

*A 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 9th day of April, 2024.*

The meeting was held in person. The Supervisor called the meeting to order at 7:01 PM with a roll call and the Pledge of Allegiance.

PRESENT:	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	Jesse A. Fish, Jr.	Supervisor

ALSO PRESENT:	Erin Trombley	Town Clerk
	Chris Abrams	Highway Superintendent
	Attorney Mark Schachner	Town Counsel
	Attorney Glen Bruening	Town Counsel

OTHERS PRESENT: Sonya Fowler, Jane Hudson, Tim Hudson, Michelle Johnson, Allen J. (Jim) Van Guilder, Maureen Jackson, Sheila Itzo, Dominic Tom, John Jackowski, Nicole Haddadnia, Carl Hourihan, resident Phil.

FUTURE MEETINGS & WORKSHOPS

Supervisor Fish called for a workshop to be held April 25 for the purpose of taking steps to form an Advisory Task Force. This would be a group of citizens working with the Board to craft language around zoning in the manufacturing and industrial zones of the town for a new Comprehensive Plan.

Resolution 134-2024 A motion was made by Councilmember Killian, seconded by Councilmember Stewart, to set a special Workshop for 6:30 p.m. April 25.

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

Councilmember Killian	Aye
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 3:0

APPROVAL OF MINUTES

5 sets of minutes had been presented to the Board for review; Special Meeting 3/25, Public Hearing 3/26, Month-End Audit Meeting 3/26, Regular Meeting 3/26, and Public Hearing 3/28. Supervisor Fish asked if they could all be accepted together. Councilmember Stewart said the March 25th minutes should be tabled since he was not present on that date.

Resolution 135-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to accept the minutes presented for the Public Hearing, Month-End Audit, and Regular Meeting on 3/26, and minutes for the Public Hearing on 3/28/2024.

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

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Councilmember Killian	Aye
Councilmember Stewart	Aye
Supervisor Fish	Aye

The motion carried 3:0

Councilmember Noonan joined the Board at the bench at 7:04 p.m.

PUBLIC COMMENT FOR AGENDA ITEMS

Dominic Tom said he wanted to speak about the public hearing and minutes related to the moratorium since they were on the meeting's agenda. He said he was "outraged" that a Town resident had engaged a fourteen-year-old student to circulate petitions. He said he had been regularly attending Town Board meetings for six years, and in that time most of his requests had not been responded to. He then demanded the Town Board or Supervisor alone contact New York State investigative agencies to look into the situation, which he called "an abuse of minors." Mr. Tom said local authorities should not do the investigation. He called for letters to be sent to the FBI, State Education Board, NYS Comptroller, State Attorney General, and NYS Bureau of Criminal Investigation (BCI). He went on to say he believes there are criminal violations or at least violations of privacy laws, having subjected teens to having their names exposed pursuant to FOIL requests of the document. He said it was time to clean up the mess and an outside agency is needed to do it. He went further to say he believed the portion of the minutes where the petition was introduced and expounded upon by a Saratoga Biochar Solutions (SBS) employee, followed by comments by an SBS attorney accusing the Board of targeting SBS, should be stricken from the record because there was no reference to Saratoga Biochar Solutions in the moratorium or the agenda that night.

RECREATION DEPARTMENT REQUESTS

Resolution 136-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to authorize the Supervisor to sign the 2024 contract with Northeast Hurricanes Travel Baseball Club, Inc. Asked if all were in favor, the responses were as follows:

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

The motion carried 4:0

Resolution 137-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to authorize the Supervisor to sign a contract with Turf Management at a cost not to exceed \$19,200 from account A7140.4.

Discussion: Councilmember Killian asked if only one person had submitted a quote. Supervisor Fish said there was only one that responded to the inquiry. Councilmember Noonan said Jim Girard at Turf

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Management had been the only one to submit a price in the past few years. Before that, he said they always had the best price, so he surmised that is probably why other companies stopped submitting quotes.

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

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

The motion carried 4:0

Supervisor Fish said the Town had received three quotes for dumpsters for the Recreation Park and beach. Recreation Director Jeremy Brogan recommended Twin Bridges Waste & Recycling, who submitted the lowest quote and has done well for the Town in the past.

Resolution 138-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to authorize the Supervisor to sign a contract with Twin Bridges for two 10-yard dumpsters and one 13-yard dumpster at a cost not to exceed \$3,300 per year.

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

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

The motion carried 4:0

Resolution 139-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to authorize the Supervisor to sign a contract with Stone Industries, LLC, to provide two standard portable toilets and one handicap portable toilet to the Harry Betar Recreation Park at a cost not to exceed \$4,719 for the year.

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

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

The motion carried 4:0

Supervisor Fish asked the Town Clerk to read the following resolution into the record:

“So be it resolved:

That Bruce Homicz be rehired as a seasonal laborer, for the Recreation Department, and be compensated at the rate of \$16.48 per hour. This is to be effective immediately.”

Resolution 140-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to accept the resolution as read.

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

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

The motion carried 4:0

PUBLIC COMMENT PERIOD

Michelle Johnson said she is known to the Board members and had spoken with several before this meeting. She said she doesn't know what to do about the water pooling in her yard, and said she has grubs, moles, foul odors, and her sump pump runs constantly. She said her assessment increases every year and 60% of her yard is now unusable. She said kids can't play in the yard and pets cannot go out due to a proliferation of ticks and insects. She said she had an email from Councilmember Noonan saying that he would get to the bottom of who was responsible for the issue. She said she doesn't know who is responsible but that the water is consuming her almost 1 acre of land and she doesn't have the funds to take care of it. The sump pump running every three minutes has increased her electric bill, she said. Ms. Johnson said she had spoken to Julie Rider of the NYS Department of Environmental Conservation (NYSDEC), who said it was a Town problem. She referenced someone named "Lou" who she said asked, "Michelle, what the Hell happened?" She asked, if the culprit is Shawn McKenna's property. She said she never had flooding and people have said her property was never dry before, but she disagreed, saying 20 years ago her kids used to ride 4-wheelers there and her husband had a tree stand there.

She said the floodwater almost reaches to the road on the North side of the property. She said she has had to call about a drain across the street too, that water from passing cars on the road sprays into her garage and yard. She said in the past the Town denied any responsibility. She said she doesn't know who is responsible and doesn't have the money to fix it all herself. She walked the property with John Jackowski from Rte. 197 and measured the water. She said there's algae everywhere and at one of the McKenna homes they "use chemicals" on their lawn. She said in past conversations with NYSDEC they said lawn chemicals could be entering the standing water on her property and promoting the algae growth. She said even if she wanted to sell her property, who would want to buy it? She said she hoped the Board would help not only her, but her neighbors as well. Ms. Johnson had a file containing photos and information documenting the situation over some years that she gave to Supervisor Fish.

Councilmember Noonan said he sympathized with Ms. Johnson in this situation and did not know who was responsible. He asked if she had spoken with her neighbors about the trench running across the back of their

properties. Ms. Johnson said she had spoken to Councilmember Stewart at the Marathon Dance about it. She confirmed she had spoken with neighbors Tim and his wife, Jim, and Josh. Her neighbor to the North, Jennifer, did not want to address the Board. The Hamlins, who live North of her in a green house have come before the Board about the issue in the past, she said. She added that when the Hamlins bought their house, the septic tank was on the property that McKenna bought that became the property of what she called “the fourth home.” The Hamlins paid to relocate the septic tank, she said, and because they didn’t know better, they hired Shawn McKenna’s attorney. She called it “sad” that now they cannot even use their swimming pool. Councilmember Noonan asked again about the drainage trench, and said to the left on her property there is a drain at the end about a foot above the ground. He confirmed with her that there is no water going to the drain. She said it depends if you’re going North or South. He clarified that he meant the end toward Rte. 197. It does enter the drain, Ms. Johnson said, and Jane Hudson chimed in saying it does not work properly.

Councilmember Noonan asked if the water was entering the drain and whether it goes to the area recently excavated by the Town. Ms. Johnson said nothing is going to the area described by the Councilmember. She presented a photo of a cistern that she said was on Jim Van Guilder’s property and said that is where the water was intended to go. She said Mr. Van Guilder has pumped it out because his basement is flooded, even though his property is at a higher elevation than hers.

Jane Hudson, whose house is on Gansevoort Road, she said she now owns “lake front” property due to the extensive flooding. Ms. Johnson identified the Hudsons’ home on materials she showed the Board. Ms. Hudson (who did not speak from the podium) said the trench had extended all the way to Rte. 197 until Joan Moore (?) built a store and installed (something) inadequate, and she said it was never up to code. She said the pipe is too small and must have collapsed somewhere inside. In short, she said it was never adequate. At her home, she said they had had to install a new septic system in 2022 at a cost of \$23,000, of which \$8,000 was amended soil. She said they had to install a “mound system” she called “ugly,” and that her yard and flower gardens used to be beautiful. She said the thing being referred to as a cistern is not a cistern because by definition a cistern is designed to hold water. A male attendee in the room said he had cleaned out his section of the trench.

Councilmember Stewart asked Ms. Johnson if any of the affected homeowners to the South would object to the trench being cleaned out. Ms. Johnson said many of the homes are at a higher elevation than hers but water on her property is standing. She described the water as being recycled because her sump pump is continuously pumping water out and water keeps coming in. A male meeting attendee (did not state his name) said he believed a neighbor named Babson may not be experiencing flooding. Councilmember Stewart said an idea posited in the past, which had a cost, was a 12’ right of way around the channel in the back of these properties to the intersection of Rtes. 32 and 197. Supervisor Fish said he was told there was a pipe there coming from the drain that goes to Mr. Van Guilder’s property that goes to a drain on Rte. 32. He continued, saying if those pipes have collapsed, water can’t get to the drain on Rte. 32, and that the water needs to reach the drain for the water on Ms. Johnson’s property to drain.

Councilmember Stewart said he believed meeting minutes from the past would show previous counsel had drafted documents to allow the Town a right of way to the trench. He said he felt bad that this issue has been going on for years, and Councilmember Noonan said the issue has been raised as long as he’s been on the Board. Councilmember Stewart said if the previous plan was acted upon, it would amount to something like a maintenance agreement with the homeowners. He said he knows plot plans have to show drainage to go before

the Planning Board, but he said he assumed the Board could not find the information going back that far. He then asked the Town attorneys how the Town could legally gain access to the land to address the water issue.

Counsel Schachner said the answer may be wildly unpopular, and identified the concern, which is identifying the source of the water and why is it collecting where it's collecting. To the question of the Town gaining access legally, Counsel said the Town could obtain an easement from the property owners. Counsel went on to say their concern is that if the Town is not in any way at fault, and the Board wants to help residents in a bad situation, the Board should be careful because other citizens could come forward with similar requests for assistance. He said by law, Town monies can only be spent for lawful public purposes. Town funds should not be spent to benefit only certain private property owners if the Town is not at fault, he said.

Councilmember Stewart said there is a full report by Blue Neil's that doesn't name anyone as the responsible party. Jane Hudson asked if a plot plan survey from when Joan Moore built could be reviewed because the cistern has never been adequate. She said she and Tim had been living at their current location for almost 40 years. She said someone threatened to sue someone else because someone's brother from Whitehall put a drainpipe in, and she didn't know how that got passed by the Town. She said she regrets that they didn't fight it at the time because she was raising her sons. She said they did not have these problems until 2022. So much development has been done in recent years, she said, naming Gregory Manor, Woodscape, and Shawn McKenna's developments. She said she has watched and was excited about the Town's growth, but her assessment went up \$60,000.

Michelle Johnson said she is concerned about neighbors between her house and Rte. 197 blaming her for the situation. She referenced photos of fill being brought in to nearby land to raise up the lots. Jane Hudson said it's a health hazard and bugs were coming up out of the water already. Ms. Johnson agreed. Councilmember Killian asked when the flooding started. An attendee said it was when Joan Moore built. Councilmember Killian asked if this was around 2015? 2006? Multiple people said no. Ms. Johnson said her issues started in 2017-18. Ms. Hudson said she will call the NYS Department of Health because bugs are swarming, and she said it is a health hazard for her grandkids. Ms. Johnson and another attendee said they have called.

Councilmember Stewart told constituents they are heard and asked that they let the Board review the situation and see what could be done. A constituent said they have been waiting for an answer from the Board for 5 years. Councilmember Stewart said he has been on the Board for 2 years and their plan for the Town to take action had fallen short for the reasons present Counsel indicated. He said they had relied on their experts to that point, and with new resources in the form of new counsel and engineering, he said, the Town may find a way to assist. An attendee asked what engineering firm would be used. Councilmember Stewart said Requests For Proposals (RFPs) from engineering firms were due April 17th. Supervisor Fish said there has to be a reason this happened, and that he knew the Johnsons' property was dry previously. He said the Town needed to locate the source of the problem to assign responsibility and then apply a solution. Councilmember Stewart said that's why he referenced new resources, because the old engineering report says the water flows West to East. An attendee said the water flows South. Councilmember Stewart said he knew.

Tim Hudson said when Woodlawn transferred water across the road, his house flooded. Michelle Johnson said she had talked to an attorney in the past, who referred her to someone else who has since retired, and that the attorney told her she would have to prove that the Town is negligent. She said she and "Phil" had walked the property in waders. Jane Hudson invited Board members to take a ride-by to see the situation. Councilmember

Noonan said he looks every time he passes by. Ms. Hudson said the McKenna houses have water in their yards too, but the houses are set up farther away from it. She said her home was built in the 1970s and the foundation fill was of poor quality from Nibco, that nothing could grow in it. A resident who identified himself as Phil said he was attracted to this place by deer and turkey hunting. As a young child he said he used to go fishing behind the rod & gun club with his father. He said now instead of dozens of turkeys on his property he has tree frogs. He said the soil has settled due to the water and tree roots are exposed so he can't mow it anymore. He said they have been struggling with the Board for almost seven years.

Councilmember Noonan said the Board doesn't want the residents to have this problem, and that they would like to help if they can, but a solution was not going to be presented at that meeting. Ms. Johnson said she hoped it would not take 4 more years because the previous engineering report took a long time to write. She asked how her tax money was helping her. Councilmember Noonan asked if she had grieved her taxes every year. She said she had tried once, her claim was denied, and her assessment went up more than \$20,000. Ms. Hudson said her home was assessed at full market value, but the house is worthless to sell now due to the flooding. She said she thought the assessments were skewed. Councilmember Killian said that if attendees want to speak, they should state their name and address, to maintain some structure in the meeting. He asked the attendees to give the Board a chance to come to some resolution. He said they would look into actions taken in the past 6 or 7 years. Councilmember Noonan said residents should grieve their assessments if they feel they are incorrect.

John Jackowski said Shawn McKenna put in a trench and his report says the water ran North to South in it. Mr. Jackowski said he had paid a surveyor, Dustin Lynch, who found that halfway down the trench at a footbridge the elevation is 18" higher than at the ends, so water from McKenna's property cannot flow South. He said he had observed 16-18" of water on one end by the Johnsons' house and none at the footbridge in the middle, and after some rain there were an additional 10" of water at the footbridge. He continued, saying the water does flow, but it has to travel from Rte. 32 to Rte. 197, where there is little pitch to the culvert, and the drain ends behind Steven's Garage. He said water also flows down Selfridge Rd. and feeds into the area behind Steven's Garage. He said water from Rte. 197 cannot flow because of water coming the other way in the drain. In summary he said water North of the footbridge could never have flowed South due to the elevation there in the trench or channel. Referencing a document, he said when the property was developed, Hamlin's property, purchased from Griffin, became flooded.

Mr. Jackowski said a Building Inspector was called, who told the Hamlins "tough luck." McKenna put in four feet of fill the next year, he said, and according to the NYSDEC four feet of fill will disturb one acre of land. Mr. Jackowski also said Mr. Duell's water table dropped after the Michaels Group built on the other side of Rte. 32 in 2008. Councilmember Noonan clarified, asking if the thought was that the water that should have been there at Mr. Duell's property was being held back somewhere else. Mr. Jackowski said when the Michaels Group drained the property, they diverted it off to go North, and designed the ditch or channel to go both directions, but water cannot flow because part of the channel is too high. He continued, saying natural drainage is blocked by the 4' of fill. He said he was told behind Stevens Drive there was a natural spring. He said he pumped 750,000 gallons of water out of a pond of water down Rte. 197 and helped Dolly Rourke(?) with her property. Now, he said, she can't do laundry in her house. He said he disagreed with the previous engineer hired by either the Town or McKenna, and said the area should not have been filled to develop the land. He said someone is at fault for letting them build there. Reading from a previous engineering report, he said that despite the NYSDEC regulation on water displacement caused by fill, the report says the fill would have no

impact and all surface water will flow to the Hudson River. Mr. Jackowski said this is one of two major errors in the report, the other being that water flows North to South. Councilmember Killian said the Board would look into it and thanked him for his remarks. Mr. Jackowski said it took years for this report to come out. Councilmember Killian said it's something they would look into because in some regards he did not know what Mr. Jackowski was referring to. He said he would definitely come and look at all of the properties affected.

Tim Hudson said he wanted to go on the record as an affected property owner. He said he would welcome a visit and offered to explain the history of what has happened.

Jim Van Guilder said he never knew about the ditch until he saw a neighbor cleaning his out. Then he found a folder of information, including a map. Supervisor Fish asked Mr. Van Guilder to come to the podium to address the Board. Supervisor Fish continued saying they have to come out and look at the areas of concern and bring the information to the new engineers. He offered to come out the following day. Mr. Van Guilder said to come to his house, and referenced the Woodscape development, and McKenna's development as possible sources of the water. He said the channel runs through his property, and wanted to know if the State is responsible for the waterway. He said when the channel was clear before the water ran swiftly, and since the houses were built, he's been flooded and his sump pump is running all the time. He said he has been considering selling his property and moving because it has been nothing but trouble.

Dominic Tom referenced an infant death that had taken place in South Glens Falls the week prior to the meeting. He said after first responders left the scene, code enforcement and the Village were called in because living conditions in the apartment were so bad, the determination was made that it was unfit for habitation, with bugs and open sewage present. The apartment was sealed. He said the incident highlights an issue he has brought to the Board for six years; more code enforcement is needed in the Town. Derelict properties are not being addressed, he said. Once, he said he asked for a report form at the office responsible for code enforcement and he was offered a Post-It Note. He said 1 inspector is not enough. He said he believes three full-time enforcement officers are needed just to keep up with new construction. He acknowledged he had made other suggestions and that finances are strained. He said he has ideas to help but action has not been taken. He said the people who attended the meeting that night would not have come before the previous Board. He asked if the Board does not see the eyesore properties? He vowed not to give up because as a taxpayer he believes he shouldn't have to see or live near slums.

COMMITTEE REPORTS

No Committee reports were given.

SUPERVISOR'S ITEMS

Supervisor Fish stated that every month, Saratoga County honors a deceased Veteran from the community. In the coming months, he said Moreau would have an opportunity. He asked members of the public to reach out to the Supervisor's office to submit the name of a deceased veteran from the Town by April 16.

Supervisor Fish also announced the recent resignation of Senior Assessment Clerk, Riley McGuiggan, who had gotten a job with New York State. He asked the Clerk to read a letter from the Assessor into the minutes.

“April 9, 2024

To: Supervisor Fish and Town Board Members

Regarding: Letter of resignation – Riley McGuiggan

It is with a heavy heart I ask you to accept the attached resignation for Riley McGuiggan for his position as Senior Assessment Clerk.

Riley has been a big part of the success of my office these past four years. He is a hardworking, motivated, smart, and kindhearted individual who is always known to go above and beyond in his job duties and in his encounters with the public. To say that Riley will be missed is an understatement.

I am extremely proud of the professional Riley has grown to be and would like to wish him the best on his new career adventure. On behalf of myself and the Town of Moreau, we would like to thank him for his years of dedicated service to the Town!

Sincerely,
Leah M. Cronin, IAO
Assessor”

Resolution 141-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, to accept the resignation of Riley McGuiggan from the position of Senior Assessment Clerk, whose last day with the Town will be April 24, 2024.

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

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

The motion carried 4:0

EXECUTIVE SESSION

No Executive Session was required.

ADJOURNMENT

Resolution 142-2024 A motion was made by Councilmember Noonan, seconded by Councilmember Killian, to adjourn the meeting.

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

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

The motion carried 4:0

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk