

A regular meeting of the Town Board of the Town of Moreau was held on July 9, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor opened the meeting at 6:02 p.m.

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

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried, to adjourn to executive session at 6:02 p.m. for the purpose of interviewing a prospective Town employee.

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 Councilman Hogan, seconded by Councilman Noonan and carried, to close the executive session with no action taken in executive session and to return to the regular session at 7:01 p.m.

Roll call vote resulted as follows:

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

The Supervisor called the regular meeting back to order at 7:07 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; Dave Jones, Buildings and Grounds working Supervisor; Kathleen Moore, Post Star Reporter; Reed Antis, Planning Board member; Town Residents: Bruce McFarlane, Richard Hughes and Patrick Killian

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APPROVAL OF MINUTES

The minutes from June 25, 2019 (4 sets) were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2019-266

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, to approve the minutes from June 25, 2019 (4 sets) as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

The month-end and regular Town Board meetings, which were scheduled for July 23, 2019, were moved to July 30, 2019 and to be held at their usual times.

A bid opening date for the Palmerton Heights project was scheduled for June 19, 2019 at 3:00 p.m.

There was a brief discussion regarding the Saratoga Prosperity Partnership. The Supervisor stated that they were offering to have a meeting with either the Town Board, the public or both to do a SWOT (Strengths, Weaknesses, Opportunity, Threats) analysis. The Supervisor thought that the public should be involved as well as the Town Board. Councilwoman LeClair thought if they waited until September, they would have a better turn-out. She stated that residents would be back from their vacations and with the children being back in school, there would be more people available to attend. The Town Board was in agreement. The Supervisor stated that he would contact Marty Vanags to have him select some dates in September during weekdays around 6:00 p.m.

LOCAL LAW 1 OF 2019 – MORATORIUM ON GROUND MOUNTED SOLAR ENERGY SYSTEMS

The Supervisor stated that the public hearing regarding proposed Local Law 1 of 2019 was still open. He reported that there was written correspondence received from Mr. and Mrs. Killian and from Martha Winston and asked the Town Clerk to include them in the record. The letters will be annexed to this set of minutes.

The Supervisor stated that he thought there was some confusion as to what the Town Board was trying to do with the proposed moratorium on ground mounted solar energy systems. He stated that right now, the only place the for-profit arrays are permitted, would be in the industrial zone. The purpose of the moratorium is to take public comment into consideration and have the Town Board deliberate to see if they want to open up the Town for these types of structures. He stated that some of the comments he's heard were based on some misinformation that's out there.

The Supervisor re-opened the public hearing on Local Law 1 of 2019 and asked if anyone wanted to add additional comments that they haven't already heard or received for the record.

Patrick Killian, Burt Road, addressed the Town Board and stated that the country is losing 180 acres per hour to development. He stated that his father started the farm back in 1974 and since then a lot of changes have been made. He stated that they need to take care of their families and what they're trying to do is take a portion of their acreage to create income to coincide with their tenants. He stated that the

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farming industry has been challenged over the past 5-7 years. He asked if the Town will adapt to the changes and commented that he wants to protect what he owns and keep the family tradition.

Reed Antis addressed the Town Board and first stated that he wanted them to know that the Town Board took a lot of time to create the Agricultural District in the Town of Moreau. He stated that it was a very important decision made by the Board members at that time. He didn't think that commercial solar is what the Town wants in this district. He stated that if one farm is allowed the use, then other farms will follow the same reasoning. He asked the Town Board to look at why they have an agricultural district and see if the solar farms apply to that reasoning. He asked the Board to not approve such a thing.

There were no further comments made from the public.

The Supervisor thanked the public for their comments and stated that the Town Board will take all of the comments into consideration as they move forward.

The Supervisor closed the public hearing on Local Law 1 of 2019 at 7:25 p.m.

The Supervisor commented that the public hearing on Local Law 2 of 2019 was still open. He stated that there was written correspondence from Mr. and Mrs. McFarlane and asked the Town Clerk to include it for the record. The letter will be annexed at the end of this set of minutes. He stated that one of the goals listed on page 61 of the adopted Comprehensive Plan lists the housing goals supporting the development of affordable single family dwellings. There was also verbiage that stated "input from residents in the Town indicates that future housing initiatives and zoning regulations should focus on less density; the provision of affordable single-family housing; and senior living facilities".

The Supervisor opened up the public hearing for comments.

Bruce McFarlane addressed the Town Board with a concern, that he had received a verbal ok from Jim Martin with his plan to build two (2), two-family duplexes. He commented that he and his wife have spent a lot of time and money already and the policy is being changed before he could apply for the permits. He thought that someone should have known at the time he had discussions and advised him of the situation. He asked what he was supposed to do. He asked that they either eliminate the two-family residence from the moratorium or find a way to grandfather his in.

The Supervisor closed the public hearing on Local Law 2 of 2019 at 7:45 p.m.

The Supervisor thanked the public for their comments and stated that the information will be taken into consideration for deliberation. The Supervisor stated that there are provisions in this moratorium that allow for a variance. He stated, that when the Town Board was presented with a draft of the local law, he had reached out to the building department to see if there were any formally applied for permits for any defined buildings that are included in this proposed moratorium and the answer was no. The Supervisor stated that the Town Board has the authority to grant a variance. He stated that he was not inclined to change the language in the proposed moratorium.

Councilman VanTassel stated that the Town Board is attempting to do the right thing for the taxpayers. He stated that the availability for a variance is in the moratorium for that reason. He saw no reason to change the wording in the moratorium.

Councilwoman LeClair asked if this would apply to Mr. McFarlane and could he apply for a variance. The Supervisor stated that he could apply to the Town Board to have discussion regarding this provision.

Attorney Buettner stated that the County Planning Board had made comment on the matter by stating that they felt six months was too short a period of time to look at the Town Code and that the Town may want to consider a longer moratorium, such as a year. The Supervisor commented that if they need more time, they could extend the moratorium.

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The Town Clerk was asked to read the resolution for the adoption of Local Law 2 of 2019 into the record as follows:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: ADOPTION OF LOCAL LAW 2 OF 2019, ADDING CHAPTER 76 “A TEMPORARY MORATORIUM ON BUILDING PERMITS OR SITE PLAN REVIEW OR OTHER REVIEW OF MULTI-FAMILY, MULTIPLE-FAMILY AND TWO-FAMILY DWELLING RESIDENTIAL PROJECTS WITHIN THE TOWN OF MOREAU” TO THE CODE OF THE TOWN OF MOREAU

WHEREAS, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 2 of 2019, which, if adopted, would add Chapter 76 “A Temporary Moratorium on Building Permits or Site Plan Review or Other Review of Multi-Family, Multiple-Family and Two-Family Dwelling Residential Projects within the Town of Moreau” to the Code of the Town of Moreau, 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, and in particular to permit the Town the necessary time in which to review its current Zoning Code in conjunction with the recently-adopted Comprehensive Land Use Plan, it is necessary to add Chapter 76 “A Temporary Moratorium on Building Permits or Site Plan Review or Other Review of Multi-Family, Multiple-Family and Two-Family Dwelling Residential Projects Within the Town of Moreau” to the Code of the Town of Moreau; and

WHEREAS, the Board finds that the adoption of Local Law No. 2 of 2019 is in the best interests of the Town and is necessary to protect the health, safety and welfare of the residents and property owners and in particular to permit the Town the necessary time in which to review its current Zoning Code in conjunction with the recently-adopted Comprehensive Land Use Plan; and

WHEREAS, the Board finds that the adoption of Local Law No. 2 of 2019 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 June 25, 2019 at 6:15 p.m. and continued on July 9, 2019, at the Town Municipal Complex, and

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

WHEREAS, pursuant to 6NYCRR 617.5(c)(36) the adoption of Local Law 2 of 2019, as a moratorium, is a Type 2 action not subject to SEQRA; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 2 of 2019; and

WHEREAS, the Saratoga County Planning Board has issued a determination of approval associated with this moratorium; 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 2019, annexed hereto, which adds Chapter 76 “A Temporary Moratorium on Building Permits or Site Plan

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Review or Other Review of Multi-Family, Multiple-Family and Two-Family Dwelling Residential Projects Within the Town of Moreau” to the Code of the Town of Moreau; 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.

Councilman Hogan asked a question about the variance process. He stated that Mr. McFarlane has already presented some information to Jim Martin and asked what other information he would present to the Town Board. Attorney Buettner stated that he would have to submit information to the Town Board first. She recited a portion of the section of the proposed local law pertaining to variances as follows: the Town Board may, in its discretion, render a determination that this local law would impose extraordinary hardship upon a landowner or developer and that a variance from this law will not be a detriment to the public health, safety and welfare or to the residents of the Town of Moreau, or present any significant adverse environmental impacts.

The Town Clerk was asked to read the resolution for the adoption of Local Law 1 of 2019 into the record as follows:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: ADOPTION OF LOCAL LAW 1 OF 2019, ADDING CHAPTER 75 “A TEMPORARY MORATORIUM ON PERMITS FOR AND INSTALLATION OF GROUND-MOUNTED SOLAR ENERGY SYSTEMS AND LARGE-SCALE SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF MOREAU” TO THE CODE OF THE TOWN OF MOREAU

WHEREAS, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 1 of 2019, which, if adopted, would add Chapter 75 “A Temporary Moratorium on Permits For and Installation of Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems within the Town of Moreau” to the Code of the Town of Moreau, 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, and in particular to permit the Town the necessary time in which to review its current Zoning Code in conjunction with the recently-adopted Comprehensive Land Use Plan, it is necessary to add Chapter 75 “A Temporary Moratorium on Permits For and Installation of Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems Within the Town of Moreau” to the Code of the Town of Moreau; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2019 is in the best interests of the Town and is necessary to protect the health, safety and welfare of the residents and property owners and in particular to permit the Town the necessary time in which to review its current Zoning Code in conjunction with the recently-adopted Comprehensive Land Use Plan; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2019 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 June 25, 2019 at 6:00 p.m. and continued on July 9, 2019, at the Town Municipal Complex, and

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

WHEREAS, pursuant to 6NYCRR 617.5(c)(36) the adoption of Local Law 1 of 2019, as a moratorium, is a Type 2 action not subject to SEQRA; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 1 of 2019; and

WHEREAS, the Saratoga County Planning Board has issued a determination of approval associated with this moratorium; 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 2019, annexed hereto, which adds Chapter 75 “A Temporary Moratorium on Permits For and Installation of Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems Within the Town of Moreau” to the Code of the Town of Moreau; 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.

Resolution #2019-267

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to adopt the foregoing resolution regarding Local Law 1 of 2019 as read into the record by the Town Clerk.

The Supervisor commented that there are municipalities to the south and west of us that have already adopted local laws that regulate the siting of commercial solar arrays. He stated that he felt it was the prudent thing for the Town of Moreau to do as well. He stated that this will give the Town time to do its due diligence to come up with a viable plan that allows siting of these types of structures. He stated that the State Building Codes have regulations in place for solar arrays as well. They’ll be looking at the Real Property Tax impact and they’ll be looking at aesthetics. He stated that this moratorium gives the Town the opportunity to do it right. He stated that he was supportive of the moratorium.

Roll call vote resulted as follows:

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

Resolution #2019-268

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to adopt the foregoing resolution regarding Local Law 2 of 2019 as read into the record by the Town Clerk.

The Supervisor commented that what he’s heard in his short time as Supervisor and many years as a Councilmember is that the Town of Moreau has done its fair share in providing affordable multi-family housing. He stated that this moratorium will give the Town Board an opportunity to look at our current housing and to take into consideration points that were made in the adopted comprehensive land use plan and come up with a local ordinance, which will set the tone for the future of the Town. He stated that this moratorium will give the Town this opportunity.

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Roll call vote resulted as follows:

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

ASSESSOR

The Supervisor reported that he had received notification from the New York State Local Retirement System that the Town's Sole Assessor, Margaret Jenkins, has applied for retirement. The effective date for the retirement is July 31, 2019. He stated that he had also received notification from her directly by a letter received today. The Supervisor read the letter aloud as follows:

Supervisor Kusnierz
Town Board Members

July 8, 2019

Again, looking at retirement, it is with deep regret, mixed emotions and heavy heart, I would like to put the Town Board on notice of my retirement as of July 30, 2019.

I assure the Board and the Post Star, I am not retiring due to any health issues, it was a decision I had made a year ago March and was asked to reconsider, which I did.

I will truly miss working with such a dedicated group of people and such wonderful taxpayers who have supported me through the years.

I would like to thank those who supported me through the years; it has been a great pleasure, but it is time to close this chapter of my life.

I will make the transition as smooth as possible and will be available for assistance if needed.

Sincerely,
Peggy Jenkins

The Supervisor thanked Ms. Jenkins for over 30 years of service to the Town of Moreau, its residents and Town Board members. He stated that there were some challenging times with some tax cases the Town has had. She's been a part of the cases and the Town has been successful with most of them to date.

The Supervisor asked for authority from the Town Board to publish an ad in the official newspapers, for the position of Sole Assessor, which will be open July 31, 2019.

Resolution #2019-269

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, authorizing an ad to be placed in the official newspapers, for the position of Sole Assessor.

Roll call vote resulted as follows:

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

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RECREATION DEPARTMENT

Resolution #2019-270

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, that Nathan Weeks be hired as a Laborer for the Recreation Department and be compensated at the rate of \$12.00 per hour. This is to be effective 7/10/19, 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

The Supervisor stated that the position was made available due to one of the Town's employees taking a job at another municipality. He stated that Jake Carpenter will be taking a job at the City of Saratoga Springs DPW. The Supervisor thanked Mr. Carpenter for his service. Councilman Hogan asked if Jake would be staying on as a possible and Mr. Jones replied that he would like to work weekends as needed. Councilman Hogan stated that he would be all for that, as Mr. Carpenter has been a good employee.

The Supervisor stated that the Town has received a notice of resignation from the part-time Recreation Director. He stated that her last day would be July 11, 2019.

Resolution #2019-271

A motion was made by Councilwoman LeClair, seconded by Councilman VanTassel and carried, to accept the resignation of Sandy Mahoney, part-time Recreation Director, with her last day being July 11, 2019.

Councilman VanTassel thanked Sandy Mahoney for the time she's worked for the Town.

The Supervisor thanked Ms. Mahoney as well. He stated that he appreciated everything that she has done in her tenure. He stated that the Recreation Department has had some challenging times prior to her coming on board. She was helpful to the Town Board and the Town residents, in keeping some programs working, which were very important. He wished her luck in all of her future endeavors.

Roll call vote resulted as follows:

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

The Supervisor received a request from David Jones, Buildings and Grounds Working Supervisor, for the purchase of a snow plow, which was budgeted for at budget time. He was provided quotes as follows:

Dejana Truck and Utility Equipment Fisher 8'6" XV2 Stainless Steel snowplow, hand control, plow lights with directionals	\$6,305.00 installed
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T&T Body/King Inc. Fisher 8'6" XV2 Stainless Steel snowplow, hand control, plow lights with directionals	\$6,072.00 installed
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T&T Body/King Inc. \$6,167.00
Western 8'6" MVP3 Stainless Steel snowplow,
hand control, plow lights with directional

The recommendation of Mr. Jones was to purchase the Fisher snowplow from T&T Body/King Inc.

The Supervisor stated that they had budgeted \$6,000.00 for the purchase, so it will be over the budgeted amount by \$72.00. There is \$13,297.41 in the account as of June 30, 2019.

Resolution #2019-272

A motion was made by Councilman VanTassel, seconded by Councilman Noonan and carried, approving the purchase of a Fisher 8'6" XV2 Stainless Steel snowplow from T&T Body/King Inc. at a purchase price of \$6,072.00. The expense will be paid from account A7140.2.

Roll call vote resulted as follows:

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

Councilman Hogan reported that he had received a request from Rebecca Ring, South Glens Falls Girls Softball, who is proposing to offer a travel league for 12U girls. She had coaches lined up and has stated that it's modeled similar to the boys little league. She's looking for Town Board approval. Councilman Hogan stated that he had reached out to all of the Board members with the information she had given to him. He stated that the Board members all verbally approved this. He wanted Mr. Jones to know that Girls Softball is planning on doing the travel league 12U. Rebecca Ring told Councilman Hogan that they can schedule it in on the fields and as far as tournaments go, they'll be paying the same fees and they've asked for the same set up as any other tournament that would be held at the Park. If they schedule single games, the coaches will line the fields and if there are tournaments, they will be looking for the Town to organize that.

HIGHWAY DEPARTMENT

The Town Clerk read the following resolution to accept the deed to Winterberry Boulevard and Winterberry Lane for dedication aloud as follows:

TOWN BOARD
TOWN OF MOREAU

SUBJECT: RESOLUTION ACCEPTING DEED TO WINTERBERRY BOULEVARD AND WINTERBERRY LANE FOR DEDICATION

WHEREAS JD Michaels Holdings, LLC has offered a deed to the Town of Moreau to dedicate Winterberry Boulevard and Winterberry Lane, located in the Winterberry Subdivision, as more particularly described in a survey map entitled "Subdivision of Lands for Winterberry" prepared by The Environmental Design Partnership, LLP., dated January 5, 2018 and filed in the Saratoga County Clerk's Office on June 29, 2018 as Map No. 50.10-1-99, and

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

WHEREAS, pursuant to Moreau Town Code §124-17, JD Michaels Holdings, LLC delivered to the Attorney for the Town a Warranty Deed with Lien Covenant, conveying Winterberry Boulevard and Winterberry Lane to the Town; and

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WHEREAS, pursuant to Moreau Town Code §124-17(1), JD Michaels Holdings, LLC also delivered an Irrevocable Letter of Credit in the amount projected by the Letter of Credit Estimate as well as an Affidavit affirming the installation of the top coat of Winterberry Boulevard and Winterberry Lane; and

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

WHEREAS, JD Michaels Holdings, LLC has complied with all submission of all of the required documents contained in Moreau Town Code §124-17, including the providing of a Title Insurance Policy naming the Town of Moreau as the insured party and as as-built survey plat dated April 30, 2019, revised July 2, 2019;

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the Town Clerk is directed to record the deed in the Saratoga County Clerk's Office.

Resolution #2019-273

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to adopt the foregoing resolution 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

COUNTY LANDFILL FUNDS

The Supervisor reported that the towns and two cities, in Saratoga County, will be receiving additional revenue from the County for their share in the landfill revenue fund. He stated that it will amount to \$20,000.00 annually for the next 20 years. He stated, that once they receive the funds, they'll have to decide how to utilize the money. He suggested either infrastructure or economic development. He was also open to any other uses the Board may recommend. He stated that this is coming out of the County share not out of receipt money to run the Transfer Station. The Supervisor stated that this is a sizeable amount of money and that it was appreciated. The Supervisor explained that the revenues come from tipping fees from Waste Management, who now owns the original County Landfill. The County utilizes most of the share but the intent by the Board of Supervisors was to provide additional revenue as a credit to smaller towns.

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ADIRONDACK BALLOON FESTIVAL

The Supervisor stated that the Town places an ad in the Adirondack Balloon Festival guide each year. The Town has budgeted \$375.00 for this year and the cost for this year's ad is \$400.00. The Supervisor stated that if the Boards wants to continue to have the advertisement, they'll need to transfer funds first.

Resolution #2019-274

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, that \$25.00 be transferred from A1990.4 General – Contingent Account and \$25.00 be transferred to A6410.4 General – Publicity to allow for the purchase of an ad in the 2019 Adirondack Balloon Festival Program Guide.

Roll call vote resulted as follows:

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

Resolution #2019-275

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, approving an advertisement to be placed in the Adirondack Balloon Festival Guide at a cost of \$400.00.

Roll call vote resulted as follows:

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

HIGHWAY GARAGE – ROOF & HVAC REPAIR

The Supervisor reported that back in October of 2018, a quote was received from MH Professional Engineering, PLLC for the mechanical and electrical engineering design services of the Highway Garage. Their lump sum fee provided was \$37,000.00. The Supervisor had his office reach out to MH Professional Engineering, PLLC to see if this price would still be honored and it was relayed that it would be.

The Supervisor gave a brief update on the status of the replacement of the roofs of both Highway Garages. He stated that there were bid specs drawn up by Laberge Group back in September 2018, for both the new and old Highway Garage roof repairs but neither one addresses the HVAC issue in the new Highway Garage. He stated that one of the things they need to repair first is the HVAC, to take care of the moisture levels before they move on to the roof. He stated that the Town has applied for grant funding to help with the costs. He stated, from a budget standpoint, they should look into this for 2020. He stated that they should approve the bid specs for the ventilation first, which they can take action on tonight or discuss and take action at a later meeting. He stated that there were some recommendations from the Town's Insurance Carrier regarding the bid specs. He stated that Laberge Group had some information that they would like to see included in the bid specs that weren't included for the roof repair.

Resolution #2019-276

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to have the bid specs amended to include the concerns of the Town's Insurance Carrier as well as the additional information that the engineer had left out accidentally.

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Roll call vote resulted as follows:

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

Resolution #2019-277

A motion was made by Councilwoman LeClair, seconded by Councilman VanTassel and carried, to engage the services of MH Professional Engineering, PLLC in an amount not to exceed \$37,000.00 per correspondence dated October 18, 2018 and subject to Counsel’s review. This resolution also authorizes the Supervisor to sign the agreement.

Roll call vote resulted as follows:

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

PRIVILEGE OF THE FLOOR

Reed Antis addressed the Town Board. He stated that he was curious as to what the executive session at the beginning of this meeting was about.

He stated that there is a contract with GAR Associates and wondered if they will be helping during the time period that we have no Assessor.

He asked, with Sandy Mahoney leaving, will it change the way the Recreation Department is managed.

He asked if there was any information as to how the Pow Wow went and what the attendance was.

In closing, Mr. Antis stated that it’s important, when people are speaking to the Town Board, that eye contact is made. He stated that he finds it rude when people look down at papers when concerned citizens want to get their point across. He stated that when you’re not making eye contact, it seems like you’re not interested and he finds it to be a form of rudeness.

The Supervisor responded to Mr. Antis’ last comment by stating that he wouldn’t delegate legislative directive on how elected officials address the public.

The Supervisor stated that Dave Jones would be giving an update on the Pow Wow under Committee Reports.

The Supervisor reported that the Town has been accepting applications for the position of full-time Recreation Leader, which they will be interviewing for.

With regard to the Assessor’s position, he stated that they just received notice from the Assessor today that she would be retiring. He stated that they have been interviewing for that position based on the fact that they hadn’t been made aware of the Assessor’s intentions. He stated that GAR’s contract is good through the end of this year.

He stated that the executive session was to conduct an interview for a prospective Town employee.

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Richard Hughes addressed the Town Board by first asking about the fire hydrants that were discussed a few weeks ago. He asked if the problem has been resolved.

The Supervisor stated, that at the last Town Board meeting, upon the review of all hydrants in the Town, they were either all national standard threads or storz fittings, except for 11 hydrants. Knowing that there were only 11 hydrants that needed to be addressed, the Town Board directed the Water Superintendent, who had found a company that was willing to make special threads, to put the adaptors on so that they would have the storz fittings on them, at a cost of about \$2,200.00 to \$2,500.00.

Mr. Hughes made the comment that he didn't understand how it could cost so much. The Supervisor stated that the Town Board, at the time these hydrants were put in, found these to be more cost effective. They didn't know, at the time, that the hydrants didn't have the fittings that the Fire Company would like to see. The Supervisor stated that the Board was proactive and authorized the expenditure to get the problem corrected.

Mr. Hughes asked who approved the hydrants initially.

Councilwoman LeClair stated, that at one point, the Fire Company had a special tool to hook into these hydrants.

The Supervisor stated that he met with the chief of the Fire Company and was told they don't have an adaptor. He stated that within 6 weeks all of the hydrants in the Town will have either the storz fittings or national standard threads.

Mr. Hughes stated that he wondered how this ever happened and commented that this was a serious issue. He stated that it could have cost someone their home and that it's costing him money to fix the problem.

SUPERVISOR'S ITEMS

The Supervisor reported, that last week, all the Supervisor's in the County participated in the "Year of the Senior", along with various representatives from senior organizations from each Town. They were invited to the Canfield Casino, for a reception sponsored by the County, which honored all of the seniors in the County, for all that they do in our communities. Each Supervisor presented a plaque to a designated representative from that senior organization. He stated that our plaque will be going to the Moreau Community Center. The Supervisor read the wording on the plaque aloud as follows:

2019 "Year of the Senior" presented to the Moreau Community Center in grateful recognition and sincere appreciation for your dedication and commitment making Saratoga County a better place for all of its citizens.

Signed by Board Chairman, Kevin Tollisen, of the Saratoga County Board of Supervisors and Saratoga County Office for the Aging.

The Supervisor stated that he is reaching out to the Moreau Community Center to see if he might be able to present the plaque on behalf of the Board of Supervisors.

He stated that the event was very well received with lots of thanks to the Chairman of the Board. There was a barbeque with ice cream and entertainment. He commented that it was a very hot day, so it was nice to see that people attended.

The Supervisor stated that the Saratoga County Trail Grant application is due at the end of this week. He stated that he would be applying on behalf of the Town Board to see if they can get some funding. He also stated that they've opened up another round of Farmland Open Space grants and he will apply for that as well.

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The Supervisor reported that he had received a request from the Prevention Council of Saratoga County, which was directed to the Town Clerk. They asked to have a link posted on the Town's website for an "Underage Drinking Hotline". He thought it was a good idea. The Town Board was in agreement.

The Supervisor stated, that at the last meeting, they had tabled information relating to the old Town Hall roof repair. There were questions as to whether the prospective contractor had the proper insurance and if prevailing wages were considered. He stated that it wouldn't affect a private company but asked Counsel for opinion. Attorney Buettner stated that if this person works for himself with no employees, it wouldn't apply. Councilman Hogan understood that the gentleman would be doing all the work himself.

The Supervisor stated that there is a proposal from Dave Stewart to do the following:

1. Repair all broken and missing slate on the building, including a good faith effort to repair anything that he can find that might possibly leak.
2. Repair fascia & crown molding on east end of building, removing bad sections and installing with new, matching as close as possible. Includes 1 coat of primer & 1 coat of exterior white on new wood.
3. Remove all debris with complete clean-up.
4. Payment in full within 14 days of completion.

The amount of the proposal was \$3,100.00. He asked the Town Board if they would like to move on this.

The Supervisor also commented that there wasn't money budgeted for this expense so in order to move on this, they will have to transfer money first.

Resolution #2019-278

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, that \$3,100.00 be transferred from A1620.2 General – Buildings – Equipment and that, \$3,100.00 be transferred to A1620.204 General – Buildings – Equipment – 61 Hudson Street to allow for repairs to the roof of the old Town Hall building.

Roll call vote resulted as follows:

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

Resolution #2019-279

A motion was made by Councilwoman LeClair, seconded by Councilman VanTassel and carried, to engage the services of Dave Stewart for repairs to the roof and fascia of 61 Hudson Street, at an amount not to exceed \$3,100.00, subject to proof of insurance and Counsel's review.

Roll call vote resulted as follows:

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

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The Supervisor stated that he has received notification from the Office of the State Comptroller, that the Town of Moreau will be receiving AIM funding from the Office of the State Comptroller. He stated that the sales tax revenue, that's provided back to the County, is going to have that AIM funding deducted from it, so the Comptroller can give it to the municipalities. He stated, that basically, this is coming out of the Town's sales tax money. He commented that he didn't know if this was good news or bad news.

COMMITTEE REPORTS

Dave Jones gave a report on the recent Pow Wow event held at the Town's Recreation Park. Mr. Jones stated, that prior to the Pow Wow, he and the Recreation Committee had two meetings with Dave and Nancy Salazar. And, prior to the Pow Wow he himself had one more meeting with Dave Salazar. He stated that the Pow Wow event went smoothly and there were no disorderly individuals in the Park. They picked up their trash and were quiet by 10:00 p.m. Some of the things they discussed in their meetings, which he tried to address at the event without causing bad feelings, were as follows:

Mr. Jones stated that there was an agreement for overnights on the 5th and the 6th and that the committees would be setting up on the 4th. The Pow Wow packed up on Sunday the 7th at 8:00 p.m. and it was noticed that there was still a van parked on the field with a tent up in the Park. When he was approached by Park staff, he told the employee that the Pow Wow organizers had given him permission to stay the extra night. The employee contacted Mr. Jones who responded and explained to the individual that he couldn't stay. The individual packed up and made contact with Dave Salazar who let him stay at his home for the night. Mr. Jones stated that this wasn't in the agreement according to his notes. He didn't want to leave anyone in the Park overnight as they weren't going to have staff to patrol the Park.

Parking permits were discussed with the Salazar's and they were to be issued by the Pow Wow to identify the vehicles. He noticed as he drove and walked around, that some of the vehicles had parking passes displayed but most of them did not. He didn't know if they chose not to display them or if they weren't issued at all. Mr. Jones stated that the Pow Wow was so large that they couldn't contain them to the non-irrigated portion of the field that was agreed to. On Saturday morning he walked around and counted the individual campsites. When they had their meetings, he didn't think they described that there would be that many campsites. There were 55 in all. There were 23 on the back side of the bowl and 32 on the irrigated fields. He stated that he didn't go back Saturday afternoon to see if there were more campsites set up.

Mr. Jones went back to the parking situation. He stated that they had agreed, that if there was room on the non-irrigated portion of the fields, they could keep their vehicles there. But, all others would have to be in the parking lot. The first night, there were 4 vehicles in the parking lot and everyone else was parked on the fields. He stated that there was a softball tournament held that Saturday and there was a lot of congested traffic near the entrance to the Pow Wow, so he noticed people coming in from the secondary entrance near the Legion Field and driving across the irrigated field and basically setting up their own parking lot. He stated that he ended up barricading that entrance to stop the traffic. He stated that there were multiple discussions on where to park.

Mr. Jones stated that there are posts with rows of electrical outlets on them, which are on the chain link fence. He stated that they are all 110 outlets and they were running so much equipment off of them, that they kept popping the breakers. He stated that there was a draw problem with them using refrigerators, freezers, air conditioners and other appliances.

Mr. Jones stated that they've turned the irrigation back on to the fields and it doesn't appear that any of the irrigation heads were damaged. He stated that the grass is trampled but is hoping that with some water, it will pop back up.

Mr. Jones stated that there are two toilets that they haven't been able to get unclogged. They'll be trying Draino next. He stated that it didn't appear to be a septic issue because all of the other facilities and sinks still work.

A regular meeting of the Town Board of the Town of Moreau was held on July 9, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Mr. Jones stated that these were the things that were agreed upon. He wasn't sure about the money. He stated that he would have a brief of his comments that he will get to the Board members.

The last comment made, was that the event got so big, Nancy Salazar was directing campers to park in the Little League parking lot. He had to have the campers move.

Mr. Jones stated that the event is much larger than what they lead us to believe. He stated that not all of those that camp are participants. He stated that he would give more detail in his report.

The Supervisor stated that there's room for improvement in how they structure the event. He's hopeful that the Recreation Committee, once they have the detailed report, will find ways to address some of the issues.

Councilman VanTassel thanked Mr. Jones and stated that he looked forward to his written report. He stated that the ground work was set when they first met, with some criteria documented. He stated that there was also an agreement that they would come back in after the event to be debriefed. Mr. Jones stated that this is the first time the Town has done this and asked them to follow a program. He stated that the Town needs to grow off of that. Councilman VanTassel stated that it's a step in the right direction. He commented, that although there's room for improvement, it was a good event. He stated that they will meet with them soon and speak with them about the money that was collected. He stated that the money needs to be turned into the Clerk's office.

Councilwoman LeClair stated that she spoke to National Grid about the 10,000 Trees Program. She went through the Park and the only place they might be eligible would be the grassy area between the large parking lot and the entrance way. She stated that there are a few trees there already. She stated that there were some other areas she looked into, however, the power lines were over the pavement and not over grassy areas. She asked the Town Board if they wanted her to look into other places to see if they were eligible. The Town Board agreed to have her move forward.

A motion was made by Councilwoman LeClair, seconded by Councilman Noonan and carried, to adjourn to executive session at 8:50 p.m. for the purpose of discussing a prospective Town employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to close the executive session, with no action taken in executive session, at 9:26 p.m.

Roll call vote resulted as follows:

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

Resolution #2019-280

A motion was made by Councilman VanTassel, seconded by Councilman Hogan and carried, to schedule an executive session for July 15, 2019 at 6:00 p.m. to interview prospective Town employees.

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Roll call vote resulted as follows:

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

Resolution #2019-281

A motion was made by Councilman VanTassel, seconded by Councilwoman LeClair and carried, to create the position of Full-Time Clerk.

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, seconded by Councilman VanTassel and carried, to close the meeting for the evening at 9:29 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

RECEIVED

JUL 09 2019

MOREAU TOWN CLERK

To Moreau Town Board

In reference to multi family housing

My wife Jane McFarlane spoke AT the Towns last meeting about exempting duplex structures from the Towns moratorium

About 6 weeks ago I was given verbal approval from Tim Martin to build a duplex on 2 separate 5 acres parcels we own.

Since that time we've been working with surveyors, & architects at considerable expense & time to us.

We are still about 4 weeks out from submitting plans for permit

~~At this~~ -

In all fairness to us, we feel the board should either exempt duplexes or find a way to grandfather us in.

I request to be heard at tonight's meeting
Bruce & Jane

7/9/2019

McFarlane

A regular meeting of the Town Board of the Town of Moreau was held on July 9, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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Kilian

TB ✓

RECEIVED BY

July 8, 2019

JUL 08 2019 JS

Dear Town Board Members:

TOWN OF MOREAU
SUPERVISOR'S OFFICE

Not too long ago, while driving into the Town of Moreau on Reynolds Road to pay our school and land taxes, I found myself filled with mixed emotions at the sight of the still-present solar panels that stand before the building's parking lot. I wasn't quite sure what to make of these unsightly structures, black and space-like. Naturally, with anything new and out of the ordinary, I questioned their existence but would later learn that these panels actually save our town thousands of dollars on an annual basis. Money that can effectively be used elsewhere to better serve the people of our community. I, also, came to value the renewable and green energy these panels exemplify; a direction, with our ever-increasing population, that all of us need to be a part of in one way or another.

Similar to our Town Hall, my family and I find ourselves facing a similar dilemma. Do we pursue solar panels to help cut costs on our farm?

As we think about this possible innovation, we're reminded every day of the immense beauty that sits before us: lush fields of corn and grass, turkey and deer nibbling gracefully on abundant vegetation, birds and hawks soaring about and cows grazing effortlessly along our green, rolling hills. We will never take these beautiful images for granted, ever. Equally precious, are the many fond memories we hold of various activities: family picnics, snowshoe gatherings with our friends and their children and the, sometimes, annual occurrence of hot air balloons landing in our hay fields. But, the fact is, maintaining the land where these wonderful things happen isn't nearly as simple as some might think.

A few years back, our financial struggle, for both business and family, became so great that my husband and I had to return to our former occupations, full-time, to make ends meet. Measures the two of us did not want to take. Even still, we return home, after our long days at work, to care for our farm because it's what we love. It saddens us to watch our property weaken, when we don't have the extra revenue, not to mention the time, to keep things up. It further saddens us that our dream of providing farm tours and hay rides to the public is getting further and further out of reach. And, perhaps most heart-breaking, our daughter Alivia's incredible desire to want to keep our farm running. She repeatedly says, "Please tell me that I'll be able to milk cows someday."

The 'plight of the American farmer' has become such a catch phrase in this country yet only a very few actually know what it means. The grueling, literally endless hours, with little monetary reward to show for the efforts. The economics of farming can be fairly steady at one moment until Mother Nature decides to wreak havoc without any warning what-so-ever. In fact, recently, a fierce wind took the entire roof off one barn then causing an adjacent barn to also collapse. Again, this unanticipated storm was more dire than most realize.

Our family farm, in existence for more than 50 years, has seen a lot of progressive changes over the years. Stanchion barns replaced with a milking parlor, progressive machinery to make crops more efficient and timely, computer programming for cattle health records and management. The list of helpful innovations is lengthy and necessary. Even, as short as 5 years ago, we never thought we'd be

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Killian

renting to another farmer but again it's a route we had to take to help with costs. Other businesses make progressive changes, why should farming be any different? The bottom line is that we will pursue whatever it takes to avoid turning our land into a clapboard, over-run housing development. This idea actually sickens us.

We hope you'll respond favorably to our request and know that it is one that we have not taken lightly. We've been consulting and learning from others. In fact, we've been following the recent solar panel success of the McKnight Dairy Farm in Montpelier, VT and have plans to visit them in August so we can see what they've done and what, if anything, they might do differently. We can assure you we will pursue the most minimally invasive route using only a small parcel of land where the panels will not be seen from the road and our animals and wildlife will thrive in a truly breath-taking environment.

We'd be happy to meet with all of you to discuss in further detail the specifics of our proposal.

Respectfully,

Laura and Patrick Killian

A regular meeting of the Town Board of the Town of Moreau was held on July 9, 2019 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.



page 1 of 2 WINSTON

RECEIVED BY

JUL 11 2019

TOWN OF MOREAU
SUPERVISOR'S OFFICE

Dear Supervisor Kusniery,

I hope that you will protect us (Town of Moreau) from solar arrays on valuable farm land. We cannot spare an acre of what farm land we have for a number of important reasons.

First of all climate change dictates that we preserve farm land in the northeast. This year the corn crop in the middle west has been reduced by more than 1/3. This will increase corn prices next year. With the chaotic weather there might be a hay failure. Does that mean horses and other hay eaters go hungry or will the North East begin to see the crisis. This situation can only get worse. We absolutely need all of our farm land for our well being and that of the country.

From a quality of life standpoint we all benefit from being able to enjoy a beautiful restful view. The view on Burt Rd. looking toward the Vermont Mountains is incredibly beautiful, and it would be criminal to fill the fields with a solar array. We must stand and protect our natural treasures.

Farm land should not be taxed as our houses are

Page 2 of 2 Winston

and commercial properties ^{active} farmers an incentive to protect their land. It is the houses with children that require the tax money for schools and infrastructure. Please no solar arrays on our precious farm land.

On another subject I am very concerned about the herbicide used on my road near the Northway ^{last year} and what seems to be the edge ^{road nearby} of the farm fields on Old West Rd. this year

My son was negatively affected by our struggle to keep the cell tower from being built in back of our property. He has moved to Finland and has no desire ever to live here again. A doctor in Finland found that he has Round up in his cells and he doesn't have pleasant memories of Moreau.

Again, I hope that you will protect our beautiful farm land in Moreau. Thank you.

Sincerely,
Martha Winston