

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

Gina LeClair Councilwoman

Also present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Jesse Fish, Water Superintendent; Karla Buettner, Attorney for the Town; Pete Corlew, Recreation Department Laborer; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:03 p.m.); Tammy Daley, Deputy Town Clerk (arrived at 7:05 p.m.); Christina Scanlon, Post Star Reporter; Town Residents: Angela Wadsworth, Terry Clark, Jim & Heather Aiken, Carson Salaway, John Telisky, Paul Henningson, Tim Pease, John Smith, Ronald Quinn, Jr., Don Ranck, Nicholas Quinn, Joshua Jacobs, Paul Williams, Elizabeth Lanfear, Chris Abrams; Reed Antis, Town Resident and Planning Board Member; Rick Daley, Village of South Glens Falls Resident

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to silence all electronic devices.

MINUTES

The following minutes were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval:

October 7th, October 14th, October 15th, October 16th

MINUTES – OCTOBER 7, 2014 – BUDGET WORKSHOP

No comments or corrections.

MINUTES – OCTOBER 14, 2014 – REGULAR TOWN BOARD MEETING

No comments or corrections.

MINUTES – OCTOBER 15, 2014 – BUDGET WORKSHOP

No comments or corrections.

MINUTES – OCTOBER 16, 2014 – BUDGET WORKSHOP

No comments or corrections.

A motion was made by Councilman Vittengl to approve the minutes of October 7th, 14th, 15th and 16th and Councilman Prendergast said he could second the approval of minutes for October 14th, 15th and 16th only.

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Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to approve the minutes of October 7th as prepared.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Abstain
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

MEETINGS/WORKSHOPS SCHEDULED

The November 11th Town Board Meeting falls on Veteran's Day so the meeting date was changed to November 12th at 7:00 p.m.

A Public Hearing on the 2015 Preliminary Town Budget was scheduled for November 6th at 7:00 p.m.

15 MINUTE PUBLIC COMMENT PERIOD

Supervisor Jenkins asked the public to address the town board directly and not to have any cross communication between the public in attendance. He also stated that a citizen listened to the audio of a previous meeting and heard language that they felt was inappropriate so he asked those present to be careful what they say.

Terry Clark stated that he sent a letter to the Supervisor by certified mail, return receipt requested, to be on the agenda. He said that he is restricted to five minutes a lot and that the taxpayers aren't being heard. He mentioned the water bill that he received that was in one lump sum and he had asked if he could make payments on it, but he said that he can afford to pay it. He received a letter from his insurance company and they are finally taking care of his problem. He said Casale is a bad contractor and that the board has admitted this. He was threatened with being beaten up outside in the parking lot after a meeting. He submitted a FOIL request and received information that there were 80 complaints about the work Casale did. Most were complaints about lawn restoration and damage to one stone wall on Spier Falls Road. Nobody came to help him try and work it out. The water line in English Village blew. How would the board like it if he dumped Queensbury water in their basements?

Councilman Kusnierz told Mr. Clark he does listen to him. He asked the water superintendent to reach out to the engineer. There were 150 hook ups as part of the contract. He just found out about English Village. The engineer did go back into the homes and check the installations to make sure they were done right.

Angela Wadsworth spoke next about damage that was done to her home at a cost of \$7,000. She said they didn't pick the contractor and they relied on the town board to do what was right for the residents. She spoke about her lawn. She wants a warranty on the workmanship. The shut off by the road is too far down into the ground and cannot be shut off. She complained that flood insurance was added to her insurance by the town without her knowledge. Her water bill wasn't paid so they took it out of her escrow.

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Jesse Fish, Water Superintendent, said he would look at the shut off and if it needs fixing then he would fix it.

John Telisky spoke next about fund balance. He said that the website read that we are using \$665,000 of fund balance to balance the budget and Supervisor Jenkins said it is closer to \$520,000.

Discussion followed between Supervisor Jenkins and John Telisky about the tax cap and sales tax.

John Telisky said he understood that the insurance costs were going up 30% and asked if the board sent out RFP's for brokers.

Supervisor Jenkins advised that they met with five brokers and reviewed 15 different coverages. They had to pick on that equaled the insurance under the highway department contract.

A member of the public who did not identify himself asked about the Nolan Road property by the water tower and about the plan to improve the area.

Supervisor Jenkins advised that they are cleaning up the property and opening it up a little and there will be revenue generated from the removal of trees.

RECREATION DEPARTMENT REQUESTS

None

HIGHWAY DEPARTMENT REQUESTS

The following quotes were obtained for the purchase of rock salt:

Morton Salt	\$58.74 a ton
Cargill	\$67.45 a ton
American Rock Salt	\$68.36 a ton

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of rock salt under a blanket purchase order for up to \$80,000 from Morton Salt at the rate of \$58.74 per ton under county contract #14-PWS-10R, from account DB5142.490 that had a balance of \$80,803.49 as of 10/1/14.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

WATER DEPARTMENT REQUESTS

None

SET ELECTED OFFICIALS SALARIES FOR PRELIMINARY BUDGET PUBLIC HEARING NOTICE

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to set the elected officials salaries as follows for the 2015 Preliminary Town Budget:

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor	\$45,076.00
Council People	4 @ \$11,300.00 each
Town Justices	2 @ \$27,478.00 each
Town Clerk	\$43,491.00
Highway Superintendent	\$54,567.00

Councilman Kusnierz said they heard tonight that there are serious fiscal constraints that they are trying to contain to a minimal impact. The elected official's salaries have been discussed. He has said and is saying that the increases should be uniform. In his opinion there shouldn't be any salary increases for any of the elected officials.

Councilman Prendergast said he doesn't agree. Not all elected officials are the same. As a councilman he is not receiving and increase in salary. He doesn't rely on his salary as councilman to support him or his family, his house or his car. There are some elected officials who do rely on their salary to support their family, to pay grocery bills, to pay for their car and their home and it is career for them. He is in support of an increase for those individuals.

Councilman Kusnierz stated that elected officials are in a separate class. They entered the elected office to serve their community and it is not a career. They don't have to show up for work at all under the law and yet they still get paid. In any other job if you don't show up you don't get paid.

A member of the audience who did not identify himself asked if elected officials have to pay taxes to be an elected official.

Supervisor Jenkins replied no, they just have to be a resident of the town.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	No
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

SALES TAX REVENUE RESOLUTION AMOUNT TO APPLY AS CREDIT AGAINST THE 2015 REAL PROPERTY TAX LEVY

Supervisor Jenkins said he would like to send zero sales tax revenue back to Saratoga County in 2015. There are nineteen municipalities in Saratoga County that don't send any sales tax revenue back to the county. If we don't send back any sales tax revenue then based on an assessed valuation of \$150,000 on a home the property owner would pay an additional \$112.00 in taxes for the year. He thinks we should keep the sales tax money and apply it to fund balance and earn a little interest on it.

Councilman Kusnierz disagreed. We have consistently sent back \$800,000.00 to the county and they should do so again in 2015. If the budget is adopted as is there will be a 5% increase in the fire tax. The lighting districts are increasing 13% to 23%. We have the ability to control the town tax and the impact on the county tax for those property owners outside the Village of South Glens Falls if we send sales tax back to the county. The village gets their own sales tax and they can use it how they want to. If we don't do this then we are pushing a tax increase onto our resident and he doesn't support tax increases. He would be on board with a 5% tax increase in the fire tax if the board offset this increase someplace else in the budget. That remains to be seen. As a board we always have sent sales tax back to the county.

Councilman Kusnierz said we don't have a tax problem in this community, we have a spending problem. Look at the fund balance over the last six or eight years ago. It has gone down significantly.

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Supervisor Jenkins stated that the tax levy eight years ago was \$1.6 million and for 2015 it is at \$762,000. That is less than 50%. The reason the fund balance has been going down is because we have lowered taxes.

Councilman Kusnierz said we didn't lower them that is a misnomer. We went through a reval and that lowered the tax rate. He said to ask the average person out there if their taxes went up or down after the reval and see what they say.

Supervisor Jenkins said the taxes we took out of people's pockets went down 58% the first year. He said to look at the tax levies.

Councilman Kusnierz said this wasn't correct. You have to take into consideration the equalization rate and the tax rate. He well reversed in this and he knows what he is talking about. He asked those in the audience if their taxes went down and there was an audible no from a few in attendance. He said Supervisor Jenkins could spin it anyway he wants, but the person writing the check can't be fooled and the public is a lot smarter than what he thinks they are.

Councilman Kusnierz made a motion to send \$800,000 in sales tax revenue back to Saratoga County.

Councilman Prendergast said there are things to consider here. We have been talking about this and previous boards and supervisors have talked about this. If his memory serves him right there was at least one or two years when they didn't send the full \$800,000 to the county, because we didn't have the money to send back. He has been here so long that for him to change this seems wrong. The points made here tonight have been made for years. We are the only town who does this. If we send the money to the county it offsets some of our county tax and it will stay pretty much where it is depending on what the county does with its budget. If we don't send it back we will be spending more on county tax. You can make the argument that if we send the money down there the Town of Moreau residents benefit, because their county tax rate won't go up. If we keep the money then the residents will benefit, because we are keeping the money here. If you keep it here you won't lose it. If you send it back you keep the county tax pretty much the same as last year. He doesn't see a real negative to the town tax payer either way. He has been sending the money back for 25 years so it is difficult for him to say don't send it back. It will be kind of a shock when the people get their tax bills next year, because not everybody will be aware that we send \$800,000 back to the county. So they won't know why they are getting a much larger bill next year. He has been struggling with this ever since we started the budget process. Soon he will have to vote one way or another.

A member of the audience who did not identify himself stated that until the county does their budget we won't find out whether we should send money down to the county or not.

Supervisor Jenkins stated that the county calculates how much we are responsible for and they subtract the \$800,000 from that figure and then they recalculate the rate using the assessed values. The money that is sent to the county does benefit the taxpayers, but the problem is where is the money going to be in two years? We have a five year plan and it shows we are going in the wrong direction. He said that in 2008 he inherited a \$1.7 million dollar budget that they took out of the people's pockets. The next budget came in at 58% less of the tax levy. He said some may say that they taxes went up due to the reval and he isn't arguing that, but the fact is if you take \$1.7 million and \$762,000 that is almost 50% that we haven't collected for eight years now.

Councilman Kusnierz said he should put the rest of the equation out there and not mislead the public. The tax rate has different components. There is fund balance where we come up with appropriations for the accounts, anticipated revenues, what we are going to raise from taxes and how much we are going to use from fund balance. Fund balance and taxes are proportionate.

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman Kusnierz stated that the supervisor was making an argument that is counter to the one he made he wanted to build a new town hall and highway garage when fund balance was too high.

Supervisor Jenkins said the two buildings were built with restricted funds that couldn't have been used for anything else except town-wide projects.

Councilman Kusnierz said it could have been used to offset taxes. He said what is vitally important for the public to know that general appropriations are 10% over last year's budget and total appropriations are 7.7% over what they were last year and that is a big increase. We are going to ask the public to fund our emergency services with a 5% increase. Now anybody outside the village we are going to tell them that we increased their county tax rate when we had the power to minimize it. We should send \$800,000 back to the county.

Councilman Prendergast stated that Councilman Kusnierz shouldn't have brought the buildings into this. There is a law that wouldn't allow us to use that money for any other purposes. We weren't even going to do it unless the public allowed us to and we put it out for vote and let the public decide if we should use that money to build the buildings and they said yes build them and we did.

Councilman Kusnierz said that isn't the issue at this point.

Councilman Prendergast asked him why he even brought it up then as part of his discussion.

Councilman Kusnierz said it is part of the fund balance.

Councilman Prendergast said there was a conscious decision made on his part about the fire company. For two years in a row they have come in with a situation in which they needed equipment that not only affects their safety but the public's safety as a whole. He made a conscious decision to give them more than 2%. Equipment only lasts so long and they need it. They made their case and he was convinced. He still supports it tonight. When it comes to the vote on the budget he is going to vote yes on the whole budget.

Councilman Vittengl stated that the budgets are getting harder and harder and there are more and more mandates. Our safety departments need more money, the fire department and the Moreau Emergency Squad. Every department needs more and more. Health insurance is going up. We have had the luxury in the past to be able to send some sales tax money back to the county to lower the tax and that was good when times were really good, but things have tightened up for everybody. If we can keep control of that money in-house it gives us an option on how to control the taxes right here rather than sending it down and hope it is in good hands. If we can keep the money here and have a five year plan it isn't like we are throwing the money out the window. We can control it, watch it tight just like we did with the budget, line by line, dollar by dollar, \$100 items and \$200 items to try and get it as tight as we can. It is his opinion that we should keep the sales tax money and go with a five or ten year plan and it will stabilize everything. If we send the money back the county tax will be low for a year or two, but then there could be a huge increase down the road with the mandates and cap.

Councilman Kusnierz stated that vote on spending money on the capital project (new buildings) was a split vote 3 to 2. He asked if they knew who advocated for it on this board and then said he did. He was very appreciative that he got the third vote for it to go. There were two board members who didn't want the public to have a say. The comment just made by Councilman Vittengl that we don't have control over it, we do. We put this budget together line by line. We control everything. Not only do we control what we appropriate, we control the tax rates. We pay for what is coming out of your pockets to pay the town taxes. Tonight on this vote we have control over what the people outside the village are going to pay for county taxes. We do have control and he is trying to control it.

Mr. Aiken asked if they could meet in the middle.

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman Prendergast said he thought about feathering it in. His concern is that when the people get their county bill it may be a little shock. Maybe plan it out for this this and next.

Supervisor Jenkins said there wasn't a second on the motion.

Councilman Prendergast made a motion to send \$400,000 back to the county.

There was no second to the motion.

Councilman Vittengl said if they were going to feather it in then they should keep as much control here as possible. He made the motion to send \$200,000 back to the county.

Elizabeth Lanfear stated that the county budget is what it is and nobody on the board except the supervisor has a say over it regardless of how much money we send back to the county. The Town of Moreau's portion, whatever it may be, can help to keep our tax flat at the county or keep it from going crazy so we kind of have control over it. She said two years ago the board sent \$600,000 back to the county and last year \$800,000. She asked why they don't go with the \$600,000 because there is a stalemate and somebody is going to have to compromise so something can happen.

Supervisor Jenkins said they have to notify the county by November 1st as to the amount they are sending back if any. He said two years ago they sent \$400,000 back.

Councilman Kusnierz said he would compromise. He made a motion to send \$835,505.00 back to Saratoga County.

His reasoning for this was the 6% increase in the fire company budget that they asked for and that all the board members agreed that they needed for equipment. It will help offset the taxpayers' liability from the tax increase. The fire company will get what they want and the county taxpayers in the town will get what they want. It is a fair deal for everybody.

Supervisor Jenkins said he personally feels they should send zero back. He was willing to compromise and agree to send \$400,000 back to the county and next year take a look at the other \$400,000.

Councilman Prendergast said he would again submit his motion to send \$400,000 back to the county and next year we can continue this path or send them more or something different. There will be sticker shock if we don't send something back to the county. He is trying to mitigate it as years go on so it is something sustainable.

Councilman Vittengl seconded the motion.

Councilman Kusnierz said we are going from a 5% to a 6% for the fire company, which increased revenues from \$25,000 to \$35,000 and that is pretty important from a public safety standpoint and we have a way of accomplishing it.

Councilman Prendergast said the Fire Company Board of Directors thanked us last night.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Vittengl	Yes
Councilman Kusnierz	No
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes (He said he was voting yes even though he doesn't want to.)

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman Kusnierz said they just voted for a tax increase for our residents.

HIRE MICHELE JOHNSON, PART-TIME CLEANER

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to hire Michele Johnson as a part-time cleaner at \$10.00 per hour, no benefits, subjection to successful completion of a pre-employment physical and a satisfactory outcome of a sex offender background check.

Roll call vote resulted as follows:

Councilman Kusnierz asked if there were interviews held or are we rehiring someone.

Supervisor Jenkins said this was a different Michele and Councilwoman LeClair and Councilman Prendergast held interviews.

Councilman Kusnierz	Yes
Councilman Prendergast	Yes
Councilman Vittengl	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

CLARK ROAD CULVERT REMEDIATION QUOTES

The following quotes were received for the Clark Road culvert remediation work on the Bouton property:

Toadflax Nursery LLC	\$5,300.00
Grasshopper Gardens, Inc.	\$3,600.00
Jim Girard Landscaper	Declined to submit a quote

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the quote from Grasshopper Gardens, Inc. in the amount of \$3,600.00 to perform remediation work on the Bouton property and authorizing the Supervisor to sign a contract with Grasshopper Gardens, Inc.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Kusnierz	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

Councilman Kusnierz said it has been a year and he wondered if it was too late in the year to do the remediation on the Bouton property and if so will Grasshopper Gardens hold their price until spring. He wondered if they should ask the property owner if they want it done now or wait until spring.

Supervisor Jenkins asked Councilman Kusnierz to ask the Boutons.

Councilman Kusnierz asked if he could get a copy of the quote to give to Mr. & Mrs. Bouton and the answer was yes.

APPROVE AN ADDITIONAL \$360.00 FOR SHIPPING AND HANDLING FOR FLAG POLES

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast approving a shipping and handling fee of \$360.00 for flag poles.

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Roll call vote resulted as follows:

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Councilman Prendergast	Yes
Councilman Vittengl	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

DISCUSS TRASH BAGS FOR THE TRANSFER STATION

Councilman Vittengl presented the board with information on a bag system for the transfer Station. A lot of municipalities buy sleeves of bags with the town name imprinted on them and they sell them to users of the transfer station. This alleviates the user from having to stop at the gate and pay for disposal of their garbage and keeps the traffic flowing smoothly and there is no money that has to exchange hands at the fee booth. It also reduces solid waste by way of an increase in recycling. It would be a revenue generator. He asked the board members to look through the material he gave them and they would discuss it later and see if it is a concept they all think will work.

BIDS FOR ROLL-OFF CONTAINER HAULING AND DISPOSAL SERVICES AT THE TRANSFER STATION

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to accept the bid from Waste Management the low bidder at \$92.00 per pull and \$55.00 per ton for disposal and authorizing the Supervisor to sign a two year contract with Waste Management.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

IDEAL MOVE VOUCHER - DISCUSS TRANSFER OF FUNDS FROM A TO HC ACCOUNT

The amount of \$7,795.00 was paid to The Ideal Move Ltd in September 2013 to move the contents of the old town hall into the new municipal building and the money was taken out of account HC1620 municipal center capital project fund and it has been determined by the town's legal counsel that the moving expenses should have been paid out of the general fund so a transfer of funds is needed to reimburse the capital project fund.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl approving the transfer of \$7,795.00 from the general fund into HC1620 account.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

15 MINUTE PUBLIC COMMENT PERIOD

Mr. & Mrs. Aiken spoke about the list of home occupations that they turned into the code enforcement officer that they claim are operating illegally. They want to make sure that the town is fair and consistent with their code enforcement. They are concerned why some are allowed to operate and others are not.

Supervisor Jenkins said the building inspector/code enforcement officer has been on vacation for a week, but he is at this meeting and he will follow through with making sure they are all in compliance.

Mr. Aiken asked how they handle a perceived error.

Attorney Buettner advised them they should contact their attorney.

Mrs. Aiken mentioned a doggie daycare that was supposedly grandfathered in that she indicated Supervisor Jenkins took his dog to and said if she contacted the office of NYS sales tax she would find that it was not grandfathered in.

Attorney Buettner advised Mr. & Mrs. Aiken that there was a determination made by the building inspector and the town board does not have authority to tell him to revisit his determinations. She said she is sure that the Aiken's attorney has advised them of the procedure in respect to the building inspector's determination. She further stated that she received a copy of a letter from the Aiken's attorney that indicated what he perceived to be concerns and it was provided to the building inspector and she is sure the building inspector would be willing to sit down with her and Mr. & Mrs. Aiken and their attorney during normal business hours to go through it.

Councilman Kusnierz stated that he hopes that all of our residents are treated equally.

Mrs. Aiken said they are not.

Attorney Buettner stated that with respect to the request from Mr. & Mrs. Aiken for the building department to take a look at a list of 28 home occupations, they have done this and given the town board information and the building department is doing what they are supposed to do and if Mr. & Mrs. Aiken or any other individuals have a problem with it then they have legal recourse they can take, but this town board can't do anything for them except change the zoning code and the town board is attempting to do that now.

Mrs. Aiken said the board doesn't have oversight over the building inspector?

Attorney Buettner said he is an appointed official with independent determination and in order to appeal his determination there are other avenues you have to go through and the town board is not one of them.

Angela Wadsworth said if one resident gets a permit for home occupation then the next resident should be able to get one. She has a dog training center up the road from her house. She claimed that code enforcement picks and chooses who he wants to give permits to. She spoke about her meeting with Supervisor Jenkins and Councilman Vittengl and said even though they met for two hours she was only able to present about 50% of her issues. She claimed her civil rights have been violated and a town official did harm to her.

Supervisor Jenkins said he had to meet with the town employee to discuss this issue and then at the next meeting he would schedule an executive session and told Angela she should could present her information to the town board then.

John Telisky asked about the Clark Road culvert project and said that action should have been taken against the contractor.

A regular meeting of the Town Board of the Town of Moreau was held on October 28, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Jenkins said the \$3,600 to remediate the Bouton's property will be paid for out the retainage for the project.

Elizabeth Lanfear asked how a person gets on the agenda.

Supervisor Jenkins said a request could be made to his secretary or the town clerk and they will relay the request to him.

Elizabeth Lanfear asked if the board passed a resolution about how long a person can speak at a meeting and the answer was no.

John Telisky suggested that the public comment period be put in the middle of the agenda and the public would be better served that way.

Supervisor Jenkins said it was a good idea and they would take that suggestion under advisement.

Councilman Kusnierz said he doesn't normally support restricting the time the public can talk. However, in the interest of efficiency it may be time to put a 5 minute limit on each person who wants to speak so all present have a chance to speak, rather than the same conversation going on for more than five minutes at more than one board meeting. Maybe we have reached that point.

Councilman Prendergast said he doesn't have a problem listening to anybody. The only time he has a problem is when somebody repeats something over and over. If you have something fresh to say then they should have a chance to say it. We have business to conduct.

COMMITTEE REPORTS

None

SUPERVISOR'S ITEMS

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to accept the final copy of the Exit 17 Route 9 Transportation and Land Use Study by the Adirondack Transportation Council.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

Supervisor Jenkins had a couple of things in the tentative budget that need to be changed as follows:

Remove \$15,000 from A5120.4 and put \$15,000 in DB5112.4 highway improvements for engineering.

Remove \$32,000 from A5132.493 highway garage contractual for the asphalt parking lot.

Add \$24,400 to the HH account, highway garage capital projects.

Discussion followed on the budget, which can be heard on the audio of the meeting.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl approving the three changes above.

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Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Kusnierz	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to retain the legal services of Lewis & Greer as special counsel at \$185.00 an hour to represent the town in the Erie Blvd. Article 7 tax certiorari and authorize the Supervisor to sign a contract for legal services with Lewis & Greer in an amount not to exceed \$20,000.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the meeting at 9:05 p.m.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Vittengl	Yes
Councilman Kusnierz	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk