transfer Station that can be used. Councilmember Stewart stated that there was a cold storage building that had been voted on that was supposed to be in that area. He thought that was why it was still sand. The Supervisor thought they had looked at that area for the building but wasn't sure at this point that it should still be placed there. He stated that if they purchase equipment, they'll need to have a place to keep it out of the public's way and protected.

Councilmember Stewart asked if the funds from the surplus equipment could be used to purchase new equipment. The Supervisor replied yes. He asked Counsel, that when they approved to put items out to auction, can they accept or deny the bids without Town Board approval. He stated that there is a short window of time to respond. Attorney Buettner stated that you can't accept a bid without Town Board approval. Councilmember Stewart stated that you have about 2-weeks to get back to the purchaser. Attorney Buettner stated that this is happening with other municipalities as well and not just with Auctions International. She stated that she's had to attend special meetings because contractors are no longer holding their prices for more than seven days.

### **WATER AND SEWER DEPARTMENT**

The Supervisor stated that Board members had received information from the Water Superintendent in relation to a property located at 1572 Route 9, which was granted Planning Board approval two years ago, with a condition that they would connect to the Town water by a certain date. He stated that it didn't happen. The Town did receive the amount needed to hook up but the Water Department, at that time, didn't proceed with hooking up water to that location. The Water Department has secured the following three quotes to install a water service:



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The Supervisor reported that one of the Town's Deputy Town Clerks has tendered her resignation, with her last day being July 8, 2022. He wished Barbara Bartlett well in all her future endeavors and stated that the Town appreciates the service she provided to the Town of Moreau during her employment.

**Resolution #2022-231**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to accept the resignation of Barbara Bartlett from her position as Deputy Town Clerk, with her last day of employment to be July 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 reported that a request had been provided to the Town Clerk from Erik Bergman for a road closure on July 9, 2022. He had made a similar request a few years ago. The closure would be for a graduation party.

**Resolution #2022-232**

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to approve the request of Erik Bergman to have his road closed on July 9, 2022, for a graduation party.

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

**COMMITTEE REPORTS**

Councilmember Noonan stated that Buildings and Grounds are waiting on some proposals for irrigation around Town Hall.

Councilmember VanTassel reported that the Personnel Committee has finished screening individuals and have submitted names to the Supervisor's office for face-to-face interviews.

The Supervisor reported that the throttle cable needed to be replaced on the loader at the Transfer Station.

Councilmember Stewart stated that he had a video conference with Land Solutions regarding a possible solar project at the Transfer Station. They take the information and pass it along to NYSERDA for a recommendation. If all goes through, the next phase would be an on-site visit, which would possibly be July 21<sup>st</sup> or 22<sup>nd</sup>. Councilmember Stewart stated that it normally provides for 1 megawatt for every 10 acres. The cleared area at the Transfer Station is just below 40 acres. He stated, that right now, they're getting between \$5,000 - \$10,000 per megawatt per month. He stated that it wouldn't affect the cap of the landfill. If the Town were to allow the project, they would take over the maintenance of the field. He stated that he would reach out to the Supervisor's office if the walk through is going to take place.

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A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to adjourn to executive session at 7:49 p.m. to discuss the work performance of an unnamed Town employee or employees and to receive an update on contract negotiations with the City of Glens Falls.

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 8:20 p.m. with the Supervisor noting that no action was taken in executive session.

### **OTHER BUSINESS**

Councilmember Donohue stated that he had abstained from voting on the approval of minutes because he wasn't in attendance at those meetings. He stated that Brigid Martin had made public comments about him not getting paid to march in parades and that he had missed two meetings. He stated that he didn't care too much about what Brigid Martin thinks but wanted the public to know why he wasn't at the Town Board meetings. He stated that he takes the meetings very seriously. The first meeting that he missed was due to a family trip that had been planned for quite some time. Just before the next meeting he contracted COVID and was quarantined for 5 days. The last meeting he missed was because his father had passed away and services were the day of the meeting.

Councilmember Donohue stated that he had sent an email to have the solar law put on the agenda for tonight's meeting. He assumed that the Supervisor had made the decision not to put it on. He wondered why. The Supervisor stated that any requests to be put on the agenda have to be into him by noon on the Friday before. Councilmember Donohue stated that he understood, he just wanted to make sure everyone was thinking about it ahead of time. He stated that they have to get back to looking at the solar law. There are a few things that they disagree on, but he thought they might be able to compromise. He stated that if they don't sit down and discuss it, there will be no conclusion. He suggested bringing in Attorney Buettner and/or Jim Martin to a meeting for their opinions. He asked what the other Board members thoughts were. Councilmember Stewart stated that he would make himself available for a meeting. The Supervisor went on to privilege of the floor and Councilmember Donohue asked what Councilmembers Noonan and VanTassel thought about having another meeting. Councilmember Noonan stated that there may have been some changes made that might have killed this law as it is. He stated that he had no interest at this point in going back to the drawing board. Councilmember VanTassel stated that he had put some more time into it this morning and will continue to look at it.

### **PRIVILEGE OF THE FLOOR**

Bob Vittengl addressed the Town Board members by first stating that a master plan had been presented to the Town Board 5 years ago and was adopted. He stated that the Town is now 3 to 4 years into the master plan, and he has a couple of asks. The first suggestion was to send out RFPs to upgrade the tennis courts. He thought they could at least see if it's feasible. With regard to the Nolan Road project (Big Bend), he stated that the grad students had come in and designed, with BOCES doing the clearing. He stated that the Town has received multiple grants and asked that an RFP be sent out for Phase 1 to get the project started. Thirdly, the Town needs more ball fields. He stated that BOCES had worked an area for 7 or 8 years, but the Town couldn't decide what size field to put in. He stated that they just need a flat surface multi-usable field for any purpose (i.e., Flag football, Lacrosse etc.). He suggested that the field would go on the other side of the bowl and asked that the Town send out RFP's.

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Mr. Vittengl asked that they look at the number of citizens in towns adjacent to Moreau and see what the recreation spending budgets are per capita and come up with a dollar figure to see where Moreau is at today. He suggested that the Town is spending much less than adjoining areas.

Mr. Vittengl stated that the Town worked hard to create a capital budget for capital projects. He thought the Town used some of the funds to get the gator. Councilmember Stewart stated that they used the funds for the Kubota UTV. Mr. Vittengl suggested, that when they go into budget this year, to put money back into the capital project fund.

Supervisor Kusnierz stated that the Town had a proposal for management and design of the Nolan Road trail, which has been referred to the Recreation Committee because some of the numbers are significantly higher than what was estimated in 2019. He stated that there was an aggressive timeline for completion, which is October of 2023. He stated that he's working with the County to get additional funding. The Supervisor stated that this was a priority for the Town. He wants to get this off and running within the next couple of Board meetings.

The Supervisor commented on the pickle ball and tennis courts. He thought they had asked for quotes in the past and they were pretty high. He also stated that they could consider putting funds back into the capital fund at budget time.

Mr. Vittengl had one more concern. He stated that when the County paves, they put down a shoulder. He stated that the Town has 95 miles of road and re-paves about 4 miles per year. He suggested that when the Town roads are paved, maybe they could put down a little more shoulder. The Supervisor stated that he was told the screed won't go out that additional 3 to 4 feet. He stated that he didn't know if that was true but that was the reply he received. Mr. Vittengl stated that there are people that can do it. He also stated that there are people that can do it for you cheaper than you can buy the materials. He then suggested that the Highway Department sell the equipment, that can't do this, for several hundred thousand dollars. He stated that it's apparently defective equipment.

The Supervisor spoke to his question about the ball fields. He stated that there was no question, with the additional property the Town has secured over the past couple of years, that is contiguous to Moreau Park, that it's time to expand. Especially for multi-use fields. He stated that he would like to see this move forward. He stated that the management down there is more focused on the day-to-day operations instead of advancing recreation opportunities. He stated that he knew the Town Board would like to see more opportunities down there. Mr. Vittengl stated, that with more fields, the Town can bring in more tournaments and more revenue.

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to close the meeting for the evening at 8:36 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,

Leeann McCabe  
Town Clerk