

A regular meeting of the Town Board of the Town of Moreau was held on November 27, 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; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Sandy Mahoney, Recreation Program Director; Lisa Tonneson-McCorkell, The LA Group; Kathleen Moore, Post Star Reporter; Town Residents: Reed Antis, Matt Manning

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from November 13, 2018 were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

**Resolution #2018-428**

A motion was made by Councilman Noonan, seconded by Councilman Hogan and carried, to approve the minutes from November 13, 2018 as prepared.

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**

**Resolution #2018-429**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, setting a Public Hearing for the Moreau Emergency Squad 2019 Contract with the Town, on December 27, 2018 at 6:00 p.m.

Roll call vote resulted as follows:

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

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**Resolution #2018-430**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, setting a Public Hearing for the South Glens Falls Fire Company 2019 Contract with the Town, on December 27, 2018 at 6:15 p.m.

Roll call vote resulted as follows:

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

**Resolution #2018-431**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to change the December 25, 2018 Month-end and Regular Town Board meetings, to December 27, 2018. The times will remain 6:30 p.m. for the Month-end meeting and 7:00 p.m. for the Regular meeting.

Roll call vote resulted as follows:

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

**UNIVERSAL PLAYGROUND**

The Supervisor stated that there has been much discussion on the Universal Playground. He wanted to make it clear for the record that the application for the grant was not made officially until the current Town Board took over in 2018. He stated that the paperwork was submitted by the prior administration, but it didn't go any further. He stated that this administration has graciously received a commitment from Assemblywoman Carrie Woerner, to set aside \$125,000.00 for a SAM grant for funding of this project. The initial application for the grant was submitted in July 2018. The Town Board has had discussion regarding what they would like to see in the playground. There is approximately \$61,000.00 to date, in a dedicated account for the Playground. Of that amount, \$25,000.00 was provided by the South High Marathon Dance and \$25,000.00 was matched by the Town. The remaining \$11,000.00 came from miscellaneous donations, other funding sources and the Color Runs. The Town has engaged the services of The LA Group and have asked them to provide 3 proposals (low end cost, medium and high), with the highest level completing the project in its entirety. The Supervisor stated that the Town is looking at just under \$600,000.00 to fund the entire project. He stated that it was a lot of money and while the Town does have dedicated accounts for recreation, it doesn't have that kind of money for a single project. The Supervisor and Councilwoman LeClair had met with Lisa from The LA Group. The Town Board was provide with her proposed scope of project for the three levels. The Supervisor stated that the application has risen to the level of the State Dormitory Authority. They have additional questions regarding the scope of the project. To continue to move forward and not lose the availability of the funding, it's the intention of the Town Board to complete the questions that were posed.

Lisa Tonneson-McCorkell was present and gave a brief presentation. She explained the scopes of the three different levels. She stated, that instead of giving a low cost for the playground equipment and materials vs. high cost, they used the previous design work that had been done and provided, using good quality equipment, a price for the entire package being done in one shot; the costs for a mid-range, which would be in two phases; and a lower cost range, which would be in three phases. Lisa stated that if the Town decided to go with the three phase plan, after the first phase, it would look complete. It wouldn't look like a project that's only partially complete.

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Supervisor Kusnierz stated that Councilwoman LeClair and he were most interested with the phased in approach. He also stated that he wants the best facility they can have, within the confines of the budget that's established. He suggested that with the phased in approach, it will give the Town something that's usable in the 2019 recreation year. As more money is earmarked or raised in the community, they can work on the second phase. The Supervisor stated that the other option is to go with the more expensive design and sit back and wait until they have all the funds available. He stated that this Board is committed to expand recreational opportunities and this would play nicely into the Town's five year masterplan. The Supervisor had one question if the Town decides to go with the phase in plan. He stated that on the application, the title of the project describes a playground and spray park. He asked Lisa if there were any monies in phase one for the spray park. Lisa replied that there weren't any plans for the spray park in phase one. The Supervisor stated that there may be an issue, because they have a spray park listed on the application. He suggested that they may have to resubmit the application. He also stated that because the sponsor is the Assemblywoman, at the end of the day it's up to her to decide if she wants to move forward without the spray park.

Supervisor Kusnierz asked if there could be a component of the infrastructure, which would allow the Town to tie into the spray park down the road, so that they are doing part of the spray park now. Lisa stated that it could be done. Councilman VanTassel asked if they would have to take something out of phase two to put the infrastructure for water into phase one. Lisa replied "yes". Supervisor Kusnierz stated that the projected cost for phase one is \$200,952.00, phase two \$170,104.00 and phase three \$159,784.00. He stated that the complete build out would be just over \$530,840.00. Lisa stated that the projected cost included soft costs such as design fees and engineering. She stated that the grant has a requirement that those can't be paid for.

Supervisor Kusnierz stated that with the cost of phase one being \$200,952.00, the Town is anticipating \$125,000.00 from Assemblywoman Woerner and an additional \$61,000.00 that's in a reserve fund for the project, which will leave the Town having to draw from the Recreation budget. Lisa stated that if they need to get the cost for phase one down to \$175,000.00, she could redesign but she would need some input from the Town to do that. She stated that she had developed the design phases with key pieces in mind. Councilman Hogan asked what the key pieces were. She stated that in phase one, drainage and walkways would be completed along with the one largest key piece of equipment, which would be for 5-12 year old children. Phase two will have pieces geared to children under 5 and phase three would include the other various pieces, such as swings.

Supervisor Kusnierz stated that the Board will need to decide how much they want to spend and if they want to move forward with the Universal Playground & Spray Park or if they want him to reach out and see what would need to be done to change the plan.

Councilman Hogan stated that he had heard about water being recycled in spray parks. Lisa stated that there are two ways to do a spray park. She stated that you can recycle the water but you have to treat it before it's recycled to eliminate any contaminants. She stated that other places discharge the water so they don't have to treat it. She also stated that the spray would be controlled by those using it. It wouldn't be left on constantly. Councilman Hogan asked if the water would have to be tested daily, since its treated water coming from Queensbury. Lisa stated that she would check but didn't think it would have to be. Councilman Hogan asked if they could use the discharged water for irrigation instead of recycling. Lisa stated that it would be a possibility but that it would require additional equipment. Councilman Hogan asked if a lifeguard would be needed for a spray park. Lisa stated that there is no standing water, so it wouldn't be necessary.

Councilman Hogan stated that he would like to continue the plan for a spray park with the possibility of using the secondary water for irrigation.

Councilman Noonan asked the Supervisor if Assemblywoman Woerner liked the idea of the playground because of the spray park. Supervisor Kusnierz stated that it was presented that way. He didn't speak with her personally but stated that he could reach out to her to see if the spray park was a key component for decision. He also stated, that if they intend on taking the spray park out, the State would need a letter

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from the Assemblywoman stating that she is ok with the changed plan. Councilman Noonan stated that he would like to go forward with the spray park as well but would like to see some of the plumbing costs put into phase one.

Councilman VanTassel liked the phase approach. He asked the Supervisor to reach out to the Assemblywoman to make sure it's ok to only put in a component of the spray park in phase one.

The Supervisor asked Lisa, if the Town can come up with \$220,000.00 for phase one, could they get a spray park up and running. She stated, right now, they have the spray yard at \$55,000.00. The Supervisor asked if the project could be modified to accommodate the spray park in phase one. He suggested the possibility of fewer pieces of playground equipment. Lisa stated "yes". She also stated that if donations of parts and labor come in, which will reduce the amount spent, they can add pieces back in.

The Town Board was in agreement to a \$220,000.00 budget for the playground and leaving the spray park in. Supervisor Kusnierz stated that the figures will have to be modified. Lisa stated that she would leave the summary with the charts, but only for phase one. The Supervisor stated that he could use that information to answer the detailed questions.

Sandy Mahoney thanked the Town Board for moving forward with the playground plans.

### **HIGHWAY DEPARTMENT**

The Supervisor stated that the Board had been polled on the emergency repair of the Highway Department's 2008 Mack truck. The repair was quoted at \$2,495.00 with no supporting documentation. When the Supervisor's office received documentation, the cost of the repair was \$3,381.02. The Highway Superintendent stated that the increase in cost was due to the additional time spent diagnosing the problem. He also stated, that when they got everything back together, they found a sensor that was bad.

### **Resolution #2018-432**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to memorialize a vote of the Town Board, authorizing the repair of the 2008 Mack truck by Albany Truck Sales, in the amount of \$3,381.02. The invoice will be paid from account DB5130.405.

Roll call vote resulted as follows:

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

### **Resolution #2018-433**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, approving a transfer of \$40,000.00 from account DB5112.493.4 (Blacktop) to account DB5142.490 (Road Salt).

Roll call vote resulted as follows:

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

The Supervisor asked the Highway Superintendent how long this would carry him. The Highway Superintendent replied that he hoped it would carry him until the end of this budget year.

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The Highway Superintendent had submitted a request for the repair of the Old Highway Garage roof at a previous Town Board meeting. The agenda item was tabled until they received further documentation. The following quotes were received:

Skyway Roofing                                 \$2,700.00 back edge/ \$7,400.00 all edges  
Albany, NY

Garland Company, Inc.                         \$5,000.00 back edge/ \$7,400.00 all edges

General Roofing Contractors                 \$2,100.00 back edge/ \$6,800.00 all edges  
Glens Falls, NY

There was a brief discussion regarding the repair.

**Resolution #2018-434**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, authorizing the repair of the back edge of the Old Highway Garage Roof, by General Roofing Contractors, in the amount of \$2,100.00, with the prerequisite that a scope of service be provided before the work starts. Payment of the service will be made from account A5132.472.

Roll call vote resulted as follows:

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

The Supervisor asked the Highway Superintendent to get the scope of service to him and he will share it with the other Board members.

**WASTE HAULING CONTRACT**

The Supervisor stated that the Waste Hauling services had already gone out to bid and a bid opening was held. He stated that he had documentation that one of the bidders had sent their bid in a timely fashion through UPS. He asked that the Board reject all bids.

**Resolution #2018-435**

A motion was made by Councilman Hogan, seconded by Councilman VanTassel and carried, to reject all Waste Hauling Bids and to put the services back out to bid for December 10, 2018 at 3:00 p.m.

Roll call vote resulted as follows:

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

Paul Joseph asked if anyone was looking into recycling of electronics for the Town. He stated that he had spoken with someone that will take flat screen TV's but that they would charge for TV's with tubes. There was a brief discussion. Supervisor Kusnierz asked if he would contact the person who was willing to do it and get a price from him. Councilman VanTassel stated that he knew of someone as well and will speak with him.

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**ACCEPTANCE OF ENVIRONMENTAL FACILITIES CORPORATION GRANT AWARD**

The following resolution was read aloud by the Town Clerk:

RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU

SUBJECT: AUTHORIZING THE SUPERVISOR TO SUBMIT AND SIGN GRANTS AND FINANCING FOR EXTENSION NO. 5 OF SEWER DISTRICT NO. 1

WHEREAS, on June 26, 2018, the Town Board of the Town of Moreau (“Town Board”) adopted a resolution establishing Extension No. 5 of Sewer District No. 1 (“Extension No. 5”), subject to a referendum scheduled for August 27, 2018; and

WHEREAS, on June 26, 2018, the Town Board also adopted a resolution authorizing the issuance of \$16,000,000 serial bonds for the construction of Extension No. 5 in the Town of Moreau, and all necessary infrastructure, equipment, apparatus, site work and related site work; and

WHEREAS, the referendum resulted in a positive vote for the establishment of Extension No. 5, which is currently being reviewed by the Office of the State Comptroller; and

WHEREAS, in order to aid in the financing of Extension No. 5, on August 14, 2018, the Town Board adopted a Resolution Authorizing the Supervisor to Submit and Sign Grants and Financing for Extension No. 5 of Sewer District No. 1, which allowed the Town to search and apply for grants and other financing methods; and

WHEREAS, the New York State Environmental Facilities Corporation (NYSEFC) recently announced that the Town was awarded a NYS Water Infrastructure Improvement Act (WIIA) grant of up to \$4 million for Extension No. 5; and

WHEREAS, project financing applications are currently being reviewed by the NYSEFC; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau hereby accepts the NYWIIA grant from the NYSEFC with an award for Extension No. 5; and

BE IT FINALLY RESOLVED, the Town Supervisor is authorized to sign any and all agreements and documents related to the successfully formed and established Extension No. 5 that may be required by both the WIIA grant program and NYSEFC financing program.

**Resolution #2018-436**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to adopt the above resolution as read into the record.

Roll call vote resulted as follows:

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

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**TRANSFER STATION**

The Supervisor stated that the Town will need additional staff to accommodate the increase in hours.

**Resolution #2018-437**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to advertise in the Post Star and Chronicle Newspapers & post on the Town bulletin board and website for two Part Time employees for the Transfer Station.

Roll call vote resulted as follows:

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

**PRIVILEGE OF THE FLOOR**

Reed Antis addressed the Town Board with several questions.

He asked if the County does anything with recycling.

He asked what the court date is for the Erie Boulevard tax case.

He stated that he had sent an email to the Supervisor regarding training sessions for the Planning and Zoning Board members and asked if he had received it.

He asked where the Town Board was on the subject of hiring for the Assessor's Clerk and PT Code Enforcement Officer.

He asked how the wingmen situation is.

He was curious how much water is used at the Recreation Park and if it comes out of the Rec budget.

He stated that he had conversations in the past about energy use at the water towers and asked if anything is being done.

Paul Joseph responded to his question relating to wing men. He stated that he had conducted interviews and a few more people had brought in applications. He stated that they're getting by for now and he's working on it.

The Supervisor stated, that regarding recycling, there are towns in the community that share, with people from outside the communities using the recycling and the Town of Moreau isn't one. He stated that the Towns rotate throughout the County and he wasn't sure where the Town of Moreau was on the rotation.

The Supervisor stated that he didn't know what the specific court date was for the Erie Boulevard tax case. He thought it was going to be in the spring.

The Supervisor stated that there has been no discussion on the hiring of a clerk for the Assessor's office. He stated that it's being covered by the Building Department.

The Supervisor asked Mr. Antis for clarification on his question about training for Planning & Zoning Board members. Mr. Antis asked the Supervisor to explain to Planning & Zoning Board members what his feelings were about the training. The Supervisor stated that this Board had passed a resolution last year at the Organizational Meeting stating the requirement for training and that the Planning & Zoning Board

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members have been advised of the policy on two occasions. He asked Counsel to confirm that these members serve at the pleasure of the Town Board and if they don't fulfill their obligation they can be excused. Attorney O'Hara stated he was correct. Mr. Antis stated that he didn't believe that some of the members understood the importance of the requirement.

The Supervisor stated that there is money budgeted for a part-time Code Enforcement Officer. He stated that he needs to speak with Civil Service to make sure the Town is following their requirements. He also stated that it wouldn't get done this year.

The Supervisor stated that Rec is charged for their water usage.

The Supervisor stated that Bob Prendergast had looked into the electricity usage at the water towers and didn't see what the issue was. Mr. Antis stated that the towers use over 2,000 kw each month during the winter months and that puts the Town into a different demand rate. He stated that it was outrageous for those buildings to be using that much electricity, to keep them above freezing temperatures. The Supervisor stated that the Town is looking into increasing solar capacity so they don't exceed the demand.

### **SUPERVISOR'S ITEMS**

The Supervisor stated that he has received interest from at least eleven individuals who wish to serve on the 5 year Rec Committee Master Plan. He hopes to start meeting with individuals in the near future so they're ready to go next year.

The Supervisor stated that he had received a report for mortgage reporting tax and that the Town will be receiving a check for \$170,996.00, which is almost identical to the one received in March. He stated that it will put the Town just over \$341,000.00 for the year. The Town had only budgeted \$300,000.00 for estimated revenues, so this will put the Town \$41,000.00 ahead.

The Supervisor stated that he had received a letter from Lehigh Hanson Northeast Cement Company on November 26, 2018. They wanted to make the Town aware of news about a proposed project to improve the environmental and economic performance of Lehigh Northeast Cement Company's Glens Falls plant. He stated that they had recently submitted application to NYS DEC to modify their air emission permit to allow them to use an engineered fuel product, originating from recycled paper mills, as a partial substitute for fossil fuels to produce energy. DEC found that emissions testing demonstrated that use of the fuel "will not cause ambient impacts above State guideline concentrations," and has issued a draft permit, which is now available for public review and comment.

The Supervisor stated that the Building Inspector's Clerk had sent emails out yesterday to the Planning and Zoning members, letting them know of the 2019 training. Councilman Noonan stated that the State provides 1 hour classes that can be taken on line.

The Supervisor stated that he will be meeting with the Mayor of the City of Glens Falls and his staff regarding sewer capacity.

The Supervisor stated that the Town is working on a new water contract with the Town of Queensbury. The current contract will be expiring soon.

Councilman Hogan asked where the Town was at with the sewer meter. The Supervisor stated that he has a meeting scheduled this week with Barton & Loguidice. He stated that he would bring the Board members up to date after the meeting.

### **COMMITTEE REPORTS**

None

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A motion was made by Councilman VanTassel, seconded by Councilman Hogan and carried, to adjourn to executive session at 8:11 p.m. to have discussion on a particular unnamed employee or employees work performance and to discuss the EMS and Fire Company contracts.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried, to adjourn the executive session at 8:50 p.m. with no action taken and to resume the regular session.

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 Hogan, seconded by Councilman VanTassel and carried, to close the meeting for the evening at 8:50 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