

A Regular Meeting of the Town Board of the Town of Moreau was held on July 20, 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

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| Kyle Noonan | Councilmember |
| Alan VanTassel | Councilmember |
| John Donohue, Jr. | Councilmember |
| Theodore T. Kusnierz, Jr. | Supervisor |

Town Board Members Absent

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| Mark Stewart | Councilmember |
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Also present: Brenda Hutter, Town Clerk; Ellen Buttles, Deputy Town Clerk; Anna Labiak, Billing Coordinator; Karla Buettner, Attorney for the Town; Alex Portal, Reporter, Post Star Newspaper; Martin Schmidt, C.T. Male Associates; Gianni Simone, Cerrone Builders; Michael Fingar, U.S. Light Energy; Donna Nichols, Moreau Community Center; Town Residents: Steven Hutter, Virginia Livsey, Bruce Flayer, Jeanne Gutheil, Gina LeClair, Bob LeClair, Samantha Berg, Mary Weeks, Stephen Weeks, John Smith, Nicholas Quinn, Mary Jenkins, Preston Jenkins, Dennis Devall, Sheila Itzo, Paul Itzo, Cheryl Lawyer, Ken Scherl, Holly Johnson, Samantha Amato, Chris Johnson, Mackenzie Johnson, Maureen Jackson, Beth Wadleigh, Terry Donohue, Derek Rogers, Eric Rogers, Dominic Tom, Margaret Gannan, Jesse Fish, Steven Cerrone, Lisa Ostrander, Kevin Ostrander, Bob Vittengl, Mike Shaver, Maria Jennings, Jorge Padron, Sandy Mahoney

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:

- June 27, 2023– Regular Town Board Meeting

Resolution #2023-228

A motion was made by Councilmember VanTassel, seconded by Councilmember Donohue, and carried, to approve the June 27, 2023 – Regular Town Board Meeting minutes as prepared.

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

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

Reynolds Road Planned Unit Development

Supervisor Kusnierz gave a brief description of the forthcoming presentation regarding the Reynolds Road Planned Unit Development. He stated that when the presentation concludes, the Town Board will have an opportunity to ask the presenter any questions that they may have, and that the next step in the process would be to have the Town Board refer it to the Planning Board for their review and comments.

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Supervisor Kusnierz invited Michael Fingar, Chief Operating Officer of U.S. Light Energy (USLE), a Solar Development Company based in Latham NY, to give Board members and the general public a brief narrative of a Planned Unit Development Initial Submission for property that they own located at 65 Reynolds Road and 83 Fort Edward Rd collectively. Mr. Fingar started his presentation by giving a brief description of the development company (USLE), stating that over the past several years they have been largely focused on developing Community Solar projects. He continued by stating that USLE has deployed about 66 megawatts of community solar products that are operating and another 60 Megawatts of construction, and that has afforded U.S. Light Energy the opportunity to view properties in that development effort that may benefit from a more extensive development than solar alone. He continued by stating that this is the case with the properties being discussed. Fingar continued by adding that the properties consist of 200+ acres that U.S. Light Energy purchased back in 2020 and have been actively trying to develop and make best use of these properties for several years. He continued by stating that based on some feedback that USLE has received from past presentations, they have chosen to focus on a luxury Motor Coach and Cabin Resort. This Resort would feature approximately 143 pad sites for Motorcoach vehicles, recreational vehicles, as well as approximately 20 luxury cabins that could be a combination of both seasonal and year-round rentals. He stated that one of the largest concerns that USLE has heard from past presentations is the visual impact that such a project would have on the proposed site, adding that those concerns led to taking advantage of the existing terrain while providing an additional recreational resource for the property. That addition would be a 1.3-mile multi use trail that USLE envisions as giving guests of the luxury Motorcoach and Cabin Resort, as well as the general public the ability to use for hiking, cross country skiing, mountain biking, and general enjoyment of the property. Mr. Fingar concluded his presentation by acknowledging that this potential project will take some time, being carefully reviewed by the Planning Board, however USLE looks forward to having a collaborative discussion with them on how to best utilize these properties.

Supervisor Kusnierz thanked him for his presentation and proceeded to ask if individuals will have the opportunity to purchase, thereby pay taxes, on the lot where they park. Mr. Fingar stated that there are various models for that, including just straight rental. However, they are not locked in on that exact use of the area yet. Supervisor Kusnierz continued to ask if there would be a “Community Center” type of place outside of the washrooms and the actual site that their vehicles are on where people could go to congregate. Mr. Fingar’s response was yes, describing USLE’s plans to revitalize the existing buildings by having a common clubhouse as well as some other recreational facilities for the enjoyment of the guests. He added that they also plan on having several pickleball, basketball, and tennis courts. The seasonality of the proposed cabins is one of the ways that USLE can diversify the length of stay of the guests, adding that by having this option of renting these cabins in the winter it will pair well with the cross-country skiing option that will be available on the adjacent trail. Councilmember VanTassel thanked Mr. Fingar for returning after having made presentations in the past to the Town Board, adding that this project seems more aligned with what the Board had in mind for these properties. Mr. Fingar’s reply was that USLE appreciates the collaboration and looks forward to much more of that in the planning process. He continued by stating that they wanted to provide a detailed proposal to give everyone an idea of the research that USLE has done in order to continue with the level of finishes and luxury concept that we have in mind. Due to the amount of information that was presented, Councilmember Noonan asked Mr. Fingar to explain the concept of Community Solar for the Town Board and the public. Mr. Fingar proceeded to give a brief description of what Community Solar means. He stated that Community Solar allows places to install a large array, and then take that energy through a metering program that New York State Community net metering uses and then distributes through bill credits through subscribers. Subscribers to that array get credits that are then allocated to their electric bill, in this case it would be National Grid. Anybody that has a National Grid bill can choose to subscribe to that array and it typically results in 5% to 10% savings. These arrays are a generating facility that are distributed across our grid. One of the benefits to this array, whether you choose to participate or not, is upgrades to the utility grid. Community Solar allows energy users to subscribe to a shared system of solar panels, which would be located within this community. Supervisor Kusnierz stated that because this is a Planned Unit

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Development (“PUD”) , under the Town Code the Town Board is required to refer proposals to the Planning Board.

Resolution #2023-229

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to refer the Reynolds Road Planned Unit Development to the Town of Moreau Planning Board for discussion, review, and comment.

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

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

Jacobie Park Side Farms Planned Unit Development

Supervisor Kusnierz invited Joseph Dannible, a partner with Environmental Design Partnership, LLC, the engineering firm working with Cerrone Builders, to give Board members and the general public a brief narrative of a proposed Jacobie Park Side Farms Planned Unit Development District. The proposed project would consist of a 27-acre, three-phase, housing development, planned for the Moreau Rec. Road corridor which leads into the Harry J. Betar Jr. Recreational Park. Dannible began his presentation by stating that due to the area being the primary route to the Town’s Recreation Park, Cerrone Builders came up with a concept for the development and/ or redevelopment of these parcels flanking both sides of the Moreau Rec Road. Dannible continued by stating that the parcel will consist of approximately 191 residential units located to the North and South of said road. The units would be divided into single family cottages, attached townhouses, and apartment units. Dannible stated that the buildings would also include commercial space for general concession sales to serve parkgoers. Dannible added that the goal is to “age target” active seniors and young professional families to the area. The proposal would include improvements to the Harry J. Betar Park, as well as community offerings such as public gardens, and a hobby barn. Dannible also stated that he has met with Chris Abrams, the Town of Moreau’s Highway Superintendent, and stated that he would be willing to work with the standard road sections in order to make this project happen. Dannible added that the project coordinators would also work with members of the Park Community in an effort to enhance the pickleball and tennis courts, expand parking areas and possibly create new entrance sites. Supervisor Kusnierz thanked Dannible for his presentation, adding that due to the proximity of this project being so close to the Town’s Recreation Park, he is interested in working with everyone on this. Councilmember Noonan stated that he is also looking forward to working through this process with the Cerrone Builders. Councilmember VanTassel stated that he is excited to see the mixed-uses that Cerrone Builders have included in their proposal. VanTassel asked whether or not there would be a Phases to this build and what the timeline would look like. Dannible answered by stating that it would be a Phase Project, and that ideally, they would start with redevelopment of the South side of the street first. Dannible added that timing will depend on the absorption rate in the market, and they'd like to build it out in 16 months, however it would just depend on the market. Councilmember VanTassel continued by asking if they envision the enhancements that are included in this proposal to the park, be a part of the first phase. Gianni Simone from Cerrone Builders answered by stating that yes, this would be a part of Phase I.

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Resolution #2023-230

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to refer the Jacobie Park Side Farms Proposed Mixed-Use Planned Unit Development to the Town of Moreau Planning Board for discussion, review, and comment.

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

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

DOG CONTROL OFFICER

Supervisor Kusnierz stated that the Town currently has a six-month agreement in place with the Dog Control Officer, adding that this individual is willing to extend his services for another six months in order for the Town to have necessary coverage for dog control services.

Resolution #2023-231

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to authorize the Town Supervisor to sign the first amendment to the Town of Moreau's Dog Control Officer's Agreement to extend for an additional six months.

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

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

HIGHWAY DEPARTMENT

Supervisor Kusnierz stated that the Highway Superintendent has secured three quotes for repair to the New Holland Roadside Mowing Tractor. The quotes received are as follows:

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| Capital Tractor Inc. 1135 State Route 29 Greenwich, NY 12834 | Price Quote: | \$ 2,795.00 |
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|---|---------------------|--------------------|
| Messick's 1475 Strickler Rd. Mount Joy, PA 17552 | Price Quote: | \$ 2,828.30 |
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|---|---------------------|--------------------|
| New Holland Agriculture Franklin, CT | Price Quote: | \$ 2,795.00 |
|---|---------------------|--------------------|

Supervisor Kusnierz stated that the Highway Superintendent recommends going with the quote from Capital Tractor, Inc. at \$ 2,795.00, which will be paid from line item DB5130.405, which as of July 5, 2023, has a balance of \$19,473.71. The amount budgeted for the current year was \$35,120.00.

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Resolution #2023-232

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, authorizing the Highway Superintendent to use Capital Tractor Inc. for repair of the New Holland Roadside Mowing Tractor at a price of \$2,795.00, to be paid from line item DB5130.405.

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

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

RECREATION DEPARTMENT

Supervisor Kusnierz stated that the Recreation Director has secured three quotes for replacement of all four fields main bases, not to include Homeplate for safety reasons. The quotes received are as follows:

Beacon Athletics

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| Champro Double 1st Base Double bag 4 x 290 = | \$ 1,160 |
| Champro Pro-Style Base set 3 x 235 = | \$ 750 |
| Total Price Quote: | \$ 2,075 |

BSN Sports

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|--|--------------------|
| Macgregor Double 1st Base 4 x 319.99 = | \$ 1,279.99 |
| Macgregor Shock Absorbing Bases 4 x 359.99= | \$ 1,439.96 |
| Total Price Quote: | \$ 2,719.92 |

Anthem-Sports

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|--|--------------------|
| Rawlings Hollywood Slider set 2 Bases & 1 Double bag 4 x 516.95 = | \$ 2,067.80 |
| Total Price Quote: | \$ 2,067.80 |

Supervisor Kusnierz stated that the Recreation Director recommends going with the quote from Beacon Athletics at \$ 2,075.00, which will be paid from line item A7140.2, which as of June 30, 2023, has a balance of \$10,221.16.

Resolution #2023-233

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, authorizing the Recreation Director to purchase replacement Bases from Beacon Athletics at a price of \$2,075.00, to be paid from line item A7140.2.

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

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

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SUPERVISOR ITEMS

Supervisor Kusnierz expressed his disappointment in Essity's decision to close its Saratoga and Washington County facilities. The facility located in the Village of South Glens Falls, Town of Moreau, will be closing immediately, leaving 208 people unemployed. Supervisor Kusnierz continued by stating that immediately after receiving the news he contacted the New York State Department of Labor as well as the Governor's Office to secure any possible assistance for those that lost their jobs. Kusnierz also has been in contact with the Saratoga County Workforce Development Office to begin working with the Town of Moreau to host a Job Fair.

Supervisor Kusnierz stated that the Town is in receipt of a petition that was filed regarding the proposed sale of Town property at the Moreau Industrial Park. Supervisor Kusnierz asked Karla Buettner, Attorney for the Town, to go over the next steps. Counsel proceeded to explain that the petition was filed on July 10, 2023, and pursuant to the Election Law, the petition has been reviewed, verified, and has met the threshold for the Town to proceed with the next step, which is to hold a referendum. Due to the timing of this, the Town will have to have a Special Election, which has to fall between October 8th and the 23rd of October. Counsel stated that she and the Town Clerk are working with the County to secure machines and draft the actual referendum that will go before the Town Board for approval.

Supervisor Kusnierz stated that the Town Board has been in the process of drafting a new Employee Handbook, and that the draft is now available in the Supervisor's Office for the Board to review, so that the Town can proceed with adopting it.

Supervisor Kusnierz stated that the Town received the Mortgage Tax report for the month of June and that the Town of Moreau collected \$27,155.50, which is a dramatic decrease from what the Town received last year which was \$135,367.00.

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

Supervisor Kusnierz stated that any member of the public that wishes to be heard needs to state their name, address, and that they will have 3 minutes to speak. He continued by stating that discussions must pertain to Town business only and that the Town Board will not entertain any discussion on employee work history or performance.

Maureen Jackson, Spier Falls Rd. was the first to speak. Jackson started by passing out a copy of a statement to each Town Board member that she was going to read aloud. Supervisor Kusnierz started to read what she had passed out and he stated that he sees that she mentioned a particular individual by name and that he won't allow that. Ms. Jackson explained that her statement was regarding the "peace and order" of the Town. Jackson stated that she wanted to inform the Town Board about what an individual has been posting on social media about other residents and organizations. Jackson stated that she would like the Town Board to stop this individual from bullying, slander, and lying. Supervisor Kusnierz stated that this individual does not post anything in her capacity of Historian, and that he is not going to entertain anything regarding social media and that everyone has freedom of speech. Jackson's time was up.

Sheila Itzo was next to speak, stating that this individual has claimed to represent a few members of the Town Board. Supervisor Kusnierz stated that we all have freedom of speech. Itzo asked that if

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Councilmember Donohue were to put up hate signs about your (Supervisor's) family would you want him to represent the Town. Supervisor Kusnierz stated that he would have no choice because he's (Councilmember Donohue) an elected official and has the right to say whatever he wants. Itzo then stated that he (Supervisor) is condoning this individual's behavior. Supervisor Kusnierz responded that he condones freedom of speech.

Beth Wadleigh, Lamplighter Acres, was next to speak, and stated that Supervisor Kusnierz had told her in the past that the Town Historian is not an employee with the Town. She proceeded to say that this individual gets a stipend which taxpayers pay, which makes this individual an employee. Supervisor Kusnierz told her that he stands by what he had told her in the past. Ms. Wadleigh called the Supervisor a liar, and then ran out of time.

Donna Nichols, Director of the Moreau Community Center, spoke next. Nichols stated that the Moreau Community Center does not support any political party, nationally or locally, and that they are an apolitical entity that supports our community. Nichols continued by stating that there have recently been accusations of political bias that the Community Center would like to address. Nichols added that the summer concert series in the park, which has been organized by the South Glens Falls Chamber of Commerce, has had some local political candidates sponsor some of the musical talent. These announcements were advertised on our Facebook page by the Director of Marketing, who is also the Chamber President, adding that in a small community, people often have multiple roles. The Facebook post had nothing to do with the Community Center and in no way endorses any political candidate, current or future.

Mike Shaver, Pine Valley Drive, stated that a couple of fire hydrants are down and need repair. He stated that one is on Bluebird Rd and the other is behind Speedway. Shaver asked that the Board please get these fixed.

Stephen Weeks, 15 Thomas Ave., stated that he has recently been charged for water usage for 13 Thomas Avenue. He stated that there is no hook up there and he would like to protest and not have to pay for water that he isn't using.

Dominic Tom, Cedar Lane, spoke next. He stated that he found it refreshing that so many people finally showed up to the Town board meeting. He began reading aloud the statement that Maureen Jackson handed to the Town Board at the beginning of privilege of the floor. The statement that was being read included an employee's name, which the Supervisor told everyone he would not entertain.

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

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

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|-------------------------|--------|
| Councilmember Stewart | Absent |
| Councilmember Noonan | Aye |
| Councilmember VanTassel | Aye |
| Councilmember Donohue | Nay |
| Supervisor Kusnierz | Aye |

Meeting adjourned.

Respectfully submitted,

Brenda Hutter
Town Clerk