

*A regular meeting of the Town Board of the Town of Moreau, Saratoga County was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 9<sup>th</sup> day of January, 2024.*

The meeting was held in person. The Supervisor called the meeting to order at 7:00 PM. The Supervisor asked for an attendance roll call and led the Pledge of Allegiance.

PRESENT:	Jesse A. Fish, Jr.	Supervisor
	Kyle Noonan	Councilmember
	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	John Donohue, Jr.	Councilmember
ALSO PRESENT:	Erin Trombley	Town Clerk
	Dianne Lewis	Deputy Town Clerk
	Malcolm O’Hara	Counsel
	Elizabeth Bennett	Confidential Secretary
	Chris Abrams	Highway Superintendent

OTHERS PRESENT: Dennis Davall, Brandon Hayes, Sheila Itzo, Paul Itzo, Ann Purdue, Tom Masso, Bill Ramsey, Michael Thomas, Anissa Jacox, Ken Jacox, Nolan Jacox, Ray Morris, Helen Morris, W. Zimmerman, Reed Antis, Maureen Dennis, Nicole Haddadnia, Carl Hourihan, Brigid Martin, Gina LeClair, Bob LeClair, Harry Gutheil, Alex Portal (Post-Star reporter)

**Resolution 16-2024** A motion was made by Councilmember Stewart, second by Councilmember Noonan, to adopt a special town board meeting to be held Tuesday January 16, 2024 at 7:00 PM. The Supervisor said there were some time-sensitive issues that need to be addressed.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0.

**PUBLIC COMMENT FOR AGENDA ITEMS**

No comments were made.

**OLD BUSINESS**

**Resolution 17-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, to adopt the Training Reimbursement Policy and Training Reimbursement Agreement Form as provided.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye

*A regular meeting of the Town Board of the Town of Moreau, Saratoga County was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 9<sup>th</sup> day of January, 2024.*

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Supervisor Fish                      Aye

The motion carried 5:0.

**Resolution 18-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, to allocate \$40,000 for the purchase of salt from Morton Salt, Inc. through state contract PC70133 from account DB5142.490.

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

Councilmember Noonan      Aye  
Councilmember Killian      Aye  
Councilmember Stewart      Aye  
Councilmember Donohue      Aye  
Supervisor Fish              Aye

The motion carried 5:0.

**A motion** was made by Councilmember Noonan, second by Councilmember Stewart, to authorize the Highway Department to purchase a Chevrolet Silverado pick-up truck from Romeo Chevrolet Buick GMC for less than or equal to \$55,000. Following clarification of the price of the truck (\$55,150 plus fees), the motion was rescinded.

**Resolution 19-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, to authorize the Highway Department to purchase a 2024 Chevy Silverado from Romeo Chevrolet Buick GMC of 1665 Ulster Ave, Lake Katrine, NY for a price not to exceed \$55,550 from account DB5130.2.

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

Councilmember Noonan      Aye  
Councilmember Killian      Aye  
Councilmember Stewart      Aye  
Councilmember Donohue      Aye  
Supervisor Fish              Aye

The motion carried 5:0.

**Resolution 20-2024** A motion was made by Councilmember Stewart, second by Councilmember Noonan, to authorize the Highway Department to purchase and install a 9' plow, at a price not to exceed \$7,456.46, from T&T Sales, Inc of 411 Old Niskayuna Rd, Latham, NY, under state contract from account DB5130.2.

The Supervisor called for a vote by roll call, with the following results:

Councilmember Noonan      Aye  
Councilmember Killian      Aye  
Councilmember Stewart      Aye  
Councilmember Donohue      Aye  
Supervisor Fish              Aye

The motion carried 5:0.

**Discussion:** Action on the Highway Department Fuel Island bid item on the agenda was postponed on recommendation of counsel and following some discussion about DEC representatives speaking with Highway Superintendent Abrams. He will follow-up with Auctions International.

**Resolution 21-2024** A motion was made by Councilmember Stewart, second by Councilmember Noonan, to authorize the Recreation Department to purchase a Ventrac Tractor WG4520N Kubota WG972-EFI with attachments and controls (minus hydraulic rear valve) for \$48,383.11 from MTE Equipment Solutions of 10 Green Mountain Drive, Cohoes, NY. The expense will be paid from account A7140.2. Future equipment purchases for the Recreation Department will require a transfer of funds.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0.

**Informal Action:** The board directed counsel to draft language for a new local law to repeal a local law to allow the Recreation Director to set park hours based on real-time conditions. Current statutes require a vote by the Town Board and proper public notice to change hours.

**Resolution 22-2024** Supervisor Fish asked for a motion authorizing the Supervisor's office to draft Request For Price (RFP) documents for the Town Attorney and Town Engineer.

**Discussion:** Councilmembers discussed the prudence of changing attorneys during the Board transition and potential loss of institutional knowledge, and highlighting the 30-day termination clause in the existing agreement. Supervisor Fish pointed out that you do not have to accept any offer, that the RFP would simply show the Board what's out there. Following discussion, a motion was made by Councilmember Noonan, second by Councilmember Stewart, to postpone the initiation of an RFP for Town Attorney.

The Supervisor called for a vote by roll call, with the following results:

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	No

The motion carried 4:1.

*A regular meeting of the Town Board of the Town of Moreau, Saratoga County was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 9<sup>th</sup> day of January, 2024.*

**Resolution 23-2024** Supervisor Fish called for a resolution to renew the water contract with Saratoga County Water Authority for 2024, saying it is a savior as a redundant water source, and in the event of a power outage it could support all the water district needs until power is restored. A motion was made by Councilmember Stewart, second by Councilmember Noonan, authorizing the Supervisor to sign the Water Purchase and Sale Agreement between Saratoga County Water Authority and the Town of Moreau.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0.

**Resolution 24-2024** A motion was made by Councilmember Stewart, second by Councilmember Killian, to hire Chris Rich as a part-time cleaner for Town Hall and the Highway Garage at a rate of \$20 per hour.

**Discussion:** Councilmember Noonan asked about whether Chris' hours with the Recreation Department plus cleaning hours could lead to overtime hours. He would never have an overtime conflict according to Supervisor Fish.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0.

**Resolution 25-2024** A motion was made by Councilmember Donohue, second by Councilmember Stewart, to rescind the 2024 sewer rate and consolidated sewer district resolutions from December 21, 2023.

**Discussion:** Councilmember Noonan asked who had the Town consulted with. Supervisor Fish said the Association of Towns had advised. Councilmember Noonan said he was not comfortable taking action without being advised by a lawyer paid for by the town. Supervisor Fish stated that filing with the state is required within a certain timeframe, which had not been done, opening an opportunity for the Town Board to look at it again. Councilmember Stewart pointed to the many attendees who said things had not been done properly. The constituents in attendance in December asked for more time to look at the documents. Councilmember Stewart would like to be able to dig deeper into the project and provide what people were requesting. Councilmember Stewart asked present counsel how one would go about rescinding a resolution generally, and Attorney O'Hara stated he was unable to advise. The Supervisor's Confidential Secretary stated she had spoken to Attorney Bill Ryan and Association of Towns, who both advised that any resolution of the Board could be rescinded by another resolution by the Board.

*A regular meeting of the Town Board of the Town of Moreau, Saratoga County was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 9<sup>th</sup> day of January, 2024.*

Councilmember Stewart said he supports rescinding the resolution but wants to be sure the Board is doing everything they should to protect the Town. Supervisor Fish said he heard that special counsel Ryan did not want to represent the town on this matter anymore, and that counsel is needed for our sewer project if present counsel cannot do it. He said the purpose of the action that night was so the Board can proceed with the project the way it should be done with legal counsel. Councilmember Donohue stated that during the December meeting they could not get answers from their paid counsel, and there was an admission by the attorney that the process was legally flawed. He said he agreed with Supervisor Fish that we need legal representation to guide the process and the first step is to rescind the previous resolution. There was a question by Councilmember Stewart about whether any bills had already gone out on the new schedule. Supervisor Fish said no bills had been issued yet because the resolution had not been filed yet.

The Supervisor called for a vote by roll call, with the following results:

Councilmember Noonan	No
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:1.

## **COMMITTEE REPORTS**

**Recreation Committee:** Councilmember Stewart reported that the Moreau Big Bend Trail contractor will be shutting down operations for the winter. A report from the LA Group is expected soon.

## **SUPERVISOR'S ITEMS**

**Resolution 26-2024** A motion was made by Councilmember Stewart, second by Councilmember Killian, to authorize Supervisor Fish to sign a change order modifying payment requirements in sewer contract #4.4.24 to reduce loss withholding from 15% of unit price bid for uncompleted leakage and/or pressure testing by section to 2.5%. Other payment withholding amounts shall remain in effect.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0.

**Resolution 27-2024** A motion was made by Councilmember Noonan, second by Councilmember Stewart, to add Councilmembers Killian and Donohue to the Highway Committee, and Councilmembers Stewart and Donohue join Consolidated Water District & Sewer #1 Committee.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0.

## **PUBLIC COMMENT PERIOD**

Tom Masso urged the Board to consider taking three steps to address the Biochar issue. First, he cited zoning Article VI §149-44.1 (6-14-2022): “Final approval shall expire one year after the date of approval of the site plan if actual construction has not begun.” The project was approved in August 2022, which Mr. Masso pointed out is more than 18 months ago. Next, he mentioned a moratorium to allow the Board time to determine the direction of the Industrial Park. He said he has expertise and decades of experience in transportation and industrial development. He said he has never seen a facility that handles hazardous and flammable chemicals built so close to a residential community. He talked about what he referred to as a flawed traffic study which he said suggested in its final stage that 1,245 trucks an hour could be accommodated – 1 every 3 seconds. He stated 50 trucks an hour would be problematic. Third, he said The Clean Air Action Network has a lawsuit on appeal. He said the recent election shows residents do not want the project. There’s no need to spend additional Town money defending the project. Finally, he added that he thinks the Town attorney has not represented the Town well.

Gina LeClair said she agreed with Mr. Masso’s comments and wants Board members to consider their decision not to issue RFPs for professional services because present counsel cannot represent the town on some matters, and some matters are important enough to seek a second opinion for. She said she was a Councilmember before, and it takes time to issue and make decisions on RFPs. She said our attorneys did not stop former Supervisor Kusnierz from making false allegations against (candidate) Jesse Fish, which the then-Supervisor claimed were based on a \$25,000 report made by the town’s engineer Don Rhodes of the Laberge Group. Mr. Rhodes did not correct these assertions about his report. She asked if this is what the taxpayers paid for in his report. She urged them again to not wait to issue RFPs.

Councilmember Killian asked her to be patient as the new board members who are coming on board and trying to understand everything. He said he supports RFPs but wants to take time to listen. Councilmember Stewart clarified that he intended to support a 2-week postponement on the issue of RFPs.

Reed Antis said when he attended Planning Board meetings in the past, the Town’s former attorney attended Planning and Zoning Board meetings. When Mr. Antis was on the Planning Board, he said present counsel would only attend if requested by the Chairs of those bodies. He said he supports RFPs. Next, with regard to the Recreation Director having authority to change park hours, he suggested a chain of command in the event the Rec. Director is not available. Then he asked if the Saratoga County Water Authority agreement was for one year. Supervisor Fish said it is a 1- or 2-year contract. Mr. Antis said since we have had an agreement with them for 10 years, maybe we can negotiate a better rate. He said their rate is about double the Queensbury rate.



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Supervisor Fish explained the volume used is 54,750,000 gallons a year allowing us to save some water to offset summer usage and keep the pipes fresh in that part of town and agreed the unit price is high. Councilmember Killian said it's a way to hedge your bets and thanked Mr. Antis for raising awareness of the issue.

Brigid Martin congratulated the new board members on their election. She presented a handout detailing the actions of Ann Purdue that she believes are outside the Planning Board role including seeking legal action with regard to the Biochar issue, giving information to the public and the press. Ms. Martin stated that in July of 2022 Ann Purdue made it clear she would delay the process in hopes the project would go away. Ms. Martin claimed that documents assembled by Ms. Purdue were used in court against Ann's cause and cost the Town legal fees. Ms. Martin said Ann is presenting legal briefs to the Zoning Board of Appeals (ZBA). She said it is her understanding that there's no way to stop phase 1 of the project once it gets state approval. She recommended the Board look at any emails sent out by Ann Purdue as a member of the Planning Board. She went on to mention that the town website references a 2011 recreation project she said was abandoned because children would have to cross a PCB field to get to a beach. She said she hoped the Board did not plan to pursue the project. She suggested the Board could consider opening the town up to rail to reduce truck traffic for the Biochar project. She also said Not Moreau will have made the Biochar project the best it can be thanks to the pressure they applied.

Ann Purdue said she has taken her role seriously and spent a lot of time reading and understanding all the complicated documents involved in the Biochar project, and this was the first time she was hearing of allegations of wrongdoing on her part. She asked for a copy of the document provided to the Board about her behavior as a member of the Planning Board.

Maureen Dennis urged the Board to consider a chip plant for the industrial park, with the cement plant closing and success in Malta with chip manufacturing, it's a good opportunity for jobs. The issue of school tax dollars going to Hudson Falls from the Industrial Park should be looked into, she said. To address a question raised during the motion to rescind sewer rate and sewer consolidation resolutions, she stated that the billing that has gone out most recently is December's bill. Only 10 people are billed monthly, she said, and Schermerhorn is 6 of them. She said there is plenty of time to revisit the issues with the process and documents.

Gina LeClair, referring to the statements made about Ann Purdue, Ms. LeClair said members of the Planning Board are still members of the community and have rights. She said Ann had looked into the issue and had an opinion, as did Councilmember Donohue. In conversations with Ann, Ms. LeClair said Ann refused to discuss certain issues that were within the scope of her Planning Board responsibilities that needed to be kept confidential. She went on to say the recreation project would have been a scenic area to walk, enjoy the scenery, and watch birds—the land would not be disturbed. The project has been on the website for years and was scrapped because it was discovered by state attorneys that the land in question was not public land, but belonged to National Grid. She said a representative of the EPA, at the time, said this type of project was appropriate use of the land. There is no beach and never would have been a beach, she said.

Bill Ramsey said he had attended the Village Board meeting and also made his suggestion to them, that we do something about the holidays in the Town. He suggested a tree-lighting at the gazebo in the park in So. Glens Falls. Compared to Glens Falls, which is all lit up, he asked why we aren't doing anything. He offered to spearhead an effort to work with the Chamber and Village, coordinating donations for lights. He said it's not too soon to think about it for next holiday season. Councilmember Donohue reiterated that Glens Falls and

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Queensbury have lots of events and South Glens Falls hasn't had anything. He wants to have events in Moreau all through the year going forward and would be happy to work with the recreation department, the Chamber, and members of the community like Bill who have ideas.

**EXECUTIVE SESSION**

No executive session was required.

**Resolution 27-2024** A motion was made by Councilmember Noonan, second Councilmember Stewart, to adjourn the meeting.

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

Councilmember Noonan	Aye
Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 5:0 and the meeting was adjourned at 8:24 PM.

Respectfully submitted,

*Erin Trombley*

Erin Trombley  
Town Clerk