

A regular meeting of the Town Board of the Town of Moreau was held on March 27, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York 12828

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; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Sandy Mahoney, Recreation Program Director; Reed Antis, Planning Board Member and Town Resident; Don Rhodes & Ron Laberge, Laberge Group; Bob & Lucretia Scott, Motorcoach proposal; Tim Mahoney, Troy & Banks; Town Residents and Property Owners: Floyd Smith, Sam Wahnon, Lance & Judy Hillman, Don von Linden, Howard & Cheryl Cross, Frank Parillo, Ed Petrush, Virginia Livsey, Bruce Flayer, Tom Tierney, Rich Morris, Rusty Saunders, David Rogge, Mike Seale, Dana Charpentier, John Naja; Bill Pels

The Supervisor asked if there were any Veterans in attendance that would like to lead the Pledge of Allegiance. A gentleman volunteered to lead the Pledge.

**APPROVAL OF MINUTES**

The minutes from March 13, 2018 (2 sets) and March 19, 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 Councilwoman LeClair to approve the minutes of March 13, 2018 (2 sets) as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman Noonan and seconded by Councilwoman LeClair to approve the minutes of March 19, 2018 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**

A Town Board workshop to discuss the Town's insurance was scheduled for April 10, 2018 at 6:30 p.m.

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A Town Board workshop to discuss Recreation field use fees was scheduled for April 10, 2018 at 5:30 p.m.

### **MOTORCOACH COMMUNITY**

Mr. Robert Scott gave a brief power point presentation, looking for interest from the Town Board on a proposed Motorcoach Community. He stated that there are only about 10 in the United States. He explained that the communities are strictly a Class A motorcoach with no RV's allowed. He stated that the project begins with people renting lots within the park and then they have the opportunity to purchase the lot. Once the lots have improvements, they can also rent to others. Mr. Scott did explain that this would be a seasonal operation and that it wouldn't have an impact on school taxes. At the conclusion of the presentation the Supervisor commented that this was an exciting concept and found no downsides to the plan. He stated that it would generate real property revenue and would require no highway maintenance. He commented that there is potential for the Town of Moreau to become a destination for those who would be interested. Councilman VanTassel commented that this would be a great opportunity. Councilman Hogan wasn't opposed to the plan. Mr. Scott thanked the Town Board for their time.

### **SEWER PLAN**

Ron Laberge and Don Rhodes were present from Laberge Group to answer any questions the public might have regarding the proposed new sewer plan. The Supervisor stated that the Town is trying to put together an affordable sewer plan and that the engineering services are being provided by Laberge Group. He noted that a presentation had been made by Laberge Group at a previous meeting and that comments were received. Most recently a letter had been sent out to all property owners within the proposed district and there was mostly positive feedback. He also commented that there were 2 individuals who asked not to be included in the district. They weren't part of the initial parameters of the district in which all properties were to border Route 9. These properties were behind Route 9 corridor and were inadvertently added. Therefore the Town won't include in the district: 25 Fawn Road (Bardin-77.1-1-32) and 17 Fawn Road (Smith-77.1-1-81). The Supervisor also stated that 38 Fawn Road (Whiting-77.1-1-59) was inadvertently included in the district and has been removed as well. He stated that it didn't mean these people couldn't have been added to the district but conversations with two of the property owners were that they didn't want to be included, so the Town won't include them in the district. He welcomed Mr. Laberge and Mr. Rhodes and opened the floor for questions from the public and turned the meeting over to Don Rhodes.

Frank Parillo stated that he was 100% in favor of sewer and that it's a great opportunity for the Town and the land owners.

Bruce Flayer mentioned the Route 9 Traffic study which had been presented at an earlier meeting and commented that one of the findings from the report indicates, that the area as it stands now, doesn't meet the guidelines for the traffic and it was suggested that there should be minimal development. He stated that he had spoken with the gentleman that gave the presentation and was told that one of the remedies would be to widen the road but with that comes more drainage and more runoff. He asked if anyone would be coordinating the sewer plan with road work. Mr. Rhodes stated yes and commented that DOT is aware that the Town has been studying the development of sewer in this corridor. They also understand that this is a ripe economic development corridor. He stated that with economic development comes more traffic and with more traffic comes traffic mitigation. He stated that any improvements to the roadway would be a State cost as it's a State highway. He stated that the State would be a part of any project that would impact State roads.

Lance Hillman – Hillman Properties, stated that he has two properties that would be affected. He stated that he likes the idea of sewer being put down Route 9 and in the long run it needs to be done. He did state that it will be costly and that he would hate to see the Town put in a sewer system that will price people out of business. He suggested that more of the Town share in the cost. Mr. Hillman stated that he has three buildings on the property, which are a several hundred feet apart and asked Mr. Rhodes if he would have to pay to have it hooked up. Mr. Rhodes stated that the plan is to bring the hook-up to the property line and the on-site hook-up would be done by the land owner.

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John Naja, former owner of the Landmark Motor Inn, stated that he agreed with Mr. Hillman. He stated that he agrees with the need for sewer but that the costs need to be better distributed. He commented that sewer would cost the Landmark approximately \$16,000.00 per year to participate. He stated that this would create a substantial hardship. He commented that there needs to be a fairer way to treat existing businesses in this corridor.

Don von Linden, 1468 Route 9, stated that his taxes will double. He understands that the sewer line will be brought to his property line and commented that his home is 250 feet back, which would be a \$30,000.00 cost. He asked if he would be billed even if he opts out of the plan. Mr. Rhodes explained, that currently the way it's set up, everyone in the district would have to pay for the debt service, regardless of whether or not they are hooked-up. Mr. von Linden stated that he agreed with Mr. Naja in that the cost would become a real burden to him.

The Supervisor stated, that depending on what action the Board takes tonight, that is, if the engineers are instructed to proceed with a map, plan and report, there would be another opportunity for public comment at the public hearing.

Reed Antis stated that he noticed on the plan that Griswold Cemetery would be charged. He stated that by State law cemeteries can't be taxed. Mr. Rhodes stated that taxes are different from a special district fee and asked that Counsel look into his question.

Mr. Rhodes stated that the costs in the previous plan costs were calculated by EDU (Equivalent Dwelling Unit) and now the costs are being determined by assessed value. He stated that vacant properties are paying more with the new approach, which makes the project more fair and equitable. He stated that there were concerns from those who had higher assessed values, as to what they will have to pay. He stated that it will be less of a concern with economic development. As parcels develop and build out, the assessments will be in line. Mr. Rhodes stated that by State law they can only charge two ways: by Assessed Value or by EDU. He stated that it would be up to the Town Board to decide which approach they want to take.

A gentleman asked if each property would require a grinder pump. Mr. Rhodes stated that most would be gravity feed.

Mike Seale, property owner in the district, commented that sewers are necessary for growth and suggested that property values will increase. He stated that it's a great plan.

Dave Rogge, owner Lamplighter Acres, stated that sewer is needed. He stated that the plan has two options for service, 1-5 and 4-5. He suggested that they throw away the plan for 4-5 and go with 1-5. His comment was to do it all and get it done.

Councilman Hogan was of the opinion that they should do 1-5.

Councilman Noonan asked how much property values will increase if there were to be a sewer line on a property. Mr. Rhodes stated that it was hard to say. He also commented that there are properties that won't sell because there is no sewer but will if there is.

Councilwoman LeClair stated that people are concerned with their own costs to hook up the sewer and asked if the costs could be incorporated into the entire cost, so they wouldn't have to pay on their own. She stated that they could pay it back over 30 years. Mr. Rhodes stated that everyone would have different hook-up costs and recommended that the Town avoid that approach. Mr. Laberge commented that it would be more costly if the Town were to do the hook-ups because they would have to pay prevailing wages. He stated that homeowners can get it done cheaper.

Councilman Noonan asked if someone were outside the district, would they be able to pay to hook up. Mr. Rhodes stated, not with this project, but yes if they petition the Town has as a separate project.

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Councilman VanTassel stated that there is still a lot of work left to do and commented that the Board will need to decide tonight whether they want the engineer to proceed with a map, plan and report. He stated that there are very few residential homes in this plan by design. He asked if Mr. von Linden can be excluded. Mr. Rhodes stated yes, as long as he's removed before they do a map, plan and report. If he wants to be removed after the map, plan and report is complete, they may have to start all over. Mr. Rhodes stated that if the Town Board needs more time to decide on how they want to proceed, they should have discussion.

Supervisor Kusnierz stated that because this is a residential property and not commercial he would be in favor of pulling out Mr. von Linden's parcel from the plan and asked him if he wanted to be removed. Mr. von Linden stated that he would.

Councilwoman LeClair asked what they would do if others wanted to be removed. The Supervisor stated that they've had two meetings to discuss the proposal and he's sent a letter to every property owner and have heard from those that have an issue. He stated that at some point you have to move forward. He hoped that anyone else who has a problem would have reached out to the Town. He also stated that this isn't the last time the public can make comment and that they will have a chance to speak after the plan has been finalized. The Town Board was in agreement to pull Mr. von Linden's parcel (1468 Route 9) from the plan.

John Naja asked if his two houses on Reynolds Road (405 & 407) were included in the plan and Mr. Rhodes replied that that plan didn't include them.

Mr. Naja suggested a step program instead of paying the full price right from the start. Mr. Rhodes stated that the contractors would need to get paid and that this suggestion would increase the debt. He stated that it would be complicated and wasn't sure that it could be done at all.

Mr. Naja asked how, having sewer, will it make his property more valuable. Mr. Rhodes stated, that what happens with commercial properties such as the Landmark, with the site currently being built out and with a septic system that won't meet current code, you would need a lot of area to install a new filtration system. He stated that although the Landmark may have enough space, most places don't. If there isn't enough room, the alternate options are very costly. Therefore, having a sewer system lets the property values go up to saleable instead of unsaleable.

Rich Morris, property owner outside the district, stated that there were a tremendous amount of inaccuracies with the assessed values. Mr. Rhodes stated that they used data from the 2017 County Assessment Rolls. He stated that he would work with the Town Assessor to make sure the figures are accurate. Mr. Morris asked if the EDU version was duplicated from the previous plan or if it was new. Mr. Rhodes stated that it was comparison information from the last plan.

Reed Antis asked if the City of Glens Falls could handle the capacity. Mr. Rhodes stated that there was plenty of reserve capacity and that the Town has surplus capacity in their existing contract right now.

Supervisor Kusnierz stated that there was huge public debate over the last two go rounds as to how to assess the debt. He stated that it was clear, assessing by EDU's was unacceptable. He also stated that there is no perfect solution and that you can't make everyone happy. He stated that the Town Board was diligent in working with the engineer to cut the cost of the plan by 33%. He asked the Board members what they wanted to do and if they wanted to continue to move forward.

The Town Board was in agreement to have the engineer move forward with the plan using areas 1-5, with the noted exclusions remarked on earlier.

The Supervisor thanked everyone for their comments.

#### **CABLE FRANCHISE AGREEMENT RENEWAL**

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Supervisor Kusnierz stated that the Town has been without a Cable TV Franchise Agreement for a number of years now. He stated that the Town's hands are tied due to State law, which states you can only negotiate two things, assessment on gross receipts, anywhere from 0-5% and a build out agreement. He thought it was 14 homes per buildable mile. He stated that the Town has been approached by several companies and tonight the Town will be hearing from Tim Mahoney from Troy & Banks. He turned the floor over to Mr. Mahoney.

Mr. Mahoney gave a brief presentation and explained that the purpose of his company is to do energy and cable franchise audits. He stated that they would like to look at utility bills over the past 6 years. It was mentioned by Councilman VanTassel that the Town just had an energy audit done by Cost Control Associates last year. Mr. Mahoney asked how much money Cost Control Associates had found the Town. It was unknown how much money was found and after a brief discussion Councilman VanTassel asked if he would interested in doing just the Cable Franchise Agreement audit. Mr. Mahoney stated that he could. He stated that the audit would take about 3 months and the Town would keep 60% of what his company finds but we wouldn't see any money for about a year. He would need to see 6 years of receipts and a list of the Town's streets to get started. Councilman VanTassel asked if we would get any meaningful data out of the audit, which would help with negotiations of a new contract, including build out of the community. Mr. Mahoney stated that he could meet with his boss and have him get together with the Town Attorney. Supervisor Kusnierz stated that the southern parts of Town have no cable because of zoning requirements. You can only build on so many acres and therefore there aren't enough residents in a buildable mile to meet their requirements.

Mr. Mahoney stated that if they find nothing in their audit, they walk away.

Supervisor Kusnierz stated that they wouldn't be making a decision this evening but that they would turn the matter over to the Cable TV Committee for their opinion. Mr. Mahoney stated that he would provide the Supervisor's secretary with copies of documents that she can forward to the Town Board.

#### **LOCAL LAW #1: PERSONNEL POLICY**

The Supervisor asked the Town Clerk to read the resolution for Local Law #1 of 2018 aloud. She read as follows:

#### **RESOLUTION TOWN BOARD TOWN OF MOREAU**

SUBJECT: ADOPTION OF LOCAL LAW 1 OF 2018, REPEALING CHAPTER A155: PERSONNEL POLICIES OF THE MOREAU TOWN CODE

WHEREAS, the Town Board of the Town of Moreau ("Board") is considering the adoption of Local Law No. 1 of 2018, which would, if adopted, repeal Chapter A155: Personnel Policies of the Code of the Town of Moreau and replace it with new Chapter 155: Personnel Policies identifying that copies of the Personnel Policies adopted by resolution by the Town Board are on file in the Town Clerk's Office; and

WHEREAS, the Board finds that in order to provide for the health, safety and welfare of Town residents and property owners, and in the best interest of the future of the Town, it is necessary to repeal and replace Chapter A155 to permit the Town Board to adopt personnel policies by resolution when necessary; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2018 is in the best interests of the Town and is necessary to protect the health, safety and welfare of the residents and property owners to

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repeal and replace Chapter A155 to permit the Town Board to adopt personnel policies by resolution when necessary; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2018 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 1 was properly noticed in the newspaper and posted, and was duly conducted on March 27, 2018 at 6:20 p.m. at the Town Municipal Complex, and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 1 of 2018; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 1 of 2018, annexed hereto, repealing and replacing Chapter A155 to permit the Town Board to adopt personnel policies by resolution when necessary; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all the necessary action for the promulgation thereof.

Before taking action on the resolution, Attorney O'Hara read through the Short Environmental Assessment Form and the Town Board declared that there were no significant impacts.

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan to adopt Local Law #1 of 2018 as read into the record by the Town Clerk.

Roll call vote resulted as follows:

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

#### **LOCAL LAW #2: WATER BILLING**

The Supervisor asked the Town Clerk to read the resolution for Local Law #2 of 2018 aloud. She read as follows:

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**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

SUBJECT: ADOPTION OF LOCAL LAW 2 OF 2018, AMENDING CHAPTER 145, WATER, OF THE MOREAU TOWN CODE

WHEREAS, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 2 of 2018, which would, if adopted, amend Chapter 145 Water, specifically Sections 145-21, 145-58, 145-221, 145-321 and 145-421 of the Code of the Town of Moreau, by repealing those sections in their entirety and replacing them with language setting forth the process for payment of bills so that all “Payment of Bills” sections in all water districts are consistent; and

WHEREAS, the Board finds that in order to provide for the health, safety and welfare of Town residents and property owners, and in the best interest of the future of the Town, it is necessary to amend Chapter 145 Water, to permit the process for payment of bills so that all “Payment of Bills” sections in all water districts are consistent; and

WHEREAS, the Board finds that the adoption of Local Law No. 2 of 2018 is in the best interests of the Town and is necessary to protect the health, safety and welfare of the residents and property owners to amend Chapter 145 Water, to permit the process for payment of bills so that all “Payment of Bills” sections in all water districts are consistent; and

WHEREAS, the Board finds that the adoption of Local Law No. 2 of 2018 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 2 was properly noticed in the newspaper and posted, and was duly conducted on March 27, 2018 at 6:15 p.m. at the Town Municipal Complex, and

WHEREAS, the Board has considered the public comments made at the public hearing; and

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WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 2 of 2018; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 2 of 2018, annexed hereto, amending Chapter 145 Water, to permit the process for payment of bills so that all "Payment of Bills" sections in all water districts are consistent; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all the necessary action for the promulgation thereof.

Before taking action on the resolution. Attorney O'Hara read through the Short Environmental Assessment Form and the Town Board declared that there were no significant impacts.

A motion was made by Councilman Noonan and seconded by Councilwoman LeClair to adopt Local Law #2 of 2018 as read into the record by the Town Clerk.

Roll call vote resulted as follows:

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

#### **TOWN CLERK'S REQUEST**

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan authorizing Jill Bennett to attend a Notary Training class at Adirondack Community College on May 3, 2018 at a cost of \$65.00. This expense would be paid from account A1410.4.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye



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Councilman Noonan	Aye
Supervisor Kusnierz	Aye

**HIGHWAY REQUEST**

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan authorizing the Highway Superintendent to attend the 2018 Highway School at Ithaca College in Ithaca NY from June 4-6, 2018 and for the registration fee of \$110.00 along with meals and mileage to be a proper Town charge. The expenses will be paid from account A5010.401, which has a balance of \$1,800.00 as of 3/1/18.

Roll call vote resulted as follows:

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

The Supervisor thanked the Highway Superintendent and his crew for erecting the Municipal Complex sign.

The Supervisor stated that the Town Board is in support of the work that the Highway Superintendent will be doing along Tanglewood Drive, Feeder Dam Road and Jerome Lane to extend the width of the highway pedestrian lane for the purpose of keeping the walking and biking public safe.

**COURT AUDIT**

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan acknowledging that the required examination of the Town of Moreau Justice Court's financial records for the year ending December 31, 2017, has been completed and approved by the Moreau Town Board.

Roll call vote resulted as follows:

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

The Supervisor thanked Jeffrey Cruz for performing the audit.

**WATER DEPARTMENT STAFFING**

The Supervisor commented that there had been discussion at budget time of creating a full-time position for an employee of the Water Department, who is currently part-time. The Supervisor thought it to be a good time to expand public service. There was a brief discussion as to how much the position should be paid and what the qualifications are, to be licensed and certified.

A motion was made by Councilman Noonan and seconded by Councilwoman LeClair to create a full-time position for Kristian Mechanick with benefits, at a rate of \$16.00 per hour and to be effective April 22, 2018.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye

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Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **WATER MINIMUM BILLING RATES**

The Supervisor stated that there has been discussion to amend water billing periods and rates to keep everything more uniform. It was agreed to move forward with twice per year billing, with the rates that were discussed at a March 6, 2018 workshop.

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan that Water District 5 will no longer be billed three times per year but will be billed two times per year at a minimum of \$50.25 for 15,000 gallons, effective immediately.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan that Water District 6 will no longer be billed three times per year but will be billed two times per year at a minimum of \$60.00 for 15,000 gallons, effective immediately.

Roll call vote resulted as follows:

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

### **TOWN HALL HVAC EVALUATION**

The Supervisor reported that at the last meeting, the Town Board approved Northeastern Air Quality to perform an air balance report. He stated that they were at the Town Hall building on March 20<sup>th</sup> and again today. He stated that the Board members had a copy of the findings. He stated that there were 84 points of testing and of the 84, 51 of those fell short of the specified design. The Supervisor stated that the baffles will need to be addressed for proper flow rates, as the system was designed for. He also reported that the timer for the EVU unit, that draws negative air pressure in the bathrooms (heat and fresh air), was not on and now is. He stated that the timer is set from 7 a.m. to 7 p.m.

### **A.U.D.**

The Supervisor commented that the Town's Annual Update Document has been completed and transmitted to the State Comptroller's office. He stated that it will be posted on the Town's website once accepted by the State.

### **RECREATION STAFFING**

The Supervisor stated that they've had another round of interviews for part-time seasonal positions for Buildings and Grounds, which includes the Recreation Park. His recommendation was to hire two individuals and continue to take applications and interview, so they have additional staff if needed. The Working Supervisor can evaluate his staff once these two individuals are hired to determine if he will need additional staff.

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There was a brief discussion over labor laws. The Supervisor commented that student laborers can't work before 2:30 p.m. on school days. They can't work more than 8 hours per day when school is not in session and they can only operate shielded equipment. Councilman VanTassel asked that they get the list of restrictions to the Working Supervisor.

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan to hire David Jones and Al Vasak, IV to the positions of seasonal part-time laborer at a starting rate of \$12.00 per hour and to be effective April 2, 2018 subject to successful completion of a background check and pre-employment physical within a 2 week period.

Roll call vote resulted as follows:

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

### **BACKFLOW PREVENTERS**

There was discussion as to the requirement for back flow preventers to be inspected annually. The Town is in need of having their own back flow preventers inspected. The Supervisor commented that the person doing the inspections has to be certified. He also commented that there are three residences that will need inspection, that will be coming on line soon. There is an extensive list of those who are certified to perform the inspections and the Water Superintendent had recommended at least three. The cost of the inspections would be around \$100.00 each. The Water Superintendent explained that there are some people that don't respond to the request of the Town to have their back flow preventer inspected. He also commented that he had spoken with Counsel on this matter in the past. Mr. Fish stated that he could become certified to conduct inspections but thought it would be a conflict of interest to inspect the Town's own back flow preventers and thought it would be better to get them done by an outside source. He asked what he should do with those that consistently don't respond. He commented that chemicals could be used at some of these places and if the back flow preventers fail, the chemicals could get back into the drinking water and make people sick. The Supervisor stated that there is an enormous exposure to the public with regard to the water supply, if the Town didn't properly prevent back flow. He stated that he didn't have a problem with the water being turned off if they can't verify that the back flow preventers have been inspected. The Water Superintendent stated that they should check with Counsel to see if they can legally shut off water to a residence. He thought that would become a health hazard. The Board directed the Water Superintendent to have one of his employees meet with these people and let them know that the inspection needs to be done and the seriousness of the need for the inspection. The Water Superintendent asked what the recourse will be for non-compliance. Councilman Hogan stated that they need to see if the Department of Health has a law which pertains to this. Councilman VanTassel stated that he feels the Town should take care of their own properties and suggested that they authorize Jesse to engage the services of an inspector to take care of this. The Town Board was in agreement with this suggestion. Councilman VanTassel asked if the Town Clerk should send a letter to those who haven't complied. Supervisor Kusnierz thought the letter could read that their water service may be terminated if they don't comply and penalties may be imposed. Counsel was asked to look at DOH law for the Town and give his recommendation.

### **PRIVILEGE OF THE FLOOR**

Dana Charpentier stated that he had been coming to Town Board meetings off and on for 5-8 years. He stated that this is the most supreme core Board he's sat in a room with. He thanked the Board for doing a great job.

### **SUPERVISOR'S ITEMS**

A regular meeting of the Town Board of the Town of Moreau was held on March 27, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York 12828

The Supervisor reported that there have been two applications received for the Board of Assessment Review position. The Supervisor stated that he had hoped to have a 5 member Board but thought that the Town Code only allowed for 3 members. He suggested that they could make one person a permanent member and one an alternate. His recommendation was to review the applications and take action at the next Town Board meeting.

The Working Supervisor of Buildings and Grounds asked the Supervisor if he should scale back the hours at the Rec Park, since there is currently no skating rink or sledding. Currently, the Park closes at 8:00 p.m. and he asked if they should close at 6:00 p.m. Councilman VanTassel stated that it would be a cost savings for a week or two. The Town Board was in agreement to close the Rec Park at 6:00 p.m. Monday – Sunday until Baseball and Softball starts.

The Supervisor reported that he had received a request from Saratoga Bridges for the Town to allow an individual, who would be shadowed one on one, in their pre-employment program, to work at the Rec Park for a couple hours per week. The insurance coverage would be provided by Saratoga Bridges. The program would start now and continue until June. Councilman Noonan was ok with the program as long as the employee is shadowed. The Town Board was in agreement with the request.

The Supervisor mentioned that it was brought to his attention that there is no policy regarding time cards and his office needs direction. It was asked, if someone punches in 10minutes late, how much time should be deducted. They've had some repeat offenders and need to know if they should not allow them to punch in until the ½ hour or ¼ hour increment. The Supervisor stated that, right now, they're getting paid from the beginning of their shift, with nothing deducted. He stated that there needs to be a policy. It was decided that the matter should be given to the Personnel Committee for their recommendation.

The Supervisor thanked the new Working Supervisor for getting the street light working at the entrance of the Town Hall. He stated that he's working on getting lights to the Town of Moreau sign. There's an outlet but no electricity that goes to it. There are also two lights in the Head Start parking lot that don't work and he's looking into that as well.

The Supervisor stated that they've been looking into a source of revenue for the water tower that doesn't have a cell tower. The Supervisor met with an individual who does scouting for the area. He stated that there is a dead zone in the Fort Edward area and that three sites have been identified for a tower. Of the three sites, the Town of Moreau is the top site. They had looked into the zoning requirements from the Town and whether or not it would require a permit. The Town has provided information, which will be passed up the chain to the attorneys within a week or so. The Supervisor stated that it would be a six month process if they go forward.

The Supervisor stated that the Town has received \$200,000.00 for Palmerton Heights. He suggested that the money be put into a reserve fund for Palmerton Heights so if they don't act on it this year, future Boards can't use the money for any other purpose other than Palmerton Heights.

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to create a reserve fund with the amount of \$200,000.00 for the purpose of completing the paving of Palmerton Heights.

Roll call vote resulted as follows:

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

### **COMMITTEE REPORTS**

Councilman Noonan stated that on March 22<sup>nd</sup>, Councilman Hogan, Sandy Mahoney and he met with the School's Athletic Director, Nick McPartland, to discuss discrepancies with the Town's use of the School

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gyms for the Youth Basketball program this past winter. Councilman Noonan stated that out of the meeting, the Athletic Director recognized the need for better use of gym time. There was a suggestion of more clinic style coaching from coaches at the School. Councilman Noonan stated that Mr. McPartland is committed to getting children to play basketball more competitively. He stated that the gyms would still be available but they would have a more clinic style of instruction on Saturdays. He did state that there wouldn't be additional gym time allowed. He also mentioned 1/2 court games for the younger kids.

Councilman Noonan stated that they also spoke of some issues at the Rec Park last year with field usage. The School teams would go over in the afternoon and the youth teams were playing. He stated that for practice, School teams need to be off by 5:00 p.m. so the other teams can get on. He also stated that were some nights that JV and Varsity games went long, which resulted in some cancelations of youth softball games. He stated that the Athletic Director is committed and that they will continue to communicate.

Councilman Hogan stated that they discussed summer programming and mentioned that the School has been running programs for the different sports and providing coaches. Councilman Hogan stated that Mr. McPartland asked the Town to take the programs back and that the School would help facilitate with the coaching. Councilman Hogan's concern was of the cost of coaches. He suggested that they send out registration forms and if they don't have a minimum number signed up, they wouldn't hold the program. Ms. Mahoney stated that the School offered to take care of printing needs if the Town would take over registration.

Councilman VanTassel stated that he was supportive of any programs being brought back to the Park. He stated that there will be a cost and so there will have to be a number put on it. He also stated the need to look into Blue Sombrero.

The Supervisor reported that the Town Clerk had received an email from the School District stating that they were considering hiring security officers for any elections at the Schools and they would like the Town to pick up the cost. His suggestion was to refer the School to the County Board of Elections as they are the ones that operate and have the oversight of the elections. It was clarified that the School was only looking for the Town to pick up the cost for Local, State and Federal elections and that the School would take care of their own elections. The Board was in agreement that this should be a request to the Board of Elections. The Supervisor commented that he thought all schools will be re-evaluating security measures and not just for elections.

The Supervisor stated that the Highway Department did a great job on the Clark Road project and asked the Highway Superintendent to pass that along to his crew.

Councilman Noonan stated that he had a conversation with a gentleman from Saratoga Flag regarding the Town's logo. He stated that he has ideas and feels positive they will meet again. He will keep the Board updated.

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan to adjourn to executive session at 9:37 p.m. to receive an update on the Highway Garage 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.

The Town Board returned from executive session at 9:47 p.m. with no action being taken.

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A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to close the meeting for the evening at 9:47 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

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