

A Regular meeting of the Town Board of the Town of Moreau was held on October 10, 2023, in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:03 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; Lisa Sperry, Confidential Secretary to the Supervisor; Chris Abrams, Highway Superintendent; Jeremy Brogan, Recreation Director; Alex Portal, Reporter, Post Star Newspaper; Don Rhodes, LaBerge Group; Maureen Dennis, Schermerhorn Properties; Town Residents: Steven Hutter, Mary & Preston Jenkins, Brigid Martin, Carly Mankouski, Gina LeClair, Sandy Mahoney, Holly Noonan.

The Supervisor led the Pledge of Allegiance.

HIGHWAY DEPARTMENT

Supervisor Kusnierz stated that the Highway Superintendent has requested to repair Truck # 10, a 2014 International. The repairs are extensive and unable to be completed in house. Allegiance Trucks in Hoosick Falls completed several diagnostic tests to determine the problem. They estimated the cost of repair to be \$5,321.27; however, it is possible for this amount to increase as they begin working on the truck.

Resolution #2023-283

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to authorize the Highway Superintendent to have Allegiance Trucks, Hoosick Falls, NY, complete necessary repairs to Truck # 10, a 2014 International. Expense is to be paid from DB5130.405 (Equipment Repairs), which as of 9/30/2023 had a balance of \$10,189.29. The 2023 budgeted amount in the account was \$35,120.00.

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

RECREATION DEPARTMENT

Resolution #2023-284

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, that, \$540.00 be transferred from A8810.4 General – Cemeteries - Contractual to A7140.2 General – Playgrounds & Recreation Centers – Equipment to transfer funds to secure funding for the purchase of a Rotary Mower, which will be utilized at the Recreation Park and Cemeteries.

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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 Recreation Director has received three quotes for a Tow-Behind Rough Cut Mower. They are as follows:

Capital Tractor Inc. **Price Quote: \$2,940.00**
1135 State Route 29
Greenwich, NY 12834
Quote for a Landpride RCR1872-11-32 Slip Clutch w/laminated Tail Wheel
****Includes Front & Rear Rubber Guard****

Emerich of South Glens Falls **Price Quote: \$3,140.00**
and Charlton Price Quote:
****Includes Front & Rear Rubber Guard****

H&M Equipment of Amsterdam, NY **Price Quote: \$4,300.00**
****Item requested was not available – Substitute Item was quoted****

Supervisor Kusnierz stated that the Recreation Director recommends going with the quote from Capital Tractor, Inc. at \$2,940.00.

Resolution #2023-285

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to purchase a Landpride RCR1872-11-32 Slip Clutch w/laminated Tail Wheel from vendor Capital Tractor Inc. for \$2,940.00, to be paid from account A7140.2.

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 Recreation Director has received three quotes for Pallet forks for New Holland Workmaster. They are as follows:

Capital Tractor Inc. **Price Quote: \$1,100.00**
1135 State Route 29
Greenwich NY 12834

Southside Sales & Service **Price Quote: \$1,399.00**
546 Curran Highway
North Adams MA 0124

Spartan Equipment **Price Quote: \$1,095.00 + Shipping \$236.00**
503 Pulaski Highway **Total Quote: \$1,331.00**
Joppa MD 21085

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Supervisor Kusnierz stated that the Recreation Director recommends going with the quote from Capital Tractor, Inc. at \$1,100.00 (this price includes free delivery).

Resolution #2023-286

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to purchase Pallett forks for New Holland Workmaster from vendor Capital Tractor Inc. for \$1,100.00, to be paid from line item A7140.2, which as of 9/30/2023, had a balance of \$8,146.16.

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 Recreation Director has received three quotes for 14 Hand Dryers. They are as follows:

Amazon	Price Quote:	\$269.99 for pack of two, free shipping
	Total Quote:	\$1,889.93

****Goetland Stainless Steel Commercial 1800w Hand Dryer****

Global Industrial	Price Quote:	\$232.95 per dryer
24 Applegate Dr	Total Quote:	\$3,261.30
Robbinsville NJ 08691		

Berl's Commercial Supply	Price Quote:	\$364.00 per dryer
129 Oakpark Dr, Unit A	Total Quote:	\$5,096.00
Mooreville NC 28115		

****American Dryer Extreme Air GXT9-SS****

Supervisor Kusnierz stated that the Recreation Director recommends going with the quote from Amazon and purchase fourteen (14) Goetland Stainless Steel Commercial 1800w Hand Dryers, at a total price of \$1,889.93 (this price includes free shipping).

Resolution #2023-287

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to purchase fourteen (14) Goetland Stainless Steel Commercial 1800w Hand Dryers, from vendor Amazon, at a total price of \$1,889.93, to be paid from line item A7140.2, which as of 9/30/2023, had a balance of \$8,146.16.

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 considering the recent kidnapping that had occurred at the Moreau State Park, the Recreation Director has requested that the Board consider installing security cameras at the

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entrances and exits of the Recreation Park. Supervisor Kusnierz asked that the Recreation Director secure three quotes for the Board to review in preparation of the 2024 budget.

Supervisor Kusnierz stated that the Recreation Director has been approached by Softball Tournament Director, Chris Scarincio, who requested a refund of \$2,850.00, for a tournament that was cancelled. Councilmember Noonan asked if refunds have been made in the past for situations like this. Supervisor Kusnierz stated that the Town does not have a policy in place regarding the issuance of refunds. Councilmember Stewart stated that in the past some Tournament organizers have received credits in similar situations; however, he would like to go over the tournament contracts and have a refund policy be added. Councilmember Stewart recommends that because the Town currently does not have a refund policy in place, that a refund be given. Councilmember Stewart also stated that there are no tournaments scheduled for the remainder of the year to even apply a credit towards, and to hold onto the money received within this fiscal year may become an issue going into the next fiscal year. Councilmember VanTassel asked the Recreation Director how the “credits” work. Rec Director said that no physical money is involved when a tournament organizer gets a credit it just means that everyone that participates in the tournament that is getting credit for would just be getting in for free.

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, and carried, to issue a refund of \$2,850.00 to Tournament Director, Chris Scarincio, upon providing documented proof that the Tournament Director refunded all of the teams that were signed up for that particular tournament be refunded their full amount, and not just give them credit for a future tournament that they may be participating in.

There was a brief discussion about whose name was on the check that the Tournament Director had submitted payment for. Councilmember Noonan suggested that the Board table this until getting more information. Councilmember Donohue stated that he does not feel like it is up to the Board to make sure that the refund is given back to the teams that had signed up and the ownness is on them, not the Town.

Roll call vote resulted as follows:

Councilmember Stewart	Aye
Councilmember Noonan	No
Councilmember VanTassel	No
Councilmember Donohue	Aye
Supervisor Kusnierz	No

The motion failed.

Resolution #2023-288

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, authorizing the Recreation Department to host a “Trunk or Treat”, to be held at the Recreation Park on October 29, 2023, from 4 p.m. – 9 p.m. Food vendors are required to name the Town of Moreau as an additional insured and must show proof before participating.

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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WATER AND SEWER DEPARTMENT

Supervisor Kusnierz stated that the Town Board had commissioned a Map, Plan, and Report to evaluate the feasibility of and assts with consolidating the existing sewer districts in the Town. The Town received a DRAFT of this Map, Plan, which was done by LaBerge Group. Kusnierz stated that some disturbing issues that the Town is currently faced with have been enumerated in the report and proceeded to give a brief synopsis of the Executive Summary.

The Town of Moreau operates seven (7) sewer districts and provides sewer service to outside users on a contract basis. The sheer number of districts complicates budgeting, accounting, operation, and management. Although some are named extensions, the districts are treated as independent districts, with some users paying based on the number of Equivalent Dwelling Units (EDU), and others based on property value, acreage, and water use. More importantly, recent sewer system investments benefit all users, but not all districts share costs equitably. The Town recently revised its sewer ordinance to standardize billing schedules. However, budgeting and planning for individual district costs remain complicated to implement. Supervisor Kusnierz gave a brief description of SECTION VI: SEWER DISTRICT REPORTS (of the October 2023 Map, Plan, and Report – Please See Attachment A)

Supervisor Kusnierz stated that the previous Water Superintendent, Jesse Fish, was made aware of the forcemain issue, however, upon reviewing multiple subsequent engineering reports which noted that the capacity was not available in the Industrial Park Pump Station because of the way the apartment complexes were allowed to connect to the town system. Councilmember Noonan asked if the previous Water Superintendent had an obligation to ask for a technical review from the Town's Engineers.' Supervisor Kusnierz stated that before Certificates of Occupancy are provided by the Building Department, they reach out to the Water Superintendent to ensure that all the necessary requirements for sewer and water have been met.

HEALTH INSURANCE

Supervisor Kusnierz stated that the Board recently received a signed Memorandum of Agreement from the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, for the Town of Moreau Unit of the Saratoga County Local #846("CSEA"). Kusnierz proceeded to read the MOA aloud:

WHEREAS, the Town and CSEA have entered into a Collective Bargaining Agreement for the period January 1, 2022, through December 31, 2024; and

WHEREAS, the deductible for the CDPHP HDHMO 324 Health Insurance Plan for 2024 will increase from \$2,200/\$4,400 to \$2,500/\$5,000; and

WHEREAS, no one in the bargaining unit, is enrolled in the MVP Liberty Silver 3 HDHP Health Insurance Plan, and the Town will no longer provide enrollment and such plan;

NOW, THEREFORE, the parties hereto agree as follows:

1. Effective January 1, 2024, the MVP Liberty Silver 3 HDHP. Health Insurance Plan will no longer be offered to the bargaining unit employees, and the following shall be substituted for the first paragraph of Section 4 of Article XI of the parties' Collective Bargaining Agreement which states:

"Effective January 1, 2024. Town shall offer enrollment to all employees in the health insurance plan known as the CDPHP HDHMO 324 Plan. The insurance plan or the benefit structure of the plan shall not be changed without mutual agreement between the Town and CSEA. The Town shall have the right to change insurance carriers for health insurance purposes. Town agrees that benefits will be equivalent to the plan currently in effect. The Town agrees that it will fund the deductible levels of \$2,250 for single person, and, for two person/family. If the deductible increases beyond \$2,500 and \$5,000, the parties shall negotiate over the impact of the increased deductible. Dependent coverage of children shall be

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afforded in accordance with the Affordable Care Act and subject to the employees' contributions to premiums as provided herein."

2. All other provisions of the parties' Collective Bargaining Agreement not modified herein shall remain in full force and effect.

Resolution #2023-289

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, authorizing the Town Supervisor to sign the Memorandum of Agreement between the Town of Moreau and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, for the Town of Moreau Unit of the Saratoga County Local #846("CSEA").

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

AGING & YOUTH SERVICES

Resolution #2023-290

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, authorizing the Town Supervisor to sign an "Amendment of Minor Contract", between the County of Saratoga, a municipal corporation of the State of New York, and the Town of Moreau, a municipal corporation of the State of New York, to increase program funding from \$3,040.00 to \$4,240.00.

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

SUPERVISOR ITEMS

Supervisor Kusnierz gave a brief overview of the 2024 tentative budget. Kusnierz stated that it is currently going from \$.906998 / \$1,000 of assessed value to a decreased amount of \$.852070 / \$1,000 of assessed value, which equates to a 6.06% reduction in the tax rate from the 2023 Adopted Budgeted.

Supervisor Kusnierz stated that the Saratoga County Public Health will be hosting a free COVID -19 & Influenza vaccination clinic to be held at the Town of Moreau Town Hall on October 27th from 9am-12pm & from 1pm-3pm. Individuals will be required to register ahead of time by contacting Saratoga Public Health Department (518) 885-2276.

The Supervisor stated that the Town of Moreau collected \$14,118.00 in monthly Mortgage Tax for the month of September 2023.

EXECUTIVE SESSION

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

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OTHER BUSINESS

Resolution #2023-291

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, authorizing Pine Valley residents on Jerome Lane to hold a block party on October 31st from 4 p.m.-6 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

Councilmember Noonan asked the Town Highway Superintendent if he could supply four barricades and a couple of traffic cones to block off parts of Jerome Lane for this block party, to which he said that he could.

PRIVILEGE OF THE FLOOR

Brigid Martin, Village of South Glens Falls, was the first to address the Board. Martin asked who the Developers were that were mentioned during Agenda item # 4 (Water & Sewer Department). Supervisor Kusnierz stated the Developers of The Nest and Schermerhorn Holdings, and then referred the question to Don Rhodes, Town Engineer from Laberge Group who had prepared the Map, Plan, and Report that had been discussed. Rhodes stated that there were a few. He mentioned Harrison Place, Bluebird Trace, Harrison Quarry, Leonelli, which he thinks is now Harrison Village. Martin inquired if the former Town of Moreau Water Director (Superintendent) currently works for Schermerhorn Holdings, the Developer that he failed to bill \$400,000, adding whether this will be a liability for the taxpayer.

Maureen Dennis, 21887 NY RT-22, Hoosick Falls NY, was next to speak on behalf of her employer, Schermerhorn Properties. Dennis stated that she takes exception and opposes Resolution 2023-267 & 2023-268 because they were not formally presented or posted in accordance with the town law or the open meeting minutes. She asked how she could get a copy of this draft Map, Plan, & Report that was discussed under agenda item 4 and stated that it was not posted to the website. She stated that she knows the agenda was not posted until about 10:00 this morning, and that it was not posted 24 hours in advance, and that she believes it is supposed to be posted 72 hours prior to the scheduled Board meeting. Dennis expressed her dissatisfaction with not receiving items she had submitted FOIL requests for back in July of 2023. Supervisor Kusnierz stated that a copy of the Map, Plan, & Report has been posted on the Town's website for the public to review. Dennis stated that regarding your discussion about the Leonelli property, she knows that Schermerhorn bought into the Town or the City of Glens Falls usage because we paid the fee in 2019. The check was not cut to the City of Glens Falls until February of 2023, and she wondered why it took the town of Moreau 3 1/2 or 4 years to send the check to the town. Dennis continued by stating that they have 63% of that 40,000 gallons that are reserved and according to the contract that she has that was signed by Harry Leonelli, who passed away July 31, 2023, 40,000 gallons were earmarked between Parcel A -Schermerhorn (Harrison Village) and Parcel B - (Grove at Sisson). It is a total of 384 apartments, 240 at Harrison Village and 144 Grove at Sisson. Dennis continued by stating that it is her understanding they paid their share in 2013, Schermerhorn bought the property in 2016 and paid connection fees to the Town in 2019 along with the usage fees. She also stated that the Resolution that confirmed and approved another \$25,000 being paid to The Laberge Group was not posted for the public to review before passing the Resolution. Dennis also stated her dissatisfaction with transparency, as well as the time in which it has been taking for minutes to be posted on the Town's website. Supervisor Kusnierz stated that the delay in posting minutes is due to this being School tax collection season and that

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the Town collects school taxes on behalf of not only our Town, but also on behalf of two other towns as well. Kusnierz added that the office has received a plethora of FOIL requests, which have been submitted from you on behalf of Schermerhorn Kusnierz adding that these FOIL requests have been incredibly time consuming, thereby tying up staff from doing their regular duties, such as drafting minutes to Board meetings in a timely manner. Dennis stated that one of her FOIL requests did not include what she had specifically asked for. She stated that she was told by the Town Clerk, who was told by the Water Superintendent, that the Water software system will not allow for reprinting once the customer's bill has been generated and sent out. Supervisor Kusnierz told Dennis that the Town cannot create a document that we are not in possession of. Dennis asked if she could come into the Town office to personally look at Ledger documents. Supervisor Kusnierz told her he will not do that, and that she was provided everything that she had requested. Dennis disagreed with that.

No other member of the public wished to be heard.

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to close the meeting for the evening at 8:18 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