

A regular meeting of the Town Board of the Town of Moreau was held on January 28, 2020 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 Deputy Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilman
Kyle Noonan	Councilman
John Donohue, Jr.	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

Gina LeClair	Councilwoman
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Also present: Jill Bennett, Deputy Town Clerk; Malcom O’Hara, Attorney for the Town; Jesse Fish, Water Superintendent; Town Residents: Dennis Davall, Bruce Flayer, Pat Killian, Virginia Livsey, Darra Suarez, Dominic Tom, Marc Weatherall.

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from January 14, 2020 were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2020-87

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried, approving the minutes from January 14, 2020 as prepared.

Asked if all in favor, the following responses were given:

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

SET FUTURE MEETINGS AND WORKSHOPS

None scheduled during this agenda item.

COMMUNITY DEVELOPMENT BLOCK GRANT

The Laberge Group is requesting authority to apply for Community Development Block Grants on behalf of the Town of Moreau for the duration of the Town’s 2020 fiscal year. The program requires the Town Board to adopt a resolution and hold a public hearing, including a sign-in sheet for public comments.

The Deputy Town Clerk read the following resolution aloud:

**TOWN OF MOREAU
RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR
AND RECEIVE FUNDING UNDER THE
2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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WHEREAS, the U.S. Housing and Community Development Act of 1974 (P.L. 93-383), as amended, provides for the development of viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, said Act authorizes the Secretary of Housing and Urban Development (HUD), through the New York State Office of Community Renewal to make grants to units of general local government to help finance Community Development Programs under Section 103 (a)(1) of Title I; and

WHEREAS, under said legislation, eligible applicants in the case of municipalities, are required to authorize an official representative to file the application and to provide the Secretary with certain assurance of compliance with applicable laws and regulations under Title I of said Acts; and

WHEREAS, it is desirable to conduct and hold a public hearing pursuant to the HUD Act to obtain the views of the citizens on Community Development needs, to establish priorities, and subsequently to develop the application, programs and any amendments or revisions thereto; and

NOW, THEREFORE, IT IS RESOLVED, by the Members of the Town Board: That the Town Clerk is hereby authorized to publish a Notice of Public Hearing to be held on **<date and time>** at the Town Hall to provide an opportunity for the Town to:

- a. Provide the citizens of the Town with adequate information concerning the amount of funds available for proposed community development activities, the range of activities that may be undertaken and other important program requirements.
- b. Provide citizens adequate opportunity to participate in the development of the application, any revisions, changes or amendments to the application, prior to the submittal.

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute and file an application on behalf of the Town of Moreau with the New York State Office of Homes and Community Renewal for a community development grant pursuant to Title I of the Housing and Community Development Act of 1974, as amended; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and designated as the representative and to act as such in connection with the application to provide additional information as may be required including all understandings and assurances contained in the application; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute any contract and/or agreement with the New York State Office of Homes and Community Renewal in connection with the Application and his designee is further authorized to request and expend funds from the U.S. Government pursuant to said contract and/or agreement; and;

BE IT FURTHER RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Supervisor all are hereby ratified and confirmed and this Resolution take affect immediately.

Resolution #2020-88

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried, to pass the foregoing resolution setting the public hearing to discuss the possible submission of one or more Community Block Grant (CDBG) applications for the 2020 program year. The public hearing is scheduled for February 11, 2020 at 6:55 p.m.

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Asked if all in favor, the following responses were given:

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

MORATORIUM ON GROUND MOUNTED SOLAR ARRAYS

The Supervisor requested the Town Board create a resolution and set a public hearing date to discuss the proposed Local Law #1 of 2020 with the intent of extending the temporary moratorium for ground mounted solar arrays. The requested extension would allow additional time to draft local law regulating solar arrays in areas of the town where they are not permitted by zoning.

The Deputy Town Clerk read the public hearing notice as follows:

TOWN OF MOREAU NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF LOCAL LAW

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on February 11, 2020 at 6:00 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 1 of 2020. If adopted, Local Law No. 1 of 2020 would extend the moratorium contained in Chapter 75 of the Moreau Town Code – Temporary Moratorium on Permits for and Installation of Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems Within the Town of Moreau. This extension continues the moratorium prohibiting the permitting of new Ground-Mounted Solar Energy Systems and Large-Scale Solar Energy Systems for a period of one-hundred eighty (180) days from filing of this Law with the Department of State. Written comments on Local Law No. 1 of 2020 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 1 of 2020 can be obtained at the Moreau Town Municipal Complex and on the Town’s website.

Resolution #2020-89

A motion was made by Councilman Noonan, seconded by Councilman Hogan and carried, and approved scheduling a public hearing to extend the temporary moratorium on ground mounted solar arrays for February 11, 2020 at 6:00 p.m.

Asked if all in favor, the following responses were given:

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

MORATORIUM ON MULTI-FAMILY DWELLINGS

The Supervisor requested the Town Board create a resolution and set a public hearing date to discuss proposed Local Law #2 of 2020 with the intent to extend the 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.

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The Deputy Town Clerk read the public hearing notice as follows:

**TOWN OF MOREAU
NOTICE OF PUBLIC HEARING
TO CONSIDER ADOPTION OF LOCAL LAW**

NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of Moreau on February 11, 2020 at 6:30 p.m. at the Town Municipal Complex, located at 351 Reynolds Road, Moreau, New York for the purpose of considering the adoption of Local Law No. 2 of 2020. If adopted, Local Law No. 2 of 2020 would extend the moratorium created in Chapter 76 of the Moreau Town Code – 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. The extension continues the moratorium prohibiting the consideration of applications for building permits, site plan approvals, special use permits, or subdivision approval, or any other municipal approval for multi-family dwelling projects, multiple-family dwelling projects or two-family dwelling projects within the Town of Moreau for a period of one-hundred eighty (180) days from filing of this Law with the Department of State. This extension shall not apply to any Certificates of Occupancy for any and all construction pursuant to building permits issued prior to the date of the adoption of the Notice of Public Hearing or the issuance of any building permit for the renovation or repair of any lawfully existing structure otherwise covered by this local law. In addition, this extension shall not apply to any projects that have already obtained municipal approvals or are before the Planning Board or Zoning Board of Appeals or the Building Department requesting approval from the Town of Moreau as of the date of the Notice of Public Hearing, notwithstanding that a Certificate of Occupancy and/or Building Permit has not been issued. Written comments on Local Law No. 2 of 2020 can be submitted to the Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 2 of 2020 can be obtained at the Moreau Town Municipal Complex and on the Town's website.

Resolution #2020-90

A motion was made by Councilman Noonan, seconded by Councilman Donohue and carried, to schedule a public hearing with the intent to extend the temporary moratorium on issuing 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. The Public Hearing will be scheduled for February 11, 2020 at 6:30 p.m.

Asked if all in favor, the following responses were given:

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

TRANSFER STATION

A request was received for the purchase of one dumpster guard kit and one set of 2 industrial nylon straps. Per Ted Monsour, Dumpster Guard LLC is the sole vendor of the requested products. The dumpster guard kit and industrial nylon straps were approved in the 2020 budget at a cost of \$1,000.00. The current quote received from Dumpster Guard LLC is \$1,085.00. The Supervisor is seeking Town Board approval to cover this purchase at the additional cost of \$1,085.00.

Councilman Donohue said that he spoke to Ted Monsour recently and he feels the dumpster guard will be a cost saver. The guard will cut down on the amount of snow and rain that accumulates in the dumpster and adds to the weight when it's hauled away. Ted Monsour told Councilman Donohue that he could use 2 dumpster guard kits but only 1 was budgeted for 2020. Councilman Hogan commented that he thinks the

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dumpster guard will work the way they hope, but he wants to see how the first one works before committing to a second one.

Resolution #2020-91

A motion was made by Councilman Hogan, seconded by Councilman Donohue and carried, approving the purchase of one dumpster guard Kit and one set of 2 industrial nylon straps for a total expense of \$1,085.00 to be paid from account TS8160.2.

Asked if all in favor, the following responses were given:

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

A request from the Transfer Station to purchase 6 jackets for employees that work outside. The Town board agreed that jackets should be purchased for 6 Transfer Station employees; however, they want the jackets to remain the property of the Town of Moreau. No names will be embroidered on the jackets and they will remain at the Transfer Station except for the occasional washing at home. The jackets will say the "Town of Moreau".

Resolution #2020-92

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried to purchase 6 jackets for the Transfer Station not to exceed a total cost of \$700.00.

Asked if all in favor, the following responses were given:

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

WATER DEPARTMENT

A request was made for the purchase of (54) 5/8 x 3/4 Master Meter brand water meters that will be used in all 5 water districts. The cost of each meter is \$200.00. The sole vendor is Ferguson Water Works. This purchase was approved in the 2020 budget. The total expense will be \$10,800.00 to be paid from account 8310.2 which has a current balance of \$45,089.00.

Resolution #2020-93

A motion was made by Councilman Hogan, seconded by Councilman Noonan and carried to purchase (54) 5/8 x 3/4 Master Meter brand water meters at a cost of \$200.00 each or a total cost of \$10,800.00 to be paid from account 8310.2.

Asked if all in favor, the following responses were given:

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

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ASSESSOR’S OFFICE

A request was made from the Assessor to renew the expired contract with GAR Associates LLC with addendum items included. The recent contract began on May 29, 2019 and ended on December 31, 2019. The new agreement will be the same as the prior contract however it will include an addendum for additional assessment support services for Board of Assessment support, commercial valuation, consultation and assistance with issued permits including site visits, digital sketches, photos, and RPS attachment. The term for the new contract will be January 1, 2020 thru July 1, 2020 at a total cost not to exceed \$70,000.00. The additional support from GAR Associates LLC is expected to help capture valuation and provide expertise in the commercial corridor as the increase in commercial real estate sales occur.

Councilman Donohue asked if the Town Board expects GAR Associates LLC to have the town where it needs to be by the July 1, 2020 end date. Supervisor Kusnierz replied that there may be some additional services needed after July 1, 2020 but there is additional money in the Assessor’s budget to cover additional costs in this fiscal year. Supervisor Kusnierz wanted to thank Town Board members for meeting with Assessor Leah Cronin and representatives from Gar Associates LLC in order to better understand the need for the additional support.

Resolution #2020-94

A motion was made by Councilman Noonan, seconded by Councilman Hogan and carried to allow the Supervisor to enter into an agreement, including the addendum, between the Town of Moreau and GAR Associates LLC for assessment support services.

Asked if all in favor, the following responses were given:

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

SOUTHERN PALMERTON AREA COLLABORATION AGREEMENT

The Town was approached by several entities back in December 2018, including The Land Trust Alliance of New York located in Saratoga Springs. They were looking for partners to support conservation efforts in the Palmerton area of northern Saratoga County. Supervisor Kusnierz has asked Robert Vittengl to be his representative at partnership meetings when he cannot attend. He is asking the Town Board to give him authority to sign the South Palmerton Area Collaboration Agreement on behalf of the Town of Moreau.

Resolution #2020-95

A motion was made by Councilman Noonan, seconded by Councilman Hogan and carried to allow the Supervisor to sign the Southern Palmerton Area Collaboration Agreement.

Asked if all in favor, the following responses were given:

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

TOWN HALL GENERATOR

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A proposal was received from Milton CAT to enter into a 3-year maintenance agreement for the Town Hall generator. The Town had a maintenance agreement in 2019 at a cost of \$836.00. Their renewal proposal is for a 3-year term costing \$868.96 for 2020, \$911.81 for 2021 and \$956.59 for 2022. Milton Cat is a sole source manufacturer for maintenance on the Town Hall generator. This expense will come out of account A162.401 which had a balance of \$50,000.00 on January 1, 2020.

Councilman Hogan commented that he was at Town Hall the last time servicing was done on the generator and he was impressed with their attention to detail.

Resolution #2020-96

A motion was made by Councilman Noonan, seconded by Councilman Hogan and carried to have the Supervisor sign the 3-year service agreement with Milton Cat for the Town Hall generator.

Asked if all in favor, the following responses were given:

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

PRIVILEGE OF THE FLOOR

Dominic Tom, from 7 Cedar Lane, addressed the Town Board with 2 proposals. The first proposal is to create a Community Center at the Town Municipal Complex. He believes the proposal will promote a friendlier environment, create local development and will expand the use of our public facility. Mr. Tom said the space could be used for educational purposes, art exhibits and even farmer's markets. A committee of volunteers could be assembled that would report to the Town Board for approval of use.

Dominic Tom's second proposal is to create a Community Recognition Program for individuals or groups whose actions promote community spirit and who have worked to improve our town. The Town could frame certificates or create resolutions of appreciation. An example of a group that has worked to improve our Town is the group of students and teachers from B.O.C.E.S. Their work at the recreation park helped clear the way for the accessible playground.

Dominic Tom also wanted to correct a misconception of his statements made at the January 14, 2020 Town Board meeting. During the Privilege of the Floor on January 14th, Mr. Tom recommended all salaried department heads, supervisors and managers attend meetings. There were comments from Town Board members who were opposed to paying overtime wages for Town employees to attend meetings. Mr. Tom said he agrees with their statements but that's not what he proposed. Mr. Tom doesn't want the public's perception of his comment to be that taxpayer money should be spent unnecessarily.

Supervisor Kusnierz commented he's been reviewing the cost for renovating the old Sherriff's substation building located in front of Town Hall on Reynolds Road. His hope is to create a place where the community could come together for events. He also commented that civic organizations are welcome to use Town Hall space, dependent on availability. He's already looked at holding farmer's markets in outside space at Town Hall. He was advised by the Zoning Administrator that the concept goes against the current Town Code. Supervisor Kusnierz fully supports agriculture and promotes buying from local farmers.

As far as the Public Recognition Program proposal, Supervisor Kusnierz agreed the students and instructors from B.O.C.E.S helped tremendously at the recreation park. Without their help construction of the accessible playground wouldn't be as far as it is today. A reception was held for the B.O.C.E.S. instructors and students, where Supervisor Kusnierz personally conveyed his appreciation for their help.

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Councilman Donohue feels it's important to let the community know when individuals or groups are recognized for trying to enhance the Town. Supervisor Kusnierz responded that the current administration has spent many hours developing a user friendly, informative website that also includes acknowledging groups and individuals who have helped move the town forward in a positive direction.

SUPERVISOR ITEMS

The Supervisor read a letter he received from The New York State Office of Parks, Recreation and Historic Preservation. The letter was written by Robert F. McCune, Real Estate Specialist 1, in the office of Real Property Selection. They are looking to acquire approximately 860 acres of vacant land at 171-245 Butler Road in the Town of Moreau. The land is currently owned by the Open Space Institute Land Trust, Inc. The intent of the acquisition is to add land to Moreau State Park. The Supervisor contacted Mr. McCune to ask if the property would be listed on the real property roll under section 3 or section 8. Section 8 of the real property roll outlines properties that are deemed exempt. The determination of which section this land would fall under determines whether the town loses taxable dollars. Mr. McCune told the Supervisor he would research the question and get back to him. The Supervisor tabled the item until he receives answers.

COMMITTEE REPORTS

Buildings and Grounds

Councilman Hogan thanked Ted Monsour for regularly checking on town owned buildings at 61 Hudson Street and the old Sherriff's Substation on Reynolds Road. Both properties recently had heating issues, that, if left unnoticed, could have caused serious damage.

Recreation

Councilman Hogan discussed setting up a disc golf course at the recreation park in the area of the sand pit. If the recreation department decides to use this area for something else in the future, the disc golf stations can be easily moved.

Transfer Station

Councilman Donohue spoke with Ted Monsour about cleaning the compactor. He was happy to hear that employees handle the regular maintenance done on the compactor. However, there isn't a Town employee trained to work in confined space, so work under the compactor needs to be contracted with outside vendors. Councilman Donohue is interested in hiring an employee that has that training or possibly sending one of our current employees for training, so it doesn't have to be contracted out.

Highway

Councilman Donohue met with Paul Joseph about the dangerous curve on Old West Road. They discussed possible ideas for fixing the problem. Supervisor Kusnierz said they have been trying to come up with a solution for years and they will continue searching for a solution.

Councilman Donohue brought up the topic of 18 wheeled tractor trailers driving through neighborhoods on Old West Road. He feels heavy truck traffic should be limited on some Town roads. A discussion took place among Town Board members in attendance, with no resolution at this time.

A motion was made by Councilwoman Noonan, seconded by Councilman Hogan and carried, to close the meeting for the evening at 8:17 p.m.

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Asked if all in favor, the following responses were given:

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

Meeting adjourned.

Respectfully submitted,

Jill Bennett, Deputy Town Clerk