

**TOWN OF MOREAU**  
**Audit & Regular Town Board Meeting**  
**June 27, 2023**

**AGENDA**

**6:45 p.m. - Audit Meeting**

**7:00 p.m. - Regular Town Board Meeting**

1. Roll Call / Pledge of Allegiance
2. Approval of Minutes
  - June 13, 2023 - Regular Town Board Meeting
3. Moreau Big Bend Trail
4. Stormwater Management Officer
5. Building Department
6. Water & Sewer Department
7. Recreation Department
8. Supervisor Items
9. Executive Session
10. Other Business
11. Privilege of the Floor
12. Motion to Adjourn

A Regular Meeting of the Town Board of the Town of Moreau was held on June 13, 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; Lisa Sperry, Confidential Secretary to Supervisor; Jeffrey Shapiro, Associate Attorney for the Town; Alex Portal, Reporter from Post Star Newspaper; ; Bruce Lant, South Glens Falls Fire Department; Town Residents: Tom & Lynn Cumm, Jerry & Lynn Hay, Carl Hourihan, Dominic Tom, Elizabeth Bennett, Nick Buttino.

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:

- May 9, 2023– Public Hearing Local Law No. 1 of 2023 - Zoning Amendment
- May 9, 2023– Public Hearing Local Law No. 2 of 2023 - Water Ordinance Amendment
- May 9, 2023- Regular Town Board Meeting

**Resolution #2023-198**

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, and carried, to approve the minutes as prepared for May 9, 2023-Public Hearing Local Law No. 1 of 2023, May 9, 2023-Public Hearing Local Law No. 2, and the May 9, 2023-Regular Town Board Meeting.

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

The following minutes were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction, and approval:

- May 23, 2023- Month End Audit Meeting
- May 23, 2023- Regular Town Board Meeting

A Regular Meeting of the Town Board of the Town of Moreau was held on June 13, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

**Resolution #2023-199**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the minutes as prepared for the May 23, 2023 -Month End Audit Meeting and the May 23, 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	Aye
Supervisor Kusnierz	Aye

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 1, 2023-Special Town Board Meeting

**Resolution #2023-200**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the minutes as prepared for the June 1, 2023- Special Town Board Meeting.

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

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

**WATER AND SEWER DEPARTMENT**

The Supervisor started by giving everyone an update on the County Forcemain Connection - Contract 2 Project. He stated that the work has started on Ballard Rd., where they are using vacuum excavation to verify utility locations and clearances. Pipe installation is expected to begin next week in the Town of Wilton, and the completion date of this project is still on track for December 15, 2023.

The Supervisor proceeded to inform everyone that Saratoga County is drafting an agreement for the Town's consideration. This agreement would have the Saratoga County Sewer District No. 1 responsible for the operation and maintenance of the entire County Forcemain Connection. It would also include the section constructed by the Town. The Supervisor also noted that the County cannot take over ownership where there is debt involved, however having the County take over operation and maintenance would alleviate any associated costs from the Town's sewer budget.

Supervisor Kusnierz stated that the Town Board has been working with EFC, the Environmental Facilities Corporation, to secure favorable financing terms by working to obtain grant financing. This financing is similar to what the Town Board did with the sewer project along our commercial corridor. If the Town and County agree, the Town may end up qualifying for a NYS Water Infrastructure Act Inter-Municipal Grant, potentially being awarded up to 40% of the cost of the project. The Town Board has recently authorized an updated income survey, which has been completed. The Town had a similar income survey done on the last sewer project, to leverage 25% and grants for the project and a zero-interest hardship loan over 30 years.

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**RECREATION DEPARTMENT**

The Supervisor gave a brief update on the Moreau Big Bend Trail Project. The Town received communication from NYS Parks and Recreation, and upon review from the Attorney General's office they would like to receive Quarterly updates on the project instead of Annual ones. This change will require the Supervisor to resign all of the necessary documents that include this change in order for the Town to move forward.

**Resolution #2023-201**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve the establishment of a Big-Three Basketball Camp series program, with a cap of 50 players per week, payroll is not to exceed \$4,050.00; broken down as follows: Director \$1,800.00 for 6 weeks, Assistant Director \$1,350.00 for 6 weeks, and Assistant Coach \$900.00 for 6 weeks.

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 #2023-202**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to approve a one-time stipend of \$950.00 each to Senior Lifeguards, Zackary Smatko and Caleb Karig, and a one-time stipend of \$850.00 to Lifeguard, Jack Paton with stipulation that they all remain in good standing while employed by the Town, through August 21, 2023.

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 Stewart gave a brief update on all of the maintenance, septic, and electrical issues that had occurred at the Recreation Center and the beach. They have all been resolved, with special thanks to Jeremy and Bruce for stepping up and taking the lead. Councilmember Stewart also thanked the Supervisor's Office for their assistance in declaring some emergencies at the beach in order for the Recreation employees to have the time to take care of these issues.

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## **BUILDING DEPARTMENT**

### **Resolution #2023-203**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to appoint Dianne Lewis to serve as Secretary of the Planning Board and the Zoning Board of Appeals with a stipend not to exceed \$100.00 per meeting.

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 VanTassel thanked Dianne Lewis for her continued willingness to step up, and that she is a valued employee of the Town of Moreau.

## **MOREAU INDUSTRIAL PARK**

The Supervisor reported that a company has put in an offer of \$725,000.00 for the purchase of three (3) Town owned lots that are located at the Industrial Park. The Supervisor gave the following Project Narrative:

The site is proposed to be operated by Twin Bridges Waste & Recycling and affiliates.

The proposed project site encompasses approximately 10.65-acres and is located at 37-41 Farnan Road and 1-5, 7-9 Electric Drive. The tax map identification numbers for the proposed project are:

- 50.-4-17
- 50.-4-18
- 50.-4-21

The proposal includes construction of buildings to allow for various uses, such as: maintenance/servicing of vehicles, welding area, cart storage and office space. All buildings will be one-story in height, metal framed, meet all zoning regulations, and equipped with the appropriate oil/water separators, grit chambers and holding tanks for proper wastewater management, in compliance with Town and State codes.

There will be dedicated parking areas for fleet vehicles, employees, and visitors.

It is anticipated that the facility will be open from 6:00 a.m. to 5:00 p.m., Monday – Friday, and 5:00 a.m. to Noon, Saturday.

Overall, water and sewer usage are estimated at approximately 1,200 to 1,400 gallons per day, which will not have a significant impact on the Town's systems. Public water, sewer, natural gas, and electricity are available to the site.

Stormwater will be managed on site, complying with Town and NYSDEC regulations.

Minimal LED down type lighting will be used on site for safety and security. The project will not have any impact on the Town's communication system as no special devices are required. There will be no major visual or noise impacts to the surrounding area, as the proposed use will be consistent with the existing property zoning district (**M-1 General Manufacturing and Industrial**).

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The Supervisor proceeded to explain that the Town had appraisals done on these particular lots approximately 1 1/2 to 2 years ago, and the appraisals combined for the three lots were \$565,000.00. The company has put in an offer of \$725,000.00, almost 30% over the appraised value. The Supervisor's recommendation to the Board is to move forward with the proposed sale.

Jeffrey Shapiro, Associate Attorney for the Town, proceeded to ask if the Board was in receipt of the SEQR Part 1. The Board answered yes. Counsel then asked if the Board agreed with the answers provided and the Board responded with yes. Counsel proceeded to read aloud the Full Environmental Assessment Form (FEAF), Part-2- Identification of Potential Project Impacts. The Town Board determined that there was no significant environmental impact. Counsel read the following resolution aloud:

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

**SUBJECT: RESOLUTION AUTHORIZING THE SALE OF LAND OWNED BY THE TOWN OF MOREAU**

WHEREAS, the Town of Moreau owns real property known as 37-41 Farnan Road, 1-5 Electric Drive, and 7-9 Electric Drive (tax map parcel numbers 50.-4-18, 50.-4-17, and 50.-4-21, respectively) ("Subject Property") located within the Moreau Industrial Park in the Town of Moreau, which combined comprise a total of approximately 10.65+/- acres, and

WHEREAS, the Town has determined that the Subject Property identified is not required for use by the Town and is excess property; and

WHEREAS, the Town has further determined that the Subject Property should be sold to Scott T. Earl or Assigns for the purchase price of Seven Hundred Twenty-Five Thousand and NO/100 Dollars (\$725,000.00); and

WHEREAS, the Subject Property has minimal use or value to the Town; and

WHEREAS, the proposed sale of the Subject Property is an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA"), that the Town Board is the Lead Agency, and that said sale, transfer, or conveyance will not have a negative impact on the environment; and

WHEREAS, the Town has complied with all applicable requirements, made all required determinations under and pursuant to SEQRA, and the regulations promulgated thereunder, including, without limitation, the proposed sale, transfer and conveyance of the Subject Property;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby determines that the following plots and parcels of land now owned by the Town are no longer required for us by the Town: Section 50 Block 4 Lot 18 (37-41 Farnan Road); Section 50 Block 4 Lot 17 (1-5 Electric Drive); Section 50 Block 4 Lot 21(7-9 Electric Drive), comprising three lots of land in the Moreau Industrial Park and comprising approximately 10.65+/- acres; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the proposed sale is an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA"), that the Town Board is the Lead Agency, and that said sale, transfer, or conveyance will not have a negative impact on the environment; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the sale by the Town of all of the Town's right, title and interest in and to the Subject Property to Scott T. Earl or Assigns for the purchase price of Seven Hundred Twenty-Five Thousand and NO/100 Dollars (\$725,000.00) upon the terms and conditions contained in a certain Contract for Purchase and Sale of Real Estate; and

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BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as provided in Town Law §§64(2), 90 and 91 of the State of New York and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law within ten (10) days, and

BE IT FURTHER RESOLVED, that upon the expiration of the permissive referendum period, the Supervisor is hereby authorized to execute the Contract for Purchase and Sale of Real Estate and such other relevant documents subject to review and approval of the attorney for the Town as to form and content.

Councilmember Donohue stated that with the limited amount of information that was shared he is not comfortable with moving forward with the aforementioned Resolution.

#### **Resolution #2023-204**

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, and carried, to authorize the Supervisor to execute the Contract for Purchase and Sale of Real Estate and such other relevant documents subject to review and approval of the attorney for the Town as to form and content.

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

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

#### **ELECTIONS**

The Supervisor gave a brief overview of the Senate and Assembly's recent move to adopt legislation to change certain local elections to even-numbered years, and how this change would have a dramatic impact on many of us in local government. The legislation exempts half of New Yorkers because Cities, and Villages would not be impacted by this change consequently creating inequity among New York.

The Supervisor read the following resolution aloud:

#### **Resolution Urging the Governor to Veto A.04282B/S.3505B to Move Certain Local Elections to Even-Numbered Years**

**Whereas**, the Moreau Town Board believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

**Whereas**, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move local elections to even-number years during the 2023 legislative session; and

**Whereas**, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

**Whereas**, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

**Whereas**, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

**Whereas**, the Moreau Town Board has several concerns with this bill; and

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**Whereas**, this legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

**Whereas**, local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

**Whereas**, we believe that establishing the schedule of local elections is the right of the local government, and has been for more than 100 years; and

**Whereas**, The Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation and

**Whereas**, this legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, creating an inequity among New York voters; and

**Whereas**, this legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

**Whereas**, the proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impacts; and

**Whereas**, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

**Whereas**, there are concerns that the current election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

**Whereas**, this will create confusion amongst voters in towns and counties across New York State; and

**Whereas**, separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns; and

**Whereas**, moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements, and

**Whereas**, there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; and

**NOW, THEREFORE, BE IT RESOLVED** that this Moreau Town Board urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and

**Resolved**, that copies of this resolution be distributed by the Moreau Town Clerk to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Senator James Tedisco, Assemblymember John McDonald, Assemblymember Mary Beth Walsh, Assemblymember Carrie Woerner, and Assemblymember Matthew Simpson.



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**Resolution #2023-205**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to approve the foregoing resolution as read into the record by the Town Supervisor.

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**

The Supervisor gave a brief overview of the Monthly Report from May 2023 that the Board received from the Assessor's Office. The Town Assessor reported that Grievance Day occurred on May 23, 2023. There was a total of 55 grievance applications submitted; 30 of those applicants scheduled appointments and appeared in person, and 25 applications were dropped off for consideration. The Assessor had 2 new commercial grievances this year, one from Dancing Grain Brewery and the other was from 8 Village of Fort Edward Water parcels.

The Supervisor reported that the Town received \$25,425.00 for the May 2023 Mortgage Tax. The Town received \$48,832.00 for May of 2022, which is a decrease of approximately 50%.

**EXECUTIVE SESSION**

The Supervisor stated that the Town Board will need to have an Executive Session to discuss an employee or employees' work history.

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, and carried, to adjourn for executive session at 7:53 p.m.

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

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

The Town Board returned from executive session at 8:19 p.m. with the Supervisor noting that no action was taken during executive session.

A Regular Meeting of the Town Board of the Town of Moreau was held on June 13, 2023, in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

**OTHER BUSINESS**

The Supervisor received a request from Town Justice for payment of a former employee's 4 unused personal days.

**Resolution #2023-206**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to approve the payment of a former Court Clerk to the Town Justice's 4 unused personal days.

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

The Supervisor received a request from a Town Justice to change Ella McFadden's employment status from a Part-Time Clerk to the Town Justice to a Full-Time Clerk to the Town Justice at an annual rate/salary of \$40,425.00, effective June 19, 2023.

**Resolution #2023-207**

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, and carried, to change Ella McFadden's employment status from being a Part-Time Clerk to the Town Justice to a Full-Time Clerk to the Town Justice at a rate/salary of \$40,425, effective June 19, 2023.

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 Donohue reported to the public that the Chamber of Commerce will be hosting summer concerts at the South Glens Falls Historic Park Gazebo every Saturday night from 5 p.m.- 9 p.m. starting on July 1, 2023 - August 19, 2023. There will be food trucks set up along with live music. Councilmember Donohue encouraged the public to come and have summertime fun.

**PRIVILEGE OF THE FLOOR**

Lynn Hay, who resides at 171 Redmond Road, was the first to speak. She started to out by discussing the living conditions of her neighbor, who lives across the street at 172 Redmond Rd. Back in September of 2022 they had started to create what looks like a landfill behind their house. Recently they started a second pile and have a fire pit to the right of the house. This past Friday, my family and I came home from dinner, and my grandson was looking out the window and saw someone taking a couple of white bags of trash and putting them into the fire pit. The neighbor proceeded to take at least 20 more bags out, which by the way was wearing gloves while doing so, which tells you a little something about this trash. Not only is this unsightly, but it also poses a health threat. This vast accumulation of garbage is not only an eyesore, but it also has attracted various rodents and animals and has created offensive odors. The resident that lives there continues to avoid any contact, does not answer the door, and seems to have no desire or means to correct this problem. So please, we are asking you to help us with this ongoing and worsening problem.

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The Supervisor began his response by giving a brief update on the situation. The Town Board contacted the Code Enforcement Officer and asked that he secure 3 quotes from different contractors to come in and essentially clean the place up and ensure that the Town can affix whatever charge would be added to the property owners next tax bill. The Code Enforcement Officer wasn't able to get the three quotes for us before tonight's Board meeting, but he did indicate that the property owner has been issued an appearance ticket through the Town Court.

Jerry Hay, who also resides at 171 Redmond Road was next to speak. He stated that the garbage across the street has been accumulating since September of last year. He is concerned about his well and 4 other people in the neighborhood that have wells, and he is sure that this is going to have a negative impact on these wells. He added that the garbage being buried has got to have a direct effect on our shell wells. When I mow my lawn, there are an incredible number of flies. This is an immediate health hazard, and something has to be done ASAP. The Supervisor then asked Town Counsel to follow up on this. Counsel then informed the Town Board that he has been in contact with the Code Enforcement Officer and expects to have a response sooner rather than later.

Town Resident Nick Buttino was next to speak. He stated that because he is a resident of the Town, he is concerned with the property being discussed, as it has become a health issue for the Town. He proceeded by saying that the Town residents should not bear the burden themselves and that this property is not only an eyesore, but most importantly has become a health hazard. He ended his address to the Town Board by asking for them all to just get it taken care of; get a truck over there and get rid of this garbage. He stated that he cannot believe that it has taken this long to get something as important as this done. He then thanked everyone for their consideration, and that he hopes to see a truck there tomorrow.

Elizabeth Bennett, from 161 Gansevoort Rd, was next to speak. She began by stating that she does not have Spectrum services because of where she lives. She proceeded to explain that before Preston Jenkins took over as Town Supervisor in 2008, the Town no longer had a cable services contract with Spectrum because it had expired. She proceeded to explain that The New York State Public Service Commission makes the rules; such that if a contract expires, Spectrum is under no obligation to enter into a new agreement with the Town. She wanted to know whether or not the Town was going to do anything to change this. The Town Supervisor explained that they are in the preliminary stages of surveying every single pole on Route 32, in order to map out what existing infrastructure the Town has so that they can evaluate how much it will cost to make the service available. After listening to the Supervisor's response to her question, she proceeded to inquire about when the Governor had mandated school closures due to COVID restrictions. Town resident Bennett proceeded to ask the Supervisor whether or not the Town of Moreau extended the offer to all teachers to use the Town Hall for remote teaching, or if only one teacher was. The Supervisor asked what teacher she was specifically speaking about. She responded with "your wife". The Supervisor explained that no other school or teacher had asked for use of the building.

The Town Justice requested that Jennifer Miller's employment as a Part-Time Clerk to the Town Justice be extended through December 1, 2023.

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**Resolution #2023-208**

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, and carried, to extend prior Resolution #2023-94, to have Jennifer Miller continue as a Part-Time Clerk to the Town Justice, at a rate of \$20.00 per hour, not to exceed 10 hours per week, through December 1, 2023.

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

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, and carried, to close the meeting for the evening at 8:45 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

June 27, 2023

TOWN BOARD  
TOWN OF MOREAU  
RESOLUTION

SUBJECT: AUTHORIZING STORMWATER MANAGEMENT OFFICER TO SIGN AND  
SUBMIT MS4 SWPPP ACCEPTANCE FORM

**WHEREAS**, the Town of Moreau is a New York State Department of Environmental Conservation (Department, NYSDEC, DEC) State Pollution Discharge Elimination System (SPDES) General Permit for Storm Water Discharged from Municipal Separate Storm Sewer Systems (MS4, MS4GP) GP-0-15-003 permit holder; and,

**WHEREAS**, Part VI.H. of the Permit requires that all “All NOIs, reports, certifications or information submitted to the Department, or that this SPDES General Permit requires be maintained by the covered entity, shall be signed” by the Chief Elected Official (Town Supervisor) or by a duly authorized representative”; and,

**WHEREAS**, for the purposes of expediency and the prompt execution of the administration of Part VI.H. and other administrative duties as required by the SPDES MS4GP, the Town Board finds it necessary to duly authorize other individuals to carry out those duties, in lieu of the Supervisor, on behalf of the Town of Moreau;

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Town Board hereby appoints \_\_\_\_\_ the Stormwater Management Officer of the Town of Moreau, effective June 30, 2023; and be it further

**RESOLVED**, that \_\_\_\_\_ is hereby duly authorized to sign the MS4 SWPPP Acceptance Form on behalf of the Town of Moreau, and to submit said form per the instructions of the Department in a timely manner.

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

Roll Call:

- Councilmember Donohue \_\_\_\_\_
- Councilmember Noonan \_\_\_\_\_
- Councilmember Stewart \_\_\_\_\_
- Councilmember Van Tassel \_\_\_\_\_
- Supervisor Kusnierz \_\_\_\_\_

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Moreau at a Meeting of the Town Board conducted on Tuesday, June 27, 2023, at Moreau, New York.

By: \_\_\_\_\_  
Brenda Hutter, Town Clerk  
Town of Moreau

June 27, 2023

**TOWN BOARD  
TOWN OF MOREAU  
RESOLUTION**

**SUBJECT: AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE  
COUNTY OF SARATOGA FOR JOINT FINANCING, CONSTRUCTION, OPERATION  
AND GOVERNANCE OF A COUNTY FORCE MAIN CONNECTION**

**WHEREAS**, the County of Saratoga established a county sewer district designated and known as Saratoga County Sewer District No. 1 (“SCSD”); and

**WHEREAS**, the Town of Moreau created the Moreau Sewer District 1, Extension 5 to promote economic development and groundwater resource protection; and

**WHEREAS**, the Town of Moreau determined it will be mutually beneficial and in the best interest of the town residents to connect Moreau Sewer District 1, Extension 5 to the County collection treatment system, hereinafter referred to as the “County Force Main Connection”; and

**WHEREAS**, it is necessary for the Town and the County to enter into a written agreement setting forth the duties and responsibilities of each municipality for the County Force Main Connection; and

**WHEREAS**, the Town of Moreau and County of Saratoga executed an intermunicipal agreement on April 6, 2022 setting forth the rights, duties, obligations, and responsibilities for each regarding the construction of the County Force Main Connection, and that it is the intent of both parties that this agreement shall remain in effect until construction is complete; and

**WHEREAS**, a new intermunicipal agreement (“Intermunicipal Agreement”) is necessary between the Town of Moreau and the County of Saratoga to set forth the dedication of the County Force Main Connection to the District, institute billing practices, and establish current or future obligations both entities have to construct, maintain and operate the County Force Main Connection; and

**WHEREAS**, the County of Saratoga has agreed to commit American Rescue Plan Act grant funds to the project sufficient to evaluate, design, permit, and allow partial construction of the County Connection; and

**WHEREAS**, County Resolution 100-2022 authorized a commitment of \$2,000,000 in American Rescue Plan Act funding for the extension of sewer infrastructure to the Towns of Moreau and Wilton; and

**WHEREAS**, additional funding sources are needed to help offset the cost of the County Force Main Connection project; and

**WHEREAS**, this Intermunicipal Agreement is required for the County of Saratoga to apply for grant funding under the New York State Water Infrastructure Improvement Act (“WIIA”) program; and

**WHEREAS**; the District has confirmed sufficient system capacity exists based on flow assumptions provided;

**NOW THEREFORE BE IT**

**RESOLVED**, that the Supervisor of the Town of Moreau, or the Deputy Supervisor in the Supervisor’s absence, are authorized to execute an Intermunicipal Agreement pursuant to General Municipal Law §119-o and Local Finance Law §11 between the Town of Moreau, on behalf of the Town of Moreau Sewer District 1, Extension 5, and the County of Saratoga, on behalf of Saratoga County Sewer District No. 1, providing for the joint construction, financing, operation and governance of the County Force Main Connection; and be it further

**RESOLVED**, that the form and content of such an Intermunicipal Agreement shall be subject to the approval of the Attorney for the Town.

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

Roll Call:

Council member Donohue \_\_\_\_\_  
Councilmember Noonan \_\_\_\_\_  
Councilmember Stewart \_\_\_\_\_  
Councilmember Van Tassel \_\_\_\_\_  
Supervisor Kusnierz \_\_\_\_\_

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Moreau at a Meeting of the Town Board conducted on Tuesday, June 27, 2023, at Moreau, New York.

By: \_\_\_\_\_  
Brenda Hutter, Town Clerk  
Town of Moreau