

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

Supervisor Jenkins called the meeting to order at 7:02 p.m.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Sandy Mahoney, Recreation Program Director; Pete Corlew, Laborer Recreation Department; Reed Antis, Planning Board Member and Town Resident; Town Residents: Keith and Carrie Baker, Bonni Garvey, Angela Wadsworth, Terry Clark and Gay & Gardner Congdon; Dave Meager, Adirondack Trust Insurance Agency; Sue Pierce; Joan Lentini; Ken Santucci; and U-Albany Grad Students

Supervisor Jenkins led the Pledge of Allegiance.

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

**APPROVAL OF MINUTES**

The minutes from April 28, 2015 (2 sets) were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

The Town Clerk made note of an incorrect account code on page 108, last paragraph. The correct code should be DB5130.2.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to change the account code as mentioned above.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the two sets of minutes from April 28, 2015 with the corrections noted above.

Roll call vote resulted as follows:

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

**SET FUTURE MEETINGS AND WORKSHOPS**

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

Supervisor Jenkins noted that the Asset Management workshop scheduled for May 18, 2015 was in error and that Tim Burley was expecting to be here on May 20, 2015. The meeting was rescheduled for May 20, 2015 at 7:00 p.m.

A workshop with the Moreau Emergency Squad was scheduled for June 23, 2015 at 6:30 p.m. to discuss rate increases. This falls on a scheduled Audit date and the Supervisor stated that the Audit meeting will be rescheduled.

A workshop is to be scheduled for the Micro Grid Kick-off. Councilman Vittengl was asked to see what dates everyone would be available for the presentation, preferably May 20, 2015. He stated he would find out and report back to the Board.

### **15 MINUTE PUBLIC COMMENT PERIOD**

Bonnie Garvey of 5 Columbine Avenue stated that she has a retired gentleman, not from the Town of Moreau, who cleans up her yard from fallen leaves and limbs. He used to take the yard waste to the pig farm on Gansevoort Road. Since that operation closed down, the gentleman tried to take the waste to the Town's Transfer Station and was told he couldn't dump. Ms. Garvey stated that she was a Town resident and pays taxes. She should be able to hire someone and they should be able to use the Transfer Station. Supervisor Jenkins stated that he doesn't support people using the Transfer Station that are doing this for a living but that the policy can be reviewed. Councilman Kusnierz suggested that the Transfer Station Committee look at the policy. Councilwoman LeClair stated that Ted Monsour was checking with the County to do composting of leaves. Supervisor Jenkins stated that there are costs involved to get rid of leaves.

Gardner Congdon stated that when he spoke at the last meeting he was in dismay of the 5 minute allotment. He also stated that there are important matters that should have more than 5 minutes of attention. Supervisor Jenkins stated that the rule is in place to give everyone equal time to speak. Mr. Congdon stated that the US Constitution gives people the right to petition the Government. Supervisor Jenkins stated that this was a Legislative meeting. Mr. Congdon stated that the Supervisor didn't know what a meeting is and that he was taking the rights away from the people. He went on to state that he had received a bogus analysis relating to water installations. The Supervisor explained the \$3,100.00 charge. \$1,700.00 for purchase of the capacity and \$1,400.00 was the estimate for the installation of the line from the curb stop to the house. There was some discussion between Mr. Congdon and the Water Superintendent regarding the use of the mole to dig the water lines. Mr. Congdon's 5 minutes were up. Supervisor Jenkins stated that he had time and could meet with Mr. Congdon after the meeting so they could get the rest of their work done at the meeting. Mr. Congdon stated that he would be at every meeting to expose everything that is done.

Councilman Kusnierz commented he didn't vote for the \$3,100.00 fee, so the broad statement that was made about the entire Board being in favor of that is an incorrect statement and doesn't apply to him. He also stated that there was a resolution that was adopted by the Town Board limiting the time that people could speak to 5 minutes. It can be read in the Organization Minutes. It does allow for additional time after everyone else has had a chance to speak.

Councilman Prendergast stated that the engineering firm that this Board and previous Boards used is because of the trust they have in them. The firm had recommended a fee of \$4,300.00 for capacity and installation and the majority of the Board decided that was too much for the residents and reduced the amount to \$3,100.00.

### **U ALBANY GRAD STUDENT PRESENTATION – BIG BOOM TRAIL**

Grad Students from U Albany were in attendance to give a brief presentation. The last time they were here, they received some preliminary ideas to connect South Glens Falls to Moreau Lake State Park. They are here tonight outlining the concept plan. A packet was handed out to the Town Board that gave an overview on the routes and estimates of cost. The goal is to connect people to the Hudson River. Sandy

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

Johnston did the historical research. He stated that there is a major opportunity to connect the community to their heritage. He stated that there is a major desire for authentic American experiences. There can be signage provided to tell the history of the community. There is a website that can be visited that shows the plan: bigboomtrail.wordpress.com and it would be possible to link this information to the Town's website. They stated that there are grant opportunities that can be matched with volunteer labor. Councilman Prendergast asked if the project could be developed in stages and the answer was yes.

Councilman Vittengl and Supervisor Jenkins both thanked everyone on the team for their work on this project.

### **ADIRONDACK TRUST INSURANCE**

Dave Meager was present from Adirondack Trust Insurance to give a summary of insurance coverage for their renewal policy. He stated that it has been a privilege to write the insurance for the Town. There is one decision the Town would have to make regarding the deductible. In the past the deductible has been \$1,000.00. To control costs, they analyzed claims since 1998 and including the recent one, there have only been a total of five. NYMIR is willing to give a \$3,000.00 credit per year if the Town is willing to increase the deductible to \$5,000.00. Mr. Meager recommends the \$5,000.00 deductible and advised that the total premium which includes the \$5,000.00 deductible is \$72,634.37. Mr. Meager also suggests that the Town carry an accident policy for recreation program participants. Supervisor Jenkins stated that there would be a quick discussion in executive session regarding the insurance and the Board would make a decision.

Terry Clark asked for a copy of this proposed policy. Supervisor Jenkins stated that he would make a copy. Angela Wadsworth asked for a copy as well.

### **HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of six 30" x 6' fully perforated galvanized dry wells from Chemung Supply at a cost of \$879.84. This purchase will be paid from account DB5110.450, which has a balance of \$3960.09 as of April 27, 2015.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair approving the purchase of diesel fuel in the amount of \$20,000.00 from Mirabito Holdings, Inc. This purchase will be made from account DB5142.460 which has a balance of \$81,105.33 as of April 6, 2015 under State Contract #PC66705.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked Paul Joseph about his monthly report relating to the hauling of sand. Mr. Joseph replied that the Highway Department hauled 21 loads of sand for the Recreation Department and they've charged them for reimbursement.

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

### **WATER DEPARTMENT REQUESTS**

None

### **RECREATION DEPARTMENT REQUESTS**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to hire Tyler Corlew for the Recreation Department, part-time, seasonal at a rate of \$9.25 per hour subject to the successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

Sandy Mahoney gave a brief summary of her plans for the adaptive playground and spray park. They've been working with an Ithaca based company that is looking to design the park. Sandy has formed a committee of approximately 17 people in the community. The goal is to raise funds for the park. They've already received \$25,000.00 from the South High Marathon Dance. She stated that the next step is to host a design day, which has been scheduled for May 26, 2015, if the Town wants to go forward with the project. The School Superintendent is on board and has offered the High School gymnasium for the event. All four elementary schools will participate in the event. The cost for the design from Play by Design would be \$2,269.00. This would be a twelve to eighteen month project. The building of the playground itself would be a three day project.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl approving a feasibility study which includes the design of an adaptive playground by Play by Design of Ithaca, NY at a cost of \$2,269.00 which will be paid from the HP account.

Roll call vote resulted as follows:

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

### **61 HUDSON STREET PROPERTY**

Supervisor Jenkins stated that Councilman Vittengl and Terry McGuire have been working on this and he has spoken with the Board of Realtors. He stated that there's not a simple way to do this. In order to get on Multiple Listing, someone has to post it. He doesn't see any one of them picking someone personally, he doesn't know how they would do that. His recommendation is to have the Attorney make a recommendation. Attorney Buettner stated that it would be easier to sell with a realtor. She also understands that there would be a concern of the Board members picking one over another with the fear of showing favoritism. She suggested signing a six month agreement with a realtor that gives the lowest commission rate and if it's not sold in six months they can contract with someone else. Having a realtor gets you on the MLS. Councilman Vittengl stated that the Town should set an asking price. People were looking at the building and were asked to just submit an offer without knowing what the Town was asking. The Supervisor will have his secretary work on the paperwork necessary to list as a For Sale by Owner. They will look at an asking price and make a decision at the next meeting.

### **15 MINUTE PUBLIC COMMENT PERIOD**

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

Ms. Wadsworth stated that at the last meeting she was told she needed to sue her neighbors for damages that were done by the contractors and the Town's Code Enforcement. She stated that she was in the process but wanted to remind everyone that this is leaving her neighborhood very hostile. She stated that the Supervisor had told her that a substantial amount had been withheld from Casale and she wanted to know how much had been withheld. Supervisor Jenkins stated that the project has been completed and that the retainer has been paid. Ms. Wadsworth stated that the complaint she had on her property still hasn't been fixed. She wants her land, plumbing and life back the way it was. She asked, if there are still complaints, why the retainer money was released. Supervisor Jenkins stated that there is litigation going on and he's unable to talk about this matter. He stated that the funds had to be released when the project was completed.

She asked about the plumbing fittings in the Town Hall building and asked what caused the flood. Supervisor Jenkins stated all they know is that a coupling failed. It is unknown if it was a material or construction error. The Town will get paid one way or another. If it's determined that it's a construction error, our insurance company will go after the bond.

She asked Councilman Prendergast about a vote he made on December 2, 2014 to have attic sprinkler heads installed in an amount of \$3,000.00 and wondered why they weren't installed at the time the building was constructed. He didn't remember doing that and stated that he would have to go back and see what the reason was. She also asked about six filing cabinets that were ordered for the Court and wondered why they weren't ordered when the building was completed. She also made comment that she didn't see a flag out front. Councilman Prendergast stated that the filing cabinets were budgeted for. She also asked what a hammerhead nozzle is. The Town Board authorized the purchase on December 2, 2014 Paul Joseph explained the use of a hammerhead nozzle.

Terry Clark stated that pictures were emailed to the Town Board from someone who lives not far from his house. The pictures are of a water line going into this house right next to an electric panel box. There were other problems as well and Casale had to come back and redo all the plumbing. He stated that it was frustrating of the way the contractor operated and they let Casale do the job. Now he has to sue for his damages. He stated that the Town Board has nothing to say about it. Supervisor Jenkins stated that he was shown a book of complaints regarding the project. They didn't try to hide anything.

Reed Antis asked if the audit on the Moreau Emergency Squad will be done before the workshop is held. The Supervisor stated that he should have the report from the CPA in a few weeks and will review it. At the same time, there will be some other people that will go in and do testing of the documents, which they've done before, to see if they've corrected some of the problems they've discussed with them.

Mr. Antis asked some questions relating to the Building Inspectors sick leave and if the Assistant Building Inspector has been keeping up. Supervisor Jenkins stated that so far he has been keeping up.

Angela Wadsworth asked when she could have a copy of the Insurance Policy that was presented to the Board at this meeting. Supervisor Jenkins stated that he would have to make a copy, he didn't want to give up his. Attorney Buettner stated that some of the pages are marked confidential and the Town wouldn't be able to copy these until the contract is agreed upon. Angela understood that the copy she would receive may not be the entire policy submitted.

### **COMMITTEE REPORTS**

None

### **SUPERVISOR'S ITEMS**

The Supervisor noted that a request was made to the Clerk's office from Maynard D. Baker Funeral Home for a burial at Griswold Cemetery to take place on May 13, 2015. The Town Clerk had polled the Town Board and received three verbal "yes" responses for the burial to take place. This request needs to be formally resolved.

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the burial of Dorothy Parsons into a family plot at Griswold Cemetery on May 13, 2015.

Roll call vote resulted as follows:

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

Councilman Prendergast explained that he voted “no” because a long time ago this issue came up and there’s no formal process. He stated that the Town Clerk made calls because she didn’t know what to do. He stated that there was a process put before the Board in the past and it didn’t pass. He voted for the formal process and because there is no formal process, he’s voting “no”. Supervisor Jenkins stated that there was a process in place and it was frozen. He stated that the question is whether to charge those who wish to be buried and the other question is in the plots. He stated that this may need to be revisited but for now he’s voting “yes”.

Reed Antis stated that most working cemeteries, people pay for their plots. He stated that the Comptroller may have issue with the Town giving away Town property with no fee. Councilman Kusnierz stated that it’s not Town property and Mr. Antis asked if the Town doesn’t own these cemeteries, why do they take care of them? Councilman Kusnierz stated that State Law mandates that Towns’ maintain abandoned cemeteries. Mr. Antis stated that only if there was an Association associated with the cemetery. There was some discussion between Councilman Kusnierz and Mr. Antis regarding the State law on maintaining cemeteries.

Supervisor Jenkins stated that North Country Computer has a fee of \$520.00 to update the Town’s antivirus protection with Emsisoft Anti/Malware. This would be an annual fee for 15 workstations Plus 1 server.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing North Country Computer to purchase antivirus protection for 15 workstations and 1 server at an annual cost of \$520.00. This would be paid from account A1620.2 which has a balance of \$9,800.00.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked about the Dog Control Officer’s monthly report relating to wildlife and cat calls. It was stated that the Dog Control officer is paid hourly and is not paid for wildlife or cat calls.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn to executive session at 8:48 p.m. to discuss a contract with the computers, to discuss an issue with a Nolan Road property and a Dyke Road property and to discuss a Finch Pruyn matter.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York

The Town Clerk did not sit in on the executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn the executive session and re-open the regular meeting at 9:21 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl approving a renewal policy with Adirondack Trust Insurance at a cost of \$72,634.33.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the regular meeting for the evening at 9:23 p.m.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
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 full audio of the meeting, please go to the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2015 at the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, New York