

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2015 in the Town of Moreau Municipal Building at 351 Reynolds Road, Moreau, New York

Deputy Supervisor Vittengl called the meeting to order at 7:14 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Todd Kusnierz	Councilman
Robert J. Vittengl, Jr.	Deputy Supervisor
Bob Prendergast	Councilman
Gina LeClair	Councilwoman

**Town Board Members Absent**

Preston L. Jenkins, Jr. Supervisor

**Also present:** Leeann McCabe, Town Clerk; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Sandra Mahoney, Recreation Director; Reed Antis, Planning Board Member and Town Resident; Steven VanGuilder and Helen Glenn, Moreau Emergency Squad; Town Residents, Gardner Congdon, Terry Clark, and Joe Tardif

Deputy Supervisor Vittengl led the Pledge of Allegiance.

Deputy Supervisor Vittengl welcomed everyone to the meeting.

**APPROVAL OF MINUTES**

The minutes from May 20, 2015 and May 26, 2015 (3 sets) 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 Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes from May 20, 2015 as prepared.

Roll call vote resulted as follows:

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

The approval of minutes for May 26, 2015 (3 sets) was tabled until the next regular meeting as there weren't enough Board members present at this meeting that were at the meetings of May 26, 2015.

**SET FUTURE MEETINGS AND WORKSHOPS**

None

**15 MINUTE PUBLIC COMMENT PERIOD**

Gardner Congdon asked the Board if there are new procedures in place for selling Town property and if they have done away with the bidding process. Attorney Buettner asked what public property he was referring to. He replied that it was for the sale of logs. Attorney Buettner stated that the bidding procedure would be for purchasing and we're not purchasing. She directed him to Section 103 of the General Municipal Law. He asked if the solar project should have gone out for bid and she replied that it was the same process. Mr. Congdon asked if anyone on the Town Board checked the qualifications of those that submitted bids to Saratoga Land Management. Attorney Buettner replied that the Town hired a

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consultant and the consultant sent out the proposals. The Town went with the consultant's recommendation.

Mr. Congdon stated that the Transfer Station is losing money and that the Town should consider a punch card system. There would be no need to handle money should this procedure take place.

Mr. Congdon asked about the For Sale By Owner fee that's an agenda item for this evenings meeting. Attorney Buettner briefly explained that the Town would pay a one-time fee to be eligible for multiple listings. He asked if there was any communication with the Village of South Glens Falls regarding the 61 Hudson Street property and the answer was yes.

Joe Tardif who resides on Reservoir Road was charged a fee of \$3,100.00 to have municipal water hooked up. He stated that his house is on the side of the road that the water line is on. He stated that the price is the same for both sides of the street and shouldn't be. It takes more copper to run the lines from the side that the main is on versus the opposite side. He asked why this is the policy. Councilwoman LeClair stated that as she recalled it was set up that way so as not to punish people that lived on the opposite side of the street. They were trying to be fair to everyone. Mr. Tardif disagreed. Councilman Kusnierz stated that he didn't support the fee increase.

Councilwoman LeClair wanted to make a statement relating to Mr. Congdon's comment about the Transfer Station losing money. She stated that it is not losing money. We were in the black last year and are currently in the black for this year.

Councilman Kusnierz asked if the Town Board changed the fees at the Transfer Station. He stated that, historically, his family has been spending \$4.00 to \$6.00 for their trash and recently his wife was charged \$12.00 for 3 or 4 bags. He was told that the rates changed and he said that he wasn't aware of it. Bill Coon, who is a Transfer Station employee, stated that the rates haven't changed. There was a change in policy in that they charge by the bag and not by the barrel anymore. He stated that people were bringing garbage in cans that wasn't bagged and it was causing problems with the compactor. Councilman Kusnierz wanted to know when this change was made. Mr. Coon stated that the change was approved by the Board. Councilman Kusnierz stated that any changes made regarding the fees should come from the entire Board. The Town Clerk stated that there was discussion at a previous meeting that addressed the problem with non-bagged garbage and the compactor. She recalled that the Board made a change that all garbage had to be bagged. Councilman Kusnierz asked if she would get a copy of the minutes regarding this change to him.

#### **REQUEST FOR ZONING CHANGE FROM JOHN MCALLISTER**

It was the understanding that Mr. McAllister's property is within 2 different zoning districts and he had asked to have this changed. There wasn't enough information regarding this matter and because Mr. McAllister wasn't present, this matter was tabled.

#### **HIGHWAY DEPARTMENT REQUEST**

The Highway Department needed to replace a passenger side front leaf spring pack as an emergency repair to Truck #11. The work was done by Shaw Truck Repair and needs Town Board approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve an emergency repair in the amount of \$537.46 from Shaw Truck Repair.

Roll call vote resulted as follows:

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

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There was a request from the Highway Superintendent to hire a Diesel Mechanic and Deputy Supervisor Vittengl stated that this would need to be discussed in executive session because this position would be a new classification. Paul Joseph stated that the previous mechanic's title was Working Foreman and the new hire wouldn't be the Foreman. Attorney Buettner stated that she would like to speak with Supervisor Jenkins regarding this matter, he may have negotiated with the union. Councilman Kusnierz stated that he is looking to hire staff at a higher rate than what was negotiated for a different position. Councilman Prendergast asked if this person would be the working foreman and Paul Joseph replied no. Councilman Prendergast asked if someone else would be looking for the Working Foreman position down the road and the answer was yes. Paul stated that the Working Foreman gets an additional .85/hour. Councilman Kusnierz stated that he didn't know anything about this hire before he arrived here tonight. Councilwoman LeClair asked what needs to be done right now, Paul is down a mechanic. This matter was tabled until the next regular Town Board meeting.

### **WATER DEPARTMENT REQUEST**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve an emergency repair and inspection for a right side lower tie-rod and upper ball joint for the Water Department Truck. The amount of the repair and inspection was \$596.42.

Roll call vote resulted as follows:

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

### **RECREATION DEPARTMENT REQUESTS**

At the request of the Recreation Director a motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire new Lifeguards – Elizabeth Garnsey, Michaela Cahill and Alexandra Godfrey at a rate of \$10.00/hour and to hire returning Lifeguards Megan Blake and Emma Jones at a rate of \$11.00/hour, all pending successful completion of pre-employment physicals and background checks. To hire Nichole Smith as an Arts and Crafts instructor for the week of July 27 – 30, 2015 at a rate of pay of \$150.00 for the week. To hire Maria Whitney as an instructor for the Rec Runner's program to be held from August 10-14, 2015 at a rate of \$400.00 for the session (If there isn't enough participation, the program won't be held). To allow Bob Bogdan to hire an assistant for the summer baseball program to be held Mondays in July at a rate of \$10.00/hour for 14 hours and for a cost not to exceed \$80.00 for the purchase of baseballs for the participants. All of these programs will come out of the Summer Youth Programs.

Roll call vote resulted as follows:

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

Transfers are needed to pay all of the expenses associated with the Legion Field renovations at the Moreau Recreation Park. \$5,000 - \$5,995 is needed if the Town Board approves to purchase fencing around the Quad playground area at the Moreau Recreation Park depending on if a quote is accepted.

A transfer is also needed if the Town Board approves to purchase 12 Trash Cans for the Moreau Recreation Park.

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A transfer is also needed if the Town Board approves to purchase a replacement 38" mower deck for the John Deere x300 mower.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast that \$6,500.00 be transferred from HP7180.4 – Recreation Capital Projects – Administration – Contractual and \$6,500.00 be transferred to HP7180.2 – Recreation Capital Projects – Administration – Equipment for expenses associated with the Legion Field renovation and for the purchase of fencing around the Quad at the Park.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast that \$1,086.00 be transferred from A7140.4 General Fund-Playgrounds/Recreation-Contractual and that \$1,086.00 be transferred to A7140.2 General Fund-Playground/Recreation-Equipment to purchase Trash Cans for the Recreation Park.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair that \$100.00 be transferred from A8810.4 General Fund-Cemeteries-Contractual and that \$100.00 be transferred to A8810.2 General Fund – Cemeteries-Equipment to purchase a replacement 38" mower deck.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the purchase of a 38" replacement mower deck for the John Deere X300 cemetery mower from Hudson River Tractor at a cost of \$600.00.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the purchase of fencing around the QUAD new playground area from Tri County Fencing at a cost of \$5,000.00.

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Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the purchase of 12 (44 Gallon) Trash Cans with lids for the Town Park from Webstaurant Store at a total cost of \$1,085.36 that includes shipping.

Roll call vote resulted as follows:

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

Sandy Mahoney is requesting a key to the Town Hall Building as well as a key to the Supervisor's office so that she may be able to enter in the evenings to make photocopies. There were no objections to this request.

Councilwoman LeClair stated that, at the present, Sandy provides a detailed record of everything she has done each month for over a year and she is requesting that the Board approve her to step back a bit and submit a monthly report just as other Department Heads do. There was no objection to this request.

### **TRANSFER STATION REQUESTS**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire Charles Madison as a Transfer Station laborer pending successful completion of a pre-employment physical and background check at a rate of \$11.94/hour.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair that \$275.00 to transferred from TS8160.4 Transfer Station-Refuse/Garbage-Contractual and that \$275.00 be transferred to TS8160.2 Transfer Station-Refuse/Garbage-Equipment so that (2) DumpsterGard Kits with straps may be purchased should the Town Board approve.

Roll call vote resulted as follows:

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

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There was discussion relating to the DumpsterGard Kits that are being requested for purchase for the Transfer Station. The covers are needed to keep the snow, ice and rain out of the containers. Mr. Coon, a transfer station laborer, was present and stated that it will be labor intense to remove and put the covers back on. The ground isn't flat around the containers and it's difficult to walk around in the snow and ice trying to pull the covers off. Right now, they have tin that covers the dumpsters and it's very difficult to pull the sheets off. There's no place to put the sheets once they've come off. He stated that the Board should go down to the Transfer Station and see how it works right now. He suggested instead of a DumpsterGard to build a lean to. Councilwoman LeClair stated that she would look at the costs. Deputy Supervisor Vittengl stated that this item should be tabled until they can check into other options.

Councilwoman LeClair stated that she's given all the Board members a packet of information. She stated that residents are coming to the Town Hall regarding brush disposal and they're frustrated. She stated that there's no set policy. Only a notice on the outside of the building that states branches have to be less than 3" in diameter. The fees for dumping brush were eliminated in 2010 and the fee schedule only states: No commercial haulers and no lot clearing. Only fallen tree limbs and brush from storm damage accepted. Check with Transfer Station on size restrictions. She stated that we are getting way more than that. We're spending between \$5,000 and \$6,000 per year to take care of this. These aren't user fees, they're tax dollars. Haulers are coming in with loads and it's up to the employees at the Transfer Station to decide whether or not they should be able to dump. The Transfer Station suggested to her a punch card system so that they can only come in so many times per week. Councilwoman LeClair stated that it was reported to her that people are being refused to dump their brush. Mr. Coon stated that he did refuse someone because they had brought in shrubs that were pulled out of the ground with the entire root ball and dirt. He stated that the root balls with dirt can contain stones which will cause a problem with the chipper. He also stated that the rules state only fallen limbs and brush are supposed to be brought in. He's only trying to follow the rules. He stated that there's no consistency. He tells people no and then they come into the Town Hall and he's being directed to let them dump. Councilman Prendergast stated that we've had these discussions in the past. We've charged fees for brush and then gone full circle and eliminated the fees. The grinding comes out of the General Fund. He stated that if we charge a hauler, they will pass the fee on to the homeowner and they're already paying for the clean-up of the brush through their taxes. They're going to call the Town Hall and they're right, they shouldn't be charged. The grinding of the brush comes out of the General Fund. He stated that he's reluctant to have this conversation, we've already gone full circle with this. He does agree that there are people bringing in loads that shouldn't be but once they say they live in the Town there should be no question. When the Highway Department picks up in the spring, you know that there are things put out in the road that didn't just fall down by itself. Twenty years ago he voted no on this. Government wasn't created to go around and pick up limbs but the people want it. He would be willing to discuss the big haulers.

Deputy Supervisor Vittengl stated that we will have to get RFP's out for the grinding.

Councilwoman LeClair stated that the fee for grinding shouldn't be paid by the taxpayers.

Councilman Prendergast stated that if you pay taxes, you're paying for the grinding.

### **ASSESSOR'S REQUEST**

Peggy Jenkins, the Town Assessor, is requesting permission to attend a Cornell Training Seminar in Ithaca, from July 12-14, 2015 and that any expenses incurred, not reimbursed by the State be a proper Town charge. The Assessor couldn't state for sure what the State would reimburse.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the Assessor to attend a Cornell Training Seminar to be held in Ithaca, from July 12-14, 2015 at an amount not to exceed \$250.00 following reimbursement from the State.

Roll call vote resulted as follows:

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

### **MOREAU COMMUNITY CENTER BINGO LICENSE APPLICATION RENEWAL**

A bingo license renewal application was received from the Moreau Community Center. There was only one new person listed as a person in charge of games. The sex offender registry was checked on this person and it came back negative. Deputy Supervisor Vittengl read down the questions on the Findings and Determinations form and all were answered "yes".

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Deputy Supervisor to sign the Findings and Determinations and for the License Application to be renewed.

Roll call vote resulted as follows:

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

### **BLOCK PARTY REQUEST**

A request was received from Jessica Pendergrass asking to host a block party in her neighborhood on September 12, 2015 and with a rain date of September 19, 2015 both from 12:00 pm to 9:00 pm. The party will start at 12 Primrose and extend about half the block in either direction. They will be responsible for their own clean-up. The neighborhood party would include residents from: Iris Ave., Primrose Ave., Aster Ct., Crocus Ct. and Azalea Ct.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving a block party request for Primrose Ave. from Jessica Pendergrass to be held on September 12, 2015 with a rain date of September 19, 2015. The block party would include residents from Iris Ave., Primrose Ave., Aster Ct., Crocus Ct. and Azalea Ct. and would last from 12:00 pm to 9:00 pm.

Roll call vote resulted as follows:

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

### **ACCEPT RESIGNATION OF DON BOVAIR**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the resignation from Don Bovair from the Transfer Station.

Roll call vote resulted as follows:

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

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Supervisor Jenkins                      Absent

**ACCEPT LETTER OF RETIREMENT OF COLLEEN NICHOLS**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the letter of retirement from Colleen Nichols, Court Clerk, effective July 30, 2015.

Roll call vote resulted as follows:

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

**RESOLUTION – AGRICULTURAL ASSESSMENTS**

Deputy Supervisor Vittengl had the Town Clerk read the following resolution aloud:

RESOLUTION  
Town Board, Town of Moreau  
Saratoga County  
Agricultural Assessments

WHEREAS, in accordance with New York State Department of Agriculture and Markets, Article 25-AA governing agricultural districts, the law allows the use of the agricultural assessment as a basis for benefit assessment or special ad valorem levies, and applies to agricultural lands inside and outside agricultural districts.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that for agricultural lands inside an agricultural district in the Town of Moreau, the agricultural assessment to be used as a basis for special assessment or special ad valorem levy, shall apply to the Moreau Fire Protection District within the Town of Moreau, as per Section 305.6, Article 25-AA, NYS Agricultural and Markets Law; and

BE IT FURTHER RESOLVED, that for agricultural lands outside an agricultural district in the Town of Moreau, the agricultural assessment to be used as a basis for special assessment or special ad valorem levy, shall apply to the Moreau Fire Protection District within the Town of Moreau, as per Section 305.6, Article 25-AA, NYS Agricultural and Markets Law; and

BE IT FURTHER RESOLVED, that this action shall take effect with the preparation of the 2016 Tax Roll for the Town of Moreau.

There was some discussion relating to this resolution. The Town Assessor asked that this resolution be tabled as she hadn't had the privilege of reviewing this until today. She stated that it won't take effect until the 2016 Tax Roll is completed in March of 2016, so there will still be time to get this done. Councilman Kusnierz asked what other Town's in Saratoga County have adopted this resolution. Peggy Jenkins stated that she would find out.

This agenda item was tabled.

**INTERFUND LOAN FOR WATER DISTRICT 6**

A memo was received from the Principal Account Clerk stating that there is a debt service payment due to NYS Environmental Facilities Corporation on July 3, 2015 for the construction of Water District VI. The annual payment due is \$128,704.00 and the check book balance is only \$77,604.50. Funds will need to be



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borrowed from another water district. Last year the Board authorized a loan from Water District IV with the same interest rate that the Town gets from Glens Falls National Bank, which is .3%.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast approving an interfund loan from Water District IV to Water District VI in the amount of \$51,099.50 with an interest rate of .3%.

Roll call vote resulted as follows:

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

**PROPOSAL FOR LEGAL FEES – CONSOLIDATION OF WATER DISTRICTS**

A proposal for legal fees for Water District Consolidation was presented to the Town Board from Bartlett, Pontiff, Stewart & Rhodes, P.C. at the following rate:

\$150.00 per hour for principal’s time  
\$110.00 per hour for associate’s time  
\$80.00 per hour for paralegal’s time

A proposal for engineering fees for Water District Consolidation was presented to the Town Board from C2AE in the amount of \$4,800.00 to prepare necessary maps, etc. from existing base of drawings and pull necessary data from the existing Asset Management Plan and past Map Plan & Reports for Previous Districts.

Councilman Kusnierz stated that he doesn’t support consolidation. Councilman Prendergast stated that he wants an idea which way they want to head. His position won’t change. Councilwoman LeClair stated that she had a conversation with Harry Gutheil and he feels that there are some things that need to be corrected in the Asset Management Plan. She will set up a meeting with Tim Burley, Mr. Gutheil and herself to go over his concerns. She’s not ready to make a decision either way as to consolidation.

This agenda item was tabled.

**PROPOSAL FOR CFA SEWER REFILE – AMANUS  
AND PROPOSAL FOR CFA BIG BOOM TRAIL – AMANUS CONS.GRP., SHELTER  
PLANNING AND ALTA PLANNING**

A proposal was presented to the Town Board from Amanus Consulting Group regarding a CFA for the updated sewer project. Their fee to assist would be \$175.00/hour and would not exceed \$1,750.00 since it is an update.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve Amanus Consulting Group for their assistance with a CFA Application for the updated sewer project at a cost of \$175.00/hour not to exceed \$1,750.00.

Roll call vote resulted as follows:

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

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Three proposals were submitted for the CFA for grants for the Big Boom Trail. The proposals were received from Alta Planning (\$6,000.00), Shelter Planning & Development (\$5,750.00) and Amanus Consulting Group (\$6,700.00). Alta Planning has three different grants they would be applying for and Shelter Planning only has one. Deputy Supervisor Vittengl's recommendation is to go with Alta Planning. For an extra \$250.00 you get three applications vs. one.

Councilman Kusnierz asked if this was discussed at budget time. Deputy Supervisor Vittengl stated that this is for funding for the trail to see what grants are available and what we would qualify for. Deputy Supervisor Vittengl also stated that the application has to be in by July 31, 2015.

Councilwoman LeClair asked if this could be discussed after executive session and Deputy Supervisor Vittengl stated that would be alright.

### **FOR SALE BY OWNER – ONE TIME FEE**

There was discussion regarding the for sale by owner and how this would work. Attorney Buettner stated that the onetime fee would get the 61 Hudson Street property in a MLS listing. We would be our own broker, so there would be no broker fees. If a realtor sees the listing and wants to sell the property they could contract with the Town for a commission otherwise the Town is serving as its own realtor.

Gardner Congdon asked if there has been a price put on the building. Councilman Prendergast stated that they've had the building assessed. Deputy Supervisor Vittengl stated that there has been no asking price. The Town put the property out to bid and there were no offers. Councilman Prendergast stated that they could discuss the asking price after executive session.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving a onetime fee of \$649.99 for the sale of the 61 Hudson Street property to be published in a MLS listing. This will be paid from account A1620.404.

Roll call vote resulted as follows:

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

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

Terry Clark asked the Town Board why there was a Monolith sign in front of the vacant Sheriff substation. Councilman Vittengl stated that the contract is almost finished and the sign should be coming down soon. Mr. Clark asked if he should be able to advertise his business as well. Attorney Buettner stated that it was in the contract that they would display their sign. Mr. Clark asked Deputy Supervisor Vittengl if he used Monolith for any of his buildings. Deputy Supervisor Vittengl stated that he used Monolith for his Route 9 and Comstock buildings before the Town used them. Councilman Kusnierz would like to make sure that it is in the contract for them to have their sign out front because this is a good point that Mr. Clark has made.

Gardner Congdon revisited his earlier conversation with the Town Board regarding the sale of Town property. He stated that he had read section 103 of the General Municipal Law. He referred to a section in that he felt for a purchase agreement the Town should have gone out to bid. Attorney Buettner stated that the Town isn't purchasing anything and that it's not a purchase agreement. He stated that it was all the more important that the Town is selling Town property and they didn't advertise. He asked the Town Clerk if there was a resolution authorizing the Supervisor to sign a contract. The Town Clerk replied that she remembered seeing his FOIL request and remembered making copies but couldn't specifically remember if there was a resolution copies or not. He stated that he's a taxpayer and is part owner of the woods and as a taxpayer doesn't like to see Town property sold for a fraction of what it should be. Mr.

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Congdon stated that he's going to get to the bottom of this and that there is nothing in section 103 on the selling of Town property to not advertise, he stated that in fact you must advertise. Attorney Buettner stated that it was her understanding, that we had a consultant and the consultant sent out RFP's and the consultant got back what he got back and did his due diligence. The Town doesn't do that when they hire a consultant. Mr. Congdon stated that the contract with the Town states that we would be provided with a bidding document.

Reed Antis asked if the Zoning RFP's have been sent out yet. Attorney Buettner stated that the draft is done and has been given to the Supervisor and Joe Patricke.

Mr. Antis also suggested to the Board that at budget time they see how much they will be spending on the two vacant buildings out front. They may not be getting enough return on their investment. Deputy Supervisor Vittengl stated that there are two not for profits looking to use the buildings. This will help with the expenses.

Mr. Antis asked how the solar project was coming. Deputy Supervisor Vittengl stated that it's been operational for 10 days now and the meter is spinning backwards. Mr. Antis asked if he was the person responsible for monitoring the system. The answer was no. He asked who was responsible. Deputy Supervisor answered that the bill from National Grid will reflect the savings and the Company (Monolith) monitors the meter.

A gentleman from the audience asked about salvage value from the old mower deck and trash cans. Terry Clark asked if the Town has a scrap fund. Deputy Supervisor Vittengl stated that he would check with the Highway Department to see what they do for scrap.

Bill Coon asked about the chain link for the recreation park. He stated that you can go by gauge and quality or by price. Councilman Prendergast replied that he didn't know what he went by but it wouldn't be the lowest grade. Mr. Coon asked if there was a standard to purchase chain link and Councilman Prendergast replied, not unless they put specs out, the answer is no.

### **COMMITTEE REPORTS**

Attorney Buettner wanted to make the public aware that the Town received the decision yesterday from Supreme Court Judge Tom Nolan affirming the Zoning Boards determination that dog grooming is not a home occupation in a residential zone. The Zoning Board decision has been upheld.

Sandy Mahoney was present go over the map of the Universally Accessible Playground drawings of Play by Design. The children that were present at the workshop held had asked for a zip line and a spray yard that were incorporated into the design. She stated that one piece of equipment would cost \$27,000.00 and that the total cost of this project as a whole would be \$99,000.00. She stated that this is in a fundraiser stage now. She thought that a way to raise money would be to let businesses sponsor pieces of equipment. There will also be a fence around the perimeter of the playground. Another way to fundraise would be to put names on the fence posts of those who make a donation.

Councilman Kusnierz stated, that if the Board was in agreement, they could put the map at Town Hall with contact numbers on the bottom. He also stated that since the Marathon Dance was able to raise \$25,000.00 on their own, the Town should match that 50/50. Deputy Supervisor Vittengl asked, what mechanism do they have to put in place so that Sandy can start fundraising and taking the money in? Sandy stated that there are legal issues in fundraising and she wants to make sure she has the proper paperwork for people who make donations for tax purposes. Councilman Kusnierz stated that they could leverage donations with outside matching grants that might be available. Councilman Kusnierz also stated that this could be done in stages. Have stages and keep working towards the goal. The maps will be placed in the Schools, Moreau Community Center and if they can get more printed, they'll put one at Hannaford. Councilman Kusnierz stated that it could also be put on the Town's website.

### **SUPERVISOR'S ITEMS**

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2015 in the Town of Moreau Municipal Building at 351 Reynolds Road, Moreau, New York

Deputy Supervisor Vittengl stated that a request was made for a shredding day. He will look into the cost for that.

Councilman Kusnierz discussed the Bouton property remediation. He believes that they've reached out to the Supervisor's office and there hasn't been any movement. Attorney Buettner stated that she had spoken with Paul Joseph and the Supervisor's Secretary and apparently the Bouton's want something else done and they weren't sure if Grasshopper Gardens price included the moving of a guardrail. Councilman Kusnierz stated that the Bouton's concern was of the mixture of sand and topsoil. He advised them to talk to Grasshopper Gardens. They do want action taken. Attorney Buettner stated that Grasshopper Gardens didn't want to be responsible for removing the guardrail and putting it back. She hasn't heard if there is an increase in their cost for the increase in soil mixture. They had agreed to hold the original price but then these two issues popped up and they're not sure if those issues are included in the price. Councilman Kusnierz stated that they're very frustrated and he asked if someone in the Supervisor's office would reach out to Grasshopper Gardens.

Sandy Mahoney wanted to give an update regarding the Beach Building. She stated that she emailed Mr. Corlew regarding the possibility of the Beach Building being in a flood plain. The next set of drawings for the beach house are waiting for Joe Patricke. She's asked the Mayor of the Village for a survey to see what information they have on this piece of land. In order to change the building, they need to know if they have to take the old one down or can they just make changes if it's in a flood plain. Attorney Buettner stated that there should be a FEMA map. Sandy stated that the man that drew up the map couldn't find FEMA information on line anywhere. Councilwoman LeClair stated that she thought she was told by Joe Patricke there might be problems with DEC. They're looking to set up a meeting with Joe Patricke and Brian Abare from the Village DPW.

Deputy Supervisor Vittengl asked for a motion to go into executive session. Councilwoman LeClair wanted to discuss with the Town Board a letter she had sent to all of them regarding an update on the building. A lot of her questions were referred to the Building Department and Buildings and Grounds. She has a long list of issues. Ongoing problems with the toilets. The Town Hall runs water for 45 minutes each time to try and clear the sewer lines. Attorney Buettner stated that she had spoken with Joe Patricke and Jim Mitchell and they were getting her answers to each of her questions. She just doesn't have them tonight. Her concern is that the Town will run out of time to go after whomever is responsible for the problems. Councilman Kusnierz stated that these are very serious issues for a brand new building. Councilwoman LeClair stated that the air compressor took an hour today to fill the system because it's too small for the system. She asked who's overseeing this. She doesn't want to run out of time and have this fall on the taxpayers. Attorney Buettner stated that with flooding, she put a claim in to and contacted Mr. Bowie and she's contacted the performance bond. She'll also set up a meeting to talk with them. Councilman Kusnierz stated that in years past, Board members always got copies of correspondence from Counsel. He doesn't get anything and it would be helpful if he did. Attorney Buettner stated that she would copy the Board on all her emails and also stated that he is also welcome to be in any conference calls that take place. Councilwoman LeClair asked about the sewer issue. Attorney Buettner didn't know anything about it. Councilwoman LeClair asked what the time limit was for the problem. Attorney Buettner stated that it depends on what the problem is. If it's a contract problem, it would be six years. If it's a warranty issue it would fall under a warranty time frame.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 9:50 p.m. to discuss an Article 7 proceeding, Negotiations between Finch Paper and the Town Board on excess land property and a piece of County Land and the 61 Hudson Street property.

Roll call resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2015 in the Town of Moreau Municipal Building at 351 Reynolds Road, Moreau, New York

The Assessor was invited into the executive session.

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 10:15 p.m.

Roll call vote resulted as follows:

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

There was no action taken in the executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast ~~to engage the services of George Bunk at \$150.00 per hour for the Erie Blvd. Brookfield Hydro Article 7-~~ approving Lewis & Greer, PC to engage the services of George Bunk at \$150.00 per hour for the Erie Blvd. Brookfield Hydro Article 7 proceeding. [amended October 7, 2016 lm]

Roll call vote resulted as follows:

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

There was no motion recorded to adjourn the meeting.

Respectfully submitted,

Leeann McCabe  
Town Clerk

The above minutes are not intended to be a complete transcript of the meeting. To hear the complete audio of the meeting, please go to the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)

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