

A regular meeting of the Town Board of the Town of Moreau was held on July 12, 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; Judge Hogan and Judge McCabe

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from June 28, 2022 (2 sets) were prepared and presented to the Town Board members prior to the meeting for their review, comment, correction, and approval.

Resolution #2022-233

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to approve the minutes from June 28, 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

ASSESSOR’S OFFICE

Resolution #2022-234

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried,

WHEREAS,

Riley McGuiggan was hired provisionally as a full-time Senior Assessment Clerk for the Assessor’s Office on November 15, 2019; and

WHEREAS,

Riley McGuiggan has since passed the required Civil Service examination for his position;

So Therefore be it RESOLVED:

That the Town Board of the Town of Moreau appoint Riley McGuiggan as a permanent full-time Senior Assessment Clerk.

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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

Resolution #2022-235

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, approving the request of the Assessor to attend the 2022 Assessors' Fall conference to be held in Lake George, NY for Assessment Training, September 18, 2022 through September 21, 2022, and authorizing the expenditure of up to \$981.32. The expense will be paid from account A1355.4.

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

TOWN COURT

A request had been received from the Town Justices regarding staffing, which was referred to the Personnel Committee. Councilmember VanTassel addressed the request. He stated that there were discussions with the Justices and that there were a lot of things to take into consideration. He stated that the Personnel Committee's recommendation was to make a salary adjustment for Jamie Green to \$38,500.00, effective July 17, 2022. He stated that Mrs. Green has been doing the work of two clerks for quite some time and will continue to do extra work while the new clerks get trained. The second part of his recommendation was to promote Colleen Nichols to the position of Full-time Exempt Status Clerk to the Town Justice, at the rate of pay of \$38,500.00, effective July 17, 2022. He stated that the other recommendation, to meet the request of the Justices, was to hire Kaitlynn Martin to the position of Clerk, Part-time at the rate of \$13.80 per hour, subject to successful completion of a physical and full clearance from the Office of Court Administration, effective July 17, 2022. Councilmember VanTassel had another recommendation to be made a part of his resolution. He stated, that while adjusting the salary for Ms. Green outside of budget time for the reasons he mentioned, and outside of department heads and elected officials, there are a few other people in the Town, who are subjected to the same work environment, where they're doing the work of others. He stated, in particular, the Supervisor's office, Jeffrey Cruz and Lisa Sperry, having been picking up the extra work since Rudy left and Tammy left. He recommended that the Town issue a one-time stipend to each of them in the amount of \$5,000.00. He stated that a stipend is a different approach than a salary. The resolution was presented as follows:

Resolution #2022-236

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to adjust the salary of Mrs. Jamie Green to \$38,500.00, effective July 17, 2022; and, to promote Mrs. Colleen Nichols to the position of Full-time Exempt Status Clerk to the Town Justice at the pay rate of \$38,500.00, effective July 17, 2022; and, to hire Kaitlynn Martin to the position of Clerk Part-time at the rate of \$13.80 per hour, subject to successful completion of a physical and full clearance from the Office of Court Administration, effective July 17, 2022; and, to issue a one-time stipend pay to Jeffrey Cruz and Lisa Sperry in the amount of \$5,000.00 each.

Councilmember Stewart stated that he was in agreement with the resolution except for the salary of Jamie Green. He was hoping for discussion to increase the salary to \$40,000.00.

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The Supervisor stated that they've recognized for some time, that there are imbalances in the Town's compensation rates. He stated that he's working with the Saratoga County HR Department to implement a step program for all employees who are non-union. He stated that he would like to implement the program in January of 2023. Councilmember Stewart stated that he looked forward to the step program because it will save them from having these discussions. He stated, that if they are going to address the other two for their outstanding work, and being that \$1,500.00 is already in the budget, they should give an additional stipend of \$1,500.00 to Mrs. Green. The Supervisor stated that the individual's salary at the end of 2021 was \$33,994.00. The proposed resolution would increase that person's salary to \$38,500.00, which is over a 13% pay increase, and the Town isn't even halfway through the year. He stated that the step program will address this. Councilmember Donohue stated that the issue in front of them right now, is that this individual has taken on extra responsibilities. He stated that this is a promotion not a raise. He agreed with Councilmember Stewart that a stipend would be in order. He stated that the step program will clear up a lot of this but in the meantime the individual should be compensated. Councilmember VanTassel stated that he had spoken with the Justices about this. He stated that there are a lot of ripple effects that this decision has. He stated that this particular employee will recognize the commitment to her with the 13.25% increase. He stated that it's significant. He stated that they've continued to try to recognize her and do the right thing. Councilmember Donohue stated that the Town is losing employees because they aren't being compensated. He stated that this needs to be taken into consideration as well. Councilmember Stewart stated that there's a request for a potential hire from the Clerk's office for someone to take over a position, with no experience, at the same rate of pay and they are going to pay that person what the person left at, but they can't pay what they're asking the current employee, to take over someone else's spot. He stated again, that a one-time stipend will get her caught up before they have the step program, and that it should be taken into consideration.

Roll call vote resulted as follows:

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

TOWN CLERK'S OFFICE

The Town Clerk submitted a notice to the Town Board that she would be appointing Dianne Lewis as her new Deputy Town Clerk/Deputy Receiver of Taxes and asked her to receive a salary of \$40,000.00, which was budgeted for. The Supervisor confirmed with Counsel that a resolution wasn't needed, and Attorney Buettner stated that he was correct. The Town Clerk asked if there needed to be Town Board approval for the salary and Attorney Buettner replied no, that the salary had already been set. The Supervisor stated that the Town Board is acknowledging the request. The effective date will be July 13, 2022.

The Supervisor stated that the Town Clerk had submitted a Record of Activities, which is required to be adopted by the government body. He read the following into the record:

BE IT RESOLVED, that the Town of Moreau will report the following Days per Month to the New York State and Local Employees' Retirement System, based on the Record of Activities maintained and submitted by those officials to the Clerk of the body:

Title	Name	Standard Workday	Term	Days/Month Based on Record Of Activities
Supervisor	Theodore T. Kusnierz, Jr.	7 hrs.	1/1/2022-12/31/2023	22.48
Highway Superintendent	Paul A. Joseph	8 hrs.	1/1/2022-12/31/2025	27.92

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Town Clerk	Lee Ann McCabe	7 hrs.	1/1/2022-12/31/2025	24.29
Councilmember	Alan VanTassel	6 hrs.	1/1/2022-12/31/2023	4.75
Councilmember	Kyle Noonan	6 hrs.	1/1/2022-12/31/2025	15.03
Councilmember	Mark Stewart	6 hrs.	1/1/2022-12/31/2025	5.5

Resolution #2022-237

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 Supervisor.

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

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

RECREATION DEPARTMENT

The Supervisor reported that there had been some damage done at the Town’s Park. Councilmember Stewart stated that the situation is being addressed and repairs are underway. He stated that the Recreation Leader has made a recommendation, that as they did at the pump stations and water departments, they should look into getting some cameras for the maintenance building and concession stands. The Supervisor stated that they had looked into that. Councilmember VanTassel stated, the problem with cameras is that you need connectivity. He stated that wireless cameras have become very costly. He stated that he could pull the number but thought it was in the \$20,000 to \$30,000 range. Councilmember Stewart stated that one camera is better than no cameras and that he would be happy to work with Councilmember VanTassel on this.

The Supervisor stated that there was a needed repair to one of the pieces of equipment at the park. Specifically, the motorized rake. The Recreation Leader provided the following quote for an emergency repair:

United Ag & Turf	Rebuild motor - \$1,251.14 (plus unforeseen repairs)
217 State Route 29	Replace motor - \$2,339.79
Greenwich, NY 12834	

The Recreation Leader recommended the purchase of a new motor instead of a rebuilt based on the recommendation of the service technicians at United Ag & Turf.

Resolution #2022-238

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, authorizing the purchase of an engine replacement for the Town’s Hydro Bunker Rake, from United Ag & Turf in the amount of \$2,339.79. The expense will be paid from account A7140.4.

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

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

The Supervisor stated that the Town needs to do a better job. The unit was purchased brand new in 2015 and cost the Town \$15,000.00. He stated that someone who has a lot of equipment, knows how to get longevity out of it. He didn't think that they should have to put a new motor in something that's relatively new. He stated, that while it's getting a lot of use this time of year, it's not getting crazy hours on it year around. He stated that maybe the Recreation Committee could look into some kind of a program that gets put in place, where the Town maintains the equipment. Either weekly or at least just before the equipment is used. He stated that he wasn't sure that was happening.

The Supervisor stated, that the Town had a proposal from The LA Group for the Nolan Road trail, which needed to be acted on soon if they want the project completed by Fall of 2023. Councilmember VanTassel stated that he was going to schedule a meeting to sit down and talk with them. The Supervisor stated that it's a wide-ranging proposal, which is almost \$60,000.00. He stated that the Town could save some money by hiring outside surveyors. He also stated that the County is excited to have this as part of the trail system. Councilmember VanTassel stated that he and Councilmember Stewart will be meeting with Jason from The LA Group to walk the property.

WATER & SEWER DEPARTMENT

The Supervisor stated that the Town had received a proposal from Laberge Group for the County connection. He read the specifics of the proposal, which first stated that the County force main located on Ballard Road may not be the most favorable option. Based on their review of the County and Town of Wilton systems, it may be more cost-effective to discharge into the Town of Wilton's gravity system located on Ballard Road near the Ace Warehouse. The proposal went on to state that they must collect additional field information to consider the new connection point, since the area is outside the original project limits. The total costs to evaluate the alternative connection point would be \$25,600.00.

Resolution #2022-239

A motion was made by Councilmember Noonan to engage the service of the Laberge Group as outlined in their July 6, 2022 memo. However, the resolution needed to authorize the Supervisor to sign the agreement as well. He withdrew his motion.

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to engage the professional services of the Laberge Group, contract addendum #2021140-01, as outlined in their July 6, 2022 proposal, and authorizing the Supervisor to sign the contract addendum.

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

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

The Supervisor reported that he had reached out to Assemblymember Carrie Woerner, seeking additional funding for the County connection. He stated that she has graciously offered to support her allotment of her \$500,000.00 State Aid to Municipalities Funding. He stated that he's completed the initial application and has sent it off today.

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The Supervisor had correspondence from the engineer for the sewer project. One of the items of concern was to determine how to bill the accounts. It was unclear if the billing program would be capable of taking separate water and sewer readings for the same period. Also, mobile home parks will be problematic since they have master meters and not all homes will be connected to the sewer system at one time. The correspondence stated that the Board could choose to waive usage charges until all connections are made, but it would need to be decided. The Supervisor stated that there was a timeline based on a construction meeting with the contractor and the engineer for the Town. Bluebird MHP should be completed by July 31, 2022; the lift station, which is on the force main, will be completed by August 31, 2022; Pines MHP will be completed by September 30, 2022; Route 9 landowner connections will be completed by December 31, 2022. He stated, at the request of the Town engineer, it will require a sign-off. He stated that the contractor is requesting to extend the hook-up for Lamplighter. Phase one should be completed by September 30, 2022, with the remaining phases being completed by May of 2023. The Supervisor suggested that the Water Committee sit down with Mike Mooney and Don Rhodes to come up with recommendations. The Supervisor stated that the engineer is also suggesting that the Town Board set sewer rates and fees by resolution, just as they did for the water consolidation. He stated that Mike Mooney should be able to provide that to the Town Board for review. Lastly, the engineer made note that failing meters and the existing billing system will continue to create problems until action is taken. He stated in his correspondence that the software issues can be resolved by issuing an RFP to purchase and set up the software. He suggested, with defective meters, depending on the number requiring replacement, the problem might be easily resolved by soliciting proposals or advertising a public bid. He also stated that he didn't know how many defective meters there were inside commercial properties, but with the new ordinance it might have shifted the replacement burden onto the landowners.

BUILDING DEPARTMENT

Resolution #2022-240

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried,

WHEREAS,

Katrina Flexon was hired provisionally as a Full-Time Clerk for the Building Department on November 8, 2021; and

WHEREAS,

Katrina Flexon has since passed the required Civil Service examination for her position;

So Therefore be it RESOLVED:

That the Town Board of the Town of Moreau appoint Katrina Flexon as a permanent full-time Clerk.

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

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

The Supervisor stated that the contract for the Zoning Administrator expires at the end of July. He stated that his office has had a conversation with Mr. Martin and he's willing to keep his fees the same as they've been. His firm has provided the pay structure for the associates. The Supervisor's recommendation was to ask Town Counsel to draft an amendment to the existing agreement, which spells out what he articulated.

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Resolution #2022-241 [Resolution rescinded 9/13/2022 lm]

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, directing Counsel to draft an amendment to the existing agreement with The LA Group, for one year, along with the updated compensation rate schedule. And authorizing the Supervisor to sign the amendment.

Councilmember Stewart withdrew his motion as he had matters before that department.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, directing Counsel to draft an amendment to the existing agreement with The LA Group, for one year, along with the updated compensation rate schedule provided. And authorizing the Supervisor to sign the amendment.

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

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

SUPERVISOR ITEMS

The Supervisor stated that the Town received mortgage tax receipts today in the amount of \$138,770.00. He stated that the increase was due to a mortgage recording from Harrison Village LLC in the amount of \$15,677,528.00, which alone caused the Town to receive \$78,387.00.

The Supervisor stated that the Town has received correspondence from the Department of State, giving notice that Local Laws 2 and 3 were both filed on June 22, 2022. He stated that both laws are now in full force.

The Town received notice from the NYS Division of Budget, that the Town is going to receive the second half of the American Rescue Plan funding. He stated that the Town will be receiving two checks. One in the amount of \$603,942.68, and another in the amount of \$2,465.76. The total to the Town will be \$1,212,816.86.

Correspondence was received from the Zoning Administrator, stating that the updated Zoning Map is now on the Town's website. Councilmember VanTassel asked if the Town will now work with the County when updates are needed, and Attorney Buettner replied yes.

COMMITTEE REPORTS

Councilmember VanTassel stated that he spoke with the Village regarding the usage of Town water. He stated that they have to meet with DOH regarding emergency supply and will get back to the Town.

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to adjourn to executive session at 8:02 p.m. regarding the potential sale of Town property within the Industrial Park.

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

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

The Town Board returned from executive session at 8:10 p.m. with the Supervisor noting that no action was taken in executive session.

The Supervisor stated that the next scheduled Town Board meeting is July 26, 2022, however, he won't be in attendance and Lisa Sperry will be on vacation the week prior. She won't be available to put information together for the Town Board. Jeffrey Cruz will be putting the audit information together and has asked if the audit meeting could be moved from the 26th to the 28th. The Supervisor asked if the Town Board members wanted to cancel the regular meeting, which is scheduled for the 26th. Councilmember VanTassel stated that it would be okay, if the other three Board members are going to be there, but he can't be there. The other three Board members stated that they could be there.

Resolution #2022-242

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, and carried, to cancel the regular Town Board meeting, which was scheduled for July 26, 2022, and to reschedule the month-end audit meeting from July 26, 2022 to July 28, 2022 at 4:00 p.m.

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

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

The Supervisor stated that there was a request from the Highway Superintendent to open a purchase order for gasoline and since they've canceled the regular meeting for July 26, 2022, he asked if they wanted to take care of the request this evening.

Resolution #2022-243

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, authorizing the Highway Superintendent to open a purchase order for gasoline in the amount of \$15,000.00 with Global Montello Group. The expense 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	Aye
Supervisor Kusnierz	Aye

The Town Clerk asked if the Town Board members would pass a resolution appointing Dianne Lewis as Deputy Registrar.

Resolution #2022-244

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to appoint Dianne Lewis to the position of Deputy Registrar, effective July 13, 2022.

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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

OTHER BUSINESS

Councilmember Stewart stated that he's running into some issues and made a motion to increase the Supervisor's spending limit to \$5,000.00, without Town Board approval. He stated, with increased costs, it would speed along some of the processes for emergency purchases. Councilmember VanTassel seconded the motion. Attorney Buettner stated that it seemed they wanted to increase the spending for department heads. She stated that this wouldn't come out of the Supervisor's office. The Supervisor asked Attorney Buettner if he had the authority to authorize an emergency repair for the Highway Department. Attorney Buettner stated that she believed the Highway Superintendent would have to authorize it. Councilmember Stewart asked about the Recreation Department. Attorney Buettner stated that she didn't know what the Town's policy was at this moment. Councilmember Stewart withdrew his motion and stated that they can revisit the request at the next meeting after Counsel reviews the procurement policy.

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to close the meeting for the evening at 8:10 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