

A regular meeting of the Town Board of the Town of Moreau was held on July 10, 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
Gina LeClair	Councilwoman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Reed Antis, Planning Board Member and Town Resident; Kathleen Moore, Post Star Reporter

The Supervisor led the Pledge of Allegiance.

The Supervisor offered a moment of silence for the unexpected passing of the Assessor's husband and former Councilman, Robert Jenkins. He stated that Mr. Jenkins had been a Councilman from February 1988 through December 1991.

**APPROVAL OF MINUTES**

The minutes from June 21, 2018 and June 26, 2018 (2 sets) were prepared and presented to the Town Board prior to the meeting, for their review, comment, correction and approval.

**Resolution #2018-264**

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan to approve the minutes from June 21, 2018 and June 26, 2018 (2 sets) as prepared.

Roll call vote resulted as follows:

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

**SET FUTURE MEETINGS AND WORKSHOPS**

There were no meetings scheduled. The Supervisor did mention that he would like to schedule a possible workshop at a later date for the purpose of discussing some of the annual events, which are held in the Town's Recreation Park.

**TABNER, RYAN & KENIRY, LLP**

**Resolution #2018-265**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to accept the Professional Service Agreement for legal services, with Tabner, Ryan & Keniry, LLP and authorizing the Supervisor to sign the agreement.

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Roll call vote resulted as follows:

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

### **ZONING ADMINISTRATOR CONTRACT**

The Supervisor stated that Jim Martin's contract was open ended and last signed in 2016. He commented that Mr. Martin has kept the contract amount the same as the initial amount, which was "not to exceed \$4,400.00 per month". The Supervisor commented that Mr. Martin would like a two year contract. Councilwoman LeClair stated that the contract has language stating that we have the ability to terminate at any time, so she didn't see a problem with a two year contract. All other Board members supported a two year contract. Councilman VanTassel suggested that some of the language in the contract be updated so that the Board doesn't have to pass resolutions for the months that go over the \$4,400.00, because they have 5 weeks instead of 4. The Supervisor suggested language that has an annual amount, not to exceed.

After some discussion, the following resolution was proposed and carried.

### **Resolution #2018-266**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair allowing The LA Group to provide local law administration services to the Town of Moreau for the proper application of Town Zoning Ordinances, which are contained in chapter 149 of the Town Code, as relates to article XI chapter, relating to administration enforcement. The payment for services are not to exceed an annual amount of \$52,800.00 for two years. Also providing the authority for the Supervisor to sign the contract.

Roll call vote resulted as follows:

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

### **WATER TANK WD#1: T-MOBILE CONTRACT**

The Supervisor stated that he had hoped to have a contract for the Board to review before they take action. He stated that the contract had been received earlier today but it hadn't gone out to the Board members yet. He stated that he didn't expect the Board to take action without having read it. He stated that Attorney Buettner has been working with representatives from T-Mobile and he believed that all of the concerns and requests from the Town have been accommodated. He stated that he would get a copy of the contract to all of the Board members tomorrow and will have this put on the agenda for the next regular Town Board meeting.

### **VILLAGE OF SOUTH GLENS FALLS MUNICIPAL WATER AGREEMENT**

The Supervisor commented that there has been no contract in place since 2013. He stated that the original contract executed in 2011, which gave the Town the ability to supply water to the Village, had a rate of \$2.25/1,000 gallons of water. There was an agreement in 2013, which provided for emergency water for a limited time to the Village, at a rate of \$125.00 for the first 40,000 gallons and \$2.25/1,000 after that. In 2016 there was a drafted Inter-Municipal Agreement, where the Town had proposed a rate of \$3.25/1,000 gallons. The draft contract was presented to the Village, under a previous administration, and it wasn't acted on. The Supervisor stated that they are at the same point where they left off and commented that

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there are some outstanding questions that the Board may want to address before they provide the draft for the review of the Village. He listed some of the concerns he had.

No definition of what constitutes an emergency.

No language that limits the amount of water the Village would receive.

If an emergency is defined, is there a time period for when it is in place and when it expires?

Who determines the emergency?

Term of the agreement.

The Supervisor stated that they may want to consider some of these issues, before they send it forward to Counsel to be included in the draft. He suggested the water committee look at the agreement and bring any recommendations back to the Board for further discussion. The Supervisor stated, that right now, the Town is providing water to the Village at a rate of \$3.25/1,000 gallons, without hesitation. He stated that those who live in the Village are also residents of the Town and although they have a separate political subdivision, which is responsible for supplying water, we're all in this together. He stated that the Town wants to make sure we serve the residents, within the Village boundaries, with water.

Councilman VanTassel asked Attorney Buettner if there were any limitations on any of the contracts, with the Town of Queensbury or Saratoga County Water Authority, that the Town needs to be concerned with the amount of water we take or the amount we resell. Attorney Buettner stated that she didn't have an answer to his question but would do some research. Councilman VanTassel stated that his concern is that Village residents have no meters and therefore, there is no motivation to conserve water. He wants to make sure the Town isn't exposing itself to some unknown costs relating to the additional usage. Attorney Buettner stated that the last draft agreement had language that stated, if the cost of the Town furnishing water increases, the Town can increase the rate to the Village. Supervisor Kusnierz stated, that the Mayor had stated, he has no intentions of restricting any kind of water usage in the Village. The Supervisor stated that would be problematic for him, if the Town has language restricting water for irrigation in any of our districts. The Water Committee was asked to look into these concerns.

### **NATIONAL GRID-POTENTIAL MANAGEMENT**

The Supervisor stated that this item has been on the agenda several times while waiting for additional information to come in. He stated that the Town has received nearly all the information needed relating to various Town buildings and structures, which include: the old and new Highway Garage, the Transfer Station, the Annex Building, the Recreation Garage and Baseball Fields. He stated that he had wording for a resolution should the Board decide to move forward. He believed that the contract has to be in place by August 2, 2018. The Supervisor also asked the Town Board if they wanted to finance the upgrade or pay for it outright. He thought the consensus was to finance it. The Supervisor read the following prepared resolution:

That the Town of Moreau accept the proposal from Potential Management Group in contract with National Grid to replace the lights at the following locations with LED bulbs. The Town of Moreau agrees to pay the total amount split evenly over 12 months through the monthly utility bills:

- Old and New Highway Garages - \$13,330.26 (\$1,110.86 per month)
- Sign Garage - \$919.67 (\$76.64 per month)
- Transfer Station - \$1,318.42 (\$109.87 per month)
- Annex Building - \$4,298.67 (\$358.22 per month)
- Recreation Garage - \$1,812.20 (\$151.35 per month)
- Small Baseball Field - \$745.70 (\$62.14 per month)
- Large Baseball Field - \$283.50 (\$23.63 per month)

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to adopt the foregoing resolution as read into the record.

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Attorney Buettner stated that she had different figures from what he had read. After a brief discussion it was decided that this item be tabled until they had the information verified. Attorney Buettner stated that they could pass a resolution at the workshop, which is scheduled for July 17, 2018.

Councilman VanTassel withdrew his motion to adopt the resolution.

Supervisor Kusnierz stated that the Town was also approached by the same firm, which has put together a consortium, which includes the Town of Moreau, Town of Saratoga, Victory Mills and Schuylerville for a Power Purchase Agreement (PPA). As such, through Constellation Energy, the Town has been offered a contract to purchase electricity at a rate of \$0.0567 per kw hour. The rate would result in a 15% savings per year. He stated that the offer is only good for 48 hours and therefore they would need to know by 10:00 a.m. tomorrow. The Supervisor stated that Counsel had reached out to the Village of Schuylerville and they anticipate taking action this week. She also reached out to the Towns of Saratoga and Victory Mills and they plan on taking action as well. The Supervisor stated that if any of the municipalities within the consortium do not approve the plan, then none of the municipalities can benefit from it. The Supervisor stated that this would be a 2 year contract and commented that he's not a fan of power purchase agreements but also stated that previous PPA's didn't have guaranteed savings and this one does. He stated that only (1) time in the past ten years, has the Town been charged less than \$0.05 per kw hour. He stated that typically, during the winter time, the Town is at \$0.16 - \$0.22 per kw hour and this time of year the Town is between \$0.05 and \$0.08 per kw hour. He stated that if the Town were to move forward and lock in at this price, it will be pretty low for two years. Supervisor Kusnierz didn't believe that Counsel had the opportunity to review the contract, as it was just presented to them either late yesterday or early this morning. Councilman VanTassel asked if they can pass a resolution pending Counsel's review. Attorney Buettner stated that they could pass a resolution for the amount.

### **Resolution #2018-267**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to enter into a Power Purchase Agreement with Constellation Energy, at an amount not to exceed \$.0567 per kw hour for 24 months, subject to contract review and recommendation to move forward by Counsel. The motion included authorization for the Supervisor to sign the agreement.

Roll call vote resulted as follows:

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

### **TOWN OF MOREAU/SARATOGA COUNTY SUMMER YOUTH PROGRAM**

The Supervisor stated that he had placed this item on the agenda because he wasn't sure if it was placed in the Organizational Meeting, giving him the authority to sign this agreement. He stated that he does have the authority and let the Board know of his intent to sign the agreement.

### **RECREATION DEPARTMENT REQUESTS**

The Buildings and Grounds Working Supervisor put in a request to purchase fertilizer with Merrit 2% grub control (40 bags). The following quotes were received:

TMC Inc (Jim Girard) PO Box 611 Glens Falls, NY 12801	\$935.20
Winfield Solutions 20 Kieffer Lane	\$1,076.80

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Kingston, NY 12401

Site One JD  
1653 Route 9  
Clifton Park, NY 12065

\$1,093.52

**Resolution #2018-268**

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel authorizing the purchase of (40) bags of Fertilizer with Merrit 2% from TMC Inc, at a cost not to exceed \$935.20. This will be paid from account A7140.4, with a balance of \$30,745.23 as of June 25, 2018.

Roll call vote resulted as follows:

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

**HIGHWAY DEPARTMENT REQUEST**

The Supervisor reported that the Highway Superintendent had been approached by Andrew Havens (AS Contracting) of 96 Harrison Avenue, SGF, with an offer to remove all of the leaves from the Transfer Station, if the Town wants to give them up. The Supervisor stated that the Highway Department has already hauled 70-85 loads to Cranesville. He stated that they had made a dent at the Transfer Station, but there is still a lot to haul away. He asked the Board for their suggestions. Councilman Hogan thought that the debris was being taken to the Recreation Park. Supervisor Kusnierz stated, in the past, when they've gone through the composting process and the material has been screened, they would haul it to the Recreation Park for their use but none of this debris has been screened. Councilman Hogan thought there was a spot at the Recreation Park that the debris could compost and then use it in the future. Supervisor Kusnierz stated, that was the long term goal, but they're running out of space at the Transfer Station. The Supervisor commented that it was up to the Board to decide how they wanted to proceed. He asked if the Board would rather have Mr. Havens come in and speak to them. The Board was in agreement to have Mr. Havens come in. The Supervisor stated that he would reach out to him.

**COURT REQUEST**

A request had been received from Judge McCabe for authorization for the Court Clerks' and himself to attend their respective annual conferences. Judge McCabe commented in his memo that these were budgeted items. The cost for the Court Clerk's to attend their conference from September 16-19, 2018 was \$1,362.75 and the cost for Judge McCabe to attend his conference was \$786.55. Judge McCabe noted that 1 night's stay and mileage would be reimbursed by NY State for the Judges' conference.

**Resolution #2018-269**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing Jennifer Miller and Jamie Hickey to attend the annual NYS Court Clerk Conference from September 16-19, 2018, at a cost of \$1,362.75 and authorizing Judge McCabe to attend the annual NYS Magistrates Conference from September 23-26, 2018, at a cost of \$786.55, with the total costs of both not to exceed \$2,200.00, not inclusive of reimbursements. The costs would be paid from account A1110.4.

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Roll call vote resulted as follows:

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

### **PRIVILEGE OF THE FLOOR**

Reed Antis presented before the Board and commented on the Town's 61 Hudson Street property. He stated that it's surplus property and the Town needs to address it and get it back on the tax rolls.

Mr. Antis stated that there is a code enforcement issue with Absolute Auto. He stated that they're aware that they're in violation of their site plan. He stated that Mr. Martin and Mr. Dreimiller have tried to get him to comply. He stated that the Town Board needs to intervene to get them to comply.

Mr. Antis also stated that the Town needs to consider LED lighting for the lighting districts in the Town. He did say that there was a downfall to having the LED lights installed, in that the Town would then own the lights and be responsible for replacing them.

Mr. Antis commented on the Power Purchase Agreement and stated that in his experience the rates go up from March-September. He suggested that all power bills be on the same schedule and rate classes.

The Supervisor stated that the Town is looking into LED lighting for the lighting districts but at this point in time, the program hasn't come out.

### **SUPERVISOR'S ITEMS**

The Town Clerk had questioned the selection process of election inspectors for the upcoming sewer referendum. She had provided a list of inspectors and asked if the Board would be selecting or if she should do it. The Supervisor asked that she make the selections.

The Supervisor reported receiving a letter from Cathy Allen, Softball Coordinator, for the NYS Public High School Athletic Association with regard to the NYS Girls High School Softball Tournament. He read the letter in its entirety, which thanked the Town of Moreau and the community for allowing the tournament to be held at the Recreation Park and thanked the Town and the staff at the Recreation Park for making the tournament a success as well as a pleasurable experience for all in attendance. The letter stated that the Town's Recreation Park is an outstanding venue and a perfect location for their softball tournament. The Town was commended on the quality of its fields and the services provided by the staff. They look forward to working with the Town for the 2019 tournament.

The Supervisor stated that he had brought up the sexual harassment policy and training at an earlier meeting and commented that they need to move forward on it.

The Supervisor stated that he wanted the Town Board members to seriously consider dividing the responsibilities of the Building Inspector and Code Enforcement Officer. He stated that times are changing and the Town is about to embark on some of the greatest changes over the next several years. He would like to hold interviews for a part-time Code Enforcement officer. He commented that Jeff Cruz had put together some financials and stated that he thought they could get someone in that role for \$20,000 - \$25,000 annually. He stated that he would like someone to start this year and commented that there's money budgeted. He stated that he would like to put a job description together and put out an advertisement, with the intent of interviewing and taking action within the next 6-8 weeks, if the Board was in agreement. He asked that the Board look at the numbers that were provided. Councilwoman LeClair and Councilman Noonan both stated that they supported the plan. The Supervisor stated that he would draft a job description for the next Town Board meeting. He also stated that this would be a part-time position with no benefits.

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### **COMMITTEE REPORTS**

Councilman Hogan stated that he and Councilwoman LeClair had met with Randy Hoffman asking him to give ideas for the Rec Park for budgeting purposes. Randy had talked about an accelerator pump for the irrigation system. Councilman Hogan stated that they have a 2" line that's not sufficient for the Park but with the accelerator pump, it would get the irrigation done quicker. He also stated that they're looking at some tree removal near the basketball court. He stated that there are some pines that are dropping tar on the court. He mentioned that Randy had power washed one of the courts this week. He stated that it looks good and doesn't need to be re-surfaced. He did say that it would be beneficial to have the pines removed away from the courts. Councilman Hogan also stated that Randy had been working on some of the fencing around the baseball fields. They're making repairs if they can and replacing if they have to.

Councilman Hogan stated that he had visited the beach and commented that the roof on the pavilion has holes and needs to be replaced. He stated that he had spoken with Jim Davenport and he thought it could be done in-house with 4-5 sheets of plywood, to replace where it is rotting and then replace the roof. Supervisor Kusnierz stated that he had spoken with Randy and has told him to start making a list now and then when the budget sheets come out, he can add the information to it.

Councilwoman LeClair stated that she had spoken with Ted about spraying around the compact area, and that she's waiting for him to get back to her with some prices.

Councilman Hogan stated that the metal roof at the Rec garage needs repair and stated that Randy can do the work.

Councilwoman LeClair also reported that she had spoken with someone regarding the possible use of the old Town Hall building.

A motion was made by Councilman VanTassel and seconded by Councilman Noonan to adjourn to executive session at 8:02 p.m. for the purpose of discussing the performance of an unnamed employee, to receive an update on the Home of the Good Shepherd litigation and to discuss potential litigation.

Roll call vote resulted as follows:

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

The Town Clerk did not sit in on the executive session.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to return from executive session at 8:46 p.m., with no action taken in executive session.

Roll call vote resulted as follows:

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

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A motion was made by Councilwoman LeClair and seconded by Councilman Noonan to close the meeting for the evening at 8:46 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk