

A regular meeting of The Town Board of the Town of Moreau was held on November 28, 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
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Also present: Dianne Lewis, Deputy Town Clerk; Lisa Sperry, Confidential Secretary to the Supervisor; Chris Abrams, Highway Superintendent; Jeremy Brogan, Recreation Director; Karla Buettner, Town Legal Counsel; Maureen Dennis; Nicole Haddadnia; Alex Portal, Post-Star

APPROVAL OF MINUTES

Resolution #2023-350

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, to approve minutes as presented for October 10 and October 24 meetings.

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 #2023-351

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to partially reimburse Maureen Griffies for Medicare Advantage expenses in the amount of \$289.20 quarterly effective July 1, 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

Resolution #2023-352

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to approve the expenditure of \$30,000 from account DB5142.490 to purchase rock salt from Morton Salt of Chicago, IL under NY State contract PC70133.

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

A regular meeting of The Town Board of the Town of Moreau was held on November 28, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

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:

**“November 28, 2023
TOWN BOARD, TOWN OF MOREAU
SUBJECT: RESOLUTION ACCEPTING DEED TO HIDDEN POND WAY AND
LOOKOUT CIRCLE FOR DEDICATION AND EASEMENT FOR
STORMWATER MANAGEMENT AREA**

WHEREAS Cerrone Land Holdings, LLC, has offered a deed to the Town of Moreau to dedicate Hidden Pond Way and Lookout Circle, located in The Preserve at Old Saratoga Subdivision, as more particularly described in a survey map entitled “Amended Subdivision Plan of a Portion of The Preserve at Old Saratoga” dated December 3, 2021 and last revised June 15, 2022, filed in the Saratoga County Clerk’s Office on August 31, 2022, as Instrument Number M2022156, and

WHEREAS, the Highway Superintendent and the Engineer for the Town have recommended acceptance of Hidden Pond Way and Lookout Circle for dedication for highway purposes, and

WHEREAS, pursuant to Moreau Town Code §124-17, Cerrone Land Holdings, LLC delivered to the Attorney for the Town a Warranty Deed with Lien Covenant, conveying Hidden Pond Way and Lookout Circle to the Town; and

WHEREAS, pursuant to Moreau Town Code §124-17(1), Cerrone Land Holdings, LLC also delivered a Bond in the amount projected by the Letter of Credit Estimate as well as an Affidavit affirming the installation of the top coat of Hidden Pond Way and Lookout Circle; and

WHEREAS, Hidden Pond Way and Lookout Circle have been improved as a street or highway, in accordance with the standards and specifications for a town highway within the Town of Moreau, and in conformance with applicable regulations and requirements and provisions of state law pertinent thereto; and

WHEREAS, Cerrone Land Holdings, LLC has complied with all submission of all of the required documents contained in Moreau Town Code §124-17, including the providing of a Title Insurance Policy naming the Town of Moreau as the insured party; and

WHEREAS, The Preserve at Old Saratoga Homeowners Association, Inc., a not-for-profit corporation organized under the laws of New York, is the Homeowners Association which owns the stormwater management system located at The Preserve at Old Saratoga, and has provided the Attorney for the Town with a Stormwater Management Area Maintenance Agreement; and

A regular meeting of The Town Board of the Town of Moreau was held on November 28, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

WHEREAS, The Preserve at Old Saratoga Homeowners Association, Inc., has provided the Attorney for the Town with an Easement granting the Town a permanent right-of-way and easement with respect to the Stormwater Management Area; and

NOW, THEREFORE, BE IT

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

RESOLVED, that the Town Board, on behalf of the Town, does hereby accept the granting of an easement for the Stormwater Management Area at The Preserve at Old Saratoga Subdivision; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to execute any and all necessary documents to effectuate the road dedications, easement, and Stormwater Management Area Maintenance Agreement, and it is further

RESOLVED, that the Attorney for the Town is directed to provide all documents for recording the Saratoga County Clerk's Office to Title North, Inc, which will record all documents at the sole expense of Cerrone Land Holdings, LLC."

Resolution #2023-353

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

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

ASSESSOR'S OFFICE

Resolution #2023-354

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to authorize the Town Board to engage an addendum to the GAR Associates contract regarding assessment support services effective January 2024.

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 regular meeting of The Town Board of the Town of Moreau was held on November 28, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

BUILDING DEPARTMENT

The Supervisor said he had received a request from DKM Properties, a local developer, asking for the Town Board to waive the Local Law requiring developments with a certain number of lots to tie into the sewer system. He said he had asked the Special Counsel to the Town Sewer District and the Town Engineer, and the recommended against making an exception to the law. He went on to say he said he would bring it before the Board and in the Local Law it does make allowances for projects underway. He said it sets a precedent for other developers if they are allowed not to tie into the sewer. Councilmember VanTassel said it would not be fair to others.

RECREATION DEPARTMENT

Resolution #2023-355

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, to authorize the purchase basketball shirts and jerseys from Northwind Graphics for a total of \$2,443.25 from account A7310.4.

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 #2023-356

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to authorize the Board to sign a 12-year maintenance agreement with ANSUL Fire Suppression for the Girls' Softball Concession Building at the Recreation Park for a cost of \$1,295 from account A7140.4.

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 #2023-357

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel to authorize payment of \$1,802.95 to NY Fire & Security for annual fire extinguisher inspections and replacement as needed in Town buildings, vehicles, and at Recreation Park facilities.

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

Councilmember Stewart	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye

A regular meeting of The Town Board of the Town of Moreau was held on November 28, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

Supervisor Kusnierz Aye

The motion carried 4:0

Discussion:

Recreation Director Brogan asked the Board about the situation with setting Recreation hours. The Supervisor said he had spoken to counsel who advised the best course of action was to remove the Local Law that dictate that the Board set the park hours. Since a Public Law is required to repeal another law, it requires a Public Hearing, etc., he asked counsel on behalf of the Board and Recreation Director to draft a law to make the change. Rec. Director Brogan asked about changing hours in the short term. Councilmember Stewart said the Board would meet in December and if they are agreed, hours could be extended for the winter break, but that the law change is a long-term fix to the Recreation Director managing Park hours.

SUPERVISOR’S ITEMS

Resolution #2023-358

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel to accept the resignation of Art Gadway, who had been a part-time janitor at Town Hall and the Highway Department since 2016, and as a Crossing Guard effective immediately.

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 #2023-359

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel to post the three part-time positions vacated by the retirement of Art Gadway to the Post-Star, Chronicle, and on the website.

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

OTHER BUSINESS

Resolution #2023-360

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan to set a Public Hearing for 2024 water rates at 4:00 p.m. on December 21, 2023, a Public Hearing for 2024 sewer rates sewer on December 21, 2023 at 4:10 p.m., and a public hearing for Local Law 34 of 2023 (on the sewer ordinance) for 4:20 p.m. on December 21.

A regular meeting of The Town Board of the Town of Moreau was held on November 28, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

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 #2023-360

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan to set the month-end audit meeting to 4:30 p.m. December 21, followed by the regular Town Board meeting at 4:45 p.m. on December 21.

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 explained that Nexamp had come before the Board in the past with regard to their Industrial Park solar project to request a conservation easement, which the Board provided input for. He then introduced a representative of Nexamp who wished to address the board with a new proposal. The representative introduced himself as Mike Cucchiara, and said Nexamp is the owner, builder, developer of 3-megawatt solar community projects. The project in question is located in the Industrial Park over 3 parcels. The property is privately owned, he said, but contains easements for archeological, conservation, and utility access, which he said is causing titling issues along the parcel borders. The original proposal the company presented in the spring would have made real property right changes, which they recognize could have been problematic. Instead, they were now offering a “Consent and Acknowledgement Agreement,” which would allow the company to “encroach” on 4-foot buffers around the easements along the parcel borders and access road to allow the project to proceed. He said the encroachments would only last until the panels are decommissioned and the lease expires, at which time the property reverts back to Town control. He had a draft document and map to share for consideration of the Board and discussion at a future meeting.

PRIVILEGE OF THE FLOOR

Maureen Dennis said at a past Board meeting the Supervisor could not answer why minutes from October 24 and Nov. 14 were not available, and she commented again that the Town Clerk was not present at the meeting. She asked the Supervisor if the Town Clerk was done attending Town Board meetings. The Supervisor had no comment. Ms. Dennis attempted to ask the Deputy but was redirected to address remarks to the Board. She asked if any Board member knew when the minutes in question would be available. The Supervisor stated that the Board doesn’t produce minutes and suggested Ms. Dennis reach out to the department that does. She said she had reached out. The Supervisor said they do not have authority, that they are separately elected officials. Months prior, Ms. Dennis said she was told she couldn’t receive anything because the Supervisor told people not to.

A regular meeting of The Town Board of the Town of Moreau was held on November 28, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

She then said at the prior meeting ARPA funds were allocated, and that Supervisor Kusnierz said he had received word from the engineer that sewer invoices had been received for services rendered. He said he did not say that. Ms. Dennis said she had written it down verbatim, and that it occurred at 43:08-43:29 of the meeting. She asked if the invoices were for engineering services. The Supervisor said it was what he said it was. Ms. Dennis continued, saying that there was nothing in the audit or supplemental documents. She questioned if the engineering company in question was Laberge. The Supervisor confirmed it. She asked if they were also managing construction. He said he believed so. She asked if any billing coming in was from Laberge, and he said only related to the sewer. She said her line of questioning was specific to Sewer District 1 extension 5, adding she assumed the large invoices were for it. She asked if she was correct. The Supervisor said he had answered the question.

Ms. Dennis then turned to a different topic, asking if he would respond to her FOIL request appeals. He said he had responded. She thanked him for his time.

Councilmember Stewart chimed in and said he had spoken to the Town Clerk. The October 24th public comment-period was lengthy, he said, adding that she was trying to get through it while being accurate. The Nov. 14th meeting was the meeting prior and he said they don't normally get them that quickly, but the Town Clerk was working on it. Ms. Dennis thanked him. Supervisor Kusnierz said that Ms. Dennis, as an advocate for her employer, Schermerhorn Land Holdings, had placed a large burden on the Town Clerk's office by submitting a dozen FOIL requests during school tax collection, which is the busiest time of the year in the Town Clerk's office. Ms. Dennis interjected that she had submitted six FOIL requests. The Supervisor continued, saying when put against the law's timeline, minutes are not done in favor of FOIL requests.

ADJOURNMENT

Resolution #2023-361

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, 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 7:37 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk
(May 28, 2024)