

A Regular Meeting of the Town Board of the Town of Moreau was held on June 27, 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
-------------	---------------

Also present: Brenda Hutter, Town Clerk; Chris Abrams, Highway Superintendent ; Lisa Sperry, Supervisor's Confidential Secretary; Karla Buettner, Attorney for the Town; Brigid Martin, Town Historian; Alex Porter, Reporter for the Post Star; Michael Panich, RLA, The LA Group; Town Residents; Steven Hutter, Virginia Livsey, Bruce Flayer, Bruce Lant, Jesse Fish, Maureen Dennis, Dominic Tom

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

Th minutes from the June 13, 2023, Regular Town Board Meeting are pending review.

MOREAU BIG BEND TRAIL

Supervisor Kusnierz asked Michael Panich, representative from The LA Group, to give everyone a brief update on the Moreau Big Bend Trail Project bid opening that had taken place that morning at 10:00 am. Mr. Panich proceeded to explain that the project failed to receive any viable sealed bid submissions from the plan holders / prospective bidders. When returning from the bid opening, The LA Group reached out to all plan holders regarding their lack of response to the project and found that the project's 2023 construction schedule was a major factor that prohibited them from being able to submit a sealed bid, adding that the three-week bid window proved too short for some contractors' schedules, as they were unable to generate takeoffs to put together a reliable quote within that timeframe. Consequently, The LA Group is proposing that the Town rebid the project. Mr. Panich explained that rebidding would give prospective bidders extra time to develop takeoffs based on the bid documents, as well as allow contractors to break ground in 2023 and not impose on any required milestones to be met in the 2023 season. This would ensure that they would not be penalized for postponing mobilization until Spring of 2024. He then went over the re-bid period, construction schedule. After going over the new schedule, Supervisor Kusnierz asked for clarification on one of the caveats of the revised project schedule being that the contractor would not have a benchmark to officially break ground. Mr. Panich explained that the selected bidder would be under contract to start in September, but depending on what their schedule would allow, they will not necessarily need to "break ground" at that time. Supervisor Kusnierz reiterated Mr. Panich's answer by stating that, by not having such a compact construction period, this would potentially entice more bidders. Mr. Panich agreed that it could encourage contractors to bid by not having such a tight timeline. Councilmember Stewart asked Mr. Panich if he felt that having an additional seven weeks for review seemed excessive. Mr. Panich explained that by the Town rebidding the project it would be a fresh new timeline. Councilmember VanTassel asked Mr. Panich if he had spoken with anyone from Office of Parks, Recreation, and Historic Preservation, and Mr. Panich responded that he has reached out and left messages with Thomas Hotaling at the OPRHP, who in charge of administering the park side of the Grant but has not heard back but that he doesn't anticipate there being any issues with the final coordination and approval of the proposed schedule. Councilmember VanTassel also inquired about what other feedback Mr. Panich received from those prospective bidders that he spoke with after this morning's bid opening. Mr. Panich mentioned that there were a couple of the larger paving companies

A Regular Meeting of the Town Board of the Town of Moreau was held on June 27, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

that were concerned about the general size of the project. He continued by stating that some of these larger paving companies typically bid on multimillion dollar projects and that this project is less than that. The Supervisor asked Counsel to go over the steps needed in order to move forward with the rebid proposal for The Moreau Big Bend Project. Karla Buettner, Attorney for the Town, explained that the Town Board needs to adopt a new Resolution which will need to include the new bid opening date, the final completion date, and authorize the Town Clerk to advertise in the local newspaper and the NYS Contract Reporter.

Resolution #2023-215

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to approve the following:

- Re-Bid proposal with The LA Group for The Moreau Big Bend Trail Project
- Final Completion date of August 23, 2024
- Bid Opening date of August 1, 2023 @ 3:00 p.m., to be held at the Town of Moreau Municipal Complex, 351 Reynolds Road, Moreau NY
- Authorize the Town Clerk to advertise the Bid Opening with the Post-Star Newspaper and the New York State Contract Reporter

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 asked if there was any discussion. Councilmember Stewart stated that although he would have liked to have seen the project start this year, he was hopeful that less aggressive deadlines could potentially lower the cost as well as entice more contractors to submit bids. Supervisor Kusnierz agreed, adding that from the pragmatic standpoint, even though the Town was looking to have the project completed by the end of fiscal year 2023, the enhancement of the recreational offering will end up being financially beneficial.

STORMWATER MANAGEMENT OFFICER

The Supervisor stated that in wake of the recent retirement of the Highway Clerk , who also had the title of Stormwater Management Officer, the Town requires appointment of a replacement for the Stormwater Management Officer.

The Town Clerk read the following Resolution aloud:

TOWN BOARD
TOWN OF MOREAU
RESOLUTION

SUBJECT: AUTHORIZING STORMWATER MANAGEMENT OFFICER TO SIGN AND SUBMIT MS4
SWPPP ACCEPTANCE FORM

WHEREAS, the Town of Moreau is a New York State Department of Environmental Conservation (Department, NYSDEC, DEC) State Pollution Discharge Elimination System (SPDES) General Permit for Storm Water Discharged from Municipal Separate Storm Sewer Systems (MS4, MS4GP) GP-0-15-003 permit holder; and,

WHEREAS, Part VI.H. of the Permit requires that all “All NOIs, reports, certifications or information submitted to the Department, or that this SPDES General Permit requires be maintained by the covered

A Regular Meeting of the Town Board of the Town of Moreau was held on June 27, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

entity, shall be signed” by the Chief Elected Official (Town Supervisor) or by a duly authorized representative”; and,

WHEREAS, for the purposes of expediency and the prompt execution of the administration of Part VI.H. and other administrative duties as required by the SPDES MS4GP, the Town Board finds it necessary to duly authorize other individuals to carry out those duties, in lieu of the Supervisor, on behalf of the Town of Moreau;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby appoints Building Inspector/Code Enforcement Officer, Matthew Dreimiller, as the Stormwater Management Officer of the Town of Moreau, effective June 30, 2023; and be it further

RESOLVED, that Matthew Dreimiller is hereby duly authorized to sign the MS4 SWPPP Acceptance Form on behalf of the Town of Moreau, and to submit said form per the instructions of the Department in a timely manner.

Resolution #2023-216

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, that effective June 30, 2023, Building Inspector/Code Enforcement Officer, Matthew Dreimiller be appointed as the Stormwater Management Officer of the Town of Moreau, with authorization to sign the MS4 SWPPP Acceptance Form on the Town’s behalf.

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

BUILDING DEPARTMENT

The Supervisor stated that the Town has been addressing the clean-up of a few properties that are located in the Town of Moreau. The Town Board has received one (1) proposal from Contractor David Locke, for two specific addresses that need to be cleaned up. The properties included in this proposal are 172 Redmond Road and 428 Fortsville Road at a fee of \$4,000.00 per property. The Supervisor stated that the Town and property owner of 172 Redmond Road have both signed an agreement which suits the need and protects the Town. The Contractor, (David Locke), has provided the Town with proof of insurance and is available to start the clean-up on July 10, 2023, at 9 a.m. The Town has not received authorization from the property owner of 428 Fortsville Road yet; therefore, it will not be included in tonight’s pending authorization from the Town Board.

A Regular Meeting of the Town Board of the Town of Moreau was held on June 27, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Resolution #2023-217

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to authorize Contractor, David Locke, to start the clean-up of the yard, outside area, and removal of debris at a price not to exceed \$4,000.00, at 172 Redmond Road, Moreau, NY 12828.

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 Kusnierz asked Counsel if she has heard anything yet from the property owner of 428 Fortsville Road, Counsel responded by stating that her colleague has been working on this and that they have not.

WATER AND SEWER DEPARTMENT

The Supervisor gave a brief update on the County Force Main Connection for the Moreau Sewer District 1, Extension 5. The Supervisor stated that on June 20, 2023, the County of Saratoga Board of Supervisors unanimously passed Resolution # 173-2023 authorizing the County to enter into an Intermunicipal Agreement (IMA) with the Town of Moreau. Supervisor Kusnierz read into record the resolved portion as follows:

The Supervisor of the Town of Moreau, or the Deputy Supervisor in the Supervisor's absence, are authorized to execute an Intermunicipal Agreement pursuant to General Municipal Law §119-o and Local Finance Law §11 between the Town of Moreau, on behalf of the Town of Moreau Sewer District 1, Extension 5, and the County of Saratoga, on behalf of Saratoga County Sewer District No. 1, providing for the joint construction, financing, operation and governance of the County Force Main Connection; and be it further resolved, that the form and content of such an Intermunicipal Agreement shall be subject to the approval of the Attorney for the Town.

The Supervisor asked Karla Buettner, Attorney for the Town, if there was anything more that needed to be added. Counsel's response was no, adding that she had spoken with the County Attorney, the Assistant County Attorney, Don Rhodes, Project Manager with Laberge Group, and Bill Ryan, special Counsel to the Town, and they reviewed the IMA as well. Counsel continued by stating that the NYS Environmental Facilities Corporation (EFC) is currently reviewing the IMA, and that she wanted the Town to have this in place pending approval from them (EFC). The Supervisor stated that the IMA may be subject to change based on input from the EFC and Attorneys involved, adding that on the Town's end it's set to be finalized. The Supervisor asked Counsel if the full agreement needed to be read aloud. Counsel's response was that it does not need to be read in its entirety.

A Regular Meeting of the Town Board of the Town of Moreau was held on June 27, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Resolution #2023-218

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, authorizing the Town of Moreau to enter into a Intermunicipal Agreement with the County of Saratoga for the joint construction, financing, operation, and governance of the County Force Main Connection.

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

RECREATION DEPARTMENT

The Supervisor stated that Councilmember Stewart has been working on a few issues that the Recreation Director, Jeremy Brogan needs guidance on. Councilmember Stewart stated that there was a tournament held over the weekend and that due to inclement weather twelve out of seventy-eight games were canceled. Mr. Brogan was asked by the Tournament Organizer if the Town of Moreau could issue a refund for these 12 canceled games. Councilmember Stewart added that the Recreation Department was fully staffed during this event, and also had to do the clean-up of garbage etc. after the Tournament was over. Councilmember Stewart stated that the Tournament Organizer did use Quick Dry, and that the Town does charge the organization for that cost therefore the Organization owes the Town of Moreau \$490.00 for the use of that product. Councilmember Stewart recommended not to refund the Tournament Organization at this time and have the Town request that the Recreation Director reach out to the Tournament Organizer and ask if they have any documentation showing the Town that they had refunded Tournament Teams, causing them a monetary loss. Supervisor Kusnierz agreed, stating that in order for any reimbursement, the Town requires back up documentation. Councilmember VanTassel also agreed with Councilmember Stewart's recommendation.

Councilmember Stewart stated that Pop Warner has requested to bring in a temporary shed, for the primary purpose of storing their equipment. They also asked about any Department of Health guidelines / requirements if they wanted to sell dry food. Councilmember Stewart recommends that the Town of Moreau allow Pop Warner to put up a temporary storage shed. Councilmember VanTassel asked if Pop Warner was going to incur all costs associated with installation of the shed, and also where it was going to be placed. Councilmember Stewart stated that all expenses will be paid by the program and that the Recreation Director has been working with other organizations to make sure the shed placement was not going to interfere with any of their activities. Supervisor Kusnierz agreed, and briefly discussed that the Town Attorney and Department of Health would need to get involved if they decided to sell any food.

Councilmember Stewart stated that Sandbar Beach, which has joint use by the Village of South Glens Falls and The Town of Moreau, has had children under the age of twelve go there without any parental or adult supervision. He stated that the "babysitting" of these minors has become an added stress to the Lifeguards. The Recreation Director inquired whether or not the Town of Moreau has any rules in place regarding this issue and if not how to go about doing so. A member of the audience mentioned that she thought the beach already had signage. Councilmember Stewart stated that he did ask the Recreation Director to verify that there was not already a sign up but has not heard back yet. There was a brief discussion amongst the Board and Counsel regarding the age limit, Department of Health's regulations, and setting up an actual policy. Councilmember Stewart added that he would like to put something in place before the busy July 4th week as this adds extra work and stress to the Town's already limited Lifeguard staff. Counsel stated that the Town could post a sign recommending that children under the age of 14 be accompanied by an adult over the age of 18. Councilmember Stewart thanked everyone for their input on this subject.

A Regular Meeting of the Town Board of the Town of Moreau was held on June 27, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

SUPERVISOR ITEMS

The Supervisor stated that he received a request from two residents that live on Pine Valley Drive about traffic speed when cutting through Nolan Road and Tanglewood when school is in session. The residents requested that the Town put in a three-way stop at the corner of Jerome and Pine Valley. The Supervisor stated that he has been working with Chris Abrams, Highway Superintendent, and he is willing to order the necessary signage for that to take place and that signs will take 3 to 4 weeks for those signs to come in and post.

The Supervisor reported that the Town received the June 2023 Sales Tax Report from the Saratoga County Treasurer's Office . The Town of Moreau received \$329,541.00 , a 4% increase from last year's amount.

EXECUTIVE SESSION

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

OTHER BUSINESS

No Councilmembers had other business that needed to be addressed.

PRIVILEGE OF THE FLOOR

No member of the public wished to be heard.

MOTION TO ADJOURN

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to close the meeting at 7:39 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

Meeting adjourned.

Respectfully submitted,

Brenda Hutter
Town Clerk