

A regular meeting of the Town Board of the Town of Moreau was held on December 13, 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
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

Kyle Noonan	Councilmember
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**Also present:** Brenda LaPierre, Town Clerk; Dianne Lewis, Deputy Town Clerk; Lisa Sperry, Supervisor's Confidential Secretary; Chris Abrams, Deputy Highway Superintendent; Sean Dunbar, Highway Department Employee; Karla Buettner, Attorney for the Town; Town Residents: Gina and Bob LeClair, Jesse Fish, & Greg Hewlett

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from the November 8, 2022, Regular Town Board Meeting, were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction, and approval.

**Resolution 2022-351**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to accept the minutes of November 8, 2022, as prepared.

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

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

**Resolution 2022-352**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to reimburse retired employee Timothy Butler \$289.20 per quarter towards his Medicare expense, effective October 01, 2022.

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

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

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**HIGHWAY DEPARTMENT**

**Resolution #2022-353**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to appoint the current Deputy Highway Superintendent, Christopher Abrams to the position of Highway Superintendent, effective December 19, 2022.

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

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

**Resolution #2022-354**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to purchase Hydraulic Fluid from R.H. Crown Co., Inc in the amount of \$2,539.98. The funding will come from account DB5142.460.

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

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

**Resolution #2022-355**

The motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to hire Sean Dunbar to fill the 2023 budgeted Full-Time Laborer II position, effective January 9, 2023.

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

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

The Supervisor referenced a request to release a security of lien for the Timber Lane subdivision. The Deputy Highway Superintendent reported to the Town Board that the topcoat has been completed and meets satisfaction for the release of said lien.

The Town Board included in the 2023 budget the lease of new Highway equipment which was originally not going to be ready until August of 2023. The Deputy Highway Superintendent informed the Town Board that it will now be ready in May of 2023. Supervisor Kusnierz agreed to write a letter accepting the lease of the Grade All on the new date.

**WATER AND SEWER DEPARTMENT**

The Supervisor answered some pertinent questions that were brought before the Board during the Public Hearing that was held on November 29, 2022 regarding moving forward with the County Connection.

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- Question: Has the sewer district already been consolidated?  
Answer: The sewer district has not been consolidated at this time.
  
- Question: Is there a Treatment Agreement/Contract between the Town of Moreau and Saratoga County yet?  
Answer: There is no contract needed because the entire Town of Moreau lies within the boundaries of the County Sewer District No. 1.
  
- Question: Has the Town received approval from Agriculture & Markets?  
Answer: Based on Counsel review of the Map, Plan, and Report, the Town does not need approval from the Department of Agriculture & Markets because the district located Southeast will be on County Rights of Way and not in the boundaries of the Agricultural District.

The Supervisor asked the Town Clerk to read the following resolution aloud:

**COUNTY OF SARATOGA  
TOWN OF MOREAU  
December 13, 2022**

**DETERMINATION ON THE COST OF IMPROVEMENTS AND/OR THE COST TO RECONSTRUCT EXISTING FACILITIES AND APPURTENANCES FOR THE BENEFIT OF SEWER DISTRICT No. 1, EXTENSION 5, IN THE TOWN OF MOREAU, COUNTY OF SARATOGA, STATE OF NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW OF THE STATE OF NEW YORK**

**WHEREAS**, an Engineering Report - - hereinafter referred to as a map and plan - - has been prepared in such manner and in such detail as is required by Section 202-b of the Town Law of the State of New York regarding the cost of improvements and/or the cost to reconstruct existing facilities and appurtenances for the benefit of Sewer District No. 1, Extension 5, in the Town of Moreau, County of Saratoga, State of New York; and

**WHEREAS**, said map and plan was prepared by Laberge Group, competent engineers, duly licensed by the State of New York, showing the cost of improvements and/or the cost to reconstruct existing facilities and appurtenances for the benefit of Sewer District No. 1, Extension 5; and

**WHEREAS**, an order was adopted by the Town Board of Moreau on November 8, 2022, reciting the filing of the map and plan in the Town Clerk's Office for public inspection and all other matters required by law to be stated; and

**WHEREAS**, the order set November 29, 2022, at 6:30 p.m., local time, at the Town of Moreau Town Hall, 351 Reynolds Road, Moreau, New York 12828, as the date, time, and place of the public hearing to consider the map and plan and to hear all persons interested in the subject thereof, and to take such action as required and authorized by law; and

**WHEREAS**, such order was published and posted as required by law; and

**WHEREAS**, a hearing on the matter was held by the Town Board on November 29, 2022 beginning at 6:30 p.m., and the matter being duly discussed, and all interested persons having been duly heard; and

**WHEREAS**, the Town Board did at that time on November 29, 2022 resolve and determine to conclude and close the public hearing and to subsequently render a decision at a regular Town Board Meeting on December 13, 2022 to be conducted at the Town of Moreau Town Hall, 351 Reynolds Road, Moreau, New York 12828;

**NOW, THEREFORE, IT IS RESOLVED AND DETERMINED:**

- (a) The maximum amount to be expended on the cost of improvements, the cost to reconstruct existing facilities and appurtenances for the benefit of Sewer District No. 1, Extension 5 shall be increased from \$16,000,000 to \$18,690,000;
- (b) The tax rates for owners of the typical property within the Town of Moreau Sewer District No. 1, Extension 5 attributable to the improvements and reconstruction to existing facilities and appurtenances within the

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Sewer District No. 1, Extension 5 shall equal \$9.02/\$1000 of assessed value and \$119.46 per acre for capital charges, and \$1.02/\$1000 of assessed value and \$5.04 per 1000 gallons for operation and maintenance charges;

- (c) The improvements contemplated with this section 202-b proceeding will be completed without exceeding the previously authorized financing amount of \$16,000,000 authorized for the creation of Sewer District No. 1, Extension 5;
- (d) The notice of hearing was published and posted as required by law, and is otherwise sufficient;
- (e) All property and property owners within Sewer District No. 1, Extension 5 are benefited by the improvements and the reconstruction to the existing facilities and appurtenances for Sewer District No. 1, Extension 5;
- (f) It is in the public interest to construct the proposed improvements and to reconstruct existing facilities;
- (g) Approval of the New York State Comptroller is not required inasmuch as the real property within the Town of Moreau Sewer District No. 1, Extension 5 is not wholly or partly located within the Adirondack Park;
- (h) The improvements, the cost to reconstruct existing facilities and appurtenances for the benefit of Sewer District No. 1, Extension 5 in the Town of Moreau, County of Saratoga, State of New York pursuant to Section 202-b of the Town Law of the State of New York is approved.

**Resolution #2022-356**

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	Absent
Councilmember VanTassel	Aye
Councilmember Donohue	Noe
Supervisor Kusnierz	Aye

**Resolution #2022-357**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to approve the advertisement for public bidding for the County Forcemain Connection – Contract 2.

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

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

**Resolution #2022-358**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve Contract Addendum No. 2018107-03 with Laberge Group, increasing budget for Phase 1040 Construction Administration by \$18,000 for the expected project completion date of October 15, 2023, as well as increase of budget for Phase 3600 Construction Observation by \$60,000.

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

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

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**Resolution #2022-359**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve proposed Contract Addendum No. 2019044-02 for another C.R.E.G. Implementation Grant with a lump sum application fee of \$2,000.00, plus reimbursable expenses.

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

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

**Resolution # 2022-360**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve 2023 Water and Sewer Rates. The 2023 Water Rates will stay the same as they were in 2022, and the 2023 Sewer Rates will match what is in The Map, Plan, and Report for Sewer District No. 1, Extension 5.

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

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

**SUPERVISOR ITEMS**

The Supervisor received a letter regarding the permanent closure of Lehigh Cement Company LLC, located at 313 Warren Street in Glens Falls. The shutdown will occur in a phased manner, commencing between April 3, 2023 and April 17, 2023, further stating that it has become increasingly difficult for relatively small and aging plants like this one to cost-effectively manufacture its products.

The Town received notice from Saratoga Biochar Solutions, LLC Carbon Fertilizer Manufacturing Facility that there will be a Virtual Public Meeting on December 19, 2022, at 6:00 p.m. The purpose of this meeting is to inform the public about the project and to involve the community during the NYSDEC permit application review process.

NYS Canal Corporation sent notification that the Final Generic Environmental Impact Statement and Final Embankment Guidebook has been released.

The Supervisor reminded Town Officials that anyone interested in attending The Association of Towns Conference to please do so by February 3, 2023.

**COMMITTEE REPORTS**

Councilmember VanTassel informed everyone in attendance that the Moreau Big Bend Trail Construction Document should be done within the next couple of weeks and that it is quite lengthy; Therefore, it will take some time for all to review. Feedback from the Board once reviewed would be appreciated.

Councilmember Stewart stated that he and Councilmember Donahue have been diligently working on how the Town of Moreau's Transfer Station fees compare to what other Municipalities are charging. He would like to go over these findings when all Board Members are present, hopefully during first Board Meeting of 2023.

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**EXECUTIVE SESSION**

The Supervisor stated that the Town Board will need to take an Executive Session to discuss an employee or employees' work history.

**Resolution #2022-361**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried to break for Executive Session at 7:55 p.m.

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

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

No action was taken during Executive Session. The Regular Meeting resumed at 8:05 p.m.

**Resolution #2022-362**

An additional motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve an additional \$2,000.00 for the administration of the C.R.E.G. Grant approved in Resolution 2022-359.

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

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

**OTHER BUSINESS**

**Resolution #2022-363**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to cancel the Regular Town Board Meeting scheduled for December 26, 2022 and to reschedule the Audit Meeting to December 28, 2022 at 4:00 p.m.

**PRIVILEGE OF THE FLOOR**

No members of the public wished to be heard.

A motion made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to close the meeting for the evening at 8:21 p.m.

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

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

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Meeting adjourned.

Respectfully submitted,

Brenda Hutter/dl  
Town Clerk