

A public hearing and regular meeting of The Town Board of the Town of Moreau was held on December 12, 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
John Donohue	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Also present: Ellen Buttles, Deputy Town Clerk; Nicole Haddadnia, Maureen Dennis, Gina LeClaire, Erin Trombley, others unlisted (sign-in sheet missing)

HIGHWAY DEPARTMENT

Supervisor Kusnierz explained that the Highway Department was moving ahead with getting fuel cards and dismantling the Highway Department fuel island. He said they would like to list the fuel island on Auctions International, which has been successfully used in the past. Supervisor Kusnierz said he supports the action.

Resolution #2023-362

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to approve listing the fuel island on Auctions International.

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

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

The motion carried 5:0

Resolution #2023-363

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to approve the purchase of tires from Goodyear Tire Company/Adirondack Tire in the amount of \$10,530.56 under county contract PC68490, from account DB5130.492 which had a balance of \$22,379.37 as of Dec. 1.

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

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

The motion carried 5:0

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Resolution #2023-364

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan, to approve the purchase of blacktop/Nova Chip in the amount of \$12,489.22 under Saratoga County Contract 23-PWAC-3R to be paid from account DB5112.493.4 which had a balance of \$113,651.12 as of Dec. 1.

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

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

The motion carried 5:0

TRANSFER STATION

Resolution #2023-365

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to accept the letter of resignation from Deborah Clark from the Transfer Station effective 12/23/2023.

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

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

The motion carried 5:0

Resolution #2023-366

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to accept the bids provided by Waste Management (Bidder 1), and Casella (Bidder 2) for waste hauling in response to a bid opening that took place December 8, 2023 at 1:00 p.m.

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

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

The motion carried 5:0

Resolution #2023-367

A motion was made by Councilmember Noonan, seconded by Councilmember Stewart, to accept

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the bid of Waste Management of Seneca, NY, to award the contract to Waste Management, and to authorize the Supervisor to execute a 2-year contract with Waste Management.

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

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

The motion carried 5:0

RECREATION DEPARTMENT

Resolution #2023-368

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to authorize the purchase of AED from CardiacLife in the amount of \$1,541.89 from account A7140.4 which had a balance of \$38,050.92 as of 11/20/2023.

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

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

The motion carried 5:0

Resolution #2023-369

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to increase appropriations by \$4,171.83 to account A7140.4 as a result of having received an insurance payment in 2022 for damages to a Recreation Department pickup truck.

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

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

The motion carried 5:0

Resolution #2023-370

A motion was made by Councilmember VanTassel, seconded by Councilmember Stewart, to authorize Custom Automotive and Restoration to perform repairs to the Recreation Department truck.

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

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

The motion carried 5:0

Resolution #2023-371

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to authorize a pavilion rental increase from \$20 to \$50 for Town residents, and from \$100 to \$125 for non-residents.

Supervisor Kusnierz listed the fees charged in surrounding communities, provided by Director Brogan-Queensbury charges \$150, Glens Falls charges \$85 +\$100 deposit, Gavin Park charges \$250, Saratoga State Park charges \$125-\$300. Lake George is free for residents and \$150 for non-residents, and Halfmoon charges \$200.

Discussion: Councilmember Noonan said he did not support an increase in the fee to residents, stating it was free for residents when he started on the Board. Councilmember Stewart said based on the work that goes into maintaining the facilities, the cost of waste removal, and the direction of services in the park, he believes \$50 for residents is more than reasonable. Even at the new rate, he said the Moreau Recreation Park Pavilion rental costs less than half the price of pavilion rental in neighboring towns. Councilmember VanTassel said he respected the views of the other councilmembers, and that he would like to work with Councilmember Stewart and Recreation Director Brogan to make sure fees are equitable but also cover the Town's expenses.

The Supervisor asked for a roll call vote. The result was as follows:

Councilmember Stewart	Aye
Councilmember Noonan	Nay
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	No

The motion carried 3:2

Recreation Director Brogan inquired about a Recreation Building bid process. Supervisor Kusnierz stated that the issue was not being taken up at this time because it was a sealed bid process, but the bids were received unsealed.

ASSESSOR'S OFFICE

Resolution #2023-372

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to accept the resignation of Richard Noonan from the Board of Assessment Review (BAR) effective immediately.

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

Councilmember Stewart	Aye
Councilmember Noonan	Aye

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Councilmember VanTassel Aye
Councilmember Donohue Aye
Supervisor Kusnierz Aye

The motion carried 5:0

Supervisor Kusnierz thanked Mr. Noonan for his service on the BAR and in the community.

ELECTRONIC OFFICE PRODUCTS

Resolution #2023-373

A motion was made by Councilmember Stewart, seconded by Councilmember Noonan, to renew the current maintenance agreement with Electronic Office Products Inc. through January 16, 2025. According to the Supervisor, the contract is unchanged and includes \$60/7,000 copies per month on Toshiba es-356 serial number C2J264872.

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

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

The motion carried 5:0

WATER & SEWER

Supervisor Kusnierz announced there would be a public hearing December 20, 2023, 3:30 p.m. at the Saratoga County Board of Supervisors Small Meeting Room, Building 1, 40 McMaster Street, Ballston Spa, NY 12020, regarding a Saratoga County Water Authority proposed water rate increase of 1.5%. \$2.357 per thousand gallons to \$2.392 per thousand gallons, and increasing industrial promotional water charge by 3% from \$3.415 per thousand gallons to \$3.517 per thousand gallons. Written comments can be submitted to SCWA 260 Butler Road, Gansevoort, NY 12831.

Local Law 4 of 2023

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

“A RESOLUTION DESIGNATING THE TOWN OF MOREAU AS LEAD AGENCY PURSUANT TO PART 617 OF THE STATE OF NEW YORK ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE ADOPTION OF LOCAL LAW NO. 4 OF 2023 AMENDING THE TOWN OF MOREAU’S SEWER ORDINANCE.

WHEREAS, the Town of Moreau is considering the adoption of Local Law No. 4 of 2023 amending the sewer ordinance for the Town of Moreau; and

WHEREAS, in connection with the adoption of Local Law No. 4 of 2023 the Town of Moreau will need to review the environmental impact, if any, associated with the adoption of this local law,

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NOW, THEREFORE, IT IS:

RESOLVED, that the town board of the Town of Moreau be designated as the lead agency with respect to the environmental review associated with the adoption of Local Law No. 4 of 2023 pursuant to Part 617 of the State Environmental Quality Review Act; and it is further

RESOLVED, that the town supervisor be authorized to sign any and all documents associated with the environmental review regarding adoption of Local Law 4 of 2023 pursuant to Part 617 of the State Environmental Quality Review Act.”

Resolution #2023-374

A motion was made by Councilmember Donohue, seconded by Councilmember Noonan, to accept the resolution as read.

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

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

The motion carried 5:0

SUPERVISOR’S ITEMS

Supervisor Kusnierz reported that mortgage tax receipts for the period November 1-30 totaled \$26,020.50. Also, he said the Town had met what it anticipated for 2023 sales tax. He said \$2,051,496 was allocated to the Highway Department DB fund, \$605,499 to the general fund, 571,196.80 to fire protection SF fund, and \$138,114 Town outside of B fund. He said he expected approximately \$500,000 to remain at the end of the year which needed to be allocated. He recommended allocating a percentage since the final numbers were unknown at the time, specifically 80% of recognized funds to the general fund A1120 and 20% of recognized revenue funds be allocated to fund B1120. He said these funds could be used for a Town-wide recreation project capital reserve fund to pay for recreation upgrades.

Upon consensus of the Board, Supervisor Kusnierz read a prepared resolution:

“Whereas, the Town of Moreau has received sales tax in excess of the estimated amount adopted in the 2023 budget, and

Whereas the Town Board of the Town of Moreau is invested in the expansion of recreational projects and activities throughout the Town of Moreau,

Be It Resolved, that the sales tax received by the Town of Moreau in excess of the estimated amount adopted in the 2023 budget be allocated as follows:

80% to be recognized as revenue to the general fund and posted to account code A1120, and 20% to be recognized as revenue to the Town outside fund and posted to account B1120.

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So, Be It Further Resolved, that the amount allocated to the general fund in account A1120 from this resolution be transferred allocated to the townwide recreational project capital reserve fund to be recognized as revenue and posted to account code HT5031 interfund transfer.”

Resolution #2023-375

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

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

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

The motion carried 5:0

OTHER BUSINESS

Zoning and Planning Board vacancies

Resolution #2023-376

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, to appoint Matt Abrams to the Planning Board effective 12/12/2023 for the term ending 12/31/2025.

Discussion: Supervisor Kusnierz outlined some of Mr. Abrams’ credentials, including employment as Senior Project Manager at Wilder Balter Development Roofing & Construction LLC in Glens Falls, previous employment July 2018 – Oct. 2020 with Bast Hatfield Construction as Senior Project Manager, Crown Castle in Clifton Park from Sept 2017-July 2018, and Ballston Mourningkill Associates LLC from Nov. 2015-Sept. 2017.

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

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

The motion carried 5:0

Councilmember Stewart raised Ronald Zimmerman as a candidate for the Zoning Board of Appeals (ZBA) vacancy. Mr. Zimmerman had been a member of the Planning Board and acted as its Chair in the past. Councilmember Stewart expressed that Mr. Zimmerman’s knowledge and experience would be a big asset as a member of the ZBA.

Resolution #2023-377

A motion was made by Councilmember Stewart, seconded by Councilmember VanTassel, to

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appoint Ronald Zimmerman to the Zoning Board of Appeals effective 12/12/2023 for the term ending 12/31/2027.

Discussion: Councilmember VanTassel wanted to comment that Ron had done an exceptional job in his 17 years with the Planning Board and that he was please to see he was looking to re-engage.

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Abstained

The motion carried 4:0

Resolution #2023-378

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, to authorize the Supervisor to sign the maintenance agreement with Electronic Office Products approved earlier in the meeting.

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

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

The motion carried 5:0

PRIVILEGE OF THE FLOOR

Brigid Martin said she found it interesting that a man who spoke previously saying he couldn't afford sewers for 2500 people he moved into town had his attorney at the meeting as well as his office manager. Councilmember Donohue asked what this had to do with Town business. She said she wanted to keep the sewers to account and this may be their motivation, that the sewer brings jobs, that you can't vote out businesses that want to grow and then complain there aren't jobs. She said three people from an organization that paid to overturn the government want to extend it(?) a couple of months so the new administration can waive their rates. She said she thought it highly suspicious. She said it was a false equivalency to compare 2500 residences with Hudson Headwaters. She said the 2500 residents did not have jobs, questioned where they work, and said they are all from somewhere outside of Moreau. She continued, saying the sewers are bringing development along Rte. 9, and that people wanted to come to Town but members of the Board "shot them down." She ended by saying she thought the sewers were a good idea to keep the Town growing, and that "crooks" who are getting by paid off by multi-millionaires should be kept out of office.

Gina LeClaire said her son lives in Schermerhorn apartments, and that if petitions that were given to the Town were reviewed, it would be apparent that she and others knocked on many residents' doors. She said the people who live in the apartments are happy, and are not "out-of-towners," but include local seniors and locals like her son. She said many people cannot afford a

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\$300,000 home but want to live in Moreau to be near family. She continued saying many people who live there greatly appreciate the service his apartments provide. Supervisor Kusnierz questioned if this was a Town issue. Councilmember Donohue questioned the Supervisor about what the previous commenter's Town issue was. Ms. LeClaire said the previous speaker was wrong about the quality of the residents and the apartments and thanked Mr. Schermerhorn.

Elizabeth Bennett asked about the Recreation Park pavilion rental rate increase passed by the Board earlier in the meeting. She asked if the Town currently charges the schools to use the facilities, giving Moreau Elementary School as an example. Supervisor Kusnierz said he believed the Town waives the fee on a case-by-case basis. She questioned if there was an actual rule regulating school fees. Councilmember Stewart said he would look into whether there is a policy regulating school use during school hours. Ms. Bennett said following the conversation about the refund of tournament dollars due to foul weather, where the refund is being disallowed for lack of a policy allowing it, if there is no policy, she asked how it can be permissible to waive the pavilion rental fees to the schools.

The Supervisor said that by statute the Town Board can deviate from Town policy. He gave as an example, the BOCES program, which provides valuable service to the Town, saving hundreds of thousands of dollars over the years. BOCES students learn skills and gain experience working on projects at the Recreation Park. At the end of the training season, he said they request to use a pavilion, and the Board has waived the fee each time. She agreed and said her children had participated, but that did not answer the question about the schools and a policy regarding their use of pavilions.

Councilmember VanTassel wanted to go on the record to say that no one on the Board had made derogatory comments about Mr. Schermerhorn's properties, the residents thereof, or the quality of life his properties offer.

ADJOURNMENT

Resolution #2023-379

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

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

The motion carried 5:0

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley
Town Clerk
(July 9, 2024)