

A regular meeting of the Town Board of the Town of Moreau was held on August 9, 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.

The Town Clerk called the roll.

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; Paul Joseph, Highway Superintendent; Dianne Lewis, Deputy Town Clerk; Karla Buettner, Attorney for the Town; Town Residents and/or Business Owners: Jeanne Kozloski, Andrew Soper, Chris Johnson, Rachel Zimmerman, William Zimmerman, Ron Zimmerman, Preston & Mary Jenkins, Sheila Itzo, Janet Flagler, Pat Killian, Chris Fitzgibbon, Kevin Ostrander, Nancy Patrick, Debbie Caruso, Valerie Courville, Dominic Tom, David Rogge, Karen Baker, Rick Rogge, Lisa Ostrander, Amy Noonan

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from July 12, 2022, and July 28, 2022, were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction, and approval.

Resolution #2022-248

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to approve the minutes from July 12, 2022, 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

Resolution #2022-249

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to approve the minutes from July 28, 2022, as prepared.

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

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

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HIGHWAY DEPARTMENT

The Highway Superintendent submitted a request to open a purchase order for diesel fuel in the amount of \$25,000.00, from Main Care Energy.

Resolution #2022-250

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, authorizing a purchase order for diesel fuel in the amount of \$25,000.00 from Main Care Energy, under State Contract #PC69482. 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 Highway Superintendent submitted a request to purchase a 60” Ditching Bucket for the Gradall. The following three quotes were submitted:

Con Equipment Parts & Equipment 2712 West Avenue Newfane, NY 14108	\$4,150.00 plus freight (NEW)
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Mid West Machinery 3149N 84 th Circle Omaha, NE 68134	\$4,100.00 plus freight (USED)
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Alta Construction Equipment NY 17 Northway Lane Latham, NY 12110	\$8,317.17 freight included (NEW)
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The recommendation of the Highway Superintendent was to purchase from Con Equipment. The expense would be paid from account DB5130.2.

Resolution #2022-251

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan and carried, authorizing the purchase of a 60” Ditching Bucket for the Gradall, from Con Equipment Parts & Equipment, in the amount of \$4,150.00 plus freight. The bucket includes a bolt-on cutting edge. The expense will be paid from account DB5130.2.

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

EMPLOYEE HANDBOOK

The Supervisor commented that the Town has been working on an updated Employee Handbook for some time. On March 8, 2022, the Town Board passed a resolution authorizing a company to update the Employee Handbook. However, as part of the resolution, the Board directed the Attorney for the Town

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and the Town’s insurance agent to review the document. The company was unwilling to address the legal concerns that the Town had with it. The Supervisor stated that the following resolution was to offer it to another company. He read the following resolution aloud:

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

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

SO, THEREFORE BE IT RESOLVED, that the Town of Moreau engage the services of Public Sector HR Consultants LLC to develop, edit, and update the employee handbook for the Town. The fees for these services are to be paid from account A1620.4 in an amount not to exceed \$4,500. Maintenance of the handbook will be revisited on an annual basis.

Resolution #2022-252

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

WATER & SEWER DEPARTMENT

The Town Clerk had provided a copy of an insert to be included with the Fall water billing notices. She was looking for feedback. The Supervisor stated that he had one change but didn’t know if it was provided to the Clerk. She stated that the change had been given to her. The Board members were okay with the information on the insert.

The Supervisor stated that the Town has been working on getting municipal water infrastructure for VanBuren Street. When the infrastructure was created, it didn’t extend the entire length of VanBuren Street when it should have been. A resolution was prepared, which allows for the approval to advertise for the bid. It also allows the engineer for the Town to prepare a bid addendum to extend the project completion date to June 30, 2023, if necessary. He asked the Town Clerk to read the resolution aloud.

TOWN BOARD
TOWN OF MOREAU
RESOLUTION

**SUBJECT: VAN BUREN STREET WATER MAIN EXTENSION PROJECT
APPROVAL TO ADVERTISE FOR BID**

WHEREAS, Laberge Group, the Design Engineer for the Van Buren Street Water Main Extension Project (“the Project”), has developed Plans, Specifications, and Contract Documents for the Project which call for extension of the existing water main along Van Buren Street easterly toward the boundary of the Moreau Consolidated Water District boundary; and

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WHEREAS, Laberge Group has provided Contract Documents for the Project to the Department of Health, Town Insurance Agent, Town Water Department, Town Highway Department, and Attorney for the Town and will issue bid addendums as needed to address technical comments received; and

WHEREAS, the Contract Documents inform Bidders that the Town has not yet received all required easements and governmental approvals and the Town will not be responsible for any costs incurred by any Bidder if the Town is unable to award the Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Moreau Town Clerk is authorized to advertise for construction bids for the Project using the Contract Documents provided by the Design Engineer which will establish a bid opening date of September 6, 2022, at 10:00 A.M, and be it further

RESOLVED, that Laberge Group will prepare a bid addendum to extend the bid due date, subject to Town Board approval, if additional time is required to resolve easement issues, technical comments received, or in response to material availability that may be identified during bidding; and be it further

RESOLVED, that Laberge Group be authorized to prepare a bid addendum to extend the Project completion date to June 30, 2023, if necessary.

Resolution #2022-253

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	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that there was discussion several meetings back with regard to residents on Fort Edward Road, and some other areas in the Town, who began receiving water bills because they were in the water district. They were looking for assistance from the Town because they didn't want the service and the Town agreed with their requests. The Town did mailings and the Supervisor heard back from several individuals, who now want the water. He stated, that if the Board members were in agreement, they can begin the same process as they did with VanBuren Street. He stated that there are other individuals in the Town who were in the same situation but have signed the agreement stating that they don't want the water. The Supervisor stated that he would reach out to the engineer for the Town tomorrow.

SUPERVISOR ITEMS

The Supervisor stated that the Town Board members had received a petition today, from residents requesting that the zoning be changed within the entire Moreau Industrial Park, from M1 (Heavy Industry) to M2 (Light Industry). He stated that they would review the petition.

The Supervisor stated, with regard to sewer, that he had received correspondence from the Town engineer, stating that the contractor had started up the pump station on August 1st. He stated that they're still waiting on some equipment to get the level control alarms to transmit from the site. He stated that alarms are required before the station can accept flow from the grinder pumps, unless the contractor has someone on site to monitor for the alarms. The Supervisor stated that the contractor advised that the piping is complete and they will be starting to install grinder pumps. He stated that they still have to overcome the alarm issue before they can go online. Electrical has been completed, which leaves the grinder pumps and septic tank abandonment.

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The Supervisor reported that he had received the monthly sales tax report from the Saratoga County Treasurer. He stated that revenues are down at the County level by over 21%, which is approximately \$3.7 million less than what the County received for the same period last year. He stated that the Town's share for July was \$354,994.00, which is a reduction of almost 20%.

The Supervisor received correspondence from NYS Agriculture and Markets in relation to the municipal shelter inspection report. He stated that the report was completed on July 22, 2022, and is available to view on the Saratoga County website. He stated, that if anyone should have any questions about the report, they can reach out to his office or the County Animal Shelter.

The Supervisor reported that the annual Association of Towns training school will be held at the New York Marriott Marquis from February 19th through February 22nd, 2023. He stated that Board members had the early registration information.

COMMITTEE REPORTS

The Supervisor stated that the first topic for discussion under Committee Reports would be for Medicare reimbursement. Councilmember VanTassel stated, that in the past, there have been retired Town Hall employees, who have received partial reimbursement of Medicare. He stated that there is a retired employee, Kathy Perez, who enrolled in a Medicare Advantage Plan in August. He stated that they would be looking for a resolution from the Town Board authorizing the reimbursement of payments to Kathryn Perez in the amount of \$289.20 quarterly. The Supervisor stated, that by resolution, the Board members had agreed to take up each request on an individual basis.

Resolution #2022-254

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue, and carried, authorizing reimbursement of Medicare payments to Kathryn Perez in the amount of \$289.20 quarterly.

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

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

The Supervisor asked the Personnel Committee to report on the status of interviews. Councilmember VanTassel stated, that over the past several months, the Town has been struggling to find people to fill positions, just as other employers have. He stated that it's been a huge challenge. He stated that they've found a strong candidate to fill the FT Clerk position for the Water Department.

Resolution #2022-255

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to hire Anna Labiak as a Clerk Full Time to the Water Department, at an annual salary of \$38,500.00, subject to successful completion of a background check and pre-employment physical within two weeks.

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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Councilmember VanTassel stated that there was another position open for a Billing Coordinator. He stated that they've found someone who recently relocated to this area who has 20 years of municipal experience. He stated that her name was Brenda LaPierre and that she was currently employed. He stated that the Town had to make it worth her while to leave the County.

Resolution #2022-256

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to hire Brenda LaPierre as a Billing Coordinator to the Supervisor's office, at an annual salary of \$40,000.00, plus a one-time \$2,500.00 signing bonus, subject to successful completion of a background check and pre-employment physical within a two-week period.

Councilmember Donohue stated that he had a problem with a sign-on bonus and thought it was a bad precedent to set. He stated that there are other employees in the Town not making \$40,000.00. He stated that he had a problem with the salary.

The Supervisor stated that elected officials have an obligation to make sure when they hire, that they hire the best and the most capable individuals for these positions. He stated, when the Town has an opportunity to hire the cream of the crop, they have to be creative if they want to bring that benefit to the residents of the Town. He stated that this individual has 25 years of experience in municipal government and has also been a Deputy County Clerk for a number of years. He stated that she will be an incredible asset to the Town of Moreau and will be coming here making less money than what she's currently being paid at the County. He stated that he was supportive of the recommendation of the Personnel Committee.

Councilmember Stewart stated that this was a strong candidate with 25 years of experience and that this doesn't come very often.

Councilmember VanTassel stated that one of the ways they're looking out for the benefit of the taxpayers is to do a one-time signing bonus instead of a salary.

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

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

The Supervisor stated that the next topic for Committee reports was for the Transfer Station. Councilmember Stewart stated that he and Councilmember Donohue met at the Transfer Station to discuss the use of stickers for vehicles in order to use the Transfer Station. He stated that they would like to continue to use them. He stated that they can get 1,000 numbered 2" stickers for \$465.00. He stated that because it's under the threshold of the procurement policy, they can be ordered without Town Board approval. He stated that the Town had ordered from the same company (G&S Printing) back in 2008.

Councilmember Stewart stated that he would like to work with the Water Department to see if the Transfer Station might be able to use their backhoe. He stated that the machine that's at the Transfer Station is old and they're trying to work through some fixes. He stated that the Supervisor had made a suggestion to use the hour meter on the backhoe to reimburse the Water Department. Councilmember Donohue stated that the loader needs to be replaced. He stated that this will be a short-term fix until they determine what direction they want to go. He stated that these machines cost quite a bit, but that there are leasing options out there.

The Supervisor stated that it's a challenge for the Town because the Transfer Station is a user fee-based operation. He stated that times are challenging and the Town has taken in \$22,000.00 less than last year. He stated that the Town receives a stipend in the amount of \$35,000.00 from the County to run the recycling. He stated that we're one of four towns in the County to do that. He stated, that historically, the

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Town uses that money to offset the cost of operations. He didn't know how long the Town would continue to receive that funding. He stated that different administrations could offer it to other towns. The Supervisor asked Councilmember Stewart to work with the Water Department to see how they might be able to use the backhoe. Councilmember Stewart stated that he would report back at the next meeting.

The Supervisor asked the Recreation Committee to report on the on-line auction. Councilmember Stewart stated that they had some items at the Recreation Park that they put up for surplus. He stated that the following bids came in from the auction:

Dump Truck	\$3,700.00
XRT	\$2,850.00
Tracks	\$1,975.00
Plow	\$ 650.00

Councilmember Stewart stated that the Town can accept the offers or decline them. If the Town declines, they have to come up with a counteroffer. He recommended that they accept the bids.

Resolution #2022-257

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried authorizing the Town to accept the bid prices from the auction for the Dump Truck, Plow, XRT and Tracks for a total of \$9,175.00.

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 Recreation Department has the need for additional purchases of equipment this year and that these funds would help.

Councilmember Stewart stated that there are several mowers that are down at the Park and suggested that they could use the Supervisor's assistance, and bring information back to the Town Board in September.

Councilmember Stewart stated that he received information from the Recreation Leader, who will need some work done on both of his trucks. It was noted that the 2015 F250 will need brakes, U-joints, hubs, and potential tires, which will exceed the spending limit. The Supervisor asked that Councilmember Stewart work on getting proposals and stated that they could take this up at the next Town Board meeting.

Councilmember VanTassel stated that he was hoping to meet with The LA Group next week regarding their proposal for the Big Bend Trail. He stated that he would keep the Town Board updated. He stated that the State, County, and the Town continue to have discussions regarding the possibility of changing the phases of the plan, particularly one phase that will potentially connect with the County.

EXECUTIVE SESSION

The Supervisor stated that they would need an executive session to receive an update on the Stonegate Holdings LLC tax certiorari case and to discuss the work history of an unnamed employee or employees.

Councilmember Donohue stated that there were quite a few people in attendance, with some wishing to share thoughts with the Board. He asked, out of consideration of these people, that the privilege of the floor be moved up before the executive session.

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The Supervisor stated that he puts the agenda together. There was a brief discussion between the Supervisor and Councilmember Donohue. The Supervisor asked for a motion to go into executive session.

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to adjourn to executive session at 7:45 p.m. to receive an update on the Stonegate Holdings LLC tax certiorari case and to discuss the work history 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	No
Supervisor Kusnierz	Aye

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

The Town Board returned from executive session at 7:55 p.m. with the Supervisor noting that no action was taken in executive session.

OTHER BUSINESS

Attorney Buettner stated that there was a Real Property Tax Law, Article 7 proceeding - Stonegate Holdings LLC, William H. Johnson, and Amy S. Johnson against the Town, on three properties they own. Working with their Counsel and the Town Assessor, they've come to a resolution, whereby the Town will not be responsible for any refunds. One of the parcels will not be reduced at all and two parcels will be reduced minimally. The Town Clerk was asked to read the following resolution aloud:

RESOLVED, that the Town Board of the Town of Moreau hereby approves the settlement of the 2021 and 2022 Real Property Tax Law Article 7 proceedings entitled *Stonegate Holdings LLC, William H. Johnson and Amy S. Johnson, v. Board of Assessment Review and Assessor of the Town of Moreau and the Town of Moreau* as follows:

1. The 2021 proceeding shall be discontinued without payment of any refunds
2. The assessment on parcel 64.-2-101 (Farm) will be reduced to \$1,050,000 for the 2022 roll and will remain frozen at \$1,050,000 through the 2023 roll.
3. The assessment on parcel 64.-2-102 (vacant land) will be reduced to \$80,000 for the 2022 roll and will remain frozen at \$80,000 through the 2023 roll.
4. There will be no change, or freeze, on parcel 64.-2-104 (House).

RESOLVED, that the Town Board hereby authorizes Counsel for the Town, Karla Williams Buettner, Esq., to sign the appropriate Stipulation and Order of Settlement resolving this matter.

Resolution #2022-258

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.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember Van Tassel	Aye
Supervisor Kusnierz	Aye

PRIVILEGE OF THE FLOOR

The Supervisor noted, by resolution, that the public is allowed to speak at Town Board meetings, and they will have 3 minutes to do so. He asked that those speaking, please state their name and address for the record. He stated that he had a sign in sheet of those wishing to speak and that he would call upon each. He stated that any conversation about individual employees would not be permitted.

The first person to address the Town Board was Kevin Ostrander of 42 Fort Edward Road. He stated that he was a long-time resident of the Town of Moreau and was recently made aware of the proposed BioChar facility in the Industrial Park. He stated that he had gone to the last Planning Board meeting in hopes to get more information about the planned facility but wasn't allowed to speak, which is why he was here tonight. As a resident, he was concerned with truck traffic and commented that there are a lot of accidents near his home. He asked what the Town Board's position was on this matter. The Supervisor stated that the two Boards are separate. One is appointed, and one is elected. He stated that it's inappropriate for elected officials to comment on any applicant or application before the Planning Board, until they've rendered a decision. Mr. Ostrander stated that he dropped off petitions this afternoon and that there were nearly 1,000 signatures, who are all in opposition to BioChar. The Supervisor thanked Mr. Ostrander for his comments.

Debra Caruso, Oak View Drive, was next to address the Town Board. She stated that she didn't hear about the BioChar project until a few weeks ago. She stated that she grew up across the street from the Fort Edward G.E. Her father at the age of 54 and 4 neighbors all passed away from cancer. She stated that it was due to the pollution that happened then. She stated that she's now been in the Town of Moreau for 22 years. She stated that she's been knocking on doors in the heat for a week, getting signatures from people. She stated that they want to know what the good side of the project is and what will it bring to the Town of Moreau. She stated that she told them she couldn't answer because she only sees negatives. She stated that there are neighbors living in that area, that will be listening to truck traffic from 6:00 a.m. to 6:00 p.m., 6-days per week. She stated that she wouldn't want to listen to it. She mentioned the chemicals and stated that they don't know what's going to happen, just like G.E. or any of the other polluters. She stated that she was against the project.

David Rogge, Lamplighter Acres, addressed the Town Board. He asked how the Town was making out with the City taking all the sewer. The Supervisor stated that there was still a contract with the City of Glens Falls and that he continues to meet with the Mayor and his staff. He stated that he's waiting on documents to come back from the City, to be reviewed by the Town. He stated that they're very detailed, which is probably why it's taking a long time to get it back. He stated that the Town of Moreau continues to have the capacity they need for sewer. Mr. Rogge stated that they'll be going online soon and wants to make sure it goes somewhere.

The Supervisor stated that no one else was signed up to speak and asked if anyone present wished to address the Town Board.

Patrick Killian, 169 Burt Road addressed the Town Board. He stated that he opposed the BioChar fertilizer plant. He asked if this was going to be a 3-4-year process like the solar has. The Supervisor stated that the Town Board has no role in the process and therefore can't answer his question. He stated that it would be completed at the purview of the Planning Board.

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Sheila Itzo addressed the Town Board. She stated that she was concerned with an article she read from the EPA, which stated that PFOSAS toxin can't break down. She was also concerned with the truck traffic. She stated that she had met with her brother, who worked for DEC, and was told that an independent study could be done. She stated that this toxin is the same one that's in Hoosick Falls and it cannot be broken down. She stated that the CEO called the Town of Moreau guinea pigs in this process. She stated that she didn't want to be a guinea pig for a huge factory. She commented that they won't be heating at the appropriate temperature and that if they raised the temperature, it would have a minimal effect on breaking down the PFOS. She stated that there's no process in the world, that will break down PFOS.

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, 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 Donohue	Aye
Councilmember Van Tassel	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe, Town Clerk