

A regular meeting of the Town Board of the Town of Moreau was held on March 12, 2019 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; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Reed Antis, Planning Board member and Town resident.

The Supervisor led the Pledge of Allegiance.

**Approval of Minutes**

The minutes from February 26, 2019 (2 sets) and February 28, 2019 were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

**Resolution #2019-137**

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to approve the minutes of February 26, 2019 (2 sets) and February 28, 2019 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**

No meetings were scheduled, however, Councilman VanTassel stated that they may need to have a Recreation Committee meeting before it gets busier.

**HIGHWAY DEPARTMENT**

**Resolution #2019-138**

A motion was made by Councilwoman LeClair, seconded by Councilman VanTassel and carried, authorizing an open purchase order for rock salt from Morton Salt in the amount of \$40,000.00. The purchase order will be under County Contract #18-PWS-10R and will be paid from account DB5142.490, which has a balance of \$48,078.24 as of 3/1/19.

A regular meeting of the Town Board of the Town of Moreau was held on March 12, 2019 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	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

The Highway Superintendent made a request to the Town Board to contract with Saratoga County for road striping in 2019. There are approximately 83 miles that need to be painted. Due to the variable of paint cost and labor, the County is unable to quote an exact price. There is \$38,000 allocated in account #A3310.499 to cover the budgeted item.

**Resolution #2019-139**

A motion was made by Councilwoman LeClair, seconded by Councilman VanTassel and carried, authorizing the Highway Superintendent to contract with Saratoga County DPW for road striping in 2019. The cost will be paid from account A3310.499.

Roll call vote resulted as follows:

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

The Highway Superintendent requested to have the Highway Department start the 10 hour – 4-day work schedule on Monday, April 22<sup>nd</sup> and to continue through Friday, October 25<sup>th</sup>, 2019. His request stated that there would be coverage for any situations that may arise on Fridays during the 4-day work schedule. A copy of the Friday work assignments would be given to the Supervisor.

Councilman Noonan asked if this creates an overtime issue. The Highway Superintendent stated “only on Fridays”. He stated that it only happened a few times last year.

**Resolution #2019-140**

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, authorizing the Highway Department to start a 10 hour, 4-day work week schedule on Monday, April 22, 2019 and to continue through Friday, October 25, 2019.

Roll call vote resulted as follows:

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

The Highway Superintendent advised the Town Board that his Department will be attending an Excavator Safety Seminar in Saratoga Springs on March 19<sup>th</sup>, 2019. The Seminar is sponsored by Dig Safely New York and there is no charge for the training. The training is for those who need to comply with the amendment to 16 NYCRR Part 753, which was signed into law by the Governor on November 5, 2018. The amendment to the law provides that any local government or operator that contracts for excavation, as well as their hired contractors, must ensure that the excavator has completed an approved training and education program. After attending the seminar, each employee will be required to take an on-line course to complete the course assessment and evaluation, which is a NYS unfunded mandated charge of \$25.00

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per person. The Supervisor asked if the request is for all employees to attend. The Highway Superintendent stated “yes, because they can’t even put in a sign post without the training”. There was a brief discussion as to the full amount of the request and which account the expense should be paid from. The Supervisor commented that he didn’t recall discussion on this training at budget time. The Highway Superintendent stated that the law was passed after budget time.

**Resolution #2019-141**

A motion was made by Councilwoman LeClair, seconded by Councilman VanTassel and carried, authorizing on-line training for the Highway Department, not to exceed \$300.00, for a NYS unfunded mandate put upon the Town.

Roll call vote resulted as follows:

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

**RECREATION DEPARTMENT**

The Town Board has received a request for the purchase of raised bleachers for the softball quads. Quotes were received as follows:

- |                                                                                                                                                 |                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| #1: The Park Warehouse. 5 row elevated bleachers, 21 feet in length. The Vantage Point Series \$7,940 each, plus shipping, 2 units requested.   | \$17,000.00 plus shipping |
| #2: The Park Warehouse. 10 row elevated bleacher, 21 feet in length. The Vantage Point Series \$15,125 each, plus shipping, 2 units requested.  | \$32,367.00 plus shipping |
| #3: The Park Warehouse. 5 row elevated bleachers, 27 feet in length. The Vantage Point Series \$9,490 each, plus shipping, 2 units requested.   | \$20,315.00 plus shipping |
| #4: The Park Warehouse. 10 row elevated bleachers, 27 feet in length. The Vantage Point Series \$17,990 each, plus shipping, 2 units requested. | \$38,498.00 plus shipping |

There was \$20,000 budgeted for bleachers in 2019. The expense would be paid from account A7140.2, which has a balance of \$64,801.00 as of 2/28/19.

The recommendation from the Buildings and Grounds Working Supervisor was Quote #1.

Councilman VanTassel had a concern that the recommended quote didn’t match the actual specs. The Supervisor stated that it was still under the amount budgeted and stated that they could approve with an amount not to exceed.

**Resolution #2019-142**

A motion was made by Councilman VanTassel, seconded by Councilman Hogan and carried, authorizing the Recreation Department to purchase raised bleachers for the softball quads from The Park Warehouse at a cost not to exceed \$20,000.00. The expense will be paid from account A7140.2.

A regular meeting of the Town Board of the Town of Moreau was held on March 12, 2019 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	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

### **ASSESSOR’S OFFICE**

The Supervisor stated that he had a conversation with the Assessor regarding a request for the purchase of a laptop computer. He suggested that there may be issues with the request that are being worked through. Councilman VanTassel stated that there was an issue with the Assessor needing to work outside of the office and not having the proper security in place. He stated that he had spoken with PS Technical Services and they have a proposed solution to use “Log Me In” as a way for her to work from home securely. He commented that they will just need quotes for a computer. The Supervisor stated that there might be a time constraint issue and that he would give the Board members a call with the quotes once received. They can memorialize the verbal approval at the next regular meeting.

### **FLAGS – DECEASED VETERANS**

The Supervisor reported, that at budget time, the Town Board budgeted \$800.00 for the purchase of flags for Memorial Day. He stated that the flags will be purchased from account A8810 and that he has a flyer from a local vendor in Saratoga County. He stated that he would like to turn the information over to the cemetery liaisons for their recommendation so they can make a decision at the next Town Board meeting.

### **ZONING BOARD TRAINING**

The Supervisor reported that all members of the Planning and Zoning Boards have attended a training seminar held in Saratoga County except for one member. Even though the Town had paid for the seminar, the individual declined to go due to bad weather. All others that were signed up attended. The Supervisor stated that he would reach out to the County to see if they would absorb the \$60.00 cost, but if not, he asked the Town Board if there should be action taken. Councilman Noonan was of the opinion that this individual should pay for their own training going forward. Councilwoman LeClair commented that maybe the County could give the Town a credit if they aren’t willing to refund. The Supervisor will reach out to the County to see what they can do and will keep the Board members posted.

### **COUNTY RECYCLING**

The Supervisor stated that the Town had raised its rates due to a projected loss in revenues of \$35,000.00, which the County used to provide municipalities to run the recycling centers. The Supervisor stated that he was successful, in meeting with his Town colleagues that offer the recycling centers, at today’s public works committee meeting, it was determined that the towns will get their \$35,000.00. He stated that this was good news but also that they probably won’t get it after this year. With the rate change adopted at the last Town Board meeting and with the increase in service hours provided, they would have been in the black by a few thousand dollars. Now there will be an additional \$35,000.00. The Supervisor recommended putting the additional funds into a reserve account. He asked the Board members to think about how they want to handle the \$35,000.00, knowing that they won’t receive that amount anymore.

### **PLANNING BOARD APPOINTMENT**

The Supervisor stated that he had met with Ann Purdue. She expressed an interest in serving the community on the Planning Board. He stated that on the Planning Board, they have one spot that has not been filled. The term expired on December 31, 2018. That individual has expressed interest in being re-appointed but hasn’t been done yet. He believed that the individual who asked to be reappointed has now completed his training, so the Board can act on that this evening. He stated that Ms. Purdue is also

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interested in serving on the Planning Board. The Supervisor's recommendation is to appoint Ms. Purdue as an alternate member.

**Resolution #2019-143**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to appoint Ms. Ann Purdue as an alternate member to the Planning Board.

Councilman VanTassel stated, that based on her professional level of expertise, he felt that she's exceptionally bright and will bring value to the Town. The Supervisor stated that she has extensive land use planning experience and she's an attorney. He also felt that she would be a great addition.

Roll call vote resulted as follows:

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

**WATER DISTRICT 2 – CELLULAR TOWER LEASE AGREEMENT**

The Supervisor stated that there is a lease agreement for a cell tower on a Water District #2 tower, which will expire in 2021. They're interested in negotiating different terms with the Town. Attorney Buettner stated that they had come to the Town last September regarding the terms and reached out to her again last week. She stated that she had emailed the Board members with what the cell company would like to do. She advised the company that the Town would look into their requests, analyze them and get back to them.

**SEWER MASTER METER AND MOU**

Attorney Buettner stated that the Town is looking to get an easement from Lehigh Hanson. She stated that it's hard because the City of Glens Falls has to be involved with the easement as well. She's reached out to the City Attorney to see what everyone needs and how they can move forward on the project. She's waiting to hear back.

**PRIVILEGE OF THE FLOOR**

Reed Antis asked how the Town was doing in hiring people for the Code Enforcement position, the Clerk to the Assessor and the Part-time position in the Supervisor's office.

Mr. Antis asked if the posting of the agenda could be put out sooner than 12:00 p.m. on the day of the meeting.

Mr. Antis asked about the Town's website and if it's all up to date or if the Town was still working on it.

Mr. Antis asked what the Town was going to do with the house out front.

Mr. Antis asked what the Town is doing with 61 Hudson Street.

The Supervisor stated that there has been no movement with hiring in the Supervisor's office nor has there been movement in hiring additional staff for the Assessor's office, which hinges upon the RFP to provide informational services for that office. He stated that they're working on it diligently.

The Supervisor stated that the agenda is transparent and is provided before the Board meetings. He stated that there are items being changed because of things that he's waiting for, sometimes as late as 3:00 p.m. before the meeting. He stated that they try to get it out as timely as they can but in the interest of doing a

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great job for the residents in the Town, he wants it to be accurate, meaningful and goal oriented. He stated that sometimes it takes a lot of effort to get it to that point but as soon as it's ready it's out there.

The Supervisor stated that he wasn't sure what Mr. Antis was referring to with the website and commented that his office has done updates.

The Supervisor stated that with regard to 61 Hudson Street, he's working on the possibility of having a government entity work there. He stated that they're still early in negotiations. He didn't feel that it was surplus property and is not inclined to do anything further from a real estate standpoint at this time.

The Supervisor had no news on the building out front.

### **SUPERVISOR'S ITEMS**

The Supervisor stated that he had received an email from the President/CEO of Saratoga Hospital who is looking for a letter of support from the Town of Moreau regarding a Certificate of Need application with NYS Department of Health for the construction of an orthopedic ambulatory surgical center on Saratoga Hospital property. This would be in conjunction with Albany Medical Center and Capital Region Orthopedic Physicians. The Supervisor had no problem with the request but stated that he would take direction from the Board. Councilman Noonan had no objection. Councilman VanTassel had no objection and commented about the need for such a facility in this area. Councilman Hogan was supportive of the project.

The Supervisor stated that his office has reached out to Professional Fire Protection Inc. with regard to the fire suppression issues at Town Hall. He stated that he will be meeting with the service manager tomorrow, who will be doing a walk through. He hoped that he would have information for the Town Board before the next meeting.

The Supervisor wanted to make the Board members aware, as well as the general public, and invite everyone to a lunch that's going to be served at the highway garage to celebrate Mike Montgomery's retirement, after 36 years of service with the Town of Moreau. He stated that the event will be taking place on March 29<sup>th</sup>. He also stated that he would like to do a proclamation, which they would give out at the next Town Board meeting. He would like to present it on behalf of the Town Board and the residents of the Town of Moreau for the service he's provided to the Town.

The Supervisor stated that they're still working on the RFP that they'll be sending out for Assessment Support Services. He stated that he had just received a draft back from Counsel with some comments, which he will be sharing with the Town Board. If everyone is ok with it, they can get it out.

The Supervisor stated, that as Vice Chairman of the County Economic Development Committee, he was asked to attend a meeting with the President of Hudson Valley Community College. The County has committed to partnering with HVCC to provide extensive training in various aspects. They would like to refocus efforts from Troy up to this area because Saratoga County is one of the fastest growing counties and is financially sound. The Supervisor was asked by the Chairman of the Board to set up a meeting with Adirondack Community College to do the same thing. The Supervisor stated that he has the folder in his office should anyone need additional information.

The Supervisor stated that yesterday, as the Chair of the County Board of Supervisors Legislative Research Committee, he and a group of his colleagues went to Albany to meet with the State elected officials representing portions of Saratoga County. They met with Senator Jordan, Senator Tedisco, members of the Assembly McDonald, Walsh, Stec and Woerner. He stated that they had a great meeting, talking about AIM funding, cable television franchise agreements and how to handle legalization of marijuana (revenues, expenses and regulations). He stated that they are in budget season right now, so they won't know how successful their lobbying efforts were until after the budget has been adopted. The Supervisor did hear yesterday that it looked like the legalization of marijuana has fallen off the budget table.

A regular meeting of the Town Board of the Town of Moreau was held on March 12, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that Potentia Management Group has sent the Town a Certificate of Completion. The Supervisor read the Certificate aloud, which commended the Town for their important contribution in the reduction of greenhouse gases and electric usage. The Town of Moreau is now recognized as a Green Compliant Certified Business.

### **COMMITTEE REPORTS**

Councilman VanTassel stated that he and Councilman Noonan met with Sandy Mahoney regarding a couple open items she had wanted to discuss at the last Board meeting. He stated, that one of the things they've been doing as a practice, was to take deposits for travel softball. The Town has been collecting \$200.00 if the tournament is for two nights and \$400.00 if the tournament is over two nights. He stated that there is a written refund policy of 50%, if canceled within a certain amount of time. He stated that there is no written requirement for the deposit. For the benefit of the Clerk's office, they recommend a resolution, which would modify in writing, the existing Field Usage Fee Schedule as well as the Checklist, to spell out the requirement.

### **Resolution #2019-144**

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to implement and modify in writing, the existing Field Usage Fee Schedule as well as the Town Clerk's Checklist, to spell out deposits for Travel Softball tournaments, which would require a deposit of \$200.00 for a two day tournament or \$400.00 for any tournament over two days, 60 days prior to the date of use.

Roll call vote resulted as follows:

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

Councilman VanTassel reported that Ms. Mahoney had asked the Town Board if they felt more should be charged for Firecracker Baseball. Councilman VanTassel and Councilman Noonan both felt that they should be charged the same as everyone else and to stick to the fee schedule.

Councilman VanTassel stated that Ms. Mahoney was looking for approval to have the Color Run again this year. He stated that they're all supportive of the event as they have been in the past, however, they asked what she expects for expenses and profits. The Board wasn't ready to act on her request until she gives them more information. He stated that the same goes for the other camps. Once she brings back some specifics, he'll present it to the Board.

Councilman Noonan stated that there was some feedback on the Basketball program. He stated that it wasn't as favorable to the Town with regards to some of the scheduling problems which occurred. He stated that they don't want to repeat the problems next year.

Councilman VanTassel stated that the Softball and Little League both have agreements in place with March 15<sup>th</sup> deadlines for schedules. He stated that he needs to have discussion with Councilman Hogan regarding their schedules and the scheduling for Jack Hills.

Councilman VanTassel also stated that there are other entities who would like to have their contracts to them sooner.

Councilman Hogan stated that he had taken a ride to the Transfer Station to see where Mr. Havens was drawing from and stated that he had left a message asking him to stop drawing for the time being. The Supervisor stated that he was informed today by Ted Monsour, that Mr. Havens has pulled out his equipment and is not coming back. He has no interest in moving fresh leaves and debris. Councilman Hogan stated that the Town still has an issue in that they need room for the fresh leaves.

A regular meeting of the Town Board of the Town of Moreau was held on March 12, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman Hogan stated that he had been in the Highway Garage and could hear dripping. He wondered about the ventilation issue. He stated that it had snowed the day before but there was nothing on the roof. He stated that whatever was dripping is due to condensation. The Supervisor stated that he had spoken with Laberge Group and it was relayed that they can't work on the ventilation without the roof repair. He commented that the Town is waiting for approval on the \$200,000.00 grant from former Senator Kathy Marchione. He stated that the paperwork is in and the Town has answered all the questions. It's been kicked up to the top level, which is the Dormitory Authority. They're responsible for signing off on the grant. The Supervisor stated that 2020 would be the earliest that they could start work on the repairs and hoped that it would be funded.

The Town Clerk had sent an email to the Town Board asking for clarification of fees for the use of pavilions. She stated that a Hudson Falls organization had requested to use a pavilion in conjunction with a South Glens Falls organization but when they were told they would have to pay a fee, they had the South Glens Falls organization complete the paperwork. She asked if there should be a fee. It was the consensus of the Board, that if the reservation is for out-of-town use, it has to be paid for. If it's for in-town use, you don't have to. The Supervisor commented that if the reservation is made by a Town resident, they shouldn't be charged.

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to adjourn to executive session at 7:56 p.m. to discuss the work history of an unnamed person or persons and to discuss contract negotiations for Town water.

Roll call vote resulted as follows:

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

The Water Superintendent was invited into the executive session for the discussion of contract negotiations.

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

The Water Superintendent left the executive session following the discussion on contract negotiations.

A motion was made by Councilman Hogan, seconded by Councilwoman LeClair and carried, to adjourn the executive session at 9:22 p.m. with no action taken in executive session and to resume the regular session.

Roll call vote resulted as follows:

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

A special Town Board meeting was scheduled for March 26, 2019 at 6:00 p.m. for the purpose of interviewing staff for the Town's Recreation facility.

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to close the meeting for the evening at 9:25 p.m.



A regular meeting of the Town Board of the Town of Moreau was held on March 12, 2019 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	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk