

A Regular Meeting of the Town Board of the Town of Moreau was held on March 28, 2023, 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 Hutter, Town Clerk; Lisa Sperry, Supervisor's Confidential Secretary; Karla Buettner, Attorney for the Town; Town Residents; Steven Hutter, Timothy Surprise, Angela Wadsworth, Bruce Lant, Dominic Tom, Carly Mankouski, Jeanne Kosloski; Michael A. Panich, Representative from The LA Group

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

February 28, 2023– Month End Meeting; and February 28, 2023 – Regular Town Board Meeting; as prepared and presented to the Town Board members in advance for their review, comment, correction, and approval.

**Resolution #2023-116**

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue, and carried, to accept the February 28, 2023– Month End Meeting; and February 28, 2023 – Regular Town Board Meeting minutes as prepared.

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

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

**RECREATION**

Request from the Recreation staff to purchase Six (6), 18 Ton Loads of Red Diamond Baseball/Softball Infield Material - \$52/Ton in the amount of approximately \$5,616.00 from Hadeka Stone Corp. This single source purchase will be paid from A7140.4 which has a balance of \$105,401.59 as of February 28, 2023. This item/service was included in the current year budget at \$6,000.00.

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**Resolution #2023-117**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, authorizing the purchase of Six (6), 18 Ton Loads of Red Diamond Baseball/Softball Infield Material - \$52/Ton in the amount of approximately \$5,616.00 from Hadeka Stone Corp.

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

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

The Town Board and Town Counsel have received and reviewed four (4) contracts for use of the fields located at the Harry J. Betar Recreation Park. The individual contract agreements are as follows:

South Glens Falls Girls Youth Lacrosse, Northeast Hurricanes Travel Baseball Club, Inc., South Glens Falls Youth Lacrosse, and Empire City Soccer Academy.

**Resolution #2023-118**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, authorizing Supervisor Kusnierz to sign four (4) individual agreements with South Glens Falls Girls Youth Lacrosse, Northeast Hurricanes Travel Baseball Club, Inc., South Glens Falls Youth Lacrosse, and Empire City Soccer Academy.

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

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

The Town Board and Supervisor have received several applications to fill vacancies left by the previous Recreation Director as well as the previous Recreation Advisor. After interviewing qualified candidates, Supervisor Kusnierz recommends that the Town Board pass a resolution to hire Jeremy Brogan. The Town Clerk read the following resolution into the record as follows:

**TOWN BOARD  
TOWN OF MOREAU**

**So be it RESOLVED** that the Resolution dated March 14, 2023, and naming Brent Seybolt as Recreation Advisor be concluded as of March 28, 2023; and

**So be it FURTHER RESOLVED** that Jeremy Brogan be named as Recreation Advisor, effective March 29, 2023, through April 16, 2023, and be paid \$30.00 per hour, not to exceed 10 hours per week; and

**So be it FURTHER RESOLVED** that Jeremy Brogan be provisionally hired as a full-time Recreation Director and be compensated at an annual salary of \$ 55,000, effective April 17, 2023, subject to successful completion of a background check and pre-employment physical. Upon completion of the six-month provisional period and the approval of the Town Board, Mr. Brogan shall be a permanent full-time Recreation Director.

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Roll call results as follows:

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

#### **Resolution #2023-119**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to adopt the foregoing resolution as read into the record by the Town Clerk.

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

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

#### **WATER & SEWER DEPARTMENT**

Supervisor Kusnierz gave a brief overview of the need to replace original equipment that has been at the Industrial Park since it was first created, specifically two sewer pumps. He stated that it has reached the point where it is necessary to replace them, as parts for the original pumps have become obsolete. It is recommended by the engineer and Supervisor to move forward with this replacement. Supervisor Kusnierz requests the authorization to have the Water Superintendent purchase a new Industrial Park sewer pump under the Saratoga County contract, which is currently just under \$160,000, purchasing a hatch from EJ USA Inc. for \$2,410.19, and authorizing going out to bid to hire an installation contractor to install a new sewer pump at the Moreau Industrial Park with a bid opening date of 4/27/23 at 2:00 p.m.

#### **Resolution #2023-120**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to authorize the Water Superintendent to purchase a new Industrial Park sewer pump from the Saratoga County contract, which is currently just under \$160,000; and authorize the Water Superintendent to purchase hatch equipment from EJ USA Inc. for \$2,410.19; and authorize going out to bid to hire an installation contractor to install a new sewer pump at the Moreau Industrial Park with a bid opening date of 4/27/23 at 2:00 p.m.

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

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

The Supervisor stated that the Town has received authority from NYSDEC to move forward with the County Forcemain Connection – Contract 2. An amended Resolution needs to be made in order to proceed. The Town Clerk read the following resolution into the record as follows:

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**Town Board  
Town of Moreau**

WHEREAS, on January 31, 2023, the Moreau Town Board approved the award of the County Forcemain Connection – Contract 2, contingent on executing a change order to adjust the contract to consider NYSDEC permitting delays; and

WHEREAS the draft change order prepared as directed by Board Resolution would only become effective if permits were received after March 31, 2023; and

WHEREAS NYSDEC granted approval to construct on March 24, 2023; and

WHEREAS, as a result of the NYSDEC approval, a change order to account for permit delay is no longer needed, and

WHEREAS the Board desires to amend Resolution # 2023-76 to remove the requirement for a change order,

NOW, THEREFORE, BE IT RESOLVED that the Town Board amends Resolution #2023-76 by authorizing the Supervisor to execute the construction agreement without requiring a concurrent change order.

**Resolution #2023-121**

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	Nay
Supervisor Kusnierz	Aye

Supervisor Kusnierz thanked Don Rhodes, Project Engineer from Laberge Group for providing continued assistance with this project.

**MOREAU BIG BEND TRAIL**

Michael A. Panich, a Representative from The LA Group gave a brief update on the Big Bend Trail Project. He stated that there was a Resolution passed in January by the Town Board that inadvertently did not identify the New York State Department of Conservation (DEC) as an agency having permitting authority over the project. The Town Clerk read the following Amended Resolution into the record:

**Town Board  
Town of Moreau  
Big Bend Trail Project – Amended SEQRA Documents and Process,  
DECLARATION OF LEAD AGENCY**

WHEREAS, at its January 10, 2023, meeting the Town of Moreau Town Board (the Board) passed Resolution #2023-57, accepting a completed Part 1 State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form (FEAF) for the Big Bend Trail Project (Project) prepared by the project land planning consultant and,

WHEREAS at its January 10, 2023, meeting the Board passed Resolution #2023-58, declaring the Board to act as Lead Agency under SEQRA and,

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WHEREAS Item B of the FEAF accepted by the Board on January 10, 2023, inadvertently did not identify the New York State Department of Environmental Conservation (DEC) as an agency having permitting authority over the project and,

WHEREAS the project requires a permit from DEC for disturbance to the regulated adjacent area of wetland GF-3 and,

WHEREAS, with the inclusion of DEC as an interested agency, the project now requires coordinated review under SEQRA and the Town Board desires to rescind Resolution # 2023-57 and #2023-58,

NOW THEREFORE, BE IT REOLVED, that the Board hereby rescinds its approvals of Resolution #2023-57 and Resolution #2023-58 and accepts the revised FEAF dated March 27, 2023, and,

BE IT FURTHER RESOLVED, that the Board hereby declares it intent to act as Lead Agency under SEQRA and to perform a coordinated SEQRA review of the project with DEC, to declare the action a Type I action under SEQRA, and to send to DEC (i) notification of the Town's intent to act as Lead Agency, (ii) a copy of the revised March 27, 2023 FEAF Part 1, and (iii) supporting materials prepared for the project including project plans.

#### **Resolution #2023-122**

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	Aye
Supervisor Kusnierz	Aye

#### **ASSESSING DEPARTMENT**

The Town Assessor has requested to appoint James Greenwood to the Board of Assessment Review.

#### **Resolution #2023-123**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to appoint James Greenwood to the Board of Assessment Review for the term of 10/1/2022 - 09/30/2027.

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

#### **TOWN CLERK'S OFFICE**

#### **Resolution #2023-124**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, that the Town Board acknowledges that the required examination of the Town Clerk's financial records for the year ending December 31, 2022, has been completed.

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BE IT FURTHER RESOLVED that the Town Board accepts and approves the report of this examination.

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

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

## **TOWN COURT**

### **Resolution #2023-125**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, that the Town Board acknowledges that the required examination of the Town Court's financial records for the year ending December 31, 2022, has been completed.

BE IT FURTHER RESOLVED that the Town Board accepts and approves the report of this examination.

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

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

## **LANDFILL**

Supervisor Kusnierz reported that the Town received a proposal from CT Male, a company which currently provides the Town with Landfill Monitoring Services. The Town Attorney has reviewed and approved the proposal. The Supervisor did note however that there is one change listed that has not been included in prior years proposals, which is that they are now offering Landfill repair oversight services in addition to the Monitoring. The total cost annually would be \$12,103.65.

### **Resolution #2023-126**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to continue Landfill Monitoring Services with CT Male not to exceed an annual fee of \$12,103.65.

Asked if all were 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 reported that the NARCAN Training that was held earlier in the day outside the Town Hall was a success as they handed out approximately 54 kits in a short period of time. He also stated that the Town recognizes that this is an epidemic that unfortunately affects all regions across the State. He thanked the Saratoga Sheriff's Department, Saratoga Department of Health and the Saratoga County Department of Mental Health & Addiction Services for their hard work and dedication in the training and distribution of these kits.

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The Sales Tax report for the month of March 2023 came in from the Saratoga County Treasurer's Office. The Town will receive \$301,306.00, which is up from last year.

The Supervisor also received word from the NYS Dormitory Authority, which is responsible for administering the State and Municipal Facilities Program that State Legislators sponsor. A \$500,000 Grant which had been earmarked for our County Connection has made it through the next step. Supervisor Kusnierz thanked the sponsors for helping our rate payers to offset costs.

A Press Release from the Moreau Community Center came in announcing a Community Clean-Up Day in honor of Earth Day. This event will be held on April 22, 2023, from 8:30 a.m. – Noon. The Center is looking for volunteers and event sponsors to join the Community Center and Boy Scout Troop 99. Anyone wishing to do so is encouraged to contact the Community Center at (518) 792-6007 ext. 16. More information can be found on their website.

Saratoga County Clerk, Craig Hayner announced that the annual Yellow Ribbon Day Donation Drive to benefit Blue Star Mothers of America-NY 2 is accepting donations to help send "Freedom Boxes" to deployed troops who call the Capital Region home. Collection dates are March 17<sup>th</sup> - April 6<sup>th</sup> and can be dropped off at the Saratoga County Clerk's Office, DMV Offices, the Veteran's Service Agency, or any participating Hannaford store in Saratoga County. More information can be found on the County and Town's website. On behalf of the Town Board a big thank you goes out to Craig Hayner, the Saratoga County Clerk, and his staff for their work in helping with this drive.

### **EXECUTIVE SESSION**

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

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to adjourn for executive session at 7:46 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

The Town Board returned from executive session at 8:00 p.m. with the Supervisor noting that no action was taken during executive session.

### **OTHER BUSINESS**

Councilmember VanTassel briefly discussed the need to upgrade the Town's virtual server due to the current version of the Town's operating system no longer being supported at the end of October of the current year. As a result, Principal Account Clerk, Jeffrey Cruz reached out to our service provider, StoredTech, for a price quote. The quote received came in at \$ 16,032.79.

### **Resolution #2023-127**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart , and carried, to accept the proposal given by StoredTech on March 27, 2023, for software upgrades at a cost of \$16,032.79, as well as giving approval to authorize the Supervisor to sign any necessary paperwork to proceed with this service.

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

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

### **PRIVILEGE OF THE FLOOR**

Supervisor Kusnierz invited any member of the public that wished to be heard to clearly state their name and address. He also reminded everyone that they have three (3) minutes to speak.

The first person to speak was Angela Wadsworth of 504 Gansevoort Road. She stated that she has concerns over the transcript from the last Board meeting that she had spoken at. She felt as though her previous addressment to the Board was not accurately transcribed, and that what she said was summarized. She expressed feelings of being bullied and has been put financially in hardship for over \$100,000 because of neglect from the Town. She stated that a Town Official misused powers and destroyed her property; that she has lived there for 20 years before any of this came at her, and the least that could have been done out of respect was to have been given notification before coming and destroying her home.

Dominic Tom, 7 Cedar Lane was next to speak. He spoke about the condition of the roads after a recent storm and wanted to thank the Town Highway Department for doing such a great job cleaning up the roads in such a timely manner. He also wanted to thank all first responders for their hard work and dedication.

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to close the meeting for the evening at 8:14 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

Meeting adjourned,

Respectively submitted,

Brenda Hutter  
Town Clerk