

A regular meeting of the Town Board of the Town of Moreau was held on February 13, 2018 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**

John Hogan	Councilman
Alan VanTassel	Councilman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

Gina LeClair	Councilwoman
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**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Jeff Cruz, Principal Account Clerk; Kathy Perez, Building Inspectors Clerk; Jesse Fish, Water Superintendent; Reed Antis, Planning Board member; Kathleen Moore, Post Star Reporter; Dave Rogge, Lamplighter Acres; Town Residents: Jim Rando, Rich Morris, Bruce Flayer, James Campagnone; Ed Connell, Ballston Spa; Brian Borie, Glens Falls

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from January 23, 2018 (2 sets) and January 29, 2018 were prepared and presented to the Town Board in advance of the meeting, for their review, comment, correction and approval.

A motion was made by Councilman Noonan and seconded by Councilman Hogan to approve the minutes from the January 23, 2018 month end meeting as prepared.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Abstain
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilman Noonan and seconded by Councilman Hogan to approve the minutes from the January 23, 2018 regular Town Board meeting as prepared.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Abstain
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilman Noonan and seconded by Councilman Hogan to approve the minutes from January 29, 2018 as prepared.

A regular meeting of the Town Board of the Town of Moreau was held on February 13, 2018 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **SET FUTURE MEETINGS AND WORKSHOPS**

The Supervisor stated that a workshop is needed to discuss the Town's MS4 Program. He stated that there has been a concern from contractors over billing procedures. Those who would need to attend would be: the Building Inspector, the Zoning Administrator, Maureen Leerkes (Stormwater Management Coordinator), Blue Neils and the Town Board. A Town Board workshop was scheduled for February 21, 2018 at 6:00 p.m. for the purpose of discussing the MS4 Program. The Supervisor stated that he would reach out to those who will be attending to make sure the date and time is acceptable.

### **PLANNING AND ZONING TRAINING**

A motion was made by Councilman VanTassel and seconded by Councilman Hogan establishing a policy, which will require members and alternates of the Planning and Zoning Boards to receive four (4) hours of continuous education annually in order to remain as members of their Boards.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **ADOPTION OF LABERGE 2018 RATE SCHEDULE**

A motion was made by Councilman VanTassel and seconded by Councilman Noonan to accept the published rate charges provided to the Town by Laberge Group in their January-December 2018 schedule.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilman Noonan and seconded by Councilman VanTassel to accept the published rate charges provided to the Town by C.T. Male in their January-December 2018 schedule.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **SHMD VARIABLE MESSAGE SIGN ON SCHOOL PROPERTY**

A regular meeting of the Town Board of the Town of Moreau was held on February 13, 2018 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

A request was received from Dan Albert, one of the advisors of the South High Marathon Dance, asking for approval of a variable message sign, which would display parking information and instruction for the Marathon Dance. The Supervisor stated that because there is a local ordinance on Variable Message Signs, this would require Town Board approval.

A motion was made by Councilman Noonan and seconded by Councilman Hogan approving the South High Marathon Dance to erect a variable message sign for Marathon Dance weekend.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **SOUTH HIGH MARATHON DANCE PROCLAMATION**

A motion was made by Councilman VanTassel and seconded by Councilman Hogan proclaiming March 2nd and 3<sup>rd</sup> 2018 as “Dance Marathon Weekend” and for the following proclamation to be made a part of the minutes.

WHEREAS, for the 41st consecutive year the South Glens Falls High School is hosting the annual South High Marathon Dance to raise funds to benefit local charities, organizations and individuals in the community and tri-county area; and

WHEREAS, the first South High Marathon Dance was held in 1978 with about 50 dancers participating and has grown to an astounding 800 plus dance participants which is more than 80% of the students in the South Glens Falls Central School District; and

WHEREAS, the students will dance for an amazing 28 hours over a two day period, and

WHEREAS, the first marathon dance raised \$1,500 and this amount has increased to **\$823,614.91**, the amount raised in 2017, for a grand total over the years of over \$6.4 million, and

WHEREAS, over the past 40 years the funds raised by the marathon dance have been distributed to over 448 beneficiaries within the Village of South Glens Falls, the Town of Moreau, and surrounding communities, and

WHEREAS, the recipients chosen to benefit from the proceeds raised by this year’s dance include: Kimberly Bartlett, Lexi Beecher, Aurora Bombard, Joseph (Joey) Brown, Carmella Childs, James Doriski, Ingrid Engelhard, Jason Fuller, Cora Rosa Gargano, Steve Gillingham, J.P. Honsinger, Austin Lane, Brock Lescault, James Manning, Keyon Jace Marshall, Fawn McCall, Dan McCane, Austin Naylor, Thomas O’Sullivan, Brandy Palmer, Heather Palmer, Jennifer Park, Elizabeth (Carol) Porter, Adam Powers, Lorraine Powers, Rhyan Towne, Brian Washburn, Bryan Watkins, Tabitha Wren, Ashley Young, Alzheimer’s Association of Northeastern NY, Angel Names Association, Ben Osborn Memorial Fund, Bridging People and Places, CAPTAIN Youth and Family Services, Family Service Association of Glens Falls, Glens Falls Area Youth Center, Moreau Community Center, Nick’s Fight to be Healed Foundation, Rebuilding Together Saratoga County, Spina Bifida Association of Northeastern NY, and Woofs for Warriors, and

WHEREAS, the dance marathon has become a tradition which brings our entire community together in an emotional, exciting and gratifying experience that will stay with those involved for the rest of their lives, and

WHEREAS, the Moreau Town Board extends their sincere gratitude to all those involved and especially to the students who devote their time and effort to making the Marathon Dance a success, and

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NOW, THEREFORE, BE IT RESOLVED, that the Moreau Town Board hereby proclaims March 2nd and 3rd, 2018 “South High Dance Marathon Weekend” as a tribute to the support and generosity of our community.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**FIRE SUPPRESSION SYSTEM**

Supervisor Kusnierz gave a short synopsis of the history of the sprinkler system failure. He stated that portions are operational and some are not. He explained how Crisafulli Brothers was the contractor who the Town engaged to do the complete plumbing for the New Town Hall Complex. They subcontracted out the Sprinkler System portion of the job. In March of 2015, there was extensive water damage due to a break. The Supervisor stated that he had reached out to Crisafulli and asked to have a meeting to try and resolve the issue amicably and was to meet with the Vice President, however, that person didn't show up for the meeting. The Supervisor commented, that at this point, there is no other way to protect the interest of the Town, except to move forward with litigation.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan authorizing the following resolution which was read into the record:

RESOLVED, that the Town Board hereby authorizes the Attorney for the Town to take any legal action necessary with respect to the repair and/or replacement of the fire suppression system in Town Hall and be it further

RESOLVED, that the Supervisor is hereby authorized to execute any and all documents necessary regarding legal action with respect to the repair and/or replacement of the fire suppression system in Town Hall.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**RECREATION DEPARTMENT REQUEST**

Three quotes were obtained for the rental of dumpsters at the Park and at the Beach as follows:

Ace Carting Services	(3) Beach 1 per week 2 yd @ \$55.00 per month= \$165.00/yr.
PO Box 468	(7) Rec 2 per week 10 yd @ \$327.00 per month=\$2289.00/yr.
Fort Ann, NY 12827	Total of \$2,454.00 per year

Waste Management	(3) Beach 1 per week 2 yd @ 80.00 per month=\$240.00/yr.
1329 Route 9	(7) Rec 2 per week 10 yd @ \$330.00 per month=\$2310.00/yr.
Fort Edward, NY 12828	Total of \$2,550.00 per year

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Casella Waste	(3) Beach 1 per week 2 yd @ \$95.00 per month=\$285.00/yr.
1392 Route 9	(7) Rec 2 per week 10 yd @ \$370.00 per month=\$2590.00/yr.
Fort Edward, NY 12828	Total of \$2875.00 per year.

A motion was made by Councilman VanTassel and seconded by Councilman Noonan to accept the quote by Ace Carting Services for the rental of dumpsters at the Rec Park and Beach. The rental of the dumpsters at the Rec Park will be paid from account A7140.4 and the rental of dumpsters at the Beach will be paid from account A7310.4.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilman VanTassel and seconded by Councilman Noonan authorizing the purchase of rock salt from Morton Salt Inc., in the amount of \$25,000.00. This will be paid from account DB5142.490, with a balance of \$80,000.00 as of February 1, 2018.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**FEMA – CLARK ROAD PROJECT**

The Supervisor reported that a letter had been received from Homeland Security regarding the Clark Road culvert project. The memo stated that the Federal Emergency Management Agency (FEMA) agreed with the final payment request in the amount of \$118,846.18, which included an additional amount of \$305.65 in funding.

**RECREATION EQUIPMENT REPAIR**

The Supervisor reported receiving a quote for repair of the Toro motorized rake. He stated that BOCES could do the work at a cost of \$2,500 - \$3,000 to make the unit operational. He stated that the unit hasn't been used in a number of years and that they could purchase a used one for \$3,100-\$5,500. He suggested that they not repair the unit. Councilman VanTassel stated that he didn't think the cost would be that high for the repair and agreed with the Supervisor. He also suggested that maybe they should get a second opinion. Councilman Noonan agreed that it shouldn't be repaired. The Supervisor stated that he would let them know that they shouldn't have it repaired.

**DISSOLUTION OF CONSOLIDATED BOARD OF HEALTH**

Supervisor Kusnierz reported that the President of the Consolidated Board of Health tendered her resignation to be effective January 30, 2018. He reported that Counsel had reached out to DOH to make sure they follow the proper procedure for dissolution and she was directed to speak with the County Attorney. Attorney Buettner hadn't heard back from the County Attorney as yet and therefore, this agenda item was tabled.

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**ASSESSOR’S CLERK**

Supervisor Kusnierz reported, that at budget time, they talked about making a full-time position for the Assessor’s Clerk but not until August of this year. He stated that with the Assessor’s plan to retire, they may need to do this sooner. If they were to hire this person now instead of in August, it would create a shortfall of \$7,710.00. He asked what the Board’s pleasure was. Councilman VanTassel stated that the quality of work provided by the part-time clerk is favorable. He also commented that the sales tax numbers look favorable and that they could use those funds to cover the shortfall. He recommended moving forward with the full-time position. Councilman Noonan asked where the money would come from, if not from sales tax. The Supervisor reported that it could come from other accounts within the same fund. Councilman Noonan agreed that they should move forward.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to create a position of Full-time Assessor’s Clerk and to move the existing Part-time Clerk into that position, at a rate of \$13.02/ hour and to be effective February 19, 2018.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**PRENTISS & CARLISLE RESOLUTION**

The Supervisor gave a quick summary of the contract between the Town and Prentiss & Carlisle for the harvesting of timber. He stated that the Town had been advanced for the timber cut on some of the properties and the Town allowed the contract to move forward. In other areas, the Town took action to stop work after payment by Prentiss and Carlisle. In an effort to minimize exposure to the Town, the Board has had discussions as to whether they want to settle. In an effort to put the issue behind, and to do the right thing on the part of the contractor and the tax payers, the Town is looking for a settlement proposal. The most recent figure that the Supervisor was aware of, to settle the case, was for \$27,000.00. Councilman Noonan stated that if the Town pushes this, they may lose the opportunity for the \$27,000.00. The Supervisor stated that if the Town doesn’t take action, the intent of Prentiss and Carlisle is to litigate. Councilman Noonan and Councilman Hogan both agreed that the Town should settle.

A motion was made by Councilman Hogan and seconded by Councilman Noonan authorizing the Settlement of Claim by Prentiss and Carlisle as read into the record by Supervisor Kusnierz as follows:

**RESOLUTION: Authorizing Settlement of Claim by Prentiss & Carlisle**

**WHEREAS**, the Town of Moreau (“Town”) entered into two contracts with Prentiss & Carlisle, Forest Resource Management and Timberland Services, dated November 18, 2014 and February 23, 2015, respectively, for harvesting projects located within the Town; and

**WHEREAS**, after negotiations with Prentiss & Carlisle, the Town determined it was in the best interest of the Town to terminate the contracts; and

**WHEREAS**, as a result of the negotiations, the parties have agreed it to be in the best interest of the parties to resolve this claim without the need for litigation;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town will pay Prentiss & Carlisle the sum of Twenty-Seven Thousand and NO/100 Dollars (\$27,000.00) in full and complete satisfaction of any and all claims arising out of the Contracts; and be it further

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**RESOLVED**, that the Supervisor is hereby authorized to sign any documents necessary to effectuate the settlement of this claim, in conjunction with the Attorney for the Town.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**AHC HOUSING REHABILITATION GRANT-SHELTER PLANNING**

The Supervisor gave a quick background for the new members of the Board. He stated that Shelter Planning was hired by the Town several years ago for approximately \$6,000.00 to look for grant money for home improvements for residences throughout the Town. The first award received was in the amount of \$150,000 through the NYS Affordable Housing Corporation. Shelter Planning was hired to administer the grant and the Town was able to assist five households with their upgrades. The second award was for \$340,000.00 and 9 out of the 14 designated units have been completed. The Supervisor stated that Shelter Planning needs a resolution to move forward.

A motion was made by Councilman VanTassel and seconded by Councilman Noonan authorizing the following resolution, which was read into the record by the Town Clerk:

**RESOLUTION APPROVING GRANT AWARDS FOR CASE FILES #2018-10-12 IN CONNECTION WITH TOWN OF MOREAU HOUSING REHABILITATION PROGRAM**

WHEREAS, the Town of Moreau has established a Housing Rehabilitation Program funded by the New York State Affordable Housing Corporation (NYS AHC) Affordable Home Ownership Development (AHOD) Home Improvement Program; and

WHEREAS, this program provides grants to the homeowners to cover 100% of eligible costs, including rehabilitation construction, grant administration, project delivery, and associated soft costs, up to a maximum of \$40,000 per project, and

WHEREAS, three (3) single family property Case Files #2018 10-12 have been determined to be eligible for this grant assistance and the owners of the properties have requested such assistance, and

WHEREAS, the Town has engaged Shelter Planning and Development to provide program delivery and administration services related to the NYS AHC grant award, and

WHEREAS, Shelter Planning and Development, Inc. has overseen the program outreach application and evaluation process and recommends approval of grants to Case Files #2018 10-12, and

WHEREAS, in connection with this grant award, the owner or owners will be required to execute a Note and Mortgage affecting the property for ten (10) years from the date of completion of the rehabilitation and the Mortgage will be recorded in the Saratoga County Clerk's Office for the benefit of the New York State Affordable Housing Corporation, and

WHEREAS, this constitutes a Type II Action pursuant to the State Environmental Quality Review Act and therefore, no environmental review is required,

NOW, THEREFORE, BE IT

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RESOLVED, that the Town of Moreau approves a total grant award not to exceed the per unit grant maximum as established by AHC, for all eligible costs for Case Files #2018 10-12, Moreau, New York with total grant assistance approved for the three (3) projects combined not to exceed the funds available through the AHC grant award to the Town.

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to execute the Grant Award agreements and take such other and further action as may be necessary to effectuate the terms of this Resolution.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Councilman Hogan asked if it was public information and if the Supervisor knew what homes had been serviced. The Supervisor wasn't sure if it was public information but stated that he would get a copy to Councilman Hogan.

#### **DOG CONTROL OFFICER REQUEST**

A request was received from the Town's Dog Control officer, asking for the Town to cover the cost of his rabies booster, which is needed to keep him at a safe titer level if he's bitten by a dog. The cost is \$317.00 plus a \$25.00 administration fee that may possibly be waived. The Supervisor reported that the shots had been covered by another municipality in the past but since he no longer works for anyone other than Moreau, he is asking for the Town to cover the cost.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan authorizing Dexter Baker to receive a rabies vaccination booster at a cost of \$317.00 and authorizing \$25.00 for the administrative fee, for a total of \$342.00, either by voucher or reimbursement.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

#### **PROPOSED SEWER DISTRICT**

The Supervisor stated that the Town has engaged the services of Laberge Group to work on a proposal for review by the Town Board and the public. He stated that they are in the early stages and based upon the last two starts and stops for sewer structure along the commercial corridor, the Town is making sure they address the concerns of the public that had risen along the way. He stated that Laberge Group is hopeful that they will have a plan to present to the Town Board and the public, at the next regular Town Board meeting (February 27, 2018). The Supervisor commented that Laberge Group is reviewing the last two proposals to see if they can be a part of the new proposal, which will be presented to the Board. He stated that the focus of the Town Board is to have a sewer infrastructure plan that has an economic component, which will be primarily focused in the commercial corridor. The Supervisor stated that they will entertain suggestions from the public when they do the roll out as far as who in the corridor would like to opt in or not.



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**INCOME SURVEY FOR PROPOSED SEWER DISTRICT**

The Supervisor stated that they will need a resolution for an income study, which will help the Town in applying for grants. He stated that they had started a study but at the direction of the Board, the study stopped. He stated that in order for the study to continue, a resolution would be needed to hire Tedford Consulting out of Saranac Lake.

A motion was made by Councilman Noonan and seconded by Councilman VanTassel to engage the services of Tedford Consulting for a Town of Moreau income survey at an estimated cost of \$4,950.00. This will be paid from the economic development allocation provided in the budget.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**VENTILATION REPORT**

The Supervisor stated that the ventilation report is more specifically known as a balancing report. He stated that the Building Department was helpful in locating the report, which spells out the flow rate for the ventilation system. The Supervisor stated that they know from the balance of the heating, that the flow isn't right. He stated, that in order to verify the flow rates, he'd like the Board to allow him to reach out to ~~Jack Hall Plumbing & Heating~~ MJL Adtek Enterprises [amended 2/28/2018 lm], who did the initial certifying of the flow rates, to see if they'll give a price that he can bring back to the Board. There were no objections to the Supervisor's request.

**BARTON & LOGUIDICE ENGINEERING**

The Supervisor asked the Town Board to include Barton & Loguidice as a Town designated engineering firm. He stated that it would benefit the tax payers to have options. He stated that it's good to have competition or options for different types of projects. He stated that back in 2014, they were involved with the Adirondack Gateway study for sewer in the region. He stated that the Town funded part of the study in the amount of \$29,500. The Supervisor stated that the Town would be getting a master meter, paid for from the study. He stated that the firm is knowledgeable in the needs of the community and felt that it would be helpful to have them on board.

A motion was made by Councilman VanTassel and seconded by Councilman Noonan that the Town add Barton & Loguidice Engineering to the list of engineers authorized to do business with the Town of Moreau and to approve their 2018 rate schedule.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**DEDICATION OF SANDY BLVD. IN WOOD CREEK ESTATES**

Brian Borie from Little, O'Connor and Borie was present on behalf of Riverview Galusha, to answer any questions the Board might have regarding the road dedication. He stated that they had submitted paperwork on January 19, 2018, which were the listed 20 requirements needed for the road dedication. The two year bond was the only item on the list, which hadn't been submitted yet and Mr. Borie stated

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that he had it with him at this meeting. Supervisor Kusnierz thanked Mr. Borie for attaching an additional one year rider and made comment that the Town has had issues in the past with regard to road dedications, in that, by the time the work was completed or about to be completed for the overlay, it exceeded the amount the Town has control over or access to. He stated that the additional year rider helps the Town. Councilman Hogan asked if Riverview Galusha is responsible to complete the road and Mr. Borie stated that they're in the process of selling the lots to Cerrone and when build out is complete, they will finish the road. He anticipated that it would be less than two years. Attorney Buettner stated that all requirements have been met to dedicate the road.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan approving the following resolution to accept the deed to Sandy Boulevard, which was read into the record by the Town Clerk:

**TOWN BOARD**

**TOWN OF MOREAU**

**SUBJECT: RESOLUTION ACCEPTING DEED TO SANDY BOULEVARD FOR DEDICATION**

WHEREAS, Riverview Galusha LLC has offered a deed to the Town of Moreau to dedicate Sandy Boulevard, more specifically identified in a survey completed by Northeast Land Survey & Land Development Consultants, P.C., dated December 12, 2017, and

WHEREAS, the Highway Superintendent, the Water Superintendent and the Engineer for the Town have recommended acceptance of Sandy Boulevard for dedication for highway purposes, and

WHEREAS, pursuant to Moreau Town Code §124-17, Riverview Galusha LLC executed and delivered to the Attorney for the Town a Warranty Deed with Lien Covenant, dated January 18, 2018, conveying Sandy Boulevard to the Town; and

WHEREAS, pursuant to Moreau Town Code §124-17(1), Riverview Galusha LLC also delivered Completion Bond with General Purpose Rider in the amount of \$237,000, an amount agreed upon by the Highway Superintendent and the Engineer for the Town as set forth in the Letter of Credit Estimate as well as an Affidavit affirming the installation of the top coat of Sandy Boulevard; and

WHEREAS, Sandy Boulevard has already been improved as a street or highway, in accordance with the standards and specifications for a town highway within the Town of Moreau, and in conformance with applicable regulations and requirements and provisions of state law pertinent thereto; and

WHEREAS, Riverview Galusha LLC has executed a Bill of Sale dated January 18, 2018, conveying to the Town of Moreau the water supply and distribution system installed as part of Phase I construction of Sandy Boulevard; and

WHEREAS, it is necessary for the Town and Wood Creek Estates Homeowners' Association, Inc. to execute a Stormwater Retention Pond Maintenance Agreement to effectuate the proper maintenance of the stormwater control measures on the Property; and

WHEREAS, Riverview Galusha LLC has complied with all submission of all of the required documents contained in Moreau Town Code §124-17, including the providing of a Title Insurance Policy naming the Town of Moreau as the insured party;

NOW, THEREFORE, BE IT

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RESOLVED, that the Town Board, on behalf of Town, does hereby consent to the order of the Highway Superintendent laying out the said street and does hereby accept the deed of dedication on the said road, to be known as Sandy Boulevard; and it is further

RESOLVED, that the Town Board, on behalf of the Town, does hereby consent to the Bill of Sale; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to execute any and all necessary documents to effectuate the dedication and stormwater agreement, and it is further

RESOLVED, that the Town Clerk shall obtain a copy of the deed and Stormwater Retention Pond Maintenance Agreement from the Saratoga County Clerk's Office.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **HEALTH INSURANCE BUY-OUT FOR RETIREES**

This agenda item was tabled.

### **RECREATIONAL DEPARTMENT STAFFING**

The Supervisor reported that a workshop had been held regarding the staffing for the Recreation Department. They discussed how they might want to change staffing to meet the needs outside the Park. He stated that it was the consensus of the Board to have a Working Foreman position, who would be responsible for the facilities within the Park as well as other Town properties, which would include the Town Hall and the Old Town Hall. He stated that they would take care of anything that needs to be done outside. In order to do this, there would be a need for additional staffing. The Supervisor stated, that last year, the Town employed 2 Full-time employees, who worked from January 1<sup>st</sup> – March 31<sup>st</sup>, 4 Part-time employees who worked January 1<sup>st</sup> – March 31<sup>st</sup>. From April 1<sup>st</sup> – October 31<sup>st</sup> the Town had 5 Full-time Seasonal employees and 2 Part-time Seasonal employees. He stated that they need to move forward quickly on Rec staffing and asked the Board how they wanted to proceed. The Supervisor stated that Jeffrey Cruz, Principal Account Clerk, had reached out to Saratoga County Civil Service for job descriptions and he listed the different jobs for the Board. He stated that the Town currently has a Part-time Rec Director and he believed it to be the Town Board's intent to retain a Part-time Rec Director but to change the responsibilities to include the scheduling of the fields. The Supervisor commented that this person has agreed to the added responsibility.

Councilman Hogan stated that after speaking with the staff at the Rec Park, it was relayed to him that they need more people. Councilman Hogan stated that Bruce, who is a Full-time employee, would be interested in a working foreman position. He stated that Steve Vance, who is a Part-time employee, would like to be considered for a Full-time position.

Councilman Noonan asked, if after the workshop, they had decided on 4 Full-time Seasonal, 2 Part-time Seasonal along with the 2 Regular Full-time employees. Councilman VanTassel stated that Jeffrey was supposed to run the numbers. The Supervisor stated, that based on what they were looking for at the workshop, the Town would be looking at \$146,000 for personal services. Councilman VanTassel asked if that was the amount budgeted and the Supervisor replied that they budgeted \$140,600.00.

Councilman VanTassel stated that they need to decide on the job description and then post the position. The Supervisor asked if they wanted to go with a Working Supervisor or a Working Foreman. Councilman VanTassel stated that the description of Working Supervisor provided by the County, meets the needs of

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the Town. He suggested that they pass a resolution creating the position and then decide how to advertise. The Supervisor asked if there was a salary in mind for the position and commented that they currently have budgeted \$35,253.85. Jeffrey Cruz stated that figure was based on an hourly rate of \$16.65.

The Supervisor asked, once the position is created, that the Town Clerk post on the Town's website. He stated that the Board members can go through any applications already on file and to go through the ones that will be received. They can select those individuals they would like to see interviewed and a meeting will be scheduled for an executive session to conduct interviews.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to create the position of Working Supervisor at a rate of \$16.65 per hour.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Councilman VanTassel suggested that all Seasonal positions be posted on the Town's website.

A Town Board meeting, for the purpose of an executive session to conduct interviews of applicants for the Recreation Department, was scheduled for February 21, 2018 at 7:00 p.m.

### **PRIVILEGE OF THE FLOOR**

Reed Antis addressed the Board and stated that he was disappointed that the engineering rates weren't published with the supporting documents. He also commented on the engineering firm that was added to the list of engineers for the Town. He asked if there was a bid process or if it was just a personal choice. Mr. Antis commented on the Master Meter discussed earlier and stated that the Town is still getting easements. He stated that he's looking forward to the meter being put in so they know how much sewage is going to Glens Falls.

### **SUPERVISOR'S ITEMS**

The Supervisor asked Attorney Buettner to provide background to the Board with regard to Palmerton Heights. Attorney Buettner stated that in 2005, the Town Board accepted the dedication of three roads in the Palmerton Heights subdivision. At that point of dedication, one of the requirements was to have a Bond or Letter of Credit for the funds to cover the completion of the roads, which is the top coat and sealant. She stated that the work hasn't been done. She stated that the Highway Department tried to work with the developer and he had stated that there is no money to finish the work. She stated that they had sent a letter to the developer earlier this year, giving him one last chance and he has yet to respond. She stated that they've spoken with Adirondack Trust, who holds the Letter of Credit. They've also spoken with the Highway Superintendent who stated that the roads need to be repaired. She stated that, at this point, the Town Board has the right to call in the Letter of Credit. The Letter of Credit, in the amount of \$200,000 would be transferred into a Town account and then the funds would be used for the top coat and sealant, which were supposed to be done by the developer. She stated, that in addition to the Letter of Credit, there is an affidavit signed by the developer, which states that he will be responsible for any and all overages from the Bond amount. She stated that the opinion of the Highway Superintendent, is that the work needs to get done this spring. She stated that a ban had been put on any further building permits in that subdivision in hopes that it would force the developer to finish the work. This didn't work. She stated that at this point, the Town needs to call in the Letter of Credit and go out to bid to get proposals to get the work done. She stated that the Board has before them the procedure to re-call the Letter of Credit. The Supervisor recommended that they call in the Letter of Credit on RMD Development Corp. in Palmerton Heights.

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A motion was made by Councilman Hogan and seconded by Councilman VanTassel to adopt the following resolution, which calls the Letter of Credit on RMD Development Corp. as read aloud by the Supervisor:

**TOWN BOARD  
TOWN OF MOREAU**

**RESOLUTION: Authorizing Calling of Letter of Credit on RMD Development Corp.**

**WHEREAS**, in 2005 the Town of Moreau (“Town”) received dedication from RMD Development Corp. (“RMD”) of the following roads located in the Palmerton Heights subdivision: Macory Way, Kadnorida Drive and Garnet Mine Court (“Roads”); and

**WHEREAS**, pursuant to Section 124-17 of the Town Code of the Town of Moreau (“Code”), the Town is listed as the sole beneficiary of an Irrevocable Letter of Credit (LOC) issued by The Adirondack Trust Company in the amount of \$200,000, the purpose of which is to protect the Town in the event RMD failed to comply with the remaining items pertaining to On-Site and Off-Site improvements in the Palmerton Heights Subdivision, specifically, the surfacing of the Roads; and

**WHEREAS**, pursuant to the Code, on May 4, 2006, an Affidavit was executed by RMD affirming that it will bear the expense of any paving costs over and above the amount of the LOC;

**WHEREAS**, pursuant the Code, RMD Development was required to complete sealing of the Roads within two (2) years of placement of the binder or at least two-thirds of the lots were sold, whichever is earlier, and

**WHEREAS**, RMD has failed to do so and has not indicated any intent to so perform; and

**WHEREAS**, due to the condition of the Roads and the failure of RMD to complete the sealing, the Roads are in disrepair and it has become necessary for the Town to perform the work,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town hereby calls the Letter of Credit from The Adirondack Trust Company to be used towards the repair and completion of the Roads, and be it further

**RESOLVED**, that the Attorney for the Town is directed to work with The Adirondack Trust Company to effectuate the release of the funds from the Letter of Credit, and be it further

**RESOLVED**, that the Supervisor is hereby authorized to sign any documents necessary to effectuate the release of the funds, in conjunction with the Attorney for the Town, and be it further

**RESOLVED**, that the Attorney for the Town is hereby authorized to take any legal actions necessary to enforce the terms of the Affidavit.

**ROLL CALL:**

Councilman Hogan	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Councilman Van Tassel	Aye
Supervisor Kusnierz	Aye

The Supervisor reported receiving a letter from the Saratoga County District Attorney, Karen Heggen, regarding Designation to prosecute violations of local laws, codes or town ordinance violations. He read the letter aloud as follows:

Dear Supervisor Kusnierz:

Pursuant to NYS County Law Section 700 et seq., this is to designate that the duly appointed Attorney for the Town of Moreau, is authorized to prosecute in the Town of Moreau, alleged violations of

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Local Law, Local Codes, Town Ordinances, or other violation of applicable laws and codes pertaining to property maintenance and site plan determinations. I also authorize the Dog control Officer for the Town of Moreau to prosecute any cases involving Dog Ordinances.

The Authorization shall have no expiration and shall relate to the appointed Attorney and Dog Control Officer for the Town of Moreau and not to any individual, firm or person.

The Supervisor reported that he had a meeting with the Saratoga County Prosperity, which is the economic development firm for Saratoga County. They have offered to do a specific economic development plan for the Town of Moreau, which would be a multi-phase plan. This would include a workshop with community involvement. He stated that a Town-wide survey would go out to all residents for their input. They will also conduct an asset inventory, which will show land available to developers. The Supervisor stated that a packet of information would be provided to the Town and that the project would take approximately 3 months. The Supervisor stated that they will come to the next regular Town Board meeting on March 13<sup>th</sup> and present a power point presentation. He also stated that there would be no charge to the Town for this project.

The Supervisor reported receiving official notice that Mark Lebowitz has resigned from his position on the Board of Trustees for Crandall Public Library. Mr. Lebowitz was a Trustee representing the Town of Moreau. He also commented that the Town has no action to take on the subject.

The Supervisor gave an update on the budget for the benefit of the Board members and general public. He stated that the Town has received its entire tax levy, which was in the amount of 2.197260 million dollars. He also stated that the money has been distributed to the various funds. He commented that the Town will be closing the 2017 books by February 28<sup>th</sup>. He mentioned some of the money that has been paid out: Crandall Public Library in the amount of \$748,254.40; \$515,100.00 to the South Glens Falls Fire Company; they've released one of two checks to the Moreau Community Center in the amount of \$137,894.00; they've released 1/2 of the amount to the Moreau Emergency Squad in the amount of \$115,507.50. He stated that per the Moreau Emergency Squad contract, they get 1/2 now and two remaining payments of 1/4 each.

The Supervisor stated that he had a meeting with NYS DOT regarding two items. The first regarding the request made by the Town in November of 2017 for a speed limit reduction on Route 197, between Route 32 and Route 9. He stated that the State denied the Town's request, with an explanation that a study was done in 2016 and the results indicated that no change is warranted. The Supervisor stated that when the letter went to NYS DOT, it was pointed out that Head Start is using the building out front. The response in regard to this request was that in order to lower the speed limit, DOT criteria would need to be met. One of the criteria is that students would have to regularly walk or bike to the school facility and they were not aware that this was happening. The Supervisor also brought up in his conversation, the timing of the light at Route 197 and Route 32 seems to favor one direction more than the other. He stated that DOT sent a crew out that same day and found that one of the sensors in the road had been torn up. He stated that they will be replacing it with a different sensor, which will be above ground within a week or so. He stated that he also asked if the Town could put a posting in the State right-of-way, indicating where the Town municipal center is and he was told that it isn't permitted in the State right-of-way but they would be happy to work with the Town in determining where the right-of-way is. He would like to move forward on this at some point, so there is better visibility of the Town facilities from the highway.

The Supervisor stated that he and Jeffrey Cruz had met with Glens Falls National Bank to go over the Town's accounts and to know what services are available and what they're doing for the Town. He stated that on interest bearing accounts, the Town had been earning .1% interest and they've now agreed to 1.35% for CD's. He stated that he would look to come up with a strategy, with the Principal Account Clerk, in the interest bearing accounts, to make the money work better for the Town.

The Supervisor reported that he had received an email from Nick Quinn, Chief of the South Glens Falls Fire Department and read the email aloud. The email acknowledged the hard work from the Water Department in clearing the fire hydrants after storms.

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The Supervisor stated that he had received notification from the State's program, Bridge New York, which provides local assistance to rehabilitate bridges and culverts statewide. The program has previously funded \$200,000,000. He stated that he would get some input from the Highway Superintendent, so they could apply for some of this money.

### **COMMITTEE REPORTS**

Councilman VanTassel stated that they had discussed outsourcing for turf management at the Recreation Park. He stated that they need to discuss and then get some proposals out. The Supervisor asked, to be clear, if he was suggesting: Fertilization, Liming the Fields and upkeep. Councilman VanTassel replied yes. The Supervisor asked Councilman Hogan to come up with a list of what the Rec staff would like to see done and then his office will reach out with RFP's. Councilman Hogan asked if the list should include irrigation. The Supervisor stated that there is an issue with the irrigation, which will need to be addressed. He asked Councilman Hogan to see if he can find out what's wrong with it.

The Supervisor stated that he had met with Aaron Frankenfeld from the Adirondack Transportation Council. He stated that Mr. Farkenfeld has agreed to come in and give a report of the Transportation Study that was done in 2014.

A motion was made by Councilman Hogan and seconded by Councilman VanTassel to adjourn to executive session at 8:50 p.m. for the purpose of getting an update on a tax certiorari case with Home of the Good Shepherd; to discuss the previous employment history and performance of a former employee and to discuss the current work performance of an existing employee.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that he expected action to be taken following the executive session. Kathryn Perez was invited into the executive session at an appropriate time. The Town Clerk did not sit in on the session.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to adjourn the executive session, with no action taken in executive session and to resume the regular meeting at 9:52 p.m.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Supervisor asked Attorney Buettner to give an update on the tax certiorari case with Home of the Good Shepherd. Attorney Buettner stated that there are a few years at issue with Home of the Good Shepherd and there has already been a trial with regard to the tax exempt issue. She stated that the Town was successful in defending that portion of the case. She stated that they are now at the valuation portion and it is required that a site inspection, discovery and appraisal be done within the next few months. She stated that the Assessor has obtained names of 7 appraisers and has received quotes from 3. She stated that she had spoken with the Assessor and has also worked with all three appraisers who submitted quotes. She stated that what they felt was the best appraiser for this case is doing appraisal work for the same case in the Town of Wilton. She stated that the firm is Empire State Appraisal Consultants and they would perform the appraisal at a cost of \$11,500.00. Attorney Buettner stated that the Board will need to

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do a resolution and asked the Board to pass a resolution tonight. A resolution was prepared in advance of the meeting for the Board's review.

A motion was made by Councilman Hogan and seconded by Councilman Noonan to pass the following resolution, which was read aloud by the Supervisor:

RESOLVED, that the Town Board of the Town of Moreau hereby retains the services of Empire State Appraisal Consultants at a cost not to exceed \$11,500, to prepare the preliminary and trial-ready appraisal and work in conjunction with the Town and the Attorney for the Town in the current Article 7 litigation entitled The Church Aid of the Protestant Episcopal Church in the Town of Saratoga Springs, Inc. d/b/a Home of the Good Shepherd v. Town of Moreau Assessor, Town of Moreau Board of Assessment Review and the Town of Moreau, Saratoga County, New York.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilman Noonan and seconded by Councilman Hogan to close the meeting for the evening at 9:56 p.m.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Absent
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

The above minutes are not intended to be a complete transcript, only a summary. To hear the full audio, please visit the Town's website: [www.townofmoreau.org](http://www.townofmoreau.org)