

A regular meeting of the Town Board of the Town of Moreau was held on March 31, 2015 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.

Town Board Members Present

Gina LeClair	Councilwoman
Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

Todd Kusnierz	Councilman
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Also Present: Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Diane Foster, Deputy Town Clerk; Sandy Mahoney, Recreation Program Director; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Jesse Fish, Water Superintendent; Ted Monsour, Transfer Station Laborer; Jim Green, Transfer Station Laborer; Tim Alden, Town Justice and his wife Carol Alden; Jason Valenstein, Booz Allen Hamilton Inc.; Reed Antis, Planning Board Member and Town Resident and Town Residents: Angela Wadsworth, Terry Clark, Nick Basile, Ben Chandler, Gardner Congdon and Village Residents: Bruce MacMore and Jake and Karen Kennedy

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked that all electronic devices be turned off or silenced.

APPROVAL OF MINUTES

The minutes from March 10, 2015 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from March 10, 2015 as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

A workshop to discuss the updating of the Employee Handbook was scheduled for April 23, 2015 at 6:30 p.m.

15 MINUTE PUBLIC COMMENT PERIOD

Jim Green asked if he could have a copy of a complaint that had been made against him. Attorney O’Hara responded that because he is no longer an employee of the Town, he is not entitled to this information.

Nick Basile spoke with regard to the proposed Chicken Law. He stated that he was against needing permission from neighbors to have chickens. He also didn’t agree with the number of chickens that will be allowed or needing a permit. Supervisor Jenkins stated that he had received a call from the Saratoga County Planning Board today and that this item will most likely be on the agenda for a meeting in April.

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Reed Antis asked if there was any interest with the old Town Hall Building on Hudson Street. The answer was nothing lately. Councilman Prendergast stated that we may want to reconsider putting this in the hands of a realtor. He stated that as time goes by, this won't get any easier. Councilwoman LeClair agreed with this and stated that the Town isn't in the Real Estate business. Supervisor Jenkins stated that he would address this at the next Town Board meeting.

NYSERDA NY PRIZE COMMUNITY GRID COMPETITION (BOOZ ALLEN PRESENTATION)

Jason Valenstein from Booz Allen Hamilton Inc. gave a short presentation regarding the NYSERDA New York Prize Community Grid Competition and the part they would play in preparing a response to the request for proposals that are to be awarded by NYSERDA, in partnership with the Governor's Office of Storm Recovery.

After some discussion a motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the Supervisor to sign the Memorandum of Understanding between Booz Allen Hamilton Inc. and the Town of Moreau.

Roll call vote resulted as follows:

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

WASTE ZERO DISCUSSION

Councilman Vittengl presented some information regarding Waste Zero. Supervisor Jenkins stated that he would like some more information and that this matter can be discussed at the next regular Town Board meeting.

COURT DISCUSSION

Supervisor Jenkins stated that this matter would be discussed in executive session.

DISCUSSION SWEENOR LANE & HOLLY DRIVE

Paul Joseph stated that there was a process done with a fiber matt last year. The homeowner's aren't happy with the work that was done and there is still loose stone. He stated that Gorman Brothers is coming Friday to do testing on the material and Paul will let the Town Board know of the outcome.

TANGLEWOOD SCHOOL 5K IN MEMORY OF STEPHEN POLIDORE

A request was made from Tanglewood School to hold an annual 5K in memory of long time Kindergarten teacher Stephen Polidore. They are not requesting any road closures and have been in contact with the Highway Department. There were no objections from the Town Board to hold this event.

TRANSFER STATION REQUEST

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to hire Jim Roberts for the Transfer Station at \$11.94 per hour pending successful completion of a pre-employment physical.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Absent

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Councilman Vittengl	Yes
Supervisor Jenkins	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire Jeff Stevens for the Transfer Station at \$11.94 per hour pending successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

BUILDING DEPARTMENT REQUEST

The Building Department presented the Town Board with quotes for the purchase of a new Building Department Software System. The software purchase was approved at budget. It is the recommendation of the Building Department to select the Integrated Property System (IPS) from BASgov for \$15,280.00.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Building Department to purchase software from BASgov at a cost of \$15,280.00 that was approved at budget.

Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT REQUESTS

The Highway Superintendent is requesting a 10 hour-4 day work schedule beginning April 20, 2015 and continue through October 9, 2015.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the 4 day – 10 hour work schedule from April 20, 2015 through October 9, 2015.

Roll call vote resulted as follows:

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

The Highway Superintendent is requesting permission to attend the 2015 Highway School at Ithaca College in Ithaca, New York, May 31, 2015 through June 3, 2015. The Registration fee is \$110.00. He is also requesting a cash advancement of \$500.00 to cover travel, meals and lodging as a proper Town charge. There are funds allocated for these expenses in account #A5010.401 with a balance of \$1,800.00 as of 3/10/2015.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Highway Superintendent to attend the 2015 Highway School in Ithaca, New York to be held May 31, 2015

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through June 3, 2015. This includes a Registration fee of \$110.00 and a cash advancement of \$500.00 to cover travel, meals and lodging.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of a Sudion Fan Impeller for the 1997 Johnston Sweeper from Sweeper Parts Sales at a cost of \$1,790.00. This will be paid from account DB5130.492 which has a balance of \$38,534.78 as of March 4, 2015.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUEST

There was an emergency repair at the Sewer Station on March 20, 2015. A back-up pump had to be installed. The cost for the labor is under \$2,000.00. A verbal poll was done, with four Board Members in agreement. This needs Town Board Resolution.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the labor to install a back-up pump at the Sewer Station for under \$2,000.00.

Roll call vote resulted as follows:

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

The Water Superintendent supplied the Town Board with a copy of a 5 year contract from CORRPRO to service the elevated storage tank on Nolan Road at a cost of \$800.00 per year for a total of \$4,000.00 for 5 years. These service agreements increase 4% to 5% per year so to lock in for 5 years will save the Town money.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Town to enter into a 5 year agreement with CORRPRO to service the elevated storage tank on Nolan Road at a cost of \$4,000.00, contingent on approval from the Attorney for the Town.

Roll call vote resulted as follows:

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

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RECREATION DEPARTMENT REQUESTS

Sandy Mahoney reported that there is a Traveling Museum scheduled for April 8, 2015, which will be held in the Town Annex Building. This will be contingent on the amount of registrations they end up with. Councilman Prendergast asked if the information is on the Town's website. Sandy stated that Terry McGuire is trying to get this done. There were no objections from the Town Board.

Sandy Mahoney is requesting \$1,000.00 for funding of the Community Garden. The Moreau Community Center will be paying \$1,000.00 to fund this program as well.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing \$1,000.00 for funding for the Community Garden.

Roll call vote resulted as follows:

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

Councilwoman LeClair reported that she met with Tim Johnston, Pete Corlew and Sandy Mahoney regarding the way children are being treated during sporting events with parents yelling disparaging comments. She stated that the School has a code of ethics that parents have to sign and abide by and she feels the Town should have the same. She's asking that the Town Board agree to having a code of ethics that all parents will have to sign in order for their children to play in any Town programs. Supervisor Jenkins asked Councilwoman LeClair, Sandy Mahoney and Councilman Vittengl put together a form and he will present it at the next regular Town Board meeting.

Tim Johnston, Recreation Maintenance Director, has requested that Gary Plimpton be re-hired for work at the Recreation Department at a rate of ~~\$12.18~~ \$10.25 [amended 4/15/15 lm] per hour, Full-time – seasonal.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to re-hire Gary Plimpton for the Recreation Department at a rate of ~~\$12.18~~ \$10.25 [amended 4/15/15 lm] per hour, Full-time seasonal.

Roll call vote resulted as follows:

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

DCO CONFERENCE

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Dog Control Officer to attend a course in Albany at a cost of \$50.00 per day for two days at a total cost of \$100.00 plus mileage.

Roll call vote resulted as follows:

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

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C2ae FINAL PROPOSED AMENDMENT #4 WD1 EXT. 2

Supervisor Jenkins reported to the Town Board a final proposed Amendment #4 for Water District #1 Extension #2. The amendment reflects actual amounts expended and billed as follows:

Construction Observation: increased by \$24,407.40 to new hourly total of \$219,407.40
Record Maps: Increased by \$193.56 to reflect actual costs incurred
Survey: increased by \$427.50 to reflect actual charges from the survey company
Construction Phase Expenses: increased by \$1,224.15 to reflect actual costs incurred.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Supervisor to sign the final proposed Amendment#4 for Water District #1 Extension #2 with C2AE pending review and approval from the Attorney for the Town.

Roll call vote resulted as follows:

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

STANDARD WORK DAY REPORTING RESOLUTION (TOWN CLERK)

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the following standard work day for the Town Clerk.

Be it Resolved, that the Town of Moreau Town Board/Location code 30078 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records for the record of activities maintained and submitted by these officials to the clerk of this body:

Town Clerk/Leeann McCabe/Standard Work Day (7 hrs. per day)/ Term 12/1/14 through 12/31/15/Days per Month 24.29

Roll call vote resulted as follows:

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

EMPLOYEES WHOLE LIFE

The Town received information from New York Life Insurance Company to provide Whole Life Insurance to the employees' of the Town through payroll deduction. Supervisor Jenkins stated that they need to know if there is any interest in this from the Town. He stated that this is from one agent and asked if we would have to get information from other agents as well before this could be accepted. He asked that this be put on hold for now.

15 MINUTE PUBLIC COMMENT PERIOD

Councilwoman LeClair read the following letter aloud:

First I would like to state for the record that the purpose of the Town's 15 minute public comment periods are to allow the public an opportunity to speak to the Town Board about subjects that relate to Town related items.

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From here forward, my comments are specifically directed about and to Mr. Terry Clark who has been attending Town Board meeting for several months now.

Mr. Clark's ongoing comments over the past several months seem to be made in an effort to pressure the Town Board to either pay him from taxpayer's money or to order our insurance company to compensate him for damages he alleges happened to his property as a result of work done when municipal water was brought into his home.

He does not seem to understand that we cannot legally pay him from taxpayer's funds. Like everyone else who purchases insurance, we do not have the ability to order our insurance company, if, what or when to pay for anything. Insurance companies all follow procedures on how they handle things. We do not have the ability to order them to do anything nor do we legally have the ability to pay anyone from Town money for something such as this.

The public comment period is not an open mic for Mr. Clark to verbally assault our Town Attorney over his contempt towards all attorneys. It was also very inappropriate for him to come physically towards her and continue the verbal barrage after the meeting.

Board meetings are not time for to engaged in continued insults about an interaction he had approximately 30 years ago with a Board member who was a police officer at that time.

Mr. Clark, I find the escalation of your ongoing verbal attacks threatening and frightening. Knowing that you followed the supervisor to a county supervisor's meeting, comment that you know where he lives is just plain wrong. Your statements about your ongoing efforts to cause damage to town property troubles me as to your future intentions.

I am not alone in these thoughts. I have received several comments from other people who live in our community who also find your comments and aggressive behavior threatening and frightening. I agree with them that this needs to stop now.

In an effort to allow you to continue to attend Town Board meetings, I am hereby notifying you that if you further engage in any more of this aggressive and inappropriate behavior, I will immediately file a request for a restraining order against you, effectively banning you from being in attendance from anything I participate in as an official of the Town of Moreau and also banning you from coming onto my personal property or contacting me in any way.

Thank you Mr. Supervisor, for allowing me this time to voice my concerns. I have no additional comments and I am not going to discuss this further.

Gardner Congdon spoke with regard to the purchase of water from District 2. He stated that he hadn't received a breakdown and asked the Supervisor to provide this to him.

Mr. Congdon also asked if the Town Board is aware that if they asked Terry Clark to file a claim with his own insurance company...Supervisor Jenkins stated that he never told Terry to file a claim with his own insurance company. Mr. Congdon stated that it was in the minutes. He stated that he has a little knowledge of insurance and he believes that it would be insurance fraud to file claim with more than one Insurance Company. Mr. Congdon also responded to Councilwoman LeClair's letter to Terry Clark with regard to the Town Board banning Mr. Clark from future meetings. Councilwoman LeClair stated that the letter was from her alone and not from the Town Board. Mr. Congdon was advised that his 5 minutes was up. He asked if the public had 15 minutes to speak. Supervisor Jenkins stated that it was a 15 minute public comment period allowing each individual 5 minutes to speak, which has been stated in the organization minutes from January.

Angela Wadsworth stated that the people who installed the water in her District did bad work. She stated that if she had a gush of water with high pressure at her house it would blow her lines apart. She stated that she has been making complaints since the day Casale installed the lines. She stated that she trusted the Town to hire the right people to install the water and to make sure they used the right equipment and

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materials. Ms. Wadsworth also read a portion of a transcript from a trial that took place last year as follows: “Joe Patricke, our local Code Enforcement, forced a contractor to put a swail 200’ length on my property”. She stated that this is documented in the transcript and she wants to know how Code Enforcement had the right to order a swail be put on her property to prevent water to the lot next door which was never a buildable lot. She’s never had a water issue as she does now. She asked why she has to have runoff on her property when a house was built against a Judge’s order.

Terry Clark spoke next and directed the comment to Councilwoman LeClair “nice letter”. He stated next that the Town hired Casale even though they knew he wasn’t a good contractor. He stated that he never asked the Town to pay for his damages nor the Insurance. The only thing he stated was that he would see the Town in Supreme Court in Ballston Spa.

Jesse Fish stated that there were several lines that had frozen this year, from the curb stops to the mains. It was the Town’s responsibility to thaw those lines. None of the lines were frozen on homeowner property.

He stated, regarding Terry Clark’s property, that he had shut off the water that night and re-affixed the line coming in and tightened it up. He stated that he told Mr. Clark he wouldn’t turn the line back on until the line was anchored which he claims Mr. Clark offered to do. He returned after the line had been anchored and turned the water back on. There were no leaks.

Reed Antis asked what the Traveling Museum was and Sandy replied that it was for kids. Grades K-2 will be discussing birds and grades 3-5 will discuss mystery matters. She stated that it would be all Teachers attending.

Mr. Antis asked about the Sand Bar Beach. Supervisor Jenkins stated that this would be discussed in Committee Reports.

Mr. Antis noticed that speakers had been installed in the ceiling and asked when they would be working. Supervisor Jenkins stated that we were waiting on microphones that have been ordered.

Mr. Antis asked about Tim Burley’s report and when it might be completed. Councilwoman LeClair stated it should be done within a month or two.

Mr. Antis asked if the Microgrid would entice business to the Town of Moreau. Mr. Valenstein replied that it could.

Mr. Antis asked about the house that presently houses the Sheriff’s Department and what the Town intends to do with the house once they are gone. Supervisor Jenkins stated that there would be a meeting with the Sheriff, the Town Justices and the Town to discuss this matter. He stated that everyone is anxious to get things settled.

COMMITTEE REPORTS

Councilwoman LeClair stated that she and Councilman Vittengl met with Sandy, Tim and Pete on several items. Sandy has been working with a firm that has volunteered their services to design the beach buildings. They received a final design tonight for the Board to look at and for approval. It includes a covered area, where people with wheel chairs can get out of the sun. It includes an area for vending machines, which have been requested. Also included in the design are family bathrooms with a dressing area separate from the restroom stalls. Sandy stated that Steve Alheim is the gentleman who is volunteering his time. He’s a Town resident that offered to do a free drawing and he’s been working diligently to get this done. She stated that she had met with Larry Bulman and Nelson Charon from the Unions and they have commitment from the Plumbers, Brick Layers and Insulator Unions to do the work for free.

Councilwoman LeClair stated that Tim Johnston would like to set up a bulletin board in the Park that will list where and when teams are playing so that things are coordinated well and everyone knows when fields are available.

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Councilwoman LeClair also reported that the wrestling T-shirts are in. They weren't able to find a photographer so there were no pictures done. She also stated that she had received an e-mail from Jason Spector regarding Sandy's question to him about the T-shirts and pictures and read part of his statement. Gina stated that these people do a phenomenal job and sometimes in the transition from one Recreation Director to another things have been overlooked. People keep working and doing the job and they don't complain so she just wants to make sure that they know, that the Town knows they're doing their best and giving the best quality program that they can have.

Councilwoman LeClair also stated that Tim Johnston wants to set up a separate website that can be kept current with things that are going on in the field and to post cancelations. She stated that the Supervisor's Secretary takes care of a lot of this but it needs to be more current. She hoping that they can have Mannix Marketing set up something within the Town's website. She's waiting to hear back from them.

Paul Joseph needs to advertise for a position that will be vacant soon due to the retirement of Ron Gilligan. He stated that the Post Star is very expensive and asked for direction from the Town Board. He was asked to have an ad drawn up by the next Town Board meeting and they can decide where to put this ad, along with putting it on the Town's website.

Councilman Vittengl reported on the playground and stated that we don't know yet what the award will be from the Marathon Dance. The group that is going to do the planning for us has a \$250.00 contingency to get the project rolling. This would come out of the funds from the School, to build this adaptive playground. We need approval to use these funds to lock in this group from Ithaca to go forward with this program. Sandy explained that the \$250.00 is a retainer to be paid for the group to come to the Town and display their drawings to the public. She has a packet of a step by step guide that will outline the phases of the project. The entire project will take about 18 months.

SUPERVISOR'S ITEMS

Supervisor Jenkins reported that the speakers that were installed in the meeting room were done by our own staff. Pete Corlew and Jim Davenport did a great job. The system is operational, we're just waiting on the mics.

The Supervisor also reported that the Town is still working on sewers for Route 9. They're searching for money. There may be funds available from the closure of Mount McGregor. There are also some funds that will be coming out of Albany for economic development.

The Supervisor also reported that he hopes the building will be back together in a couple weeks.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to adjourn to executive session at 8:26 p.m. to discuss an Article 7 with the Assessor, discussion with Town Justice Tim Alden regarding negotiations with the Saratoga County Sheriff and discussion of an unnamed employee.

Roll call vote resulted as follows:

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

The Town Clerk did not sit in on the executive session. The Town Assessor, Peggy Jenkins and Town Justice, Tim Alden were invited into the executive session.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 9:48 p.m.

Roll call vote resulted as follows:

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

There was no action taken in the executive session.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to authorize the Town Attorney to enter into a settlement in accordance with the stipulation regarding the ~~Barns~~ Barnes [amended 4/15/15 lm] litigation.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the resignation of Jim Green from the Transfer Station.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the regular meeting for the evening at 9:51 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

The above minutes are not intended to be a complete transcript of the meeting, only a summary. To hear the complete audio of the meeting, please visit the Town's website at: www.townofmoreau.org

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