

A Regular meeting of the Town Board of the Town of Moreau was held on September 12, 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; Ellen Buttles, Deputy Town Clerk; Lisa Sperry, Confidential Secretary to the Supervisor; Alex Porter, Reporter for the Post Star; Malcolm O'Hara, Attorney for the Town; Members of the Public: William & Ruth Robeson, Mary & Preston Jenkins, Jorge Padron, Jesse Fish, Brigid Martin, Elizabeth & Zayn Kaetzel, Carl Hourihan, Maureen Dennis, Bruce Lant, 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:

- August 8, 2023 - Regular Town Board Meeting
- August 29, 2023 – Audit Meeting

### **Resolution #2023-261**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to approve the minutes as prepared for the August 8, 2023 - Regular Town Board Meeting.

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

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

### **Resolution #2023-262**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to approve the minutes as prepared for the August 29, 2023 – Audit Meeting.

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

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## **HIGHWAY DEPARTMENT**

### **Resolution #2023-263**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to transfer \$17,000.00 from DB5142.490 (road salt) to DB5110.457 (trees). There is an annual budget of \$225,000.00 in DB5142.490 (road salt), and currently has \$177,311.39 available. There is an annual budget of \$8,000.00 in DB5110.457 (trees), and currently has \$0.00 available.

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 Kusnierz stated that on 10/25/2022 the Town had signed a tree contract with Richard Sears Tree Experts for a period of one year. The Town Highway Superintendent put in a request to spend \$17,000.00 from DB5110.457.

### **Resolution #2023-264**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, authorizing the Highway Superintendent to use Richard Sears Tree Experts at a cost of \$17,000.00 to be paid from DB5110.457.

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 #2023-265**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to transfer \$9,000.00 from DB5142.491 (road sand) to DB5110.493 (road materials). There is an annual budget of \$9,000.00 in DB5142.491 (road sand) and currently has \$9,000.00 available. There is an annual budget of \$14,000.00 in DB5110.493 (road materials), and currently has \$72.88 available.

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 #2023-266**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, authorizing the Highway Superintendent to use Peckham Road Corp, Saratoga County Contract 22-PWCSGS-50R, at a cost of \$9,000.00 to be paid from DB5110.493.

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 Kusnierz stated that this is to cover the expenses for the unexpected work that is being done on Birch Rd.

**ASSESSOR**

**Resolution #2023-267**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to reappoint Timothy Long to the Board of Assessment Review for the term of 10/1/2023 - 09/30/2028.

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**

Supervisor Kusnierz stated that due to various interpretations of the current Water Rate Schedule the Water Superintendent recommends that the Town Board adopt a new Water Rate Schedule. The new schedule would include the word "EDU" (Equivalent Dwelling Units), after first metered use charge.

**Resolution #2023-268**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to adopt the new Water Rate Fee Schedule as provided by the Water Superintendent (See Attached)

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 Kusnierz stated that the Town does not have a separate Sewer Rate Schedule and that the Water Superintendent recommends that the Town adopt one.

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### **Resolution #2023-269**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to adopt a separate Sewer Rate Fee Schedule as provided by the Water Superintendent (See Attached)

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 Kusnierz stated that the Water Department has replaced over 110 defective water meters and commended the Water Superintendent for taking on the task of having the manufacturer of the defective meters send replacement ones.

### **EMPLOYEE HANDBOOK**

Supervisor Kusnierz stated that the Town Board has been working on the adoption of a new Employee Handbook. Councilmember VanTassel asked to discuss a few sections that are in the draft version of the Employee Handbook that Jeffrey Cruz, Principal Account Clerk for the Town, suggested changing. The sections in the draft version of the new Employee Handbook that Councilmember VanTassel recommends changing are Section 104, Section 309, Section 406, Section 602, and Section 803.

### **Resolution #2023-270**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to refer the recommended changes to Public Sector HR Consultants LLC, and have them do a final draft of the new Town of Moreau Employee Handbook.

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**

Supervisor Kusnierz stated that the Recreation Director has two employees that have expressed interest in doing an internship at the Recreation Department as a part of the BOCES Program that they are currently a part of. Kusnierz added that the Rec Director is gathering more details for the Town Board to look over.

Supervisor Kusnierz stated that he has received the Mortgage Tax receipts for the month of August. They were \$34,361.50, which is approximately a 52% decrease from what the Town received last year.

Supervisor Kusnierz stated that work on the Moreau Big Bend Trail is underway, adding that Wolf Construction has mobilized equipment and has provided a schedule with an anticipated completion date of December 1<sup>st</sup>, weather permitting.

Supervisor Kusnierz announced that the Friends of the Saratoga County Animal Shelter will be sponsoring a picnic for Animal Shelter Supporters on September 21, 2023, at 6:00 pm. The picnic will be held at the Saratoga National Golf Course.

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### **EXECUTIVE SESSION**

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

### **OTHER BUSINESS**

Councilmember VanTassel questioned if there had been any dates set yet for the Town's Health Insurance provider to meet with the Board to discuss any changes that may potentially happen. Supervisor Kusnierz stated that the special labor council has reached out to the representative of the Union, as the numbers still have to be agreed upon. Kusnierz added that as soon as he hears back, further discussion will be made.

Councilmember Stewart stated that the Soccer Program is successfully underway, adding that Field One has been temporarily shut down due to having a shallow sinkhole / large divot in the field. Stewart stated that it is in the process of getting fixed.

### **PRIVILEGE OF THE FLOOR**

Elizabeth Kaetzel, 5 Birch Drive, was the first to speak. Kaetzel expressed her dissatisfaction with several different Town Departments and their employees. She specifically mentioned the Supervisor's Office for not returning phone calls, the Town Clerk for not posting September's Calander on the website, the Highway Superintendent for not given her any clear answers regarding the repairs being done on Birch Drive and Speakman Street, and the unprofessionalism that she felt the Highway Department employees had exhibited while working in her neighborhood.

Supervisor Kusnierz gave a brief update on the repairs that have been made to Birch Drive and Speakman Street, in response to the concerns and questions that Ms. Kaetzel and several of her neighbors had.

Maureen Dennis, representative of Schermerhorn Properties, was next to speak. Dennis expressed her concerns with the definition according to Town Law regarding water meter usage and the way the Town is charging customers, as well as the responses she has been given to her FOIL Requests.

Supervisor Kusnierz's response was that she could file an appeal regarding the FOIL request information that she had been given.

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to close the meeting for the evening at 7:35 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

**TOWN OF MOREAU  
SEWER RATE SCHEDULE**

RATES ADOPTED BY TOWN BOARD RESOLUTION #2022-360 12/13/2022  
RATE SCHEDULE ADOPTED BY TOWN BOARD RESOLUTION #2023-268 269\* 9/12/2023

**SEWER RATE (§115-70)**

**DISTRICT 1**

TREATMENT CHARGE

\$5.04 PER 1,000 GALLONS

**DISTRICT 1, EXTENSIONS 1, 2, 3, AND 4**

TREATMENT CHARGE (BASED ON 200 GPD PER EDU)

\$368 PER EDU

**DISTRICT 1, EXTENSION 5**

CAPITAL CHARGE - VALUE RATE (90%)

\$0 PER \$1,000 ASSESSED VALUE<sup>1</sup>

CAPITAL CHARGE - AREA RATE (10%)

\$0 PER ACRE<sup>1</sup>

OPERATION AND MAINTENANCE

\$0 PER \$1,000 ASSESSED VALUE<sup>1</sup>

TREATMENT CHARGE (METERED PROPERTIES)

\$5.04 PER 1,000 GALLONS

TREATMENT CHARGE (UNMETERED PROPERTIES)

\$368 PER EDU\*

\*EDU COST BASED ON 200 GPD PER EDU

<sup>1</sup> AD VALOREM AND AREA CHARGES WILL NOT APPLY UNTIL 2024.

**SERVICE LINES AND CONNECTIONS (§115 ARTICLE V)**

PERMIT APPLICATION (§115-18 & 26)

\$50<sup>2</sup>

INSPECTION OF APPROVED CONTRACTOR TAP (§115-25)

\$50<sup>2</sup>

MISCELLANEOUS INSPECTION (15-MINUTE MINIMUM INTERVALS)

\$200 PER HOUR<sup>2</sup>

NEW SEWER LINE INSPECTION (PER FOOT)

\$1<sup>2</sup>

OUT OF DISTRICT SEWER CONNECTION FEE (§115-76) 1/10/12

\$1,750/EDU

<sup>2</sup> THE WATER SUPERINTENDENT MAY REQUIRE THE SERVICES OF AN INDEPENDENT CONSULTANT, PAID FOR BY THE APPLICANT.

**ACCOUNT TRANSFER FEE (§115-28)**

\$50

**DISCHARGE RESTRICTIONS (§115-41 & 42)**

LANDOWNER SHALL BE RESPONSIBLE FOR ANY REPAIR COSTS ASSOCIATED WITH PROHIBITED DISCHARGE AS DETERMINED BY THE WATER SUPERINTENDENT.

**OUTSIDE DISTRICT CONNECTION FEES (§115-76)**

\$500 PER EDU<sup>3</sup>

<sup>3</sup> THE TOWN BOARD MAY ESTABLISH AN ALTERNATIVE CONNECTION FEE AS PART OF DISTRICT EXTENSION PROCESS.

**MAINTENANCE AND REPAIR OF DISTRICT OWNED GRINDER PUMPS AND SERVICE LINES (§115-78.E)**

IF IN THE OPINION OF THE DEPARTMENT THAT GRINDER PUMP OR SEWER SERVICE LINE REPAIRS ARE REQUIRED AS A RESULT OF A FAILURE TO COMPLY WITH APPLICABLE REGULATIONS, ALL INSPECTION AND REPAIR COSTS SHALL BE THE RESPONSIBILITY OF THE LANDOWNER.

INDIVIDUAL LANDOWNERS ARE RESPONSIBLE FOR ALL MAINTANCE AND REPAIR OF PRIVATELY OWNED GRINDER PUMPS AND SERVICE LINES

**PENALTIES**

LATE PAYMENT PENALTIES (§115-70.D)

10% PER MONTH

RE-LEVY SURCHARGE (PER ACCOUNT)

\$50

PENALTIES FOR OFFENSES (§115-63)

\$250 PER DAY PER OFFENSE

# TOWN OF MOREAU

## WATER RATE SCHEDULE

RATES APPROVED BY TOWN BOARD RESOLUTION #2022-149 3/22/2022  
SCHEDULE APPROVED BY TOWN BOARD RESOLUTION #2023-267 268\* 9/12/2023

### WATER RATE (§34)

CAPITAL CHARGE	Annual \$56.00/EDU Semi-Annual \$28.00/EDU Quarterly \$14.00/EDU Monthly \$4.67/EDU \$2.60 PER 1,000 GAL./EDU
METERED USE CHARGE*	

\*Minimum metered use charge per EDU (Annual minimum of 36,000 gallons; Semi-annual minimum of 18,000 gallons; Quarterly minimum 9,000 gallons; Monthly minimum 3,000 gallons)

ACCOUNT TRANSFER FEE (§27) \$50.00

### INSTALLATION OR ALTERATION OF SERVICE PIPES (§23)

STANDARD WATER MAIN TAP BY TOWN FORCES (§23.H)*	\$0.00
INSPECTION OF APPROVED CONTRACTOR TAP (§23.I)*	\$50.00
DISCONNECTION FEE (§23.J)	\$50.00
	\$200 PER HOUR
NEW WATER LINE INSPECTION PER FOOT	\$1.00

\*The Water Superintendent reserves the right to require taps be completed by the applicant's contractor.

### WATER METERS (§24)

FURNISH AND INSPECT WATER METER UNDER 1-INCH DIAMETER <sup>1&amp;2</sup>	\$375.00
METER INSPECTION FEE FOR METERS 1-INCH DIAMETER AND OVER <sup>1</sup>	\$75.00

<sup>1</sup>Fees shown are for one (1) site visit. Multiple visits will require multiple fees.

<sup>2</sup>Meter setting equipment (valves and kornerhorn meter setter) must be installed by the applicant (See meter system details)

CAPACITY & EXPANSION FEE (§34) \$2,000.00 PER EDU

METER MEASUREMENT TESTING (§24.K) \$50.00

\*Fee will be refunded if the meter is found not within three (3) percent accurate

### DISCONTINUANCE OF WATER USE (§26)

AFTER HOURS WATER SHUT OFF AND/OR DRAIN METER (FREEZE PROTECTION)	\$150.00
AFTER HOURS WATER TURN ON/OFF AT CURB	\$100.00
WORKING HOURS WATER TURN ON/OFF AT CURB	\$50.00

### TEMPORARY WATER SERVICE (§30)

MONTHLY FEE*	\$300.00
*METER COSTS, WATER USAGE, AND INSPECTION FEES WILL BE BILLED IN ADDITION.	

### PENALTIES

LATE PAYMENT PENALTIES (§35)	10%
RE-LEVY SURCHARGE (PER ACCOUNT)	\$50.00

UNAPPROVED CHANGES IN GROUND ELEVATIONS (§23K)\* \$1,400.00

\*Fee does not include costs for correction which would be additionally due.

FROZEN METER REPLACEMENT UP TO 1-INCH DIAMETER (§24.H)\* \$375.00

\*The Department may repair meters larger than 1-inch diameter on a time and material basis.

### INTERCONNECTION PENALTIES (§38)

FIRST OFFENSE	\$150.00
SECOND OFFENSE	\$2,000.00
THIRD OFFENSE	\$4,000.00

### WATER CONSERVATION VIOLATION (§33)

FIRST OFFENSE	\$150.00
SECOND OFFENSE	\$2,000.00
THIRD OFFENSE	\$4,000.00

OTHER WATER VIOLATION (§41)\* \$250.00

\*Per day, per offense



## EDU SCHEDULE

Equivalent Dwelling Units (EDU) Schedule	
A. An equivalent dwelling unit is a unit of measure for the water consumption and sewage generation from particular buildings, structures or uses. One equivalent dwelling unit is equal to 300 gallons per day usage.	
B. Guided by the Table C below, the Water Department shall be responsible for determining the number of equivalent dwelling units for various buildings, structures or uses in accordance with the provisions of this section. For the alteration, remodeling or expansion of an existing structure or use, the Operator shall determine the number of equivalent dwelling units being used by the existing structure or use by applying subsection C. The Operator shall then determine, in the same manner as new construction, the number of equivalent dwelling units required after completion of the alteration, remodeling or expansion. The equivalent dwelling units in such cases shall be the amount of the increase in such units, if any.	
C. In cases where the metered or projected water consumption surpasses the expected use based on the table below, the number of EDUs shall be based instead on the water consumption, metered or projected.	
TABLE C	
Type of Building, Structure or Use	Equivalent Dwelling Units
(1) Each space of a trailer court or mobile home park	1.00
(2) Each duplex	2.00
(3) Each separate apartment in an apartment house	1.00
(4) Each housing accommodation designed for occupancy by a single person or one family, irrespective of the number actually occupying such accommodation	1.00
(5) Each room of a lodging house, boardinghouse, hotel, motel or other multiple dwelling designed for sleeping accommodations for one or more individuals	
Without cooking facilities	
With cooking facilities	1.00
(6) Each site of a campground or recreational vehicle park	0.50
(7) Churches, theaters and auditoriums, per each unit of seating capacity (a unit being 150 persons or any fraction thereof)	1.33
(8) Restaurants	
No seating	2.67
Seating (see note)	2.67 plus 1.00 per each 7 seats or fraction thereof
Delicatessen or fast food, using only disposable tableware:	
No seating	2.67
Seating (see note)	2.67 plus 1.00 per each 21 seats or fraction thereof
(9) Automobile service stations:	
Up to four gasoline pumps	2.00
Each additional pump	0.25
(10) Self-service laundries, per each washer	0.75
(11) Office space in industrial or commercial establishments not listed above and warehouses	Divide gross floor area of building in sq. ft. by 1,800
(12) Schools and Educational Facilities:	Divide gross floor area of building in sq. ft. by 1,800



## EDU SCHEDULE

(13) In the case of all commercial, industrial and business establishments not included in subdivisions 1 through 12, inclusive, of this subsection, the number of equivalent dwelling units shall be determined in each case by the Water Department and shall be based upon his or her estimate of the volume and type of wastewater to be discharged into the sewer at a value of 300 GPD per EDU. Any such permit, issued for any use hereunder, shall include a specific volume authorized for such use. If said amount is exceeded, it shall be grounds for revocation of the permit or may be subject to upward adjustment of the equivalent dwelling unit assignment for the property. Since water system capacity investments are made based on peak flows, downward EDU adjustments will not be allowed. The provisions of Sewer Ordinance related to industrial user permis shall also apply.	
(14) Vacant land Up to 1 acres Over 1 acre (per acre)	0.5 0.1 per additional acre

**Notes:**

- a) If the number of equivalent dwelling units, determined by the application of subsection C of this section, results in a fraction, the number shall be rounded up to the nearest whole number, excepting vacant parcels up to 1 acre.