

A regular meeting of The Town Board of the Town of Moreau was held on November 14, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:00 p.m. with an attendance roll call followed by the Pledge of Allegiance.

Town Board Members Present

Mark Stewart	Councilmember
Alan VanTassel	Councilmember
John Donohue, Jr.	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Also present: Dianne Lewis, Deputy Town Clerk; Lisa Sperry, Confidential Secretary to the Supervisor; Karla Buettner, Town Legal Counsel; Erin Trombley; Alex Portal, Post-Star Reporter; Anissa Jacox; Bruce Lant; Ken Jacox, Ben Vaillancourt; Brandon Hayes; Lynn Hay; Jerry Hay; Pat Killian; Chris S; Dominic Tom; Keith Gilligan; Joanna Gilligan; Rose Dorvee; M. Centerbar; Jan Knopp; Chuck Ransom; Elizabeth Bennett; Maureen Dennis; Nicole Haddadnia

APPROVAL OF MINUTES

Resolution #2023-321

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to accept the September 12 and September 26, 2023 minutes as presented by the Town Clerk.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

LOCAL LAW No. 3 of 2023

Supervisor Kusnierz asked if the Board would like to move ahead with adoption of Local Law No. 3 of 2023. Board members indicated they would, and without objection the Supervisor said the next step was to complete the Short Environment Assessment Form Part 2 – Impact Assessment. Attorney Buettner referred to the parts 2 and 3 documents of the Environmental Assessment Form, and stated that she had taken the liberty of marking that Law No. 3 of 2023 would have no or small impact on the environment on items 1-11. She then asked if the Board would like her to go through all the items or if she should go forward with Part 3. The Supervisor said he believed the Board had had enough time to review Part 2, and when asked for clarification about reading each item, Supervisor Kusnierz answered affirmatively. Counsel then read each of the 11 items of Part 2 of the Short Environmental Assessment Form, to which board members stated “No, or small impact,” or “No,” per instructions by Ms. Buettner. She then asked if it was the Board’s determination that the action would not have a significant environmental impact, to which the Board responded, “Yes.” She then recommended that the action receive a negative declaration of environmental impact under SEQRA.

Supervisor Kusnierz then asked the Deputy Town Clerk to read the Town Resolution:

“November 14, 2023
Resolution, Town Board, Town of Moreau

Subject: Adoption of Local Law 3 of 2023, Amending Chapter 130, section 130 2(B) of the Code of the Town of Moreau

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Whereas, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 3 of 2023, which if adopted as proposed, would amending [sic] Chapter 130, Section 130-2(B) of the Code of the Town of Moreau; and

Whereas, the Board finds that the adoption of Local Law No. 3 of 2023 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, especially senior citizens of the Town; and

Whereas, the Board finds that the adoptions of Local Law No. 3 of 2023 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 (I)(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 2023 was properly noticed in the newspaper and posted, and was duly conducted on November 14, 2023, at the Town Municipal Complex; and

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

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

Whereas, after thorough review and deliberation, the Board proposes to adopt Local Law No. 3 of 2023; 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 2023, which amends the law as stated above; 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 #2023-322

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to adopt Local Law No. 3 of 2023.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

2024 BUDGET

Supervisor Kusnierz stated that a Public Hearing on the budget had been held and then closed. Since then the Assessor had made the Board aware that she had achieved an IAO designation, he said, adding that no assessor for the Town had ever achieved that status before, and that only 4 Assessors in Saratoga County

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have the designation. The Supervisor called the achievement “huge” and said that she had asked for recognition and compensation for her new status.

Resolution #2023-323

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to amend the 2024 budget to include a raise to the Assessor’s salary by \$7,500 plus a cost-of-living increase (COLA) in addition, in recognition of Assessor Cronin’s achievement and excellent work for the Town.

Discussion: Councilmember Stewart said he echoed the statements of Councilmember Van Tassel and Supervisor Kusnierz, thanking Assessor Cronin for her hard work for the Town and recognizing her personal achievements. Councilmember Donohue also offered praise for the Assessor’s work and lauded her achievement.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to increase Planning stipends from \$40 per meeting/\$60 for the Chair, to \$100 per meeting and \$120 per meeting for the Chair.

After discussion the motion was withdrawn.

Resolution #2023-324

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, increasing Zoning and Planning Board member stipends from \$40 per meeting and \$60 for the Chair, to \$100 per meeting and \$120 per meeting for the Chair.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Supervisor Kusnierz then read a prepared resolution:

“Whereas the Town Board held a public hearing for the 2024 Preliminary Budget on November 8, 2023;

Sobeit resolved that the Town Board adopts the 2024 budget as amended.”

Resolution #2023-325

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to accept the resolution as read.

Discussion: Councilmember Stewart thanked Department Chairs and agency heads who met with the Board. He then directed his remarks to the Fire Company, said they have brought some revelatory information forward that would be addressed in the future after answers are received. He said he thought the budget before the Board was fair based on what was available at that time. He said the Fire Company had done its work, and the burden was now on the Town to do what needs to be done to get the funding

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needed for the company into the future. He asked them to meet with him again earlier the following year and pledged to continue to work with them for the 2-year remainder of his term.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

HIGHWAY DEPARTMENT

Resolution #2023-324

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, increasing Wingperson and Flagger pay from \$18/hr. to \$19/hr. Effective December 1, 2023 to keep wages competitive with other municipalities’.

Discussion: While this increase was not in the 2023 budget, Supervisor Kusnierz confirmed that there are funds available to cover it. Highway Superintendent Abrams said he calculated the difference over budgeted 2022 expenses and it was an increase of only about \$500.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Resolution #2023-325

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, authorizing Wexleigh Universal bills to be paid prior to audit.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

TRANSFER STATION

Resolution #2023-326

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to authorize the expenditure of \$900 to rebuild the Transfer Station recycling bin.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

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The motion carried 4:0

Resolution #2023-327

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to authorize a \$12,000/yr. stipend for Chris Abrams to continue to act in a part-time manager capacity at the transfer station beginning 12/3/2023.

Discussion: Councilmember VanTassel urged future Board members to continue to seek a candidate to fill the vacancy full-time. He recognized Highway Superintendent Abrams for stepping up and doing a good job in the interim, but he said a lot of work needs to be done and continuing to seek out someone to take the role full-time is an important objective. Supervisor Kusnierz thanked Chris for taking on the extra responsibilities at no cost to taxpayers. Councilmember Donohue also thanked Mr. Abrams for taking on the extra responsibility, and said he agreed that continuing to look for someone to take on the management role, even part-time, is a priority. Councilmember Stewart agreed that it's up to the Board to do its due diligence to find someone for the role, and he thanked Highway Superintendent Abrams.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

WASTE HAULING SERVICES

Resolution #2023-328

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to set the date to open bids for Transfer Station waste hauling for December 8, 2023 at 1:00 p.m.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

WATER & SEWER

Resolution #2023-329

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to purchase a new water meter from Ferguson Waterworks in East Syracuse for the Sisson Reserve Development to replace a broken meter there at a cost of \$5,224.25 from account CWA310.4 which has a balance of \$577,634.62.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

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Supervisor Kusnierz said the Water Superintendent requested authorization to purchase new, upgraded chlorine pumps plus a spare pump for Sisson and Nolan Roads, for which \$90,200 was allocated in the 2023 budget. The Supervisor said NYS Department of Health regulations require a back-up pump. He said the Town received three bids: one from MJR Construction of Cambridge, NY for \$19,545.58, Camden Valley Mechanical of Shushan, NY at \$21,900, and one from Rainbow Sprinklers for \$23,460. Since two pumps and a back-up were required, the lowest quote received toward the project was \$19,545.58, he said funds would have to be transferred before the purchase could be made.

Resolution #2023-330

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to authorize the transfer of \$10,545.58 from account CW8310.4 to account CW8310.2 to cover the cost of upgraded chlorine pumps and a back-up pump above the budgeted amount.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Resolution #2023-331

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to purchase two new, upgraded chlorine pumps plus a spare pump at a cost of \$19,545.58 from MJR Construction Services of Cambridge, NY.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

The Supervisor asked the Deputy Town Clerk to read a prepared resolution. She read:

“Town of Moreau
Town Board Meeting
November 14, 2023

A resolution authorizing the scheduling of a public hearing, consolidating one town of Moreau sewer district, and six sewer district extensions, to wit; Sewer district No. 1 (Moreau Industrial Park); Sewer District No. 1 Ext. No. 1 (Leonelli Apartment Complex); Sewer District No. 1 Ext. No. 2 (Bluebird Village Apartments); Sewer District No. 1 Ext. No. 3 (The Nest); Sewer District No. 1 Ext. No. 3 (Harrison Place Apartments); Sewer District No. 1 Ext. No. 4 (Harrison Quarry/Bluebird Trace Apartments); Sewer District No. 1 Ext. No. 5 and four contract users into one consolidated sewer district subject to the completion of proceedings pursuant to article 17-A of the general municipal law of the state of New York and further approving and authorizing the execution of a joint consolidation agreement.

Whereas, there exists within the Town of Moreau one sewer district, six sewer district extensions and four contract users, to wit; Sewer District No. 1 Ext. No. 1 (Leonelli Apartment Complex); Sewer District No. 1 Ext. No. 2 (Bluebird Village Apartments); Sewer District No. 1 Ext. No. 3 (The Nest); Sewer District No. 1 Ext. No. 3 (Harrison Place Apartments); Sewer District No. 1 Ext. No. 4 (Harrison Quarry/Bluebird Trace Apartments); Sewer District No. 1 Ext. No. 5; and four contract users and,

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Whereas, the aforesaid sewer district, six sewer district extensions and four contract users have been created for a similar purpose; and,

Whereas, the Town Board is desirous of conducting a Public Hearing pursuant to the provisions of Article 17-A of the General Municipal Law for the purpose of hearing all persons upon the question of consolidating Town of Moreau Sewer District No. 1, the six sewer district extensions and four contract users, to wit; Sewer District No. 1 Ext. No. 1 (Leonelli Apartment Complex); Sewer District No. 1 Ext. No. 2 (Bluebird Village Apartments); Sewer District No. 1 Ext. No. 3 (The Nest); Sewer District No. 1 Ext. No. 3 (Harrison Place Apartments); Sewer District No. 1 Ext. No. 4 (Harrison Quarry/Bluebird Trace Apartments); Sewer District No. 1 Ext. No. 5; and four contract users into one consolidated sewer district subject to the completion of proceedings pursuant to article 17-A of the General Municipal Law of the state of New York and further approving and authorizing the execution of a joint consolidation agreement by the Supervisor of the Town of Moreau; and,

Whereas, a map, plan and report prepared by LaBerge Group, competent engineers, describing the proposed consolidation has been filed in the Town Clerk's Office; and,

Whereas, in the event of consolidation, all expenses for any existing and future debt repayment and capital charges for the aforesaid one sewer district, six sewer district extensions and four contract users for the first year of consolidation shall be determined as follows: ninety (90%) percent of the annual debt service will be collected on the assessed value of all real property within the consolidated sewer district at the rate of \$4.28 per \$1000 of assessed value, while the remaining ten (10%) percent shall be based upon each parcel's acreage within the consolidated sewer district at the rate of \$61.89 per acre for the first year of consolidation distributed annually among all parcels or any additional parcels within the consolidated sewer district; and

Whereas, in the event of consolidation expenses for operation and maintenance for the aforesaid one sewer district, six sewer district extensions and four contract users for the first year of consolidation shall be divided into district costs and excess treatment costs only to users with an active connection to the sanitary sewer and based upon the usage and number of equivalent dwelling units (EDU) of each property; for users that do not exceed an average usage of 100 gallons per day allowance during a given billing period the operation and maintenance cost shall be collected by an EDU charge and for those users exceeding the 100 gallons per day allowance included within the EDU charge an additional treatment shall apply. The total 2024 EDU rate is as follows: nontreatment portion, \$46.42 per EDU; and treatment portion \$149.29 per EDU.

Now, therefore, it is,

Ordered, that the Town Board of the Town of Moreau shall meet and hold a Public Hearing at the Moreau Town Hall, 351 Reynolds Road, Moreau, New York, at 6:30 p.m. on the 12th day of December, 2023, to consider the consolidation of the one Town of Moreau Sewer District, the six sewer district extensions and four contract users, to wit: Sewer District No. 1 Ext. No. 1 (Leonelli Apartment Complex); Sewer District No. 1 Ext. No. 2 (Bluebird Village Apartments); Sewer District No. 1 Ext. No. 3 (The Nest); Sewer District No. 1 Ext. No. 3 (Harrison Place Apartments); Sewer District No. 1 Ext. No. 4 (Harrison Quarry/Bluebird Trace Apartments); Sewer District No. 1 Ext. No. 5; and four contract users into a single consolidated sewer district, known as the Town of Moreau Consolidated Sewer District No. 1; to consider the execution and approval of a Joint Consolidation Agreement; and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as shall be required or authorized by law, and it is further,

Ordered, the Joint Consolidation Agreement proposes to consolidate the one Town of Moreau Sewer District, the six sewer district extensions and four contract users pursuant to the provisions of Article 17-A of the General Municipal Law and that as of January 1, 2024 it is proposed to consolidate the one aforesaid sewer district, six sewer district extensions and four contract users located within the Town of Moreau pursuant to Article 17-A of the General Municipal Law of the State of New York into a single consolidated sewer district, and it is further,

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Ordered the proposed Joint Consolidation Agreement is on file in the Town of Moreau Town Clerk's Office at 351 Reynolds Road, Moreau, New York. A copy of the proposed Joint Consolidation Agreement and a summary thereof are displayed upon and available for public inspection on the Town of Moreau Town Clerk's Bulletin Board, at the Town Clerk's Office at the Town of Moreau Town Hall, 351 Reynolds Road, Moreau, New York, and on the Town of Moreau's website; and it is further,

Ordered, that a copy of the Summary of the Joint Consolidation Agreement is attached to the resolution as Exhibit A, and that a description of the geographic boundaries of the proposed consolidated sewer district is attached to this resolution as Exhibit B."

Resolution #2023-331

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to set the sewer district consolidation public hearing for December 12, 2023 at 6:30 p.m.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Supervisor Kusnierz said that the Town engineer had indicated that the Town could expect to receive a sewer invoice for their services in the amount of \$493,000 with a second bill in a higher amount, totaling roughly \$1 million. To cover those expenses, he recommended using ARPA (American Rescue Plan Act) funds. In so doing, he said that would reduce the debt from \$3.5 million to \$2.5 million and reduce the interest on the debt from 5% to 2.5%, saving the Town approximately \$65,000 per year.

He then asked the Deputy Town Clerk to read a prepared resolution. She read:

"Town of Moreau Resolution
Town of Moreau

Whereas, the American Rescue Plan Act was signed into law and included \$774 million from the Federal Coronavirus Local Fiscal Recovery Fund for certain cities, towns, and villages in New York State; and,

Whereas, the Town of Moreau received \$606,408.44 from the office of the New York State Comptroller in the fiscal year ended December 31st, 2021, and a \$606,408.42 in the fiscal year ended December 31st, 2022 with a current remaining balance of \$1,048,104.10; and,

Whereas, in accordance with generally accepted accounting principles the Town of Moreau has recorded funds received through the American Rescue Plan Act as a liability until eligible expenditures are recognized; and,

Whereas, the Town of Moreau has contracted for the construction of the County forcemain connection which will install sanitary sewer infrastructure to promote the Town's economic development and groundwater protection goals; and,

Whereas, the Town of Moreau's construction costs for the county forcemain connection cost, Contract 2, will be ultimately 3.5 million after grant awards are considered; and,

Whereas by obligating American Rescue Plan Act Funds to county forcemain connection Contract 2 costs financing fees can be avoided which will reduce user costs; and,

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Therefore, be it resolved, that the Town of Moreau hereby obligates the remaining American Rescue Plan Act funds of \$1,048,104.10 to county forcemain connection Contract 2 construction costs; and,

Be it futher resolved, that the Town of Moreau recognize \$1,048,104.10 of the monies received through the American Rescue Plan Act as revenues in the fiscal year ending December 31, 2023.”

Resolution #2023-332

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to apply \$1,048,104.10 received through the American Rescue Plan Act (ARPA) to the county forcemain sewer connection Contract 2 costs.

Discussion: Councilmember VanTassel said \$64,000 a year was a significant savings, and though he would have liked to see some of the funds used elsewhere, with the choices before the Board at that time, he supported allocated the American Rescue Plan Act funds to the forcemain project. Councilmember Stewart said he agreed, that there were only two areas where the funds could be used; paving and construction, and since paving is budgeted for and the forcemain project is being built, it would reduce costs for sewer district users going into the public hearing and be a responsible way to allocate the money. Councilmember Donohue said it was his understanding that the funds could be used in additional areas of Town work. For example, he cited the City of Glens Falls’ application of ARPA funds to recreation projects. Supervisor Kusnierz reiterated what Councilmember Stewart said, that it could not be used for recreation, though he said he wished it could. He went on to say it could be used for sewer and water infrastructure, certain paving projects, or biosecurity programs.

The Supervisor said they made a commitment to keep the cost of sewer infrastructure affordable for users, and the whole community will benefit as the commercial zone grows due to the low rates attracting new businesses and the tax base grows. Councilmember Stewart said he wished to retract his statement that it could only be used in two areas, he said that was what was told to him by the Supervisor’s office, which he had no reason to doubt. He did want to add that the Town has available funds for recreation and the Highway Department. Having an opportunity to reduce this cost, no matter how the Town got to this point, he said, was a good way to spend the money. Councilmember Donohue thanks Councilmember Stewart for his remarks, and said he now agreed that the Town is where it is, and we have to go forward the best way possible under the circumstances, which is to save some money for the sewer district users..

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

RECREATION

A motion was begun by Councilmember Stewart to authorize a change of hours at the Harry J. Betar Recreation Park to 4:00 p.m. and for the hours to be changed at the discretion of the Recreation Director for the remainder of the winter.

Discussion: Supervisor Kusnierz said he wanted to check with counsel because a local law states that the current hours of the recreation park are set by the Board. Counsel concurred. Councilmember Stewart then asked counsel if the Rec. Director had discretion to close the sledding hill and ice rink based on conditions because, for his time in office, those closures had been made by the Rec Director. Counsel said weather conditions are different. Supervisor Kusnierz said more recent code repealed §102-1 of the Town Code and set the Rec. Park hours by Town Board resolution. In summary, he added that by resolution a local law cannot be amended.

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Councilmember Stewart asked about certain occasions when the Rec. Director may want the park to stay open until 8:00 p.m. Counsel said the Board could pass a resolution extending hours on those certain days. Councilmember Stewart asked how it would work once ice skating season opens, as conditions change. Counsel stated that because it is mandated by local law, a local law is needed to change it, and she offered to work with the Councilmember on this issue. Recreation Director Brogan asked if they could set conditional hours, such as, if the ice rink is open, the park stays open until 8:00 p.m., and if the rink is closed, the Park closes at 4:00 p.m. Counsel stated that they cannot delegate setting the Rec. Park hours to the Recreation Director.

Resolution #2023-333

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to set winter hours at the Harry J. Betar Recreation Park to close at 4:00 p.m.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Resolution #2023-334

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to open a purchase order/letter of intent with MyRec.com, a recreation management software company, at a cost of \$3,295 to be paid from the 2024 budget.

Discussion: Councilmember VanTassel said this is one of the things the Board asked Recreation Director to act on, and he thanked the Rec. Director for moving it ahead.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Resolution #2023-335

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to set the opening date for pole barn bids for December 8, 2023 at 3:00 p.m.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Resolution #2023-336

Supervisor Kusnierz asked the Deputy Clerk to read a prepared resolution. She read:

A regular meeting of The Town Board of the Town of Moreau was held on November 14, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

“Resolution
Town Board, Town of Moreau
Subject: Town-Wide Recreational Capital Reserve Fund Expenditure

Whereas, by resolution dated December 13, 2011, the Town Board of the Town of Moreau duly established a capital reserve fund designated as the Town-Wide Recreational Capital Reserve Fund for the purpose of finding the acquisition of development of lands within the Town of Moreau for recreational use, including capital improvements on lands presently owned, in fee or otherwise, leased or hereinafter acquired in fee or otherwise leased by the Town; and,

Whereas, the Town-Wide Recreational Capital Reserve Fund has a present balance of approximately three hundred twelve thousand, ninety dollars and 77/100 (\$312, 090.77); and,

Whereas, the Town Board of the Town of Moreau is dedicated to providing a diverse number of recreational activities for the local community; and,

Whereas, the Town Board of the Town of Moreau accepted the bid from Wolfe Excavation LLC, which met the bid specification and represented the lowest responsible bidder, for the Moreau Big Bend Trail Project at the Town Board meeting held on August 8, 2023 for a total price of \$464,595.00; and,

Whereas, the Town of Moreau has secured a grant for the construction of the Moreau Big Bend Trail project from the New York State Parks, Recreation & Historic Preservation (OPRHP) division in the amount of \$250,000 to be reimbursed once eligible expenses are disbursed by the Town; and,

Now, therefore, be it resolved that the Town Board hereby authorizes the expenditure of funds, not to exceed Two Hundred Fifty Thousand and 00/100 (\$250,000) from the Town-Wide Recreational Capital Reserve Fund, a capital reserve fund, for partial payment to Wolfe Construction LLC for the Moreau Big Bend trail.

This resolution is subject to permissive referendum.”

The motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to accept the prepared referendum language.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

Resolution #2023-337

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to authorize the purchase of an automated external defibrillator (AED) from Cardiac Life in the amount of \$1541.89 delivered, including cabinet and child pads from account A7140.2.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

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The motion carried 4:0

BUILDING DEPARTMENT

Resolution #2023-338

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to authorize Matt Dreimiller to attend the Northern Adirondack Code Enforcement Association Conference at the Cambria Hotel in Lake Placid March 4-7, 2024, where he will earn 24 hours of in-service credits, required by NYS to maintain certification, at a cost not to exceed \$1,050.00.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

DOG CONTROL OFFICER

Supervisor Kusnierz said he had interviewed a candidate for Dog Control Officer. He said the individual is a Town resident with 20+ years of experience in law enforcement, including doing patrol for the So. Glens Falls Village Police Department since July 2022. The Supervisor recommended a one-year contract spanning from Dec. 1, 2023-Dec. 1, 2024. The budget for 2024 Dog Control is a \$1,600 per month stipend.

Resolution #2023-339

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to authorize the Supervisor to sign a one-year contract with James Cordiner, the recommended Dog Control Officer candidate, to be compensated at the rate of \$1,600 per month beginning December 1, 2023.

Discussion: There was discussion among the Board members and counsel about reporting requirements. Counsel and the Supervisor stated that there is a monthly report required. Without that report, they do not get paid, he said.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

SUPERVISOR'S ITEMS

The Supervisor recognized the Town Clerk and her Deputy Clerks who had completed the difficult and important work of collecting and reconciling school taxes. He said the Town had received \$30,804,571.73 in school taxes and will keep \$16,972.35 in penalties.

He continued, saying that in the month of October \$28,979 had been collected in mortgage taxes, a slight increase over the previous year, when \$24,404 was collected.

A regular meeting of The Town Board of the Town of Moreau was held on November 14, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

OTHER BUSINESS

Resolution #2023-340

A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to authorize the Town to provide \$2,500 to the Village of South Glens Falls for the annual Memorial Day parade.

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

A motion was made by Councilmember Stewart, seconded by Councilmember Donohue to refund Chris Scarincio the full amount that he paid for a 2023 tournament canceled due to bad weather, less \$600 incurred by the Town in preparation for the tournament.

Discussion: Councilmember VanTassel said that Councilmember Stewart said the Town does not have a policy that covers this kind of event cancellation, but Councilmember VanTassel said it appears the Town does have a policy, so he questioned whether there is or is not a policy. Attorney Buettner said the form reads that for single games there is a 24-hour requirement for full refund, weather not withstanding. In another sentence, she said it says for tournaments cancellation has to be 30 days in advance for a 50% refund. The weather exception only applies to single games, Counsel summarized, saying tournaments are treated differently in the document.

Councilmember VanTassel asked if the Board had the authority to make the refund, to which Counsel replied that she did not believe so, and it would be an unconstitutional gift. Councilmember Stewart took issue and said the form was poor, apologized to Mr. Scarincio, and then asked if a credit could be issued in lieu of a refund. Counsel said if you a credit is issued, it is a gift. Councilmember Donohue agreed it was a poorly-constructed document and said the players and their families raise money to participate in these tournaments, and it was taking money from the kids to withhold the funds. He said it may be legal to withhold the money, but it's not the right thing to do. Counsel suggested amending the form.

Councilmember Stewart withdrew the motion.

PRIVILEGE OF THE FLOOR

Bruce Lant from So. Glens Falls Fire Co. said the lack of communication with the Board and Fire Company was concerning. He said he hoped communication would improve in 2024.

Nicole Haddadnia identified herself as the in-house counsel for Schermerhorn Real Estate Holdings, and said a Certificate of Occupancy (COO) had been issued for Bluebird Trace, located at 265 Bluebird Road, So. Glens Falls. She said she had spoken with the Code Inspector, who said the inspection had been done the week prior and that the COO was in the Town attorney's possession. She said she had reached out to Town counsel who said she was not aware of any outstanding action that needed to take place related to the COO. She continued saying the Water Superintendent had contacted Schermerhorn's engineer, and that he also was not aware of any issues. Operations Manager Maureen Dennis had reached out to the Town Clerk, she said, and the Town Clerk confirmed there were no outstanding fees for Bluebird Trace. Ms. Haddadnia said she was then told by the Water Superintendent that the project is in the hands of the sewer consolidation project attorney Ryan. She asked the Board what Attorney Ryan's role is in relation to the Bluebird Trace COO. Supervisor Kusnierz confirmed that Attorney Ryan was Special Council overseeing the sewer district consolidation. He said Attorney Ryan cannot issue COOs, only the Building Inspector can.

She asked why the Water Superintendent directed her to Attorney Ryan. The Supervisor said he could not answer. Attorney Buettner interjected that Ms. Haddadnia's client felt there was a conflict because Ms. Buettner's firm represents him, and that is why Attorney Ryan is involved. She continued saying Mr. Ryan

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and Mr. Rhodes of Laberge Group would speak with Building Inspector Dreimiller, that the Town Board could not supersede him. Ms. Haddadnia said she had spoken with him and the other attorneys, but did not understand why Mr. Ryan was being retained with regard to this issue. She said that he told her that he could not issue a COO without the Supervisor's approval. Supervisor Kusnierz said he had no authority to issue a COO. Councilmember Stewart said he would reach out to the Building Inspector to see what concern there may be in this matter. He said someone would speak with her the following day after he has a chance to speak to the various parties. Councilmember Donohue said he spoke with the Building Inspector who said he was prepared to issue the COO, but was told to "stand down." Councilmember Donohue said he did not know if it was the Supervisor or an attorney that had told Mr. Dreimiller to stand down. Issues with sewer and water had been mentioned in an email from Mr. Dreimiller, to which Councilmember Donohue responding asking for clarification of the issues. Councilmember Donohue said all issues on the Building Department side had been addressed. He said he would reach out the next day to find out who had told the Building Inspector to stand down. Attorney Buettner wanted to clarify that the Board has no authority and a Board member may not direct the Building Inspector to issue the COO.

Elizabeth Bennett asked for clarification of when the new Recreation Park hours would take effect. Councilmember Stewart said he believed the resolution was for December 1. Ms. Bennett responded that those hours were published on the Rec. Park Facebook page 5 days prior. She then asked if the Board was aware of that. Councilmember Stewart said he was involved in that change, and that it had been a misunderstanding of the Town Law. He apologized if anything in appropriate had taken place in the days between the post and the official change. He went on to say the entire winter the year prior the park hours had been managed this way, which is why he had been confused.

Maureen Dennis asked when draft copies of the October 10 and October 24 meeting minutes would be available. Supervisor Kusnierz said he did not know. Ms. Dennis remarked that the Town Clerk was not present, and then directed a question to the Deputy Town Clerk asking if she knew. Deputy Clerk Lewis said she did not know, and was not working on those minutes. She said the Town Clerk had been finalizing school taxes but would be in the office the following day if Ms. Dennis wanted to follow-up with her. Ms. Dennis then asked why only the agenda had been pre-published prior to the meeting, and not the full resolutions, because she felt they were very relevant and should have been made available based on Open Government law.

She then turned to question Supervisor Kusnierz, stating that she had sent him a letter October 24 regarding a FOIL appeal, but had not yet received a response. She asked if he intended to respond. Supervisor Kusnierz said he had already responded to the appeal. Ms. Dennis responded that she had never received a response to the 10/24 letter, nor to letters dated August 31 or September 12. He restated that he had responded. She asked if he could send her copies. The Supervisor again said he had responded.

Ms. Dennis then said in response to the allegation that Schermerhorn Real Estate Holdings owed \$1,005,000, she said the total was \$1,750 for construction that was passed in a January 10, 2012 resolution, that was later appealed and amended, she said, in Town Law §115-20 said all Town fees could be amended by Board resolution. She continued, saying a resolution refunded Rich Schermerhorn's payments for Bluebird Trace, Harrison Quarry and Harrison Place on March 1, 2016. Supervisor Kusnierz asked if Ms. Dennis was almost done with her comments because she had exceeded her time. She said she would look for his response the next day.

Dominic Tom said he was present not to "gloat about the election," but with some historical context. He said 5 years prior he had some to the Board with some suggestions for improvements, such as using the Town Hall to host events. He said the Supervisor said the building wasn't zoned for those types of uses. He said the interactions he had with the Board and with his experiences with local governments in other areas of the state, he called what he had seen a "dictatorship-in-the-making," which he said then spread to Saratoga County. He said the voters made history in the November election but voting for constituent-led government and accountability. He said the new administration had lots of work to do and urged the public to stay involved.

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ADJOURNMENT

Resolution #2023-341

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to close the adjourn the meeting.

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 4:0

The meeting was adjourned at 11:07 a.m.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk
(May 23, 2024)