

A regular meeting of the Town Board of the Town of Moreau was held on January 31, 2023 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:22 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

**Also present:** Brenda Hutter, Town Clerk; Lisa Sperry, Supervisor's Confidential Secretary; Chris Abrams, Highway Superintendent; Brigid Martin, Town Historian; Karla Buettner, Attorney for the Town; Michael Panich, Representative LA Group; Town Residents; Steven Hutter, Dominic Tom, Bruce Lant, Brandon Hayes, Pete Corlew, Tyler Corlew, Anissa Jacox, Ben Vaillancourt, Ronald Quinn, Jr, Steven VanGuilder; Alex Portal, Reporter for the Post-Star Newspaper

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

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

**Resolution #2023-71**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the minutes from December 28, 2022.

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

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

Supervisor Kusnierz stated that the minutes of the November 1, 2022 Town Board meeting (initially approved on November 29, 2022) need to be amended due to inaccurately stating the attendance of Councilmember Donohue.

**Resolution #2023-72**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to amend the minutes from November 1, 2022, reflecting that Councilmember Donohue was not in attendance.

Asked if all were 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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### **MOREAU EMERGENCY SQUAD CONTRACT**

#### **Resolution #2023-73**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to approve the terms that are included in the contract.

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

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

### **SOUTH GLENS FALLS FIRE COMPANY CONTRACT**

Supervisor Kusnierz discussed resident Bruce Lant's comments made during the Public Hearing. Mr. Lant requested an increase in funding, stating that the current amount is insufficient. Supervisor Kusnierz stated that the number that was included in the Town's Budget was the number that was submitted by the Fire Company.

#### **Resolution #2023-74**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the contract.

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

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

### **MOREAU BIG BEND TRAIL**

Michael Panich, a Representative of LA Group gave the Town Board a brief presentation and update on the Big Bend Trail Grant Project. The LA Group has submitted the design documents to the Recreational Trail Program, once reviewed, pending acceptance, proceeding with bid package and release of funds to the Grant will be made, also stating that the Grant the NYS Parks Agency will administer it. General Design proposal has two options for Board to consider. Estimated costs for each option would be \$396,000 for Option I, and \$456,000 for Option II.

### **ELECTRONIC OFFICE PRODUCTS**

#### **Resolution #2023-75**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, approving the Supervisor to sign the Annual Maintenance Agreement with Electronic Office Products Inc. for the Toshiba ES-356 at \$60.00/7,000 copies per month, overage \$.0125 per click.

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

#### **WATER AND SEWER DEPARTMENT**

The Supervisor reported that he had received a letter from Town Engineer, Don Rhodes regarding the review of the sealed bids for the County Forcemain Connection – Contract 2. The bid opening was conducted on January 19, 2023 at 10:00 a.m. Mr. Rhodes reviewed the bids for accuracy and recommended that the contract be awarded to Bellamy Construction, Inc.

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

**WHEREAS**, Bids for County Forcemain Connection – Contract 2 were received on January 19, 2023; and

**WHEREAS**, the Consulting Engineers, Laberge Engineering & Consulting Group Ltd., have submitted their report relative to their analysis of bids; and

**WHEREAS**, the NYSDEC approval of plans has not yet been obtained.

**NOW, THEREFORE, BE IT RESOLVED**, that the recommendation of said Engineers be hereby accepted, approved, and adopted; and

**BE IT FURTHER RESOLVED** that the County Forcemain Connection – Contract 2 be hereby awarded in the amount of four million ninety thousand two hundred dollars (\$4,090,200.00) to:

Bellamy Construction, Inc.  
6684 Amsterdam Rd  
Schenectady, NY 12302; and

**BE IT FURTHER RESOLVED** that the award and contract are contingent upon the Town and Contractor executing a change order concurrently with the execution of the construction agreement. Said change order shall identify additional contract provisions which will be influenced by the timing of NYSDEC permit issuance.

#### **Resolution #2023-76**

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to accept Bellamy Construction's bid of \$4,090,200.00 with a deductible for first bid of \$72,000.00 totaling \$4,018,200.00.

Supervisor Kusnierz stated that the Town received a bid from Kubricky Construction which was \$6,668,300.00 with the deductible bid at \$64,000.00 which resulted in a total of \$6,604,300.00. New Castle Paving LLC offered the amount of \$ 6,222,683.00 with a deductible at \$72,000.00 for a total of \$6,150,193.00. Bellamy Construction offered \$ 4,090,200.00 with a deductible of \$72,000.00 for a total of \$4,018,200.00.

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Supervisor Kusnierz had the Town Clerk do a Roll Call; the following responses were given:

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

## **HIGHWAY DEPARTMENT**

### **Resolution #2023-76**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the request made by the Highway Superintendent to open a purchase order for crushed stone under County Contract # 22-PWCSGS-50R for \$8,000.00 which would be paid from account DB5110.493 which has a current balance of \$14,000.00.

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

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

## **TRANSFER STATION**

### **Resolution #2023-77**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to accept the resignation of James G. Wright, effective January 20, 2023.

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 thanked Mr. Wright for his service to the residents of the Town of Moreau, in his capacity at the Transfer Station.

Councilmember Stewart inquired on whether the Board had any more input, changes, or act on potential rate changes that had been discussed at a previous Board meeting. Supervisor Kusnierz stated that Chris Abrams has reached out to two different companies regarding servicing the compactor, due to the Town not getting the size of loads that historically we had been getting. Discussion of option to wait and see if that will have influence in tonnage per pull, Councilmember Stewart stated that with the new leadership at Transfer Station, he feels that this would be a suitable time to adopt new rates going forward. Chris Abrams informed the Board that he has started working on a new fee schedule.

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Councilmember Donohue voiced concern over the Supervisor allowing the Highway Superintendent, Chris Abrams to take leadership over the Transfer Station without conferring with the Board first. Supervisor Kusnierz then asked Karla Buettner, Attorney for the Town, whether allowing Mr. Abrams to take leadership at Transfer Station needed consensus from the Board. Her response was no. Supervisor Kusnierz emphasized that Chris Abrams volunteered to take this on at no added cost to the taxpayers. Councilmember Noonan agreed that the Supervisor made the right decision and has full confidence in Mr. Abram's ability to take this additional role on.

### **RECREATION DEPARTMENT**

Councilmember Stewart gave an update on the side by side that the Board had passed a resolution on back in February of 2022 approving the purchase of a new Kubota RTV-X900 from Emerich Sales & Service. Side by side is in, however Councilmember Stewart inquired whether he needed prior approval from the Board to change a couple of modifications. Council responded that because the modifications would not be going over the cost initially approved by the board in a previous resolution that there is no prior approval needed to do so.

### **Resolution #2023-78**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, authorizing payment prior to audit, to Emerich Sales and Service not to exceed amount that was approved in a prior resolution.

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

South Glens Falls Youth baseball approached Councilmember Stewart asking that the concession stand be updated at their cost. They also will be paving sidewalks, bleachers, and updating fencing. Pop Warner football also contacted Councilmember Stewart regarding working with the Town as well.

### **COURT**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to accept the resignation of Jamie Greene, effective close of business on February 17, 2023.

The Supervisor thanked Ms. Greene for her service to the Justices, and residents of the Town as the Court Clerk.

### **SUPERVISOR ITEMS**

Town Resident is looking for Town to install power doors at the Town Hall for handicap accessibility. The Town has investigated this in the past, and Supervisor asked that the Board take another look at the current costs to do so. Sales Tax Report from the Saratoga County Treasurers Office was received, as of January 15<sup>th</sup>, the Town of Moreau's amount was \$333,323.00.

### **EXECUTIVE SESSION**

The Supervisor stated that he will need a brief Executive Session to discuss an unnamed Town employee's work history and performance.

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**Resolution #2023-79**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to break for Executive Session.

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

No action was taken in Executive Session.

**OTHER BUSINESS**

Discussion was had between Supervisor Kusnierz and Councilmember Donohue regarding stories that were recently in the media. As stated in the Times Union, Councilmember Donohue felt that he was sidelined by the Supervisor who this year had removed him from all committees. Supervisor Kusnierz explained to everyone that the Town Board no longer has Committees. Absences of Supervisor and Councilmember Donohue were also discussed, each referencing one another's attendance for various Board Meetings.

**PRIVILEGE OF THE FLOOR**

Dominic Tom addressed the Supervisor specifically, called him a "bully" and that he and his administration are a disgrace.

Brigid Martin addressed the Board thanking them for the work they have done in trying to create more jobs and bring more businesses in throughout the years.

**MOTION TO ADJOURN**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to close the meeting at 10:07 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.

Respectively submitted,

Brenda Hutter  
Town Clerk