

*A Town Board 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 26th day of March, 2024.*

The Town Board meeting was held in person. The Supervisor called the meeting to order at 7:00 PM with a roll call and the Pledge of Allegiance.

PRESENT:	Kyle Noonan	Councilmember
	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	John Donohue, Jr.	Councilmember
	Jesse A. Fish, Jr.	Supervisor
ALSO PRESENT:	Erin Trombley	Town Clerk
	Malcomb O'Hara	Counsel
	Elizabeth Bennett	Confidential Secretary
	Anna Labiak	Water Department Clerk
	Jeremy Brogan	Recreation Director
	Chris Abrams	Highway Superintendent

OTHERS PRESENT: Michelle Smith, Richie Wiltshire, Maureen Dennis, Dominic Tom, Kevin Ostrander, Reed Antis, Alex Portal (Post-Star reporter)

FUTURE MEETINGS & WORKSHOPS

No meetings or workshops were scheduled.

APPROVAL OF MINUTES

Resolution 112-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to approve the minutes from the March 12 regular Town Board meeting.

Asked if all were in favor, the responses were as follows:

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

Polling Places

Supervisor Fish stated that he had been informed by the County Board of Elections that the election polling station formerly located at Oliver W. Winch Middle School had been changed to the Moreau Community Center. Voters in election districts 1, 2, and 3 will vote at the Moreau Community Center going forward. He thanked the school for supporting the election process and the Community Center for stepping up to assist.

Planning Board Alternate Terms

Supervisor Fish said the Board needed to discuss terms for Planning Board alternates. Councilmember Stewart said the current term for Planning Board members was 7 years. He said he thought it should be 5 years instead for Alternates because that is a long time to be a back-up person and then potentially a member of the Planning Board. He said he understood the intention to provide continuity over time by having alternates that are informed before taking a seat on the Board, and the length of term extending past the term of Town Board members. Councilmember Noonan agreed with Councilmember Stewart, stating that he thought 7 years was too long for Planning Board members as well. Councilmember Stewart said that the term lasting longer than the Town Board still allows new eyes to review things. Councilmember Killian said 5 years made sense.

Resolution 113-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to set Planning Board Alternate terms at five years.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

Amend Sonya Fowler's Term

Supervisor Fish said Sonya Fowler had been appointed to the Ethics Committee at a previous meeting, and that her term of service needed to be amended because terms of expiration are supposed to stagger so that only 1 expires each year

Resolution 114-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Stewart to amend Sonya Fowler's Ethics Committee term to end on December 31, 2027.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

Road Striping

Resolution 115-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Stewart to authorize Highway Superintendent Abrams to contract with Saratoga County Department of Public Works (DPW) to stripe 20.42 miles of Town roads in spring 2024, and 4.15 miles in the fall, to be paid from account A3310.499.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

HIGHWAY DEPARTMENT REQUESTS

Speakman Street Closure

Supervisor Fish said a section of Speakman Street, off Fort Edward Road, is now closed until further notice. He went to the site with Superintendent Abrams and the road surface has dropped several feet, which is a recurring issue. He said the best scenario is to drive pilons 80-100 feet down into the ground to hold the bank in place, and even so, it could cost \$1 million and there would be no guarantee.

Salt Purchase

Resolution 116-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Killian to purchase rock salt from Morton salt for not to exceed \$20,000 to be paid from account DB5130.490 under Saratoga County Contract #23-PWS-10R.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

Transfer Funds for Paving

Resolution 117-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Noonan to transfer \$60,000 from Grinding account DB5112.493 to account DB5112.493.4.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

Blacktop

Resolution 118-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Stewart to authorize the allocation of \$60,000 to purchase blacktop for the upcoming paving season under County contract 23-PWAC-3R to be paid from account DB5112.493.4. Supervisor Fish said this sum would be in addition to the \$385,000 already allocated.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

TRANSFER STATION

New Hire

Resolution 119-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Noonan to hire Earl Ruff as a part-time transfer station employee at a rate of \$15/hour beginning immediately upon completion of a pre-employment physical and background check.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

CT Male

Resolution 120-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Noonan to authorize the Supervisor to sign change order #2 of the CT Male Associates contract, to retain their services for post-landfill closure monitoring, as required by NYS Department of Environmental Conservation (DEC), at a cost of \$12,868.10 for 2024 from account LF8160.4. Supervisor Fish said the cost of their services have increased a bit more than \$2,000 since 2022.

Councilmember Killian asked if this is the only vendor providing these kinds of services. Supervisor Fish said it's the only vendor he was aware of or that had a contract. He asked Councilmember Noonan to chime in. Councilmember Noonan confirmed it had always been CT Male. He added if putting the service out to bid is something they could consider for the future.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

RECREATION

Permanent Appointment of Jeremy Brogan

Supervisor Fish said that the Town had been notified that Jeremy Brogan had taken and passed a civil service exam.

Resolution 121-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to make Jeremy Brogan a permanent employee immediately at a salary of \$60,000 per year.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

Supervisor Fish said Recreation Director Brogan had been doing good work at the recreation park, doing the work of two or three people.

Summer Hires/Rehires

Supervisor Fish said with Park hours expanding on April 1st, Recreation Director Brogan was looking to hire additional staff. Some applicants are returning staff members and some are new, one of whom is a retired veteran with knowledge and experience in electrical, carpentry, and plumbing, making him an excellent candidate to caretake in the cemeteries.

The Town Clerk read the proposed resolution:

“March 26, 2024,

So be it resolved that the following people be re-hired as full-time, seasonal employees for the Town of Moreau Recreation Department:

Rehired employee David Gould, \$17.00 an hour, Anita Generous, \$15.45 an hour.

So be it further resolved that the following people be hired as full-time seasonal employees for the Town of Moreau Recreation Department, effective immediately and subject to the successful completion of a background check and pre-employment physical within a 2-week period:

Hired employee Greg Ames, the rate of \$16.00 an hour, Dylan Martindale, \$15.00 an hour.” (Rates corrected during the reading of the motion.)

Resolution 122-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to accept the resolution as read aloud.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

MEDICARE ADVANTAGE

Supervisor Fish said the Town has been made aware that the Humana plan offered by the Town is not accepted by local healthcare providers. Councilmember Noonan asked if the Supervisor had a recommendation, adding that he had reviewed the documents provided for this discussion, and that option 2 seemed like the best choice for the services provided and cost. Councilmembers Stewart and Killian agreed.

Resolution 123-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to change the Town Medicare Advantage Plan to Option 2, PPO 5PH.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

SPECIAL LEGAL SERVICES

Supervisor Fish said the details of the contract specify that the contract can be terminated at any time, and one conflict of interest had been identified, but the person who retained the firm to represent them on an assessment matter agreed, in writing, to waive the conflict of interest. He said the Assessor does not believe this conflict of interest will present a problem for the Town.

Resolution 124-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to authorize the Supervisor to sign an engagement letter retaining Whiteman Osterman & Hanna LLP to provide the Town legal services related to the proposed moratorium.

Discussion: Councilmember Noonan asked if this was the only firm that offered services in this matter. He said the firm actively opposed a Planning Board appointment and he found that to be a conflict of interest, and therefor he said he would not support this action.

Supervisor Fish called for a roll call vote. Responses were as follows:

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

The motion carried 4:1

TOWN ATTORNEY

Resolution 125-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue to authorize the Supervisor to sign a legal agreement with Tabner, Ryan & Keniry for special services pertaining to Town water.

Supervisor Fish clarified that this agreement would have Tabner, Ryan & Keniry representing the Town for water in addition to the special services they provide the Town for sewer.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

Resolution 126-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to authorize the Supervisor to sign contract documents retaining Miller, Mannix, Schachner & Hafner, LLC to provide legal representation to the Town for general services, planning, labor, zoning, negotiations, article 7 cases, and other general services as needed.

Asked if all were in favor, the responses were as follows:

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

Supervisor Fish

Aye

The motion carried 5:0

LOCAL LAW 2: Recreation Park Hours

Supervisor Fish explained that local laws are numbered in the order they are adopted, therefore the proposed Local Law pertaining to the hours of the recreation park will be referred to as Local Law #2 of 2024 because the recreation law is up for a vote before the proposed law relating to the moratorium.

Attorney O'Hara led the Board through the short Environmental Assessment Form (EAF) part 2.

The Town Clerk read the following into the record:

“March 26, 2024, Resolution, Town Board, Town of Moreau. Subject: Adoption of Local Law 2 of 2024.

Whereas the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law 2 of 2024. Local Law 2 of 2024, as proposed, amends Section 1 of Chapter 102 of the Code of the Town of Moreau relating to the hours of the various public parks within the Town, and

Whereas the Board finds that the adoption of Local Law No. 2 of 2024 is in the best interest of the Town and it is necessary to provide for the health, safety, and welfare of Town residents and property owners, and

Whereas, the Board finds that the adoption of Local Law 2 of 2024 is a necessary and proper exercise of authority by the Board, and

Whereas the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law, and

Whereas, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 2 of 2024 was properly noticed in the newspaper and posted, and was duly conducted on March 26, 2024 at the Town Hall, and

Whereas the Town Board considered public comments made at the public hearing, and

Whereas the Board, serving as the lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts, and

Whereas, after thorough review and deliberation, the Board proposes to adopt Local Law No. 2 of 2024, and

Whereas the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State,

Now therefore, be it resolved, that the Board hereby adopts Local Law No. 2 of 2024, which amends the law as stated above, and

Be it further resolved that the Board adopts and authorizes the filing of a negative declaration, and

Be it further resolved that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all the necessary action for the promulgation thereof.”

Resolution 127-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to adopt Local Law No. 2 of 2024.

Supervisor Fish called for a roll call vote. Responses were as follows:

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

The motion carried 5:0

COURT AUDIT

The Town Clerk read the following into the record:

“March 26, 2024

Be it resolved that the Town Board acknowledges that the required examination of the Town Court’s financial records for the year ended December 31, 2023 has been completed.

So be it further resolved that the Town Board accepts and approves the report of the examination.”

Resolution 128-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian to accept and approve the Town Court’s financial records for the year ended December 31, 2023.

Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0

TOWN HISTORIAN

Resolution 129-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to approve reimbursement to the Town Historian of the cost to attend the 3rd Annual Women in War Symposium May 4-5, 2024 at the Old Saratoga American Legion Post at a cost not to exceed \$215.25 from A7510.24.

Asked if all were in favor, the responses were as follows:

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was held at the Town of Moreau Municipal Building,
351 Reynolds Road, Moreau, New York on the 26th day of March, 2024.*

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

The motion carried 5:0

PUBLIC COMMENT PERIOD

Kevin Ostrander asked how long Speakman Street would be closed. Supervisor Fish said the Road had been an issue for 20 years and said he believed material was dumped under the road years ago and was rotting. He added that it could cost \$1 million with no guarantees that the road would remain stable, that they may have to consider rerouting the road, and even so, he asked rhetorically if that would be enough to ensure the road remains intact. Mr. Ostrander said Fort Edward Road is one of the most dangerous roads in Town, with five deaths in 20 years. Moving the entrance due to the closure to the road makes it more dangerous, he said, due to increased traffic and a bottleneck. He said traffic studies are needed in relation to the Industrial Park, and he asked the Board to consider safety, fire access in particular. Councilmember Noonan said this is not the first time this concern has come up. He said as time passes, a real repair becomes more expensive. Mr. Ostrander suggested the issue could be an old water lines leaking under the road that used to provide water to some old farm houses. Supervisor Fish and Mr. Ostrander talked about how in the past locating water shut-offs in the area had been difficult to locate. Councilmember Killian asked if the Town owned the lines. Councilmember Stewart said the Town should reach out to Fort Edward and the County to see if they want to get involved, and agreed with Councilmember Noonan, that the Town should get prices and suggested plans from engineers. Supervisor Fish added that the cost of rerouting the road should be included in potential solutions.

Councilmember Noonan clarified that the Town does not currently have an engineering firm, and said it was time to focus on getting Requests for Proposals (RFPs), Supervisor Fish said he had tried to start the process in January. Councilmember Noonan said proposals are coming in slowly and he asked where the RFPs were posted for Town engineer services. He said this situation needs to be fixed. Supervisor Fish said it's a matter of public safety. Highway Superintendent Abrams recommended that Councilmember Noonan go and see the condition of the road. Councilmember Stewart, referring to Mr. Ostrander's suggestion of an old water line washing out material beneath the road, suggested a water line in that location may not be owned by the Town. Superintendent Abrams said he would contact Fort Edward the next day about the water.

Town Historian Reed Antis said he had researched the area referred to in relation to the Speakman Street closure, and said the property in question is located in Fort Edward Village water district 1, and suggested Fort Edward be engaged to discuss the location of the water lines.

Dominic Tom wished the discuss issues with a property on Redmond Road he referred to as a "crack house." He said residents have spoken up about the property conditions and that they had addressed the previous Board, and he said he had addressed it multiple times. He said in 2023 the Town paid to clean it up, hauling away a large quantity of garbage. He described an incident where a neighbor and his dog, with whom Mr. Tom had been walking, had been attacked by what he called a vicious dog visiting the Redmond Road property after he and his friend had parted ways. State police were engaged, but he said all they did was warn the woman with the dog that the dog was not supposed to be in the Town. He said the property in question is near his home, and that he passes it daily. He said there are ways to address problematic properties. He suggested the property

in question was not fit for habitation. He suggested the Building Department send someone in to inspect it after a drug raid, which he said happen there frequently. He said the property owner is three years behind on taxes and asked why the property had not been seized. He went on to say most municipalities execute foreclosures to make money, and asked why the Town and Saratoga County does not. He said there were a number of properties he called a “disgrace” within the Town. He invited the Board members to visit the property he in question, and then one on the corner of Redmond and Evergreen, where he said a woman had been living in a shed until she was relocated and the shed had collapsed. He also referenced the corner of Spier Falls Road and Rte. 9, which he described as cluttered with junk cars.

COMMITTEE REPORTS

Recreation Committee

Moreau Fun Days: Councilmember Stewart said the Recreation Department was working to bring back Moreau Fun Days at the end of the summer, and was looking to start a volunteer committee to get some ideas. Councilmember Noonan described an old favorite event at the Fun Days of the past which involved a \$100 bill attached to the top of a vertical greased pole. If anyone could climb the pole, they could have the money. He said the money was always still on top of the pole at the end. Councilmember Stewart said they would speak with the Town’s insurer about bounce houses, obstacle courses, and balloon rides. In the past, he said there had been some conflicts with these things in relation to pavilion rentals. Recreation Director Jeremy Brogan said the language “inflatable” vs “bounce house” may make a difference.

Community Garden: Councilmember Stewart said he had spoken with the Master Gardener and that they want to relocate the Community Garden to the Town Hall property. He said it needs to be relocated anyway and asked if it was okay to move forward with plans. Councilmember Killian asked if the raised beds were in good shape and could be moved or if they needed to be replaced. Director Brogan said they are in good condition, and added that if people can see the garden, and it would be more visible by Town Hall, it may attract more interest in participation. Councilmember Donohue said there had been previous discussions about moving it to the Town Hall property but there were concerns about the helipad by the fire station between Town Hall and Reynolds Road, that the potential for wind from a helicopter could be an issue. Then he said in all the years he’s been involved with the Town he had never seen a helicopter land on the helipad. As long as people were aware of the potential, he said he thought it would be sufficient and this should not prevent the garden from being relocated.

Town Website

Councilmember Killian said new photos are needed to show progress being made around the town, and there’s a lot going on and many good things. He said the website is progressing and thanked everyone for their patience.

SUPERVISOR’S ITEMS

There were no items to discuss.

EXECUTIVE SESSION

No Executive Session was needed.

ADJOURNMENT

Resolution 130-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart to adjourn the meeting.

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Asked if all were in favor, the responses were as follows:

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

The motion carried 5:0. The meeting was adjourned at 7:53 PM.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk