

A regular meeting of the Town Board of the Town of Moreau was held on August 30, 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
John Donohue Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

Alan VanTassel	Councilmember
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Also present: Leeann McCabe, Town Clerk; Dianne Lewis, Deputy Town Clerk; Lisa Sperry, Supervisor’s Confidential Secretary; Karla Buettner, Attorney for the Town; Brenda LaPierre, Billing Coordinator; Michael Panich, The LA Group; Town Residents: Bruce Flayer, Virginia Livsey, Steven Hutter, Bob Vittengl, Dominic Tom

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from August 9, 2022, and August 18, 2022, were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction, and approval.

Resolution #2022-264

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to approve the minutes from August 9, 2022, as prepared.

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

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

Resolution #2022-265

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to approve the minutes from August 18, 2022, as prepared.

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

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

WATER & SEWER DEPARTMENT

The Supervisor reported on correspondence he had received from the Town of Queensbury Water Department. The actual usage rate for 2021 was \$1.18 per thousand gallons and the 2021 budgeted rate

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was \$1.17 per thousand gallons. They will be debiting the Town's account for their next bill at a rate of \$0.01 per thousand gallons. The Town used 212,763,550 gallons, which will equate to an additional charge of \$2,127.63 on the Fall billing notice.

The Supervisor discussed the Out of District User Agreement, which has been reviewed by Counsel and the engineers for the Town. He stated that the Town Board wanted to have an agreement drafted, to be included in the Code, so there is a mechanism in place when outside users would like to connect to the Town's infrastructure. The Supervisor stated that he had reviewed the document and found some typographical errors, which he will make Special Counsel aware of.

Resolution #2022-266

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to adopt the Out of District User Agreement as an addition to the Town Code.

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

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

The Water Superintendent submitted quotes to update the Town's utility billing system. He provided the following:

RVS Utility Billing	\$8,045.00 Initial Fees \$1,200.00 in Annual Support
Edmunds GovTech	\$8,000.00 Initial Fees \$2,000.00 in Annual Support
Tyler Technologies Incode	\$15,995.00 Initial Fees

The Water Superintendent's recommendation was to purchase the software from RVS Utility Billing, as it is very user intuitive and used by thousands of utilities, including several in Saratoga County.

Resolution #2022-267

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to utilize RVS Utility Billing for a cost of a \$8,045.00 initial fee, and with \$1,200 in annual support for the first year, and authorizing the Supervisor to approve the necessary documents. The expense will be paid from account CW8310.4.

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

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

The Water Superintendent also provided quotes for the purchase of a new printer to accommodate the card stock that would be used to print the bills. The following quotes were presented:

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WB Mason	\$1,309.00
Dell	\$1,359.00
Staples	\$1,309.00
Lexmark	\$1,309.00

The Water Superintendent's recommendation was to purchase from WB Mason.

Resolution #2022-268

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, authorizing the purchase of a Lexmark MS725 DVN printer from WB Mason, at a cost of \$1,309.00. The expense will be paid from account CW8310.4.

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

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

The Water Superintendent provided quotes for the use of a credit card vendor for use with the RVS Utility Billing program. The following quotes were provided:

NextBillPay	\$1,295.00 Initial Fees * \$75.00 minimum fee for the Town * \$2.50 or 2.75 (over \$350) per transaction
PayClix	\$1,000.00 Initial Fees * \$34.95 minimum fee for Town/\$10 for billing archive * \$0.30 plus 3% per transaction
Heartland	No initial Fees * \$0.10 plus 2.6% per transaction
Forte	Currently used by the Town *2.45% per transaction

The Water Superintendent recommended NextBillPay due to its lower overall costs. It was noted that this would integrate and updates in real-time with RVS. It would include a web portal for customers, which stores history of water usage and billings. It would include 2 card readers and a virtual terminal. All portal use and features are optional and include one-time payments, auto bill pay, text alerts, text pay, email alerts and email pay, text, and email alerts for other customer notification. Cost is \$1,295.00 for setup. Credit cards and debit cards up to \$350 are \$2.50 and over \$350.00 are 2.75%. All e-checks are \$1.00.

Resolution #2022-269

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to approve the use of vendor NextBillPay at a price of \$1,295.00, with a \$75.00 minimum fee to the Town and a rate of \$2.50 or 2.75% per transaction, and authorizing the Supervisor to sign the necessary documents.

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Councilmember Stewart asked if this was a fee the Town would be paying or if it would be attached to the bills. The Supervisor stated that the Town would be responsible for it but ultimately, the rate payer would pay it.

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

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

RECREATION DEPARTMENT

The Supervisor reminded everyone that the Town had received a grant in the amount of \$250,000.00 to construct the Big Bend Trail. He stated that The LA Group was authorized to put together a proposal for extra services related to the project. He stated that they would do Site and Topographic Surveys, Archaeological Services, Grant Administration Services and Construction Administration Services. The Supervisor introduced Michael Panich from The LA Group, whom he had met with last week to go over the proposal received by the Town back in June. The Supervisor stated that the schedule within the proposal needed to be updated and Mr. Panich provided the Town with an update. Construction would be completed by the end of 2023. The Supervisor outlined the proposed costs as follows:

1. Site and Topographic Survey Services – Lump Sum Fee of \$12,500.00
2. Archaeological Services – Lump Sum Fee of \$8,450.00, with a potential additional Lump Sum Fee of \$8,000.00 for Phase II Investigation if required.
3. Grant Administration Services – Lump Sum Fee of \$12,000.00
4. Construction Administration Services – Lump Sum Fee of \$19,000.00

The Supervisor stated that the total would be \$59,950.00. He stated that the project is being partially funded through the Parks Recreational Trail Grants Program, with a cost share. There's also a federal grant received in the amount of \$250,000.00. He stated that the estimated cost of the total project is \$312,500.00, which would leave \$62,500.00 remaining from the Town's share. Councilmember Stewart asked if this would take the Town through all the phases. Mr. Panich stated that this was for Phase 1, so that there is immediate accessibility to the trail.

The Supervisor stated that the County is excited about the project and wants to assist the Town in the build out.

Resolution #2022-270

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to engage the services of The LA Group, per their June 15, 2022 proposal, and revised August 29, 2022, in relation to extra services to the Moreau Big Bend Trail project, which will include Survey, Archaeological Services, Grant Administration Services and Construction Administration Services, in an amount not to exceed \$59,950.00, and authorizing the Supervisor to sign the necessary documents upon review and approval from the Town Attorney.

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

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

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HIGHWAY

The Supervisor reported that the Town Board had received a resignation letter from the Town's Highway Superintendent, Paul Joseph, dated August 30, 2022. The Supervisor read the letter aloud.

To the Residents of the Town of Moreau,

Please accept this letter as notice of my formal retirement as Highway Superintendent of the Town of Moreau. My last day of service will be September 30, 2022.

Having been a part of the Highway Department for 23.41 years and serving as Highway Superintendent for the past 13 years, I would like to thank all the residents of the Town of Moreau for their support through each election and daily activities.

I am at a time in my life where I need to concentrate on my health & family. Again, I would like to say Thank You for letting me serve our Town.

Kind Regards,
Paul A. Joseph

The Supervisor thanked Mr. Joseph for his services to the residents of the Town of Moreau and wished him well with all of his future endeavors.

Resolution #2022-271 [Resolution rescinded 9-13-2022 lm]

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to accept the resignation of Paul Joseph, with his last day of employment being September 30, 2022.

Councilmember Stewart thanked him as well and stated that he will be tough to replace.

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

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

BUILDING DEPARTMENT

The Supervisor stated that the Town Board had received a petition to change the zoning in the Town of Moreau's Industrial Park. After his careful review of the request and recognizing that the Town has projects that have been approved and some pending approval, he stated that they wouldn't be able to be there if the zoning changed. He stated, that if you look at the Town's Comprehensive Land Use Plan, one adopted in 2008 and one in 2019, which were drafted with input from the Planning Board, the Town Board and a group compiled of residents. He stated that they came up with the same recommendation multiple times, which are reasons to support the current zoning in the Moreau Industrial Park. He stated, that being respectful of the findings in the Comprehensive Land Use Report, he doesn't recommend that the zoning be changed. Councilmember Noonan stated that he felt the same way as the Supervisor and doesn't recommend a change. Councilmember Stewart stated that he too didn't support a change to the zoning. Councilmember Donohue stated that he would hate to restrict the Town and that projects should be thoroughly vetted. He stated that he believed the zoning should stay as is.

SUPERVISOR ITEMS

The Supervisor reported, as Chairman of the Board of Supervisors, he and his colleagues were very supportive of supporting the non-profits that were negatively impacted by COVID. They agreed to

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earmark from the total of \$44,000,000.00, which the County received, \$2,000,000.00 for use by non-profits. They established an application process. The Finance Committee was charged with evaluating those entities to see if they fell within the criteria for being funded or not. He stated that 170 entities around Saratoga County will receive funding, ranging from \$500.00 to \$50,000.00. Another 30 entities, which will include Volunteer Fire Companies, EMS and first responders, will also receive a level of funding.

He stated that Habitat for Humanity of Warren and Saratoga County will receive \$25,000.00; South Glens Falls Girls Softball will receive \$10,000.00; South High Marathon Dance will receive \$6,000.00; Civic Center of Moreau, Inc. will receive \$6,000.00; Big Brothers and Big Sisters of the Southern Adirondacks will receive \$4,000.00; Community Work and Independence Corp. will receive \$2,500.00; the Greater Adirondack Home Aides will receive \$2,000.00, and the Tri-County Literacy Center Inc. will receive \$6,000.00.

He commended his colleagues on the Board of Supervisors for agreeing to move forward on the program. He stated that he would be getting the checks out ASAP.

The Supervisor reported on mortgage tax receipts for the end of the month, ending July 31, 2022. He stated that the Town will be receiving \$77,866.00.

The Supervisor reported that the 17th Annual Saratoga County Planning & Zoning Conference for 2023 will be held on February 1st at the City Center.

The Supervisor reported that a vendor has reached out to the Town of Moreau regarding electronics recycling. They are willing to set up a day, free of charge, as long as the Town advertises it, where they will accept everything electronic but televisions. He stated that the name of the vendor was Capital Region Electronics Recycling. He stated, that if the Board members were in agreement, he would have his office make plans for it. Board members were all agreeable to move forward with the proposal.

COMMITTEE REPORTS

Councilmember Donohue stated that there was an incident at the Transfer Station, where someone used one of the Town's rakes, which was in a restricted area, and cut their hand. The person refused medical treatment. He stated that that staff will be more careful in where they place the rake in the future.

Councilmember Donohue stated that Mike Hastings will be getting prices for the hauling of the brush. He stated that he would be asking the Highway Department if they could use the bulldozer to push the material back to make room. The Supervisor stated that the Recreation Park might be able to use some of the material if the Highway Department can haul it over.

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to adjourn to executive session at 7:40 p.m. 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	Absent
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 7:43 p.m. with the Supervisor noting that no action was taken in executive session.

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OTHER BUSINESS

Resolution #2022-272

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to accept the resignation of Chris Hughes effective August 30, 2022.

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

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

PRIVILEGE OF THE FLOOR

Virginia Livsey, 289 Burt Road, addressed the Board members. She stated, that last Saturday, there was a large diesel truck rally at 30 Reservoir Road. She stated that the event was announced on Facebook and described to be a very large rally. She stated that there were over 500 trucks and more than 1,000 people, with a PA system blaring music, and loud truck burnouts on a specially constructed concrete pad as well as on Reservoir Road. It went on all afternoon and into the evening. She stated that the neighbors, as well as themselves, called the Sheriff's Department to complain. She stated that several officers showed up and reported to the neighbors that there was nothing they could do about the disturbance because the Town of Moreau had issued a permit for the rally, including the burnings. She stated that the neighborhood is quite upset with the Town for this. When they came to the Town Hall yesterday to complain, they found that the Town had issued no such permit. She stated that they learned the Building Department had issued a burn permit on the Monday before the rally. She stated that one of her neighbors communicated with the Saratoga County Sheriff's Department today and found that the resident had called the dispatch line at 6:30 p.m. on the day of the event and told them that there was a permit issued by the Town of Moreau for the rally, in order to avert the rally from being shut down when the neighbors called the police. She stated that the Sheriff's Department took their word for it without seeing proof. She stated, that if there are no repercussions for this type of misrepresentation, the Town should at least know that there are a lot of people in that neighborhood, that believe the Town sanctioned this debacle, and they are annoyed with the Town. She stated that she and her husband have made numerous complaints in the past over zoning code violations taking place at this property, which the occupant has been able to evade. She asked that the Town be a little more skeptical when dealing with this resident in the future.

The Supervisor stated that he had been made aware of this and spoke with the Building Department. He stated that the Town doesn't issue permits for that type of function. He stated that the only permit that was issued was for a bonfire. He stated that the Building Department, through their Code Enforcement Officers will typically do a warning, then a written notice, and then a summons. He stated that he does know that the property owner was spoken to this morning and was put on notice. He stated that it will be followed up on with written communication. The next step will be a citation.

Ms. Livsey thanked the Supervisor but went on to say that this person was slick enough to call the Sheriff's Department and tell them that there was a permit and pulled the wool over their eyes.

The Supervisor stated that the Sheriff's Department is aware of what transpired and highly suspected that it won't be a problem again.

Bob Vittengl, 40 Mountain Road, addressed the Board members. He stated, that about 2 months ago, he had asked about some of the projects for the Recreation Park. He stated that he was looking to have the Town get RFPs for an upgrade to the tennis courts. He thought that it has been about 50 years since they've been upgraded. He stated that it's embarrassing. People go to Glens Falls to play pickleball. He stated that the need and the want are there and suggested that if maybe they can get an RFP, they can figure out how to get the money. He also stated that additional fields are needed at the Park. BOCES has

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worked the area for 8-10 years now. He stated that it's time to get some sod in. He stated that you can get a full field in relatively easy and inexpensively. He stated that budget time is coming, and he noticed that the Town has used operating funds to cover maintenance items. He stated that he took the population of Moreau and the spending per capita to see how we compare. He stated that the Town is averaging \$21 to \$22 per capita on the Recreation budget. He stated that the Town of Queensbury averages \$48 per capita and the Town of Wilton averages \$65.31 per capita. He asked, as they get into the budget process, to get into the ballpark so they have the money they need to do things right.

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to close the meeting for the evening at 7:53 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk