

The special meeting was held in person. The Supervisor called the meeting to order at 7:02 PM with a roll call and the Pledge of Allegiance.

PRESENT:	Patrick Killian	Councilmember
	Mark Stewart	Councilmember
	John Donohue, Jr.	Councilmember
	Jesse A. Fish, Jr.	Supervisor

ALSO PRESENT:	Erin Trombley	Town Clerk
	Anna Labiak	Water Department Clerk
	Elizabeth Bennett	Confidential Secretary

OTHERS PRESENT: Dominic Tom, Gloria Osier, Tom Osier, Jeanne Gutheil, Maureen Dennis, Tom Masso, Ann Purdue, Luke Michaels, Brandon Hayes, Benjamin Vaillancourt, Jennifer Smith

FUTURE MEETINGS & WORKSHOPS

No meetings or workshops set.

APPROVAL OF MINUTES

Resolution 182-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the presented minutes from April 23 (Month-End Audit), April 23 (Town Board Meeting), April 25 (Town Board Workshop), May 14 (Special Town Board Meeting), and May 14 (Town Board Meeting).

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

PROCLAMATION

Supervisor Fish introduced the proclamation by saying that after offering pre-school programming to the community for decades, the Moreau Community Center had decided to end the program. Mrs. Jennifer Smith had run the program for 29 years, he said, acknowledging the time and dedication she had given to the youngsters she taught during her tenure. He asked Mrs. Smith to come forward to receive the proclamation.

The Town Clerk read:

“WHEREAS, the mission of the Moreau Community Center is to meet the multi-generational needs of the Community; and

WHEREAS, the Moreau Community Center has, for decades, offered a half day preschool program, providing a structured classroom for students in Moreau, and neighboring communities, to learn socialization and pre-academic skills; and

*A Meeting of the Town Board of the Town of Moreau, Saratoga County,
was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York
on the 28th day of May, 2024.*

WHEREAS, since beginning her dedicated service to the preschoolers at the Moreau Community Center in 1995, Jennifer Smith’s kind, encouraging, and patient nature has spurred the children in her classes to learn and grow; and

WHEREAS, Jennifer has exhibited her commitment to the program and to the children by growing the preschool, instructing generations, providing a safe, nurturing, fun and educational setting for all who enter; and

WHEREAS, Jennifer’s ability to capture and hold the attention of a classroom of three- and four-year-old children, who hang on her each and every word, is a testament to the fact that she embodies every facet of what a preschool teacher should be;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau, extends its appreciation and gratitude for Jennifer Smith’s 29 years of service to the families and preschoolers of the Moreau Community Center.”

A round of applause followed the reading of the proclamation.

Resolution 183-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to accept the proclamation.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

PUBLIC COMMENT FOR AGENDA ITEMS

Dominic Tom raised a question about agenda item #9, regarding the County sewer connection change orders. He suggested speaking with the new legal team to see if funds can be recovered from prior engineering who failed to take factors into consideration, which cost the Town extra money. He said for the money allocated to the project, it should have been done correctly to begin with. He also referenced ARPA funds that had been applied to the sewer project by the prior administration, which he said could have been used for other projects. He said it is unfair to the entire community to use it for sewer alone. He said the sewer project is another project in a list, including the Highway Garage and Town Hall, that he felt were poorly executed.

Luke Michaels commented on item #8, regarding the out-of-district sewer user agreement and fees, saying he sent some feedback about the agreement earlier in the day but wanted to talk about it. The sequence of approvals in the original document were incorrect, he said, and should read that the Planning Board approval must precede the building permit issuance. Supervisor Fish summarized changes that had been made to the drafted document.

OLD BUSINESS

Resolution 184-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to authorize the Supervisor to sign an agreement with Nature’s Way Pest Control for Town Hall pest control, including treatment for carpenter bees for an initial fee of \$294.25 and \$80.25 per month.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

LOCAL LAW #4 of 2024

Councilmember Killian introduced a proposed Local Law #4 of 2024 to amend Chapter 124 of Moreau’s Town Code.

Resolution 185-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, naming the Town of Moreau as the Lead Agency.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 186-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to set a Public Hearing for Local Law #4 of 2024 at 7:01 p.m. on June 11, 2024.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

The Town Clerk read the following proposed resolution:

“MOREAU TOWN BOARD RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL
LAW NO. 4 OF 2024 AMENDING CHAPTER 124 OF THE CODE OF THE TOWN OF MOREAU
RELATING TO HIGHWAY CONSTRUCTION WITHIN SUBDIVISIONS

WHEREAS, the Town Board is considering the adoption of proposed Local Law No.: 4 of 2024 (corrected in the reading) entitled, ‘A Local Law Amending Chapter 124 of the Code of the Town of Moreau Relating to Highway Construction Within Subdivisions;’ and

WHEREAS, adoption of this Local Law is authorized by New York Municipal Home Rule Law §10; and

WHEREAS, Municipal Home Rule Law §20 requires the Town Board to hold a Public Hearing prior to the adoption of any Local Law; and

NOW, THEREFORE, BE IT

RESOLVED, that the Moreau Town Board shall meet and hold a public hearing beginning at the Moreau Town Hall, 351 Reynolds Road, Moreau, New York 12828, beginning at 7:01 p.m. on Tuesday, June 11, 2024 to hear all interested persons and take any necessary action provided by law concerning proposed Local Law No.: 4 of 2024, and be it

FURTHER RESOLVED, that the Town Board further authorizes and directs the Town Clerk to provide notice and/or referrals regarding the proposed Local Law as required by State and Local Laws, including notice and referral to the Town of Moreau Planning Board, the Saratoga County Planning Board and any municipalities within 500 feet of properties that would be impacted by the proposed Local Law; and be it

FURTHER RESOLVED, that the Town Board further authorizes and directs the Moreau Town Clerk to publish and post a Notice of Public Hearing concerning proposed Local Law No. 4 of 2024 in the manner provided by law and to make a copy of the proposed Local Law available for public inspection in the Town Clerk’s office, and on the Town’s website, following the adoption of this Resolution and until the Public Hearing is closed.”

Resolution 187-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian, to adopt the resolution as read.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

BUILDING DEPARTMENT

Attorney Bruening was asked to introduce the Stormwater Area Maintenance Agreement item on the agenda. He said his firm was contacted by the attorneys representing Cerrone Builders. During the subdivision approval process, he explained, the Planning Board made a stipulation that Cerrone Builders enter into a Stormwater Area Maintenance Agreement. According to Attorney Bruening, all parties signed such an agreement in 2023 but the document was not filed. When the other attorney attempted to file the document, he said it was rejected because there was some leftover language included referring to attached maps, but there were no maps. He characterized the issue as a typographical error, and asked if the Board would approve the agreement again with the language corrected to exclude references to maps.

Resolution 188-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian, to approve the Supervisor to sign the updated Stormwater Area Maintenance Agreement with Cerrone Builders.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

RECREATION

This item was tabled until a later date.

WATER & SEWER DEPARTMENT

Resolution 189-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the Supervisor to sign a contract with John's Plumbing and Heating Solutions for backflow prevention inspection for Town Hall, the Recreation Park, and Highway garage at a cost not to exceed \$675 to be paid from accounts A1620.4, A7140.4, and A5132.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 190-2024 A motion was made by Councilmember Killian, seconded by Councilmember Stewart, to approve the proposed out-of-district user agreement and fees, which include a \$3,000 buy-in capacity fee, and \$400 per EDU. Once entered into, the new user is considered in-district and is subject to any fee changes across the district, according to Supervisor Fish.

Discussion: Councilmember Stewart asked if the revised copy of the agreement had been distributed to the Board because he said he saw spelling errors. Confidential Secretary Bennett said it was emailed to Board members in the afternoon. Councilmember Stewart asked if the topic should be tabled since the revised document had not been provided for public review 24 hours prior to the meeting. Supervisor Fish said that the changes that had been made were the same changes Luke Michaels had spoken about earlier in the meeting, and were meant to clarify the fees, due dates, and the sequence of events in the approval process. Councilmember Stewart said the changes sounded good, and he was in favor of the action, however, since the document had not been made available to the public and he and other Board members did not have a chance to review it, the vote should be postponed.

Confidential Secretary Bennett asked counsel if there was a clause within the agreement that the attorneys can make changes as necessary. Attorney Bruening confirmed, though he said he did not work on this document, that the Board could approve the agreement pending attorney review. Councilmember Killian said that if there

isn't a rush on the item it could be put on the agenda for the next meeting. Councilmember Stewart said he didn't want to allow the process, but did want a chance to review the updated document. Counsel said this is a policy decision for the Board, that giving the public time to fully review documents is not a legal requirement but it is encouraged. He said the Board could make changes during a meeting, for example. Councilmember Donohue said if it's not legally required, he would prefer to move forward.

Supervisor Fish called for a roll call vote, the results of which were:

Councilmember Killian	Aye
Councilmember Stewart	Nay
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 3:1

COUNTY SEWER CONNECTION

Resolution 191-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve change order #6 and payment #9 related to County Forcemain Connection Contract 2.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Resolution 192-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to prepay vouchers, in advance of the audit meeting, to Bellamy Construction in the amounts \$203,989 (which was approved by the Board on February 27, 2024) and \$703,262.31 (newly approved).

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

BLUEBIRD ROAD PUMP STATION PURCHASE

Discussion: Supervisor Fish introduced the pump station purchase topic by saying that on December 23, 2008 the Town Board passed a resolution establishing extension 2 of Sewer District 1 in the Town of Moreau. He continued saying the resolution included language allowing the Town to purchase the Bluebird Road Pump Station for \$1. The Town's counsel has worked with the pump station owner. Supervisor Fish asked counsel to explain the process. Attorney Bruening stated that if the Board should move forward with the action, a dedication deed would be needed per the conditions of the subdivision approval, and an easement would be required from the developer so the Town can assess the pump station. He also indicated that ownership of the

pump station was part of a larger original plan. He said once it was established that the purchase makes sense financially and from the perspective of engineering, he recommended the Board sign an easement agreement. It's not necessary for the Board to sign the deed.

Supervisor Fish explained the rationale for making the change is that in order to scour or flush the Rte. 9 line to keep it clean without a pump station, past administrations had bypassed the Industrial Park line to pump South. The result, he said, is 700-800 homes and apartments without a proper line flush. He continued, stating that the intention of this action would be to upgrade the pump station so that it can serve that area and any future development on the Industrial Park and Rte. 9 lines, a threefold benefit to the Town.

Resolution 193-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian, to authorize the Supervisor to sign a right-of-way easement agreement with Schermerhorn Residual Holdings LLP, as amended, in order to access the Bluebird Village pump station.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Following the motion, Supervisor Fish said it would be necessary to have engineering review the plan to ensure the best actions are taken to benefit the Town in this regard, so action would be held until that review can take place.

TOWN DESIGNATED ENGINEERS

Discussion: Councilmember Stewart said he had met with all three firms, all presented themselves well to the Board. He said it was good to know there are multiple firms the Town can work with, but he had a preference for MJ. Councilmember Killian agreed that having multiple firms depending on what might come up. He also agreed they interviewed well, but he, too, preferred MJ. He continued, adding they may not be the biggest, but they had a diverse portfolio and had "their ducks in a row." Councilmember Donohue stated that he agreed.

Resolution 194-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to appoint MJ Engineering as the Town Designated Engineering Firm.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

ACCEPTING MONTHLY DEPARTMENT REPORTS

Resolution 194-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to accept monthly reports submitted by the heads of the following departments: Highway

Department, Dog Control, Building Department, Assessor, Recreation Department, Water Department, and Transfer Station.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

Following the vote, Supervisor Fish clarified that the Dog Control report had not been posted online because it contained sensitive personal information.

PUBLIC COMMENT PERIOD

Dominic Tom thanked Councilmember Killian for taking a ride with him to see the various run-down properties he had mentioned at previous meetings, including two on Redmond Road. He said the one on the corner of Redmond and Evergreen is a buildable lot and suggested considering the property for foreclosure if its taxes were unpaid. They also visited Old Bend Road, he said, where there is an historic cemetery containing headstones from the 18th Century through the 1990s. He said the cemetery is overgrown. He said perhaps the Town Historian could look into the cemetery and suggested a community volunteer project to clean up the property. He said there is a type of tourism industry around visiting historic cemeteries. He went on to say they visited a cul-de-sac where a half boarded-up home, covered in mold and mildew, sits in an area of expensive homes. He said there were junk cars in the driveway and that he was surprised to see people emerge from the property as they were leaving.

Mr. Tom mentioned that in the past he had suggested a commission-based grant writer, and that there are a lot of state, federal, and local grants available, but he said he hadn't heard of Moreau receiving any. He said that the week of the meeting Cohoes had received a Downtown Revitalization Initiative (DRI) Grant of \$10 million. He said in that city, code enforcement was sent in after drug busts to close uninhabitable buildings. He continued, saying the City of Schenectady had been in the news as well, receiving \$10 million, plus a special fundraising authority—1 of only 2 in the State—where they get .5% of the County sales tax. Lake George also got \$10 million, he said, and Glens Falls also got \$10 million in the past, which he says the City “bungled.”

Councilmember Stewart chose to respond to some of Mr. Tom's remarks. He said Building, Planning and Development Coordinator, Josh Westfall, had prepared a 16-page document itemizing the various grant opportunities available to the Town. He suggested that the document may become FOIL-able and that Mr. Tom would be impressed with the compilation. He also said one of the reasons he preferred MJ Engineering is because grant-writing is part of the services they offer as well. Councilmember Stewart thanked Mr. Tom for his regular attendance and participation in meetings, and said his comments were not going unheard. Supervisor Fish said a Town resident had submitted a photo of the so-called “crack house” on Redmond Road. He said the Town Code Enforcement is still going through court proceedings with the owner. He said it's not that Mr. Tom's words are not heard, but that the wheels of justice are turning slowly.

Councilmember Killian said in the tour of properties, he felt badly for the neighboring property owners, and said some Town standards need to change, citing piles of garbage, mattresses and other unsightly debris that he described as popping out at you as you pass by. He said it's not fair to the neighbors. Updating standards as the Town grows will be beneficial in enforcement. He suggested a three-strike policy as an example of steps to consider. Councilmember Donohue said the Redmond Road property is in his neighborhood and it is

frustrating. He said three weeks prior they thought the property would be dealt with but it fell through. Code enforcement is staying on top of it, he said, but the process is slow.

COMMITTEE REPORT

Councilmember Stewart said he and other Board members had met with members of the Fire Department and Town counsel, that options had been presented, and an attorney-client counseling session was needed to make a determination, but there are some good options and steps the Board can take to help fund the Fire Company.

SUPERVISOR’S ITEMS

Supervisor Fish said mosquito dunks are available at the Town Clerk’s office on a trial basis for Moreau Town residents only. There is a maximum of 50 per household allowed, he said.

He also said he had received a newsletter from County Sheriff Zerlo inviting any Board member who is interested to ride with officers because they are very understaffed.

ADJOURNMENT

Resolution 195-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to adjourn the audit meeting.

Asked if all were in favor, the responses were as follows:

Councilmember Killian	Aye
Councilmember Stewart	Aye
Councilmember Donohue	Aye
Supervisor Fish	Aye

The motion carried 4:0

The meeting was adjourned at 7:51 p.m.

Respectfully submitted,
Erin Trombley
Erin Trombley, Town Clerk