

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 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 Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Jeffrey Cruz, Principal Account Clerk; Karla Buettner, Attorney for the Town; Peter Olesheski, Recreation Leader

The Supervisor welcomed Councilmember VanTassel back to the Town Board and then led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from August 11, 2020 (2 sets) were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

Resolution #2020-235

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, approving the minutes from August 11, 2020 (2 sets) as prepared.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

SET FUTURE MEETINGS AND WORKSHOPS

None scheduled.

The Supervisor did ask the Personnel Committee members to consider setting up interviews for the Clerk position, which was created last year. He stated, that with the loss of the Special Project Aide, his office has picked up the slack. The Supervisor commended Jeffrey Cruz and Lisa Sperry, who have been working together to fill the void. He stated, that with budget time coming, there won't be any spare time for anyone in his office to take on that role. He asked the Town Board to consider rolling in this position with the other roles that were discussed. The position would assist with the audit and backfilling of staff during vacations and sick time. He stated that there are some staff interested in the position and there are also new applicants. He asked the Personnel Committee to look at the applications and see if there's anyone they want to interview, and they can have a discussion at the next Town Board meeting.

ADOPTION OF LOCAL LAW #3 OF 2020

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Attorney Buettner stated that they need to conduct SEQRA. She stated that she had sent the Town Board members Part 1 and draft Parts 2 and 3. She stated that the Town Board will need to declare itself as lead agency, accept SEQRA EAF Part 1, and have the Supervisor sign it. They will then go through Part 2, and if the Town Board is comfortable with how she completed the forms, they will declare a negative declaration.

Resolution #2020-236

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, declaring the Town Board as lead agency for Local Law 3 of 2020.

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

Councilmember Hogan	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

Attorney Buettner stated that the next step is Part 2 of the Environmental Assessment Form. She asked if the Town Board wanted her to read all of the questions, or were they okay with her answers, which were all “No, or small impact”. The Supervisor asked that she read all the questions. Attorney Buettner read through questions 1-11 and the Town Board agreed that all answers should be “No, or small impact”. Attorney Buettner stated that the next step is to go through Part 3, which is the determination of significance. Based on the answers given in Part 2, they would check the appropriate box in Part 3. She stated that she had checked the box that reads “that the proposed action will not result in any significant adverse environmental impacts”. She asked if the Town Board was okay with her response and they agreed.

The Town Board declared a negative declaration for Local Law 3 of 2020.

Attorney Buettner directed the Supervisor to sign Part 1 and Part 3 of the Environmental Assessment Form (EAF).

Attorney Buettner gave a brief overview of the Local Law for Councilmember VanTassel. She stated that the Law will limit multi-family dwellings to the UR zone and limit two-family dwellings to the R-2 and UR zones. Because the Town connects with the Village of South Glens Falls, the request needed to go to the Saratoga County Planning Board under General Municipal Law. She stated that it was heard at their monthly meeting on August 20, 2020. She provided a copy of their determination to the Town Board. She stated that the Board members had a copy of the Resolution to adopt the Local Law in front of them tonight.

The Town Clerk read the following resolution aloud:

RESOLUTION
TOWN BOARD
TOWN OF MOREAU

SUBJECT: ADOPTION OF LOCAL LAW 3 OF 2020, AMENDING CHAPTER 149 “ZONING” OF 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. 3 of 2020, which, if adopted as proposed, would amend Chapter 149 “Zoning” and the Bulk and Use Schedules to limit multi-family dwellings to the UR zone and limit two-family dwellings to the R-2 and UR zones, and

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WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2020 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2020 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. 3 of 2020 was properly noticed in the newspaper and posted, and was duly conducted on August 11, 2020 at the Town Municipal Complex and via remote streaming pursuant to Executive Order 202.1 et seq; and

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

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

WHEREAS, the Saratoga County Planning Board has issued a determination of no significant county-wide or intercommunity impact associated with this local law; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 3 of 2020; 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. 3 of 2020, which amends the law as stated above; and

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

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

Resolution #2020-237

A motion was made by Councilmember Noonan, seconded by Councilmember Hogan and carried, to adopt the foregoing resolution as read into the record by the Town Clerk.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

CROSSING GUARDS

The Supervisor stated, that with school starting up soon, he's been asked by some of the individuals who have been employed as Crossing Guards, if their services will continue to be utilized. He stated that there are three individuals who cross students: at Bluebird Road, in front of Moreau Elementary School, Feeder Dam Road and Tanglewood Drive. They each work two hours per day for approximately ten months and they get paid for School holidays. He stated that it works out to approximately \$15,000.00 annually. The Supervisor asked for direction from the Board. Do they want them to continue to work in that capacity? He asked if they want to pass a resolution that states, upon any vacancy, they won't fill the position. The Supervisor stated, with next year's budget, he's looking for anywhere that they have services that can be trimmed, in an effort to keep the taxes flat.

Councilmember Noonan stated that he would like to save money where they can but feels that safety is important and asked that they keep the crossing guards. Councilmembers Hogan, VanTassel and

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Donohue all agreed. The Supervisor stated that he would report back to those who questioned. Councilmember Hogan asked, if school is to shut back down, will they have to pay the guards? The Supervisor stated, that when school was shut down, they were required to be paid. Attorney Buettner stated that they were required to pay them due to the Governor's Executive Order. She stated, that she would assume if this should happen again, a similar order would be given.

HIGHWAY DEPARTMENT

The Supervisor stated that the new roof and the heating units have been installed at the Highway Garage. He stated that the Town is still working with National Grid for the necessary upgrades to the gas line coming into the building. He stated, that the only thing they don't have, is a penetration from either the side wall or the roof to vent the heating system. He stated that the original plan was to duct it out the sidewall. The Highway Superintendent indicated that it would impede the use of the space when they have to work on the trucks. The roofing company was not originally going to warranty the roof system if we penetrate the roof. He stated, after the Town engineer worked with the HVAC engineer, they were able to come to an agreement between the roofing contractor and the roofing manufacturer, to come up with a penetration that won't void the warranty. With this comes an additional cost for them to come back and do the work. They've already completed the work from the original contract, and it's been paid for. The Supervisor stated that it will cost just under \$3,000 to do the penetration.

Resolution #2020-238

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, authorizing an expenditure of up to \$3,000 for RMB Mechanical to provide a flue penetration supporting structure below the roof, with a 20 year warranty, and for Arrow Sheet Metal to provide rubber boots flash to the roof at each flue pipe.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Councilmember VanTassel asked if the work would be done before winter and the Supervisor replied that it would be.

The Supervisor stated that he had received an incident report from Saratoga County today. He stated that there was a Highway Department employee who had been stung by a bee on August 18, 2020 and required medical attention.

The Supervisor stated that he had been informed early Monday by the Highway Superintendent, that the new Highway Garage and Transfer Station booth were broken into. He stated that it didn't appear anything was taken from the Highway Garage, other than a package that was delivered and left by the back door. At the Transfer Station, there's a petty cash fund that's made up from the employees taking tips. The money is used to purchase dog treats. The Supervisor stated that all of the money was taken. He commented that the Sheriff's Department is investigating this break-in along with a few others that occurred within municipalities in Saratoga County.

HEALTH CARE PLAN

The Supervisor had stated at a previous meeting, and reiterated, that the HMO Silver Plan was going up 2.5%, and the more expensive plan will see a 4.87% increase. He was told that next year will be more of a challenge.

Resolution #2020-239

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A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried,

That it be Resolved:

The Town of Moreau accept the following healthcare plans for Town employees for the period beginning December 1, 2020 and ending November 20, 2021:

- CDPHP HDHMO Qualified (324)
- MVP Silver 3 EPO HDHP

So be it Further Resolved:

That Jaeger and Flynn Associates have the authority to contact both CDPHP and MVP to procure these plans on the Town's behalf.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

RECREATION DEPARTMENT

The Supervisor stated that the Town had received a request from Zac Perry-LaPoint, who is looking to use a pavilion at the Recreation Park in November, for the Moreau Community Center's Annual Holiday Bazaar. The Supervisor stated, that at present, the Town isn't allowing the use of pavilions because of the COVID-19 outbreak. He asked the Town Board what their thoughts were. Councilmember Noonan stated that they can't give them a favorable answer at this moment. Councilmember Hogan asked if they set up tents and used the fields instead, would it make a difference. The Recreation Leader stated that they were trying to limit large gatherings, whether it be the use of a field or a pavilion. Mr. Olesheski's recommendation was that they not allow the use of the pavilions for the remainder of the year. The Supervisor stated that if they changed the policy now, it would be unfair to those that we've already had to cancel. He also stated that a lot could happen between now and November. Councilmember Hogan stated that they would have to advise Mr. Perry-LaPoint that they can't allow the use of the pavilions, with regret.

Councilmember Hogan stated that the Recreation Leader has asked the Town Board for guidance regarding Fall sports programs. He stated that the State has listed Lacrosse, Soccer & Flag Football as moderate contact sports that can be played as long as protocol is followed. Councilmember Hogan was of the opinion that they should be allowed. The Supervisor stated that he had received an email from Jason Vittengl asking the Town to approve field use for Girls Lacrosse. Councilmember Noonan stated that they're doing everything right and by the book, which hopefully will get kids out on the fields. He stated that they'll have to meet the criteria of the Town and the State. The Supervisor asked Mr. Olesheski if he had enough staff. He replied that he did. Mr. Olesheski also stated that he will need nets for Lacrosse. He also stated that they normally purchase T-shirts for these programs, so he will be coming back to the Town Board with requests. The Supervisor suggested that maybe some of the organizers could assist the Town with the purchase of the nets. Councilmember Noonan thought that Girls Lacrosse might be able to assist in the purchase of nets. Councilmember Donohue thanked Mr. Olesheski for all his hard work. He stated, that if the State was okay with allowing the programs, he was okay with it, as long as protocol is followed. Mr. Olesheski stated that if they're going to move forward with Fall sports, he's looking for some small softball tournaments. The Supervisor stated that they would need to stay within the State guidelines. Mr. Olesheski stated that he could stay within the guidelines. He stated that he's also

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contacted other municipalities to see what works and what doesn't. Councilmember Noonan asked who the host of the tournaments would be. Mr. Olesheski replied that South Glens Falls Girls Softball would be the host. He stated 10-12 teams max and all players are from the local area. Councilman VanTassel asked if the snack bar would be used and the answer from Mr. Olesheski was no. He did say that prepackaged items and drinks could be sold from a table outside of the snack bar as long as masks and gloves are worn. He didn't see that there needed to be a physical barrier but would check with Counsel beforehand. Councilmember Hogan thought that there were some issues with the snack bar that needed to be attended to. Mr. Olesheski stated that there are some things that he would like to see done before the end of the year. They need to do a cleaning and servicing of the hood for the fryer equipment. He stated that this is something that would have been done in the Spring. He stated that money had been budgeted for this service and South Glens Falls Girls Softball has committed to pay for half of the work.

Supervisor Kusnierz reminded everyone that there will be difficult times next year. The Town is down \$150,000.00 in sales tax right now.

PLANNING BOARD VACANCY

The Supervisor stated, that as a result of the appointment made at the last Town Board meeting, there is now a vacancy on the Planning Board. He had received a letter from Ann Purdue, who is currently an alternate, and is interested in the position.

Resolution #2020-240

A motion was made by Councilmember Donohue, seconded by Councilmember Noonan and carried, to appoint Ann R. Purdue to the position of Planning Board member, to fill the unexpired seven-year term vacated by Alan VanTassel. The term will expire December 31, 2026.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

APPOINTMENTS

The Supervisor asked Councilmember VanTassel to fill the vacated Committee assignments due to the resignation of former Councilmember LeClair. He agreed to sit on the following Committees: Economic, Small Business and Technology Development; Industrial Park; Local Waterfront Revitalization; Personnel & Employee Compensation; Recreation; Water and Sewer; Crandall Library Liaison and Moreau Community Center Liaison.

OLD WEST ROAD TRAFFIC STUDY

The Supervisor stated that the Town Board had heard from residents asking to have a traffic study done of the truck traffic on Old West Road and Washburn Road. As a result, the Supervisor requested a traffic study from the Adirondack-Glens Falls Transportation Council. He stated that they graciously accommodated the Town through their engineering firm Creighton Manning, LLP. On August 21, 2020 they released a report of their findings. The Supervisor highlighted some of the points in the report.

Existing Conditions:

The Hiram Hollow Transfer Station located at 100 Washburn Road is operated by Casella Waste Systems and allows community residents, area businesses, and municipalities to drop off their permitted municipal solid waste, recycling, construction and demolition materials and yard waste; however, it does not accept hazardous or liquid waste. Trucks are then used to offload the materials for final

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destinations, which include landfills, recycling plants, and incinerators. The transfer station hours are 7:00 a.m. to 3:30 p.m. Monday through Friday and 7:00 a.m. to noon on Saturday

Study Area Roadways:

Washburn Road serves approximately 425 vehicles per day (vpd).

Old West Road serves approximately 775 vehicles per day (vpd) west of Washburn Road.

Crash Analysis:

There were two crashes on Washburn Road and three crashes on Old West Road over the last five years of available data. Both crashes on Washburn Road were collisions with deer that involved property damage while one of the crashes on Old West Road involved a collision with a deer that resulted in a non-reportable crash. Nonreportable crashes are collisions that result in damage less than \$1,000. The remaining two crashes on Old West Road involved collisions with fixed objects (a tree and fire hydrant) that resulted in a property damage crash and an injury crash. These collisions occurred on the sharp curve located approximately 200feet southeast of US Route 9 and were the result of unsafe speed and driver error due to alcohol involvement.

None of the crashes on the segments of Washburn Road or Old West Road involved a truck.

Daily traffic data was collected by three automatic traffic recorders (ATRs) for one week from Friday, July 24, 2020 through Friday, July 31, 2020.

The average speed on Washburn Road and Old West Road (East) is consistent with the posted 45-mph speed limit and that the 85th percentile speed on these roadways is approximately 5 to 10-mph above the posted speed limit.

By comparison, the average speed on Old West Road (West) is generally 5-mph below the posted 45-mph speed limit while the 85th percentile speed is consistent with the posted speed limit.

The memo summarizes existing traffic volumes, vehicle classifications, speeds, and crashes on Washburn Road and Old West Road. The data shows that although truck percentages range from 7% to 27% of the total traffic, truck traffic and the Hiram Hollow Transfer Station do not contribute to unusual traffic conditions (crashes or speeds) as compared to general traffic. Information published by the Washington State Transportation Center in Classifications Vehicle Volume Distributions indicates that national average heavy vehicle percentages for urban roads with a similar functional class as Old West Road and Washburn Road is approximately five percent.

The Supervisor stated that the report will be posted on the Town's website. He encouraged Town Board members to look at the report and suggested that comments can be made at the next Town Board meeting.

SUPERVISOR'S ITEMS

The Supervisor stated that he was pleased to announce that he signed a contract with Northeast Hurricanes, which runs through October 31, 2020. They'll be paying \$1,700.00 for field use, which was approved earlier in the year by the Town Board.

The Supervisor stated, with regard to the Moreau sewer project, his office has received a report from the State Historic Preservation Office (SHPO) via Laberge Group. He read the letter from Laberge Group aloud as follows:

Dear Supervisor Kusnierz:

As you know, the Phase 1 archaeological survey report prepared by Stony Creek Archaeology for the Town's sewer project was submitted to the State Historic Preservation Office (SHPO) for review.

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SHPO has completed their review of this report and has issued a finding of “No Effect”. A copy of SHPO’s letter is enclosed for your records.

The Supervisor stated that he would have a copy of the letter in his office if any of the Town Board members wished to see it.

The Supervisor stated that he had received a sales tax report on August 18, 2020. He reported earlier in the evening that sales tax is down \$150,008.00 so far this year, which is a 12% reduction from August of last year to August of this year. He stated, that year to date, we’re just over a 9% reduction.

The Supervisor stated that he had received some bad news from the Northern Boarder Regional Commission. The Town applied for an NBRC Economic & Infrastructure Development grant. However, this was a highly competitive year, with a 35% increase in requests compared to 2019. The Supervisor stated that the Town wasn’t selected for funding.

The Supervisor stated that there is a message board displayed on Reynolds Road, stating that West River Road is currently closed, with detour traffic on Route 197, Route 32 and Clark Road. It will be closed from August 24th to August 28th, while CP Rail works on the rail.

The Supervisor reported that the Town Clerk had received an e-mail from Head Start. They’ve indicated an uptick in people coming to their building looking for the Town Hall building. He stated, that even with the new blue signs, people are still driving into the fire house. He stated that he’s seen people drive across the lawn to get to the Town Hall because they don’t want to pull back out on the highway. Head Start is concerned because they have small children playing outside. He asked Buildings and Grounds to take a look at the signage to see if it can be made more clear.

The Supervisor stated that he was asked to participate in a webinar with supervisors and village mayors. They had discussions on how each community was navigating through the COVID-19 fiscal challenge. He outlined steps that the Town of Moreau took. He stated that the discussion was good for some of the smaller towns to hear from larger towns. He stated that Moreau wasn’t the largest nor the smallest. He stated that there was a lot of information circulated based on experiences.

The Supervisor reported that NYS DOT is still working on culvert replacements on Route 197. He commented that they’re making headway.

The Supervisor stated that he had a copy of the Town of Moreau Landfill Annual Gas Monitoring Report. He stated that it’s in his office should anyone want to look at it.

COMMITTEE REPORTS

Councilmember Hogan stated, that after the Town Board passed a resolution to change the wording on the Transfer Station fee schedule, it was relayed to him that the wording was arguable. He asked the Supervisor’s Confidential Secretary to re-write it, so that there is no confusion. He stated that it should all be okay now.

Councilmember Donohue asked how it was going on the solar law. Attorney Buettner stated that she had given out sections of the law to the Town Board members for input. She’s getting information in and is moving forward. However, there are differences of opinion within the Town Board. There may not be a full unanimous decision. The Board may have to come to a consensus to get it out for a public hearing and then they can talk about it. Supervisor Kusnierz stated that Councilmember VanTassel is new to the Town Board and needs a chance to weigh in on the matter.

Councilmember Hogan stated that he had spoken with Jim Martin today regarding the 18”. He told Councilmember Hogan that it can be changed and that it was just a matter of aesthetics. Attorney Buettner stated that she would contact him and commented that she’s trying to create as much of a record as possible.

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Resolution #2020-241

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to adjourn to executive session at 8:12 p.m. to discuss the potential purchase of real property interest and the cost thereof.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Resolution #2020-242

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to adjourn the executive session at 8:37 p.m., with no action taken in executive session, and to resume the regular meeting.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 8:37 p.m.

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

Councilmember Donohue	Aye
Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk