

A regular meeting of the Town Board of the Town of Moreau was held on May 23, 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 Deputy 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: Dianne Lewis, Deputy Town Clerk; Lisa Sperry, Supervisor's Confidential Secretary; Chris Abrams, Highway Superintendent; Jeremy Brogan, Recreation Director; Brigid Martin, Town Historian; Ann Purdue, Planning Board Member; Karla Buettner, Attorney for the Town; Alex Portal, Reporter for the Post Star; Dominic Tom, Resident; Jeanne Kozloski, Resident

The Supervisor led the Pledge of Allegiance.

Prior to the start of the meeting, Supervisor Kusnierz commented regarding the incident that Saratoga County is working through. We had two of our Deputy Sheriffs that were shot this morning while executing a federal warrant as part of a multi-agency effort. The Saratoga County Board of Supervisors wants to thank the Saratoga County Sheriff's Office for their commitment to keeping our community safe and putting their lives on the line to protect us. Our thoughts are with the deputies that were injured this morning, and we send strength and support for their recovery. We extend our gratitude to the first responders that assisted on scene, and to all the law enforcement involved in the situation, including Councilmember Stewart.

HIGHWAY DEPARTMENT

Resolution #2023-182

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to open a purchase order with Main Care Energy in the amount of \$25,000.00 for diesel fuel for the 2023 budget year under State contract # PC-69482.

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

Resolution #2023-183

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to open a purchase order with Global Montello Group in the amount of \$25,000.00 for gasoline for the 2023 budget year under County contract # PC-69516.

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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

Resolution #2023-184

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to hire Elyse Stocker as a full-time clerk for the Highway Department at a salary of \$40,425.00, subject to the successful completion of a background check and pre-employment physical within a 2-week period. Elyse's effective date will be Monday, June 5th, 2023.

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 Kusnierz stated that Ms. Stocker was in the top two scoring levels on the list of people that had passed the civil service exam, scoring a ninety, and she is a graduate of Hudson Valley Community College.

RECREATION DEPARTMENT

Resolution #2023-185

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to re-hire Zackary Smatko and Caleb Karig as full-time, seasonal, Senior Lifeguards at a rate of \$16.23/hr. as well as re-hire Jack Paton as a full-time, seasonal, Lifeguard at \$15.50/hr. Effective dates for all employees will be Wednesday, May 24th, 2023.

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

Resolution #2023-186

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to re-hire Myles Hogan and Ethan Casavant as full-time, seasonal Laborers for the Recreation department at a rate of \$15.50/hr. effective Wednesday, May 24th, 2023. Further, to hire Anita Generous, Kelan Kearney, and Sean Melvin as full-time, seasonal Laborers for the Recreation department at a rate of \$15.00/hr., subject to successful completion of a background check and pre-employment physical within a 2-week period, effective Wednesday, May 24th, 2023.

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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

Resolution #2023-187

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the flag football program for the upcoming fall season. The cost to the players will be \$30.00 for the session, with all sign-up sheets and money to be collected by the Town Clerk's office. There were 115 players last year, and they hope to grow upon that this year. The approximate income from the program would be \$3,500.00, and the approximate expense for shirts, trophies, and belt flags would be \$1,675.00.

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 Kusnierz stated that there was a request regarding the Bulldog Selects Basketball "Big 3" Summer Camp. It came to the Supervisor's attention late in the day that it requires more background information before the Board members can act on it. They will gather information and bring it back up again at the next Board meeting.

Councilmember Stewart commented that the new bleachers for the Rec were delivered last week. He thanked Highway Superintendent Abrams for his help with equipment and getting them unloaded.

There was discussion regarding outdoor cameras at the Rec fields. There have been e-mails back and forth with Counsel. If they are just for security issues, Counsel has no issues with them. There was confusion as to individuals taking pictures and streaming somehow. Councilmember Stewart stated that they are going to be available for streaming. Counsel questioned who can view it. Counsel's understanding was that it was for security, not for a streaming service to watch the games. Councilmember Stewart's understanding was that the cameras were for security as well as viewing field one for streaming of the games. Counsel inquired if there was sign-off from the parents if they can stream them. Councilmember Stewart stated that they were instructed after the last meeting that they could install them, but they could not make them operational until we had an agreement with Counsel. They are going to collaborate with Counsel and the Supervisor's office for waivers. Counsel questioned if we had gotten anything yet. The Supervisor's Secretary stated that all we had received was costs and specs. Councilmember Stewart stated that both he and the Rec Director had been in contact with a point person, and they will reach out to them tomorrow. Counsel wants to know where it will be streaming, who has access to it, where it is being stored, all the security features. If it is out there anyone can see it. Not all parents agree with that, and she wants to protect the Town, so we need to have that in place. Whenever someone can, they need to get her that information or get her a contact person. Councilmember VanTassel stated that the current instruction was to only use the cameras for security reasons. Councilmember Stewart stated that they are all on the same page, and he will get Counsel that information so that we can move forward. Supervisor Kusnierz asked the Rec Director to find out how they are managing the streaming. He was unaware of the streaming issue.

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WATER & SEWER DEPARTMENT

Resolution #2023-188

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to authorize Supervisor Kusnierz to sign the contract for construction services in relation to the pump at the Moreau Industrial Park that was approved at the last meeting, upon approval from Town Counsel and our insurance carrier. Counsel has reviewed the contract that they provided to us and made red line changes because the insurance part of it was not robust. Counsel stated that they have not heard back regarding the changes.

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

Resolution #2023-189

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to authorize Supervisor Kusnierz to sign Contract Addendum No. 2021140-02 dated May 10th, 2023 to increase Laberge Group's fees by \$8,990.00 plus postage for the income survey and report to assess NYSEFC funding program eligibility.

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

Councilmember VanTassel stated that it will be money well invested, and Councilmember Stewart echoed that it is the Board's responsibility to keep costs and interest rates down where they can.

CYBER SECURITY

Resolution #2023-190

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to authorize Supervisor Kusnierz to execute the contract with Orbital Fire, our vendor for cyber security services, as it relates to staff training. The contracted rate would be \$244.40 per month.

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

Resolution #2023-191

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to authorize Supervisor Kusnierz to sign the Cyber Insurance rider with Amsure Insurance, at a cost of \$3,777.51 annually. The total insurance cost came in at \$1,400.00 under the budgeted amount.

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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

Councilmember VanTassel commented that it is not easy to get a cybersecurity renewal these days, and we are fortunate to get both a renewal and a decent price.

Resolution #2023-192

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to approve the voucher for \$3,777.51 to pay Adirondack Trust Financial Services Inc for the excess line placement listed above.

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 CLERK'S OFFICE

Resolution #2023-193

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to ratify the standard workday for the Highway Superintendent to the New York State and Local Employee's Retirement System at 22.60 workdays per month based on his Record of Activities.

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

Resolution #2023-194

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to reschedule the August 2023 month-end and regular Town Board meetings from August 22nd to August 29th, to give the Supervisor's staff time to complete the audit portion of the meeting, as there are multiple vacations ending or beginning around the original date.

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

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Councilmember Stewart stated that he will be out of the state on August 29th, and there will need to be enough other Board members available on that date for a quorum.

The Supervisor reported on the May 2023 sales tax distribution. If you look at the County perspective, sales tax revenue is down 2.25% from last year, which is about \$285,000.00 less. The Town of Moreau received \$329,493.00 last year. We are down to \$329,977.00 this year. The mortgage tax distribution for October 1st, 2022, to March 31st, 2023 is down 33% at the County level from the same period last year. The Town of Moreau's decrease was just over 55%, from \$282,051.00 to \$125,000.00. We are not having the same number of homes turn over in our town, but that is the trend County-wide.

The Supervisor stated that there was an instance of bullying by a Councilmember in the parking lot after the conclusion of the last Town Board meeting that precipitated a quote for outside cameras for the entrances to Town Hall. He further explained that there will be zero tolerance of such behavior, and he believes this action will curtail any further instances.

Resolution #2023-195

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to purchase outside cameras for Town Hall from Storedtech in the amount of \$3,418.74.

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

Councilmember Stewart stated that having cameras outside Town Hall will have multiple benefits, and we are currently behind the times when it comes to our system. Councilmember Donohue responded that there is a difference between bullying and spirited discussion. He engaged in the incident in question, and he also believes that the cameras are a smart idea.

The Supervisor stated that we had a contract with Mannix Marketing for website hosting. It came to his attention that it expired in 2010. We asked for an updated contract. We received one from Mannix Marketing at a price of \$550.00 a year, which is the same price that we paid last year. Councilmember VanTassel recommended that we sign it, but that we put something in the books to review it next year at budget time. Supervisor Kusnierz replied that the contract is for twelve months from signing, but we can still revisit it at budget time. Councilmember VanTassel stated that he was okay with us not signing it today, as we are still paying the monthly bill for hosting, there is just no maintenance agreement at this time, and it has not impacted us in any way. Counsel stated that they always have a concern when there is no agreement, but if Councilmember VanTassel can get one in the next couple of weeks, which will suffice.

EXECUTIVE SESSION

The Supervisor stated that he does not need an executive session. Counsel agreed.

OTHER BUSINESS

No Councilmembers had other business that needed to be addressed.

PRIVILEGE OF THE FLOOR

Brigid Martin, Town Historian, stated that there was a meeting today with the County Historian regarding the 250th anniversary of the American Revolution. County-wide there will be a ten-year celebration of the turning point at the Saratoga Battlefield. There is constructive collaboration that can go on between the museums and the businesses here. We can also do events with the new Recreation Director, to provide

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educational activities. She asked the Board to think about what they would like her to do, and to keep it in mind at budget time for the next few years. Supervisor Kusnierz responded that he and his colleagues think it is an incredible opportunity, as our area played such a key role in the history of our country. They believe that there will be international tourism associated with that. Historical tourism has been important for other sites, and we are hoping to capitalize on it. They are working on a dedicated revenue stream from our occupancy tax, and they are hopeful that we may have a site in the Village of Schuylerville that will be the hub for this endeavor.

Ann Purdue, Planning Board Member, appeared to address concerns she had about the Planning Board's meeting records. They have been without a recording secretary for quite a while. Deputy Town Clerk Ellen Buttles did take on the role briefly, from the fall until January, but then she left that role. She was present, and she was recording the January 24th meeting, which was her last. Ms. Purdue would like to note that they were thankful for her help during the time that they had her. The purpose of the January 24th meeting was to review and finalize four sets of minutes from prior meetings, including a set that dated back to August of 2022. They understood at the time that those minutes needed to be finalized so that they could be submitted to court for article 78 proceeding, as part of the record. With Deputy Clerk Buttles' departure, they have relied entirely on the posting of audio to satisfy the open meeting requirements. The January audio was up, but Ms. Purdue noticed a month or so later that it was no longer there. She mentioned it to the others at the March Planning Board meeting, and she assumed that it was going to be re-posted. As of the end of April, she noticed that it still had not been re-posted, so she asked Jim Martin, our Zoning Administrator and our interim Chair, John Arnold, if they knew about it. Jim and Katrina, the Building Department Clerk, then forwarded the inquiry to Supervisor Kusnierz, the Town Clerk, and the Deputy Town Clerks. When they met in May, they had received no response to the question. Jim suggested that Ms. Purdue needed to talk to the Town Board, or the Town Attorney. Jim did check again both last week and this week, and still got no response. Ms. Purdue is here to check again, to see if anyone on the Town Board or the Town Clerk can tell her what happened to the audio. Supervisor Kusnierz stated that the Town Board is not responsible for records, the Town Clerk's office is. He stated that he did not know if they had gotten an answer from that office. Ms. Purdue stated that they had not, and the question was asked a long time ago. Ms. Purdue stated that Deputy Clerk Lewis was among the people that were asked. The Supervisor replied that his understanding was that two meetings had been posted for the same day. Deputy Clerk Lewis was asked about the situation and stated that to the best of her knowledge the recorder was turned on, but the microphone may have been inserted into the headphone jack, because the recording was blank. She also stated that she may not have her dates correct, as she was not involved, and was only aware of the situation due to working in the same office and overhearing conversation. She further stated that there was a Town Board meeting that was incorrectly posted to the website in place of a Planning Board meeting, and she was not sure if that had been corrected. Ms. Purdue stated that it had not, and the current Planning Board link for the May meeting is for the audio of the Town Board meeting from May 9th. Supervisor Kusnierz asked if there was one meeting posted, or if it was two. Deputy Clerk Lewis stated that there were initially two meetings linked together on one of the dates, but the Town Clerk's office worked with Jeffrey Cruz to get them separated, so that they could be posted properly. Supervisor Kusnierz stated that he could talk to the Town Clerk about the situation. Ms. Purdue stated that it had been four months, and both she and John Arnold thought the January meeting had been posted. She further stated that if the audio were missing, it should have been brought to the attention of the Planning Board, so that while the meeting was fresh in their recollection, they could have put their notes together and substituted the written minutes. As is now, we are not compliant with the open meetings law. We do not have audio, and we do not have written minutes, and there is no reason for that kind of lapse. It should have been brought to people's attention shortly after it became apparent. Ms. Purdue thinks that we need to be doing something different. Ms. Purdue then questioned Deputy Clerk Lewis as to whether she was sure that there was not audio from that meeting. Deputy Clerk Lewis stated that she did believe that there was not. Councilmember Stewart stated that this is the first time that he has heard of it, and to say that they have not gotten answers for four months does not make sense if the Board has only known about it for five minutes. He agreed that he understands Ms. Purdue's concerns, and we should have released something from the Clerk's office stating that there was an issue. He suggested using a back-up recording device for their meetings in the future, as the Town Board is now doing. He stated that the Planning Board is more than welcome to reach out to him for help with the recordings. Ms. Purdue stated that this is now three times in less than a year that the audio has not recorded correctly. Deputy Clerk Lewis stated that she was aware of Deputy Clerk Buttles speaking to both John Arnold and Jim Martin about the issues with the January recording, although the entire Planning

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Board may not have been notified. Ms. Purdue stated that she believed that was the November meeting, and she was aware of that. Supervisor Kusnierz stated candidly that the reason we are in this situation is because people that have been willing to record meetings have been unwilling to do so because of the way they have been treated by Planning Board members, so it has been very challenging to find individuals that are willing to do that once a month. When that happens, these are the things that fall by the wayside. Councilmember Stewart stated that he can reach out to the Town Clerk for confirmation on whether we have an audio recording for January, and have it pushed out to the entire planning board in writing. If there is something that the Town Board can do to make sure that the Planning Board has a backup recording system, Councilmember Stewart will collaborate with the Supervisor's office to make sure that we have a backup recording, and this never happens again. He understands that the planning board has a lot in front of them, and they cannot be expected to go back and remember what happened in January. Ms. Purdue asked for more communication when things like the audio do not happen. Supervisor Kusnierz clarified that they are separate and distinct boards that govern themselves and stated that he has not gotten one communication from the Chairperson that anything needed to be done differently. If the Planning Board wants to do something differently, and the Town Board needs to be involved, there needs to be dialogue. No Planning Board member, to the Supervisor's knowledge has reached out to any member of the Town Board prior to tonight's meeting. Ms. Purdue stated that a dual recording system may be the best route for the Planning Board to go, then. Supervisor Kusnierz stated that if they would like a dual system, they need to make a request, but it would need to come from the Chair of the Board. Ms. Purdue stated that she will go back to the Planning Board and ask for that. It sounds like a favorable idea, and she did not know it was available. Councilmember Stewart stated that it sounds like a plan, and thanked Ms. Purdue for serving on the Planning Board. Ms. Purdue stated that she was pleased to be on it.

Dominic Tom of Cedar Lane wanted to say that his neighborhood is under attack. There are gunshots every day. There is hunting in a way too small, wooded area surrounded by homes on Karen Lane, Eden's Way, Lamplighter Acres, and the Northway. There were more arrests at the Redmond Road crack house last week, including a fugitive driving through the neighborhood to evade police. There is a mountain of new garbage added to the unbelievable filth outside, attracting more vermin. Every offroad vehicle imaginable is driven on the streets by residents and their visitors. Unlicensed, unregistered, uninsured operators of every age. Speeding, running stop signs, driving into oncoming traffic, on private properties and the so-called green spaces. Noise and stink. The drivers harass people and pets. Most shameful is a property his neighbor says resembles the Appalachian backwoods. A solitary resident who suffers from problems best not made public. Lives in squalor, forced out of her decrepit mobile home and into a ramshackle shed, next to a caved in garage and surrounded by a jungle. He brought this woman's plight three years ago to a now former Town Board Member, and he has the e-mail to prove it. He declined in an ensuing phone conversation to bring it to the Town's board of health, which is this Town Board, or its Health Officer, which he found stunning. There are known dog and cat feces left on the streets and on private properties. Squatters now live in a deteriorated zombie house that is in pre-foreclosure, despite the need for a new septic system and deeper well. He is going to wager that this chaos afflicts other Moreau neighborhoods. So he formally requests this Board, in concert with other relevant agencies, to do something about these vital quality-of-life issues. And finally, Board Member and neighborhood resident John Donohue has quietly interceded on these issues at his badgering requests. He has been met with unfortunately sometimes temporary solutions, and, at worst, downright rejection from violators. He urges everyone to remember the oath of office that charges you with protecting the health and safety of Moreau residents.

No other member of the public wished to be heard.

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to close the meeting at 7:57 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

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Meeting adjourned.

Respectfully submitted,

Dianne Lewis
Deputy Town Clerk