

A regular meeting of the Town Board of the Town of Moreau was held on September 15, 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.

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

Bob Prendergast	Councilman
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Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Peggy Jenkins, Assessor; Tim Alden, Town Justice; Jesse Fish, Water Superintendent [arrived at 7:03pm] Sandy Mahoney, Recreation Program Director; Pete Corlew, Recreation Department Laborer; Reed Antis, Planning Board Member and Town Resident; James Norton, The Prevention Council of Saratoga County; Kathleen Moore, Post Star Reporter; Gardner Congdon, Town Resident; Harry Gutheil and Chris Music, Village Residents.

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 August 25, 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 Councilman Vittengl and seconded by Councilwoman LeClair to approve the minutes from August 25, 2015 (3 sets) as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

Due to a rescheduling of the Month-End and Regular Town Board meetings to September 29, 2015, the Workshop with the Moreau Emergency Squad had to be rescheduled. The Workshop is scheduled for October 7, 2015 at 6:30 p.m.

A Budget Workshop was scheduled for October 8, 2015 at 6:30 p.m.

15 MINUTE PUBLIC COMMENT PERIOD

Harry Gutheil approached the Town Board with questions relating to a FOIL appeal. There was discussion amongst the Board regarding the document that was denied and an e-mail from Councilwoman LeClair to Attorney Buettner. Councilman Kusnierz stated that the un-authored document should be released with redactions. There was no direction from the Board to have the Town Clerk release either of these documents.

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Mr. Gutheil asked about the Operation Date for the Monolith Solar system. The Supervisor replied June 10th – June 13th, 2015. He also asked if the public has access to the readings. The Supervisor stated that anyone can view the readings on the internet. He will have Councilman Vittengl get him the web address.

Gardner Congdon asked if the report on the failure of the Fire Suppression system had been received yet. The Supervisor replied that the final report had been received this week and is available to the public. Mr. Congdon asked about the septic system analysis and the Supervisor stated that the problem is with the type of units that are being used in that they use very little water and it's not enough to push the solids. Mr. Congdon asked who designed the system and who Ok'd it. The Supervisor replied either the Architect or the Engineer. Mr. Congdon also made comments about the Timber contracts.

There was more discussion on what documents should be released following Mr. Gutheil's appeal. Councilwoman LeClair had an email from May 19th that the Town Clerk didn't have when preparing the FOIL documents for release. Councilman Kusnierz stated that in his opinion any document the Town has in their possession that doesn't involve litigation or employees should be released. Supervisor Jenkins stated that it should be ok to release the un-authored document with the personnel comments redacted. There was still no direction to have the Town Clerk release either of these documents.

Gardner Congdon asked how many Board Member signatures are needed to approve a voucher and Councilwoman LeClair replied that two signatures are needed. Mr. Congdon stated that vouchers should be required to have more than two signatures.

COURT REQUEST

A request was made by the Court to hire a part-time Deputy Court Clerk at \$11.00 per hour.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to hire Karen Epifanio for the position of part-time Deputy Court Clerk at a rate of \$11.00 per hour pending successful completion of a pre-employment physical and background check.

Roll call vote resulted as follows:

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

A request was made for the purchase of office furniture from W.B. Mason. Before the purchase can be approved an increase in 2015 Appropriations is necessary. The total purchase of \$5707.28 will require the use of 2015 JCAP Grant Funds (\$5,121.40) that was received on February 23, 2015 in addition to re-appropriating \$585.88 of 2014 unspent JCAP grant funds.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to increase appropriations by \$585.88 to A1110.2F General Fund-JCAP Grant-Equipment.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair approving the purchase of office furniture from W.B. Mason Co., Inc. at a cost of \$5,707.28. This will be paid from account A1110.2F.

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Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl approving the Highway Superintendent to set aside \$5,000.00 for the purchase of Road Sealant from Crafcoc, Inc. to be used to seal various town roads. This expense is covered under account DB5112.493.2 which has a balance of \$10,000.00 as of September 1, 2015.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl approving the purchase of a hydraulic pump for the 2008 New Holland Tractor/Mower from Mooradian Hydraulics at a cost of \$1,225.00. This is a budgeted expense that will be paid from account DB5130.405 which has a balance of \$11,431.95 as of August 27, 2015.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair approving the purchase of (24) Water Meters from Ferguson Waterworks at a cost of \$4,560.00. This expense will be paid from account ~~8310.4~~ 8310.2, which has a balance of \$22,635.00. These meters will be used for all new services that are installed. [amended 9/30/2015 lm]

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair approving the purchase of a Line Tracer-Cable Locator from Vellano Corp. at a cost of \$2,775.00. This expense will be paid from account 8310.2, which has a balance of \$22,635.00.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

A price quote was received from the Recreation Department for a Fire Hydrant and Shut off Valve for the Quads at the Recreation Park. The Fire Hydrant is necessary to flood the ice rink. Without the hydrant, the employees at the Park would have to either fill the rink before they drain the irrigation system at the park or use a 200' (1") hose which would take a very long time to fill the rink. The shut off valve is broken and needs to be replaced in order to keep the pipes from freezing.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair approving the purchase of a Fire Hydrant and Shut off Valve from Ferguson Waterworks at a cost of \$4,394.51. This expense will be paid from the Recreation Capital Projects fund.

Roll call vote resulted as follows:

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

An estimate was received from Satch Sales for the repair of the 2007 XRT 1550 Diesel Utility Vehicle in the amount of \$1,827.55. This estimate was based on 8 hours of labor and could be less.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair approving the repair of the 2007 XRT Diesel Utility Vehicle, which includes a complete front half shaft assembly and replacement of the rear transaxle gear cluster, from Satch Sales at a cost not to exceed \$1,827.55. This expense will be paid from account A7140.4.

Roll call vote resulted as follows:

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

ASSESSOR'S REQUEST

The Town Assessor made a request to attend the NYSAA Training Conference to be held October 4-7, 2015 in Ellenville, NY in order to fulfill her annual NYS mandated credits which ensures the continuation of Assessor Certification and that any expenses incurred, not reimbursed by the State, to be a proper Town charge.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl approving the Assessor to attend the NYSAA Training Conference from October 4 – 7, 2015. Councilman Kusnierz suggested that the wording of the resolution be changed and therefore Councilwoman LeClair and Councilman Vittengl both rescinded their motions.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair approving the Assessor to attend the NYSAA Training Conference to be held October 4-7, 2015 and that all of the charges incurred in the Assessor's official capacity as Assessor for the Town of Moreau, that is not reimbursed by the State of New York be a proper Town charge.

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Roll call vote resulted as follows:

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

ACCEPT RESIGNATION OF TIM JOHNSTON

The Supervisor stated that, unfortunately, Tim Johnston has submitted his resignation. Tim worked on a part-time basis and did a great job.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to accept the resignation of Tim Johnston from the position of Part-time Recreation Maintenance Supervisor.

Roll call vote resulted as follows:

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

There was discussion regarding the possible creation of a clerical position at the Recreation Park. They already have a working foreman who is also a laborer. They may need a part-time clerical person to do paperwork. The Supervisor stated that it's not something they need to do tonight but need to think about it and decide if they want to advertise for the part-time position. Councilman Kusnierz asked if this would be part of the Budget discussions. Councilwoman LeClair stated that there are funds that were already delegated to Tim. A new part-time position would be considered clerical and not supervisory and therefore would have a lesser rate of pay. This person could help with Field Scheduling. With Peter Corlew's job description, he's not supposed to do any of the billing. The Supervisor stated that this is a slow time of year at the park and that this can be discussed at budget time.

ACCEPT RESIGNATION OF MICHELLE JOHNSON

The Supervisor stated that Michelle Johnson has submitted her resignation from the position of part-time cleaner. He stated that she has also done an excellent job for the Town.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair accepting the resignation of Michelle Johnson from the position of part-time cleaner.

Roll call vote resulted as follows:

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

A verbal authorization was given to advertise for the position of part-time cleaner and a resolution is necessary to ratify this.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing an ad to be run in the Glens Falls Post Star for the position of part-time cleaner.

Roll call vote resulted as follows:

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

APPOINT COMMITTEE FOR FARMLAND PROTECTION

The Supervisor stated that Councilwoman LeClair has already volunteered to serve on the Farmland Protection Committee. She has already served on the committee to come up with the plan. He also asked that with Councilman Kusnierz' experience with farming and with his position at the State dealing with Agriculture representing the Assembly if he would like to serve on this Committee. Councilman Kusnierz agreed to serve on the Committee. They will need to advertise for 4-5 more Committee members.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked Councilman Vittengl how many hours he puts in at the Recreation Park. Councilman Vittengl replied about 6-8 hours per last week. He asked if he is considered a department head as a Council Person to direct employees with their duties. Councilman Vittengl stated he's not there to give out duties only to oversee and see that things run smoothly. Mr. Antis asked if he suggests jobs that need to be done. Councilman Vittengl stated that if he sees something that needs addressing, he will bring it up. Mr. Antis asked to whom he would address and Councilman Vittengl replied that he was addressing his concerns through Tim Johnston. [amended 9/30/2015 lm]

Mr. Antis had some questions of the Supervisor relating to a political matter.

Mr. Antis asked Pete Corlew who directed him to store the Court's used furniture. Pete replied that Judge McCabe directed him. Mr. Antis asked if it's Judge McCabe's job to tell Pete what to do or is it Councilman Vittengl's job as a Committee person. Peter Corlew explained that Judge McCabe was going to put in a work order. Supervisor Jenkins stated that if any of the furniture can be used by any other Department, they won't store it at all.

Harry Gutheil asked about the status of the Article 7 with Home of the Good Shepherd. Attorney Buettner replied that they've consolidated for a joint trial and discovery only for the Towns of Moreau, Malta and Wilton cases. The main issue is whether they are a not for profit tax exempt corporation. Mr. Gutheil asked who's trial would be first and Attorney Buettner replied that they are to held all at the same time and that the joint trial and discovery are based solely on the question of whether or not they are a not for profit tax exempt corporation.

James Norton from The Prevention Council of Saratoga County presented the Town Board with literature regarding a drug drop off day and a Narran training course. He asked the Town Board to contact him if they had any further information they needed.

COMMITTEE REPORTS

Councilwoman LeClair asked Sandy Mahoney to speak regarding the Beach House. Ms. Mahoney stated that she has met with Steve and he came up with three different drawings with a roof style that Joe Patricke had suggested. She should be getting numbers from Steve tomorrow as to the cost of the proposed plans.

SUPERVISOR'S ITEMS

None

The Supervisor stated that there was nothing for executive session and Attorney Buettner asked if the Board would go into executive session for about 5 minutes to discuss litigation with TMG.

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A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to adjourn to executive session at 8:10pm to discuss the TMG litigation.

Roll call vote resulted as follows:

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

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 8:37 p.m.

Roll call vote resulted as follows:

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

There was no action taken in or as a result of the executive session.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to adjourn the regular meeting at 8:37 p.m.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Absent
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 complete audio of the meeting, please visit the Town's website at: www.townofmoreau.org