

A Meeting of the Town Board of the Town of Moreau and Public Hearing for Local Law 4 of 2024, was held at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, Saratoga County, New York, on the 11th day of June, 2024.

The meeting was held in person. The Supervisor called the meeting to order at 7:00 p.m. 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
	Chris Abrams	Highway Superintendent
	Elizabeth Bennett	Confidential Secretary
	Glen Bruening	Town Attorney

OTHERS PRESENT: Bruce Lant, Michelle Smith, Richie Wiltshire, Maria Jennings, Mike Shaver, Mary Jenkins, Preston Jenkins, Dominic Tom, Nicole Haddadnia, Dave Byrne

Resolution 198-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to open a public hearing for Local Law No. 4 of 2024, amending Chapter 124 of the Town Code of Moreau relating to highway construction within subdivisions.

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 floor was opened for comments, but no members of the community made remarks.

Attorney Bruening said revised drawings would be added to proposed Local Law No. 4 of 2024 documents available for public review. Updated language, drawings and SEQRA documents were provided by counsel to the Board members.

FUTURE MEETINGS, HEARINGS, WORKSHOPS

Councilmember Donohue said a Solar Law had been drafted in the past but the prior Supervisor made it clear it would be a waste of time. He said Moreau is among the very few towns upstate NY that do not have a Solar Law. Former Zoning Administrator, Jim Martin, and Josh Westfall, current Building, Planning and Development Coordinator have worked on the 2-year-old draft, he said, and he said would like to get the effort restarted with a workshop on June 25 at 6 p.m.

Resolution 199-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to set a solar law workshop for 6 p.m. on June 25, 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

Supervisor Fish said that due to a change made by the NYS Department of Environmental Conservation (NYSDEC), a change is needed to the Town code where it references the title of the person who oversees the Town’s stormwater management. Councilmember Killian asked counsel to elaborate. Attorney Bruening explained that in December 2023, effective January 3, 2024, a change was made requiring a designated Stormwater Program Coordinator in the new general permit. He said it was similar to the terminology of the previous permit, which included a Stormwater Management Officer. The duties and name have changed slightly in the 2024 version, he said, which is the substance of proposed Local Law No. 5 of 2024.

Resolution 200-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to set a public heading for proposed Law No. 5 of 2024 for 7:01 p.m. on June 25, 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

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

“MOREAU TOWN BOARD RESOLUTION SCHEDULING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 5 OF 2024, AMENDING CHAPTERS 84 AND 120 OF THE CODE OF THE TOWN OF MOREAU RENAMING THE POSITION OF STORMWATER MANAGEMENT OFFICER TO STORMWATER PROGRAM COORDINATOR

WHEREAS, the Town Board is considering the adoption of proposed Local Law No.: 5 of 2024 entitled, “A Local Law Amending Chapters 84 and 120 of the Code of the Town of Moreau Renaming the Position of Stormwater Management Officer to Stormwater Program Coordinator;” and

WHEREAS, this Local Law is being proposed in order to comply with the Town’s obligations pursuant to the State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (“MS4s”), permit number GP-0-24-001, issued effective January 3, 2024; 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

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NOW, THEREFORE, BE IT RESOLVED, that in accordance with the State Environmental Quality Review Act, the Moreau Town Board shall serve as Lead Agency for the review of the proposed Local Law, and be it

FURTHER RESOLVED, that the Moreau Town Board has classified the adoption of the proposed Local Law as an Unlisted Action pursuant to the State Environmental Quality Review Act, and be it

FURTHER RESOLVED, that the Moreau Town Board shall meet and hold a public hearing at the Moreau Town Hall, 351 Reynolds Road, Moreau, New York 12828, beginning at 7:01 p.m. on Tuesday, June 25, 2024 to hear all interested persons and take any necessary action provided by law concerning proposed Local Law No.: 5 of 2024, 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. 5 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 201-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to accept 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

APPROVAL OF MINUTES

Resolution 202-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to accept Bid Opening, Special Meeting, Month-End Audit, and Regular Town Board Meeting minutes from May 28, 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

PUBLIC COMMENT PERIOD

Dominic Tom – began by referencing a change he had contacted Councilmember Donohue about in the minutes. Councilmember Donohue said the edits had been made and posted. Mr. Tom also said he hoped the

Board would approve a solar law because the majority of Town residents support it. He said the previous Supervisor had indicated solar farm companies had approached him about setting up in the Agricultural District and that the former Supervisor stated he was opposed to it. Mr. Tom said he signed up for community solar and saves a significant amount in the summer. He asked the Board to join the 21st Century.

OLD BUSINESS

Resolution 203-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to pre-pay the voucher approved at the prior meeting for \$150 to Fraternal Order of Eagles.

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 204-2024 A motion was made by Councilmember Killian, seconded by Councilmember Stewart, to authorize the Supervisor to sign two contracts with Nature's Way Pest Control.

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

TOWN CLERK REQUESTS

Resolution 205-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Stewart, to authorize the Town Clerk to appoint Maria Jennings as an at-will Deputy Town Clerk with an annual salary of \$41,638 pending a pre-employment background check and physical.

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 Supervisor and Councilmembers welcomed Ms. Jennings, who was present at the meeting.

RECREATION DEPARTMENT REQUESTS

The Supervisor said Town Counsel and Recreation Director Brogan had made revisions to the Recreation Department rain-out policy document for tournaments. He asked the Town Clerk to read the policy aloud. She read:

“Refunds, cancellations, or shortening of a tournament.

While we will make every attempt to play each event, the weather may prevent an event from being completed or in some cases, even starting. In those cases:

- If no games are started a 75% refund is given.
- If only the 1st round of games is started a 50% refund is given.
- If the 2nd round of games has started no refund is provided.
- In the case where tournament directors are due a refund and are registered for a future tournament that refund shall be applied to the balance due on those future tournament(s).

If the park is closed by the government for nonweather-related reasons prior to the start of any games a full refund will be given minus any cost expended by the town.”

Resolution 206-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the new rain-out policy 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

Resolution 207-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to approve an additional \$50 fee for any game played before or after regular park hours.

Discussion: Councilmember Stewart explained that some tournament directors wanted to start games early or end after normal park operations, which is extra work and hours for the Recreation Department. Councilmember Stewart also added that Moreau’s fees are well below those of other towns as it is. Councilmember Killian said at first he wasn’t sure about raising fees but at that point he agreed it was fair and appropriate to raise fees under these circumstances.

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 208-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to authorize the Flag Football program run by Chad Schwartz, and assisted by Mike Prutsman, Adam Mullin, and Tyler Carpenter, pending background checks.

Discussion: Councilmember Stewart said the program will run 8 a.m. to 1 p.m. in the Bowl area of Betar Recreation Park from the end of August into November. The cost to players is \$70 er season, and the Town’s obligations are \$1,200 for shirts and referees, and \$225 for awards and trophies, according to Councilmember Stewart. He added this has been a successful, well-run program with an anticipated profit to the Town of approximately \$2,275. Councilmember Killian said the program is awesome.

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 Supervisor said he believed the Recreation Director was looking for authorization to hire but he was not provided with names. Confidential Secretary Elizabeth Bennett stated that hiring was on hold until more information was gathered, including on lifeguards.

Councilmember Stewart said the decision not to hire now is based on good current levels of staffing, and that lifeguard requirements were being looked into further by the Confidential Secretary and Recreation Director. Councilmember Stewart also wanted to commend the work that had recently been completed by the BOCES student program. Supervisor Fish said BOCES has been a huge asset at the Recreation Park and that the Town is fortunate to work with them.

ASSESSOR’S REQUESTS

Resolution 209-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to authorize attendance at the New York State Assessor’s Association 2024 Cornell Conference July 14-18 at a cost not to exceed \$1,487.34 for Leah, and \$1,511.36 for Matt.

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

MONTHLY DEPARTMENT REPORTS

Resolution 210-2024 A motion was made by Councilmember Killian, seconded by Councilmember Stewart, to accept monthly department reports from the Highway Department, Dog Control, Building Department, Recreation, and the 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

PUMP STATION UPGRADE BID

Supervisor Fish said twice the Town went out to bid for the Bluebird Village pump station. One proposal was received, but it was not in a sealed envelope. He asked counsel to weigh in. Attorney Bruening said the letter of the statute requires bids to be sealed to avoid vendor collusion. Since only one bid was received, he said, you could reasonably say there could be no collusion. He said he believed the Board had discretion, but they could also go back out to bid. He said it was an unusual case where the letter of the law doesn't really apply to the situation in practice. Councilmember Stewart asked what Attorney Bruening recommended, if they should contact the vendor and ask them to resubmit in a sealed format. Counsel responded in the affirmative but added that a public notice would have to be published as well, at the Town's expense, with a minimum of 5 days to respond. He said this would be following the letter of the law.

Councilmember Stewart said this situation has occurred before, citing the Recreation storage building—quotes were emailed by vendors and not sent in a sealed format so they could not be used. The Supervisor asked here the Town stands legally on this issue. Attorney Bruening said only other bidders would have standing to challenge the action if the unsealed bid was accepted. Councilmember Killian asked if there was enough time to go through the process again. Councilmember Stewart said yes, and it would be done before the meeting June 25. He continued saying that he thinks they should do it correctly, as it had been done in 2008, so future Boards can look back at this as precedent, and to avoid any future complications with this project. Councilmember Donohue said he agreed with opening bidding again. Councilmember Stewart asked if the engineering firm should reach out to let the bidder know why their bid was rejected so they can re-submit. Counsel answered affirmatively. Councilmember Killian asked if there was a way for the contractor to resubmit without starting the process over. Attorney Bruening said it should be republished and someone should contact the bidder to encourage them to resubmit.

Resolution 211-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Killian, to authorize the Town Clerk to re-submit the bidding packet and re-publish the notice opening the project for bids, with a deadline for submission of June 18, 2024 at 9:00 a.m., with a Special Board meeting to follow at 9:30 a.m.

Discussion: Councilmember Killian said in the past at a Planning Board meeting something similar had been done as long as the content was the same. Supervisor Fish said the issue is that if they do it that way, the Town may be subject to litigation or complications down the road.

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

MOREAU COMMUNITY CENTER BINGO LICENSE

Resolution 212-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian, to authorize the Supervisor to sign the Moreau Community Center BC-4 Findings and Determinations for Bingo License form.

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 PERIOD

Dominic Tom – spoke about fireworks that were held on Butler Road the prior weekend. He said they are held several times annually and they were so close and so loud that the grand finale shook his house. He said he had spoken with Councilmember Donohue about it as well, since he had a similar experience at his house. Mr. Tom said the display being allowed encourages others to set off fireworks as well, and the police have said if they don't see illegal fireworks, they can't act. He wanted to know how these fireworks could be stopped. Confidential Secretary Bennett chimed in to say the fireworks were not illegal, a permit had been issued by the Town, the fireworks display was set up and run by professionals, and insurance had been provided.

Councilmember Killian asked if there was anything in the code requiring notification of neighbors in advance. Councilmember Stewart said fireworks complaints do create a burden for law enforcement, and asked if hours for fireworks need to be set. Supervisor Fish asked, if they got a permit, did they pay a fee? If so, he suggested the paperwork should say what the fee goes toward. Councilmember Donohue said in the past, the fireworks have been late into the night. He said after midnight, he will call the police about the activity, and there needs to be more regulation at the Town level. Councilmember Stewart thanked Confidential Secretary Bennett for the information and said he hadn't realized the event in question was within the law and regulations of prior Boards. Councilmember Killian suggested a timeframe restriction be added to current regulations.

COMMITTEE REPORTS

Councilmember Donohue said he did not know all the ways the Moreau Community Center supports the community until he was assigned as their liaison. They approached him, he said, about having a satellite food bank at Town Hall. He went on to say he had spoken with Donna, the Community Center Director, who said they had plenty of food they could share at Town Hall if a site is established. Councilmember Donohue suggested it could be small, like a bookshelf. Councilmember Stewart said he supported the idea and hoped they could find a good spot. He offered to assist personally if needed. Councilmember Killian said it's a win-win.

SUPERVISOR'S ITEMS

Supervisor Fish announced that Councilmember Stewart and his family had a new addition to their family, a baby girl named Nora Rae. Those in attendance gave a round of applause.

Supervisor Fish also announced that at 2:00 p.m. on Tuesday, June 18th would be the Saratoga County Deceased Veteran Ceremony, where Moreau would be honoring veteran and former State Trooper Timothy

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Pratt. He said the Troopers would have an honor guard, family would attend, and anyone else who wished to attend was welcome.

The Supervisor introduced a topic, saying he had been visited by attorney and former Town Justice Tim Alden, who had retired after 32 years with the Town in December 2021. 2019 changes to Town retirement benefits specifically exclude part-time justices, Supervisor Fish said.

He then asked the Town Clerk to read a resolution regarding the New York State Retirement System Record of Activity (ROA) related to current elected officials. She read:

“BE IT RESOLVED, that the Town of Moreau will report the following Days per Month to the New York State Local Employees’ Retirement System, based on the Record of Activities (ROA) maintained and submitted by those officials to the Clerk of the body:

Title	Name	Standard Work Day	Term	Days per Month Based on ROA
Highway Superintendent	Chris Abrams	8 hrs.	1/1/2024-12/31/2025	30.7
Town Clerk	Erin Trombley	7 hrs.	1/1/2024-12/31/2025	39.22”

Resolution 213-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to approve the ROA reporting 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

Returning to the prior topic, Supervisor Fish said in 2018 language was included in the insurance documents to include the Town Supervisor, Town Clerk, Highway Superintendent, and “grandfathered” part-time elected officials. The aforementioned 2019 changes made to insurance cut out the part-time elected officials, he said. He said he would like to restore the previous language, established November 13, 2007, for 2025.

Councilmember Stewart directed a question to counsel, asking if he should recuse himself from a vote on this matter since an affected individual was and is serving as his own legal counsel. Attorney Bruening said it was not required that he recuse himself because it was disclosed and he saw no conflict.

Resolution 214-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian, to approve the discussed changes to retiree insurance benefits effective 2025.

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

EXECUTIVE SESSION

Resolution 215-2024 A motion was made by Councilmember Killian, seconded by Councilmember Donohue, to move to Executive Session to discuss the employment history of a particular person or corporation or matters related to the appointment, employment, or dismissal of a particular person or corporation and to have an attorney/client privileged 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 Board then entered Executive Session with Town Counsel. Upon ending the Executive Session, the following motion was made:

Resolution 216-2024 A motion was made by Councilmember Stewart, seconded by Councilmember Donohue, to pay Ellen Buttles her two weeks accrued vacation time.

Discussion: Councilmember Stewart stated that for the public's knowledge, the policy is that an employee receives two weeks of vacation after working for the Town one year. Ellen had worked for the Town more than a year, so the vacation pay was earned.

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

ADJOURNMENT

Resolution 217-2024 A motion was made by Councilmember Donohue, seconded by Councilmember Killian, to adjourn the meeting.

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

Councilmember Killian Aye
Councilmember Donohue Aye
Supervisor Fish Aye

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The motion carried 3:0

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Erin Trombley

Erin Trombley, Town Clerk