

A Regular Meeting of the Town Board of the Town of Moreau was held on April 25, 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
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Also present: Brenda Hutter, Town Clerk; Chris Abrams, Highway Superintendent ; Karla Buettner, Attorney for the Town; Brigid Martin, Town Historian; Alex Porter, Reporter for the Post Star; Scott Miller, Representative from CLA Site; Town Residents; Steven Hutter, Michelle Johnson, Allen VanGuilder, Brian McKenzie, Bruce Yarter, John Jackowski, Carly Mankouski

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The following minutes were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction, and approval:

- March 14, 2023 – Regular Town Board Meeting
- March 28, 2023 – Month-End Audit Meeting
- March 28, 2023 – Regular Town Board Meeting
- April 11, 2023 – Regular Town Board Meeting

Resolution #2023-138

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to approve the March 14, 2023 - Regular Town Board Meeting minutes.

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

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

Resolution #2023-139

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to approve the March 28, 2023 – Month-End Audit Meeting minutes, and the March 28, 2023 – Regular Town Board Meeting minutes.

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

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

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Resolution #2023-140

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to approve the April 11, 2023 – Regular Town Board Meeting minutes.

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

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

BKM PROPERTIES, LLC

Supervisor Kusnierz asked Karla Buettner, Attorney for the Town, to give a brief description regarding two (2) parcels currently owned by BKM Properties, LLC. Attorney Buettner explained that the two (2) parcels (76.-3-83.11 & 76.-3-89.2) are currently “split-zoned” . The property owner had applied to the Town of Moreau Zoning Board, “Requesting a Change of Zone.” The application was then forwarded to the Town of Moreau Planning Board. Upon review of the application, the Planning Board gave it a positive recommendation, and forwarded it to the Saratoga County Planning Board for their review. The Saratoga County Planning Board also gave approval for this boundary adjustment. Counsel continued by stating that the next step is to have the Town Board establish a Public Hearing allowing members of the public to weigh in on this request.

Resolution #2023-141

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to schedule a Public Hearing on May 9, 2023, at 6:45 pm for the aforementioned Zoning Amendment.

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

HIGHWAY DEPARTMENT

The Supervisor wanted to make the Town Board and public aware, that effective immediately, the Highway Superintendent, within his authority, has closed a 400’ section of Speakman Street due to road failure.

The Highway Superintendent stated that his current secretary will be vacating her position effective June 30, 2023. He is therefore requesting that the Town advertise this position for training purposes.

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Resolution #2023-142

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to authorize the posting of an advertisement for a Full-Time Highway Department Secretary.

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

WATER & SEWER DEPARTMENT

The Supervisor discussed a proposal that the Town Board members had received, regarding the GE Settlement. He continued by stating that the Town needs to ensure that the terms of settlement are maintained, which will require a Local Law amendment amending our previous Local Law (Local Law No. 6 of 2021). A Public Hearing will need to be set regarding this amendment.

Resolution #2023-143

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to declare the Town of Moreau as Lead Agency regarding the GE Settlement amendment to our local code.

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 #2023-144

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to schedule a Public Hearing on May 9, 2023, at 6:50 pm to establish Local Law No. 2 of 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

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Resolution #2023-145

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to authorize the Supervisor to sign proposal, dated April 25, 2023, from Bartlett, Pontiff, Stewart & Rhodes, P.C., for Bond Counsel, regarding financing fees for Project # 5593-02-00.

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

Resolution #2023-146

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to authorize the Supervisor to sign the proposal to retain Town Counsel Karla Buettner of Bartlett, Pontiff, Stewart & Rhodes, P.C., as Local Counsel, covering any necessary legal services for Project # 5593-02-00.

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 discussed a proposed Change Order No. 1, that the Town received from Laberge Group regarding County Forcemain Connection – Contract 2. He explained that this Change Order will reduce project costs by \$21,600, utilizing a less costly and more readily available frame and cover on air-release maintenance hole structures.

Resolution #2023-147

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to authorize Supervisor to sign and execute Change Order No. 1 from Laberge Group.

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 #2023-148

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to authorize the Supervisor to execute a project financing agreement with the NYS Environmental Facilities Corporation (“EFC”) regarding the construction of Sewer District No. 1 Extension No. 5 in the Town of Moreau and all necessary infrastructure, equipment, apparatus, and related site work.

WHEREAS, the Town of Moreau has approved financing for the construction of Sewer District No. 1 Extension No. 5 in the Town of Moreau and all necessary infrastructure, equipment, apparatus, and

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The Recreation Director provided the following quotes for the purchase of 2-5 Row, 21' Long Aluminum bleachers with chain link guardrail for Little League Fields 1 & 2:

Belson Outdoors 627 Amersale Drive Naperville, IL 60563	Price: \$5,533.00 + \$1,931.76 shipping Total: \$12,997.76
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Park Warehouse 7495 W. Atlantic Ave, Suite 200-294 Delray Beach, FL 33446	No Response
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SchoolLockers.com (Jorgenson Industrial Companies) 2895 S. 300 W. Salt Lake City, UT 84115	No Response
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Highland Products Group/The Park Catalog 931 Village Blvd Ste. 905-354 West Palm Beach, FL 33409	Price: \$9,800.00 + \$1,986.25 shipping Total: \$11,786.25
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The Recreation Director recommended that the purchase be made with Highland Products Group/The Park Catalog, due to the overall cost and quality of the bleachers.

Resolution #2023-150

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the purchase of 2-5 Row, 21' Long Aluminum bleachers with chain link guardrail for Little League Fields 1 & 2. from Highland Products Group/The Park Catalog, for \$11,786.25, which will be paid from account A7140.2, which as of 3/31/2023, had a balance of \$12,900.00.

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 Recreation Director provided the following quotes for the 2023 rental of portable toilets for the Harry Betar athletic fields:

Stone Industries, LLC 4305 Route 50 Saratoga Springs, NY 12866	Price: \$ 105 per 28 days - Small \$153.per 28 days - Large \$3,363/year
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Nationwide Waste Service PO Box 124 Gansevoort, NY 12831	Price: \$ 299 per 28 days - Small \$ 399 per 28 days - Large \$9,125/year
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Mountain Top Portable Toilets & Septic Service PO Box 405 West Sand Lake, NY 12196	No quote
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The Recreation Director recommended that the rental be made by Stone Industries LLC, due to the overall price and a returning vendor that has a history of great customer service.

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Resolution #2023-151

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, approving the use of vendor Stone Industries, LLC, at a price of \$258 per 28 days, for the 2023 rental of portable toilets, as well as authorizing the Supervisor to sign the necessary documents. The rental cost will be paid from account A7140.4, which as of 3/31/2023, had a balance of \$93,000.30.

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 Recreation Director provided the following quotes for the 2023 Turf Management Program for the Harry Betar Park athletic fields; to include fertilization, pesticide (grub control), and herbicide (crab grass control & broadleaf weed killer):

Turf Management Company, Inc. PO Box 611 Glens Falls, NY 12801	Price: \$14,870.49
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Grasshopper Gardens, Inc. PO Box 124 Gansevoort, NY 12831	Price: \$16,428.00
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Toadflax Nursery, LLC 1621 US 9 South Glens Falls, NY 12803	Price: No response
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The Recreation Director recommended use of Turf Management Company, Inc. due to overall price and being a returning vendor.

Resolution #2023-152

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to use Turf Management Company, Inc. for the 2023 Turf Management Program for the Harry Betar Park athletic fields at a price of \$14,870.49, which will be paid from account A7140.4, which as of 3/31/2023, had a balance of \$93,000.30.

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 #2023-153

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A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to increase salaries for the following three (3) Long-Term Laborers in the Recreation Department; James Davenport, Vincent French, and David Gould from \$16.00 per hour to \$16.50 per hour.

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

Councilmember Stewart thanked Twin Bridges for providing dumpsters once again to the Recreation Department at no charge. He also stated that the South Glens Falls Youth Baseball organization is looking to provide the concession stand with Wi-Fi, security cameras, and do live feed of their games.

Councilmember Stewart asked Counsel if there were any security issues in doing so. Counsel recommended getting something in writing from the organization. Councilmember Stewart stated that he would provide Counsel with more details before any action takes place.

TRANSFER STATION

A request was made by the Highway Superintendent/Transfer Station Manager to hire Deborah Clark as a Part-Time Booth Attendant.

Resolution #2023-154

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to hire Deborah Clark as a Part-Time Booth Attendant for the Transfer Station at a rate of \$14.20/hour, subject to the successful completion of a background check and pre-employment physical within a 2-week period.

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

SUPERVISOR ITEMS

The Supervisor reported that the Town received the April Sales Tax Distribution Report from Saratoga County. The Sales Tax for the County was \$13,318,667.00, a decrease of over 6% from April of 2022. The Town of Moreau's April Sales Tax Report was \$314,590.00 compared to last year's report of \$358,735.00. Supervisor Kusnierz attributed this decrease to the shrinking economy.

The Supervisor shared a public invitation regarding the Annual Saratoga County Senior Luncheon that will be held on May 19, 2023, at the Saratoga Springs City Center from 11:00 am-3:00 pm.

The Supervisor shared that he and Councilmember VanTassel had the pleasure of attending the South Glens Falls Fire Company, Inc.'s annual banquet on Saturday April 22nd. He thanked them for the invitation, also stating that it was great to see the event so successful.

The Supervisor stated that he had received a letter from National Grid, dated 4/20/2023, regarding Town owned property on 39-41 Sisson Road. National Grid is looking to obtain an easement from the Town. The

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purpose of this easement would be for the Town to grant permission to place a new pole at the proposed location. Supervisor Kusnierz asked Counsel whether or not she had heard back from them yet, her reply was that she had not.

EXECUTIVE SESSION

The Supervisor stated that there was no need for an executive session at this time.

OTHER BUSINESS

Councilmember Donohue stated that the South Glens Falls / Moreau Chamber of Commerce had asked him if the Town could become a sponsor for summer concerts that are going to be held at the park. Councilmember Donohue stated that each sponsorship costs \$500.00. Supervisor Kusnierz asked for more details, stating that the Board has a fiduciary responsibility to the taxpayers when spending their money. Councilmember VanTassel and Councilmember Stewart both agreed that that once the Board gets more information, they will collaborate with the Supervisor's Office for funding options.

PRIVILEGE OF THE FLOOR

Brigid Martin, Town Historian, was first to address the Board. She wanted to discuss further what Councilmember Donohue had just spoken about. She noted that the Chamber of Commerce's website only mentions South Glens Falls, and that any money spent by the Town of Moreau should be for the Town. She stated that the money that is in the Town's 2023 budget for Recreation should only be for Town programs, and not syphoned over to the Village. She also stated that it would be nice to have the Town host their own concerts and public events out at the Recreation Center. She stated that when she met with the Glens Falls Collaborative, they told her that Tuesday nights would be a suitable time to hold public events. She then questioned Councilmember Donohue wondering what programs he has brought to the Town of Moreau.

John Jackowski, 34 Grey Fox Drive, spoke next regarding the high-water table. He started by referencing Blue Neil's report. He said that there were issues in the report, specifically an abandoned channel that runs on the inside of 32 and 197. He stated that the water table has come up around 6ft since 2018, prior to that it was down by 14ft. He stated that there is more that needs to be done in order to keep the water levels down. He stated that it is a complicated system, and that the report was vague about what has caused the water level problem. Councilmember Stewart asked that a copy of the referenced report be available for him to look over.

Michelle Johnson, 451 Gansevoort Rd, was the last to address the Board. She spoke about the amount of water that has flooded her property. She stated that she has spoken to Councilmember Noonan, Councilmember Donohue, Matt Dreimiller, and Blue Neils, regarding this ongoing problem. She stated that about 40 % of her property has become saturated ever since Shawn McKenna built his homes. She questioned where this water was going prior to when these forementioned homes were built. She stated that she can no longer go outside and enjoy her property anymore. She stated that she has complained about this issue for 4 years now; has sent pictures and notices to the Town referencing all of her concerns. She stated that her property is washing away, and that she is pumping 24/7. She stated that when she spoke with Matt Dreimiller he had told her that he has to sign off on a SWPPP (Storm Water Prevention Protection Plan), and that she is unsure if that has been done yet. She stated that she does not have \$2,000-\$3,000 to pay an engineer to look at her property. Councilmember Noonan stated that he has been there and has seen all of the water and was hopeful of being part of a solution 4 years ago.

No other member of the public wished to be heard.

MOTION TO ADJOURN

A Regular Meeting of the Town Board of the Town of Moreau was held on April 25, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to close the meeting for the evening at 7:51 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