

A public hearing was held by the Town Board of the Town of Moreau on November 4, 2015 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York on the 2016 Preliminary Town Budget.

The public hearing commenced at 7:00 p.m.

Town Board Members Present

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

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Francine Thibodeau, Principal Account Clerk; Peggy Jenkins, Assessor; Tammy Daley, Deputy Town Clerk; Susan Stockman, Assessor's Clerk; Paul Joseph, Highway Superintendent; Maureen Leerkes, Highway Department Clerk; Jesse Fish, Water Superintendent; Kathleen Moore, Post Star Reporter; Members of the South Glens Falls Fire Company, Mike Shaver, Kevin Dickinson and Wayne Palmer; Town Residents: Reed Antis, Joe Tardif, Alan VanTassel, Rich Morris, Gardner Congdon, Terry Clark and Village Residents: Harry Gutheil and Rick Daley

The following order setting the public hearing was published as a legal ad in the Glens Falls Post Star Newspaper on October 30, 2015.

TOWN OF MOREAU

NOTICE is hereby given that the Town Board of the Town of Moreau, County of Saratoga, State of New York, will hold a Preliminary Budget Public Hearing for the fiscal year beginning January 1, 2016 on November 4, 2015 at 7:00 p.m. in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York. At such hearing any person for or against any item therein contained or in favor or against said budget as compiled may be heard. Further notice is hereby given that said Preliminary Budget is on file in the Town Clerk's Office at 351 Reynolds Road, Moreau, New York, where it is available for inspection by any interested person during business hours. Copies of said budget will be available for distribution at the Preliminary Public Hearing to be held on November 4, 2015. Pursuant to Section 113 of the Town Law the proposed annual salaries for 2016 of Elected Officials are hereby listed as follows:

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

Dated: October 30, 2015

Preston L. Jenkins, Jr. Town Supervisor
Town of Moreau

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The Supervisor welcomed everyone to the public hearing and stated that the Town Board would be making some comments and then the public would have a chance to speak.

The Supervisor stated that the General Fund Appropriations are at \$3,085,709 which is a \$277,000 increase over last year. He stated that the increase is due in part to legal fees for an Article 7 case. This results in a \$.61 per hundred thousand increase in the tax rate. The Town Outside Village appropriations are down \$60,000, the Highway budget is down \$244,000 from last year. He stated that the Town's tax cap is \$1,266,429 which is a combination of General Fund Tax Levy of \$786,429 and \$480,000 for Fire Protection.

The Supervisor stated that there are some employees that wanted to speak. He asked the Assessor if she wanted to go first. The Assessor stated that she had discussion earlier in the day with several Council people. Councilman Prendergast stated that during budget workshops, there were discussions as to whether or not the Assessor's full-time clerk should remain full-time or be cut back to part-time. It was the Board's intent to move her to a part-time position. Since then the Assessor had approached the Board members and passionately expressed the need for her employee to be full-time. The Assessor convinced him that a full-time position is needed and his intent this evening is to keep this position full-time. Councilman Kusnierz stated that he wasn't approached by the Assessor and therefore not aware of the need for a full-time position. He also stated that all Town Board members should be consulted, he wasn't and he's content with the action that the Board took. Under the fiscal conditions, he won't make a change. Councilwoman LeClair stated that she was concerned that sometimes the lights are off in the Building Inspector's and Assessor's offices. She stated that there should be someone in the two offices at all times. She stated that someone should have access to paperwork for people when they come in. The other offices can only take messages. Councilman Vittengl stated that this is a tight budget. He suggests they keep with the part-time position and see where it goes. Supervisor Jenkins stated that he also had discussion with the Assessor and agrees with Councilman Vittengl and Councilman Kusnierz. In order to keep costs down and maintain a fund balance, they should keep with a part-time position. He understands the difficulties but thought it should be left as is.

The Assessor's Clerk spoke regarding her position and wondered, why after being here for three years, was her position being singled out. She hadn't heard anything about this until just yesterday. She would have liked to have known ahead of time what they were thinking. Councilwoman LeClair stated that the Assessor had nine months with no one in her office and also stated that she had a conversation with the Assessor's Clerk where she stated that she's being paid to do nothing. The Assessor's Clerk stated that she does work doing back checking. She's been told that there are no training classes and therefore she doesn't have the tools to do her job effectively. She stated that she could do more with the proper training and proper tools. Councilwoman LeClair stated that this discussion should take place with the personnel committee along with the Assessor. They need to sit down and talk about these issues. Councilwoman LeClair stated that this is a budget hearing. Councilman Kusnierz stated that his phone number is in the book. She could have reached out to him at budget time. He stated that the tax rate that was put out for the preliminary budget is a slight increase. He's doing everything in his power as a commitment to the tax payers to ensure that they minimize any kind of tax increase.

The Supervisor stated that they should stay with the part-time. He stated that we're at the tax cap with very little flexibility.

Paul Joseph stated that when he was in attendance at a budget workshop it was his impression that the Highway Clerk's position was to be full-time and the next day he was told that it was kept as part-time. Supervisor Jenkins stated that they went through payroll and it made no sense to eliminate one position to create another. Councilman Kusnierz stated that the decision has nothing to do with performance. There's a right time and place to do this and with the fiscal conditions and tax cap, he can't see a way to do this.

Councilwoman LeClair asked the Principal Account Clerk how much this budget can increase. Councilman Kusnierz stated that there are laws as to how much you can increase, so you have to be careful.

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Councilman Prendergast stated that the offices are not overstaffed by any means. He stated that he spoke with the Supervisor and he wants to get everyone together to make sure that the offices are manned.

Supervisor Jenkins stated that the staff number is the same now as when he started in 2008. They are looking to cut costs. They're tough decisions to make.

Councilman Kusnierz stated that government has to be responsive and serve the community. It's inexcusable to not be served if someone comes to the Town Hall. He stated that with the existing staff and better coordination, we can meet the needs of the public.

Supervisor Jenkins stated that there were four people that were given raises above the 2% rate and he listed the (2) Deputy Clerks and (2) Justice Clerks. All four of these positions had the pay raise cut to 2%.

Councilman Kusnierz asked the Principal Account Clerk if she went through the payroll to see if there was anyone else getting more than 2%. She replied that Sandy Mahoney and Pete Corlew were both to get more than 2%. Councilman Prendergast stated that they had discussed the reasons for Pete's raise. It was agreed to cut the raise back to 2% for Sandy Mahoney.

The Principal Account Clerk stated that when she did the elected officials salaries, she didn't increase the Town Clerk's salaries for her positions other than Town Clerk and asked if she was supposed to. Councilman Kusnierz stated that if the elected position isn't getting a pay increase, he intended that for their entire position. Supervisor Jenkins stated that he looks at that role as an elected official. The Town Clerks position of Receiver of Taxes and Records Management will have no pay increase.

Councilman Kusnierz wanted it to be on the record that there are other Board members in favor of giving a proposed salary increase of 16.7% to the Water Superintendent. He stated that the Highway Superintendent has a \$1,000,000 budget and a staff of ten. He will make less than the Water Superintendent as proposed. He stated that the responsibilities are not apples to apples and asked the Board to review that. He stated that they've been fair with raises across the board and this counteracts what they're trying to do. Councilman Kusnierz stated that his goal is to keep the taxes the same as last year.

Councilman Prendergast stated that this is a long story with this Board and previous Boards. He asked what to do with an employee that has mandated overtime. This isn't the first time this has been discussed. Previous Boards handled the overtime differently. They preferred not to pay overtime or compensation time but it had to be done. This coming year the Water Superintendent would be making over \$60,000.00 with overtime and they didn't prefer that. Councilman Prendergast stated that he preferred to move his salary to what it would be if he started where the old Water Superintendent left off. That would be his salary and they can adjust the schedule to avoid mandatory overtime. There would still be call outs for emergencies.

Councilman Kusnierz stated that there is more to the story. The Town Board had made a request to the Town Attorney and they have received information regarding overtime. He stated that nowhere does the response state that the Town has to pay overtime for salaried positions. He stated that the Water Superintendent's position wasn't just created and that it's been around a while. He stated that there was never overtime paid until they refilled that position and the reason he gets paid overtime is because the Town Board allows it but they don't have to. Councilman Kusnierz stated that if the Town wants to save money, they have a Water Department employee that makes much less salary wise that could be involved in performing the duties on the weekends. He stated that he doesn't see the need for a 16 1/2 % salary increase and no plausible argument that makes sense for it. He stated that it's not necessary based on what may or may not have been said when he was interviewed before he was hired. It may have been the consensus of some of the Board members as to what he should make but it wasn't the consensus of the majority of the Board.

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Gardner Congdon agreed with Councilman Kusnierz on the overtime issue. He asked if there was a clear definition of how often the testing needed to be done and also if there is a rule that says on weekends residual chlorine has to be tested.

Councilwoman LeClair replied that she's been told that it needs to be tested daily.

Jesse Fish stated that the States asks the Water Department to take a Chlorine residual. You have to make sure that there's chlorine in the system. It has to meet a certain level and if it doesn't the Town would be in violation. Mr. Congdon asked if this has ever happened and the Water Superintendent replied "no".

Harry Gutheil asked why overtime ever started. They never paid overtime for salaried positions before and if you do for one you have to do it for everyone. He listened to the audio on one of the budget workshops and heard someone say that the overtime could go away. He stated that you're either entitled to it or you're not entitled to it. He asked if we were going to pay all of the salaried people overtime. He stated that maybe we don't need salaried people. He asked what the difference is between salaried and non-salaried. He stated that the Town has been paying overtime on the top hourly rate for the past year. A lot of businesses would establish shifts for different work weeks. Someone would work Monday through Thursday one week while the other person works the weekend so that it's always covered. Mr. Gutheil stated that no one has really answered the question as to whether or not daily testing is mandatory.

Mike Shaver asked why there was an increase in the budget of over \$40,000 for Water District 4 and Water District 3. Jesse Fish replied that they are going to be upgrading the meters in Water District 4. He couldn't answer why there was an increase in Water District 3. Supervisor Jenkins stated that the increase in Water District 3 is for the Telemetry Unit that they will be purchasing. Jesse stated that the Telemetry was for the sewer station. Mike Shaver stated that it was Water District 2 he was questioning not Water District 3. Francine Thibodeau replied that the increase in Water District 2 – Equipment – was for hydrants. Mr. Shaver also stated that the rates should be lowered. Supervisor Jenkins stated that they could look at reducing the rates for Districts 2, 4 & 5. They will look for a recommendation of the Water Committee. Mr. Shaver noted that the fund balance in District 2 keeps growing and nothing gets done. The Supervisor stated that there are many issues that need to be considered.

Gardner Congdon stated that fund balance is being brought up and he asked if there is a page that shows the fund balances that he can look at. Councilwoman LeClair had a page that showed the fund balances and had the Deputy Clerk make copies for everyone present.

Rich Morris asked what drives the overtime. Jesse Fish replied that it is the weekend work and stated that the daily runs have to be done every day. Mr. Morris asked what Jesse does if he goes on vacation and Jesse replied that Earl covers. Mr. Morris stated that Comp time might be a solution along with proper scheduling. Councilman Prendergast asked if Comp time was used with the previous Water Superintendent. Mike Shaver replied "no".

Harry Gutheil stated that there was a big shift in appropriations in the Water Districts. He understood that the formulas had been re-done and that it used to be based on volume. He asked on page 29 of the budget, Water District 6, why the contractual is down from \$105,000 to \$81,000. Supervisor Jenkins stated that based on the 2015 Budget, they have an overage. Mr. Gutheil asked if the Town over appropriated. Francine Thibodeau stated that they came up with the percentages based on usage for one full year.

Mr. Gutheil addressed page 10 of the budget – General Fund – Sales Tax Revenue and thanked the majority of the Board for deciding to send more money to the County. He also stated that sales tax shouldn't go into the General Fund. He would like to see it out and stated that it should go into Town Outside, Highway or back to the County.

Mr. Gutheil made comment on Erie Blvd. Hydro Article 7. He stated that the Board should go back and take the position that he had taken. He thought that budgeting \$300,000 was a good move. He stated that this administration had settled with them and now it's coming back again.

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Mr. Morris stated that every week he reviews payroll and compares salaries and hours. He asked who reviews the payroll for the Department Heads. Supervisor Jenkins replied that he does. Mr. Morris asked about the overtime on Jesse's payroll and if he had looked at it. The Supervisor replied that the overtime is mandated so he wouldn't look at it. Mr. Congdon asked if it is mandated and the Supervisor replied that the Town mandates the testing be done because the Town's job is to protect the water for the citizens.

There was some discussion between members of the audience.

Mike Shaver spoke regarding the mandatory overtime and stated that the Board needs to look at all the Department Heads. They all work extra hours and should all be treated the same.

Mr. Gutheil stated that on page 16 between the tentative budget and the preliminary budget, there was an increase by \$200,000. Supervisor Jenkins stated that they increased this amount based on the amount of estimated sales tax and that sales tax revenue is increasing due to the 100% valuation of the Town. He asked why they would increase it as a revenue if you didn't need it for an appropriation. The Supervisor stated that they did need it. Mr. Gutheil asked what the cuts to Highway were. The Supervisor replied that they cut the paving and gave the Highway Superintendent \$500,000.00 to make it work. He stated that they cut \$100,000 and change.

Mr. Gutheil asked about Youth Programs on page 7 and stated that in two years the personal services expenses have doubled. The Supervisor replied that it was due to a personnel increase to help the rec maintenance director. He needs help with paperwork while he's also doing the maintenance work. Mr. Gutheil asked if it would be \$17,000 worth of paperwork. The Supervisor stated that it was only a slight increase from 2015. Mr. Gutheil asked about the difference between 2014 and 2016 and stated that it was a \$17,000 difference. The Supervisor stated that it's in how the personnel services are allocated but he didn't have the information in front of him. Mr. Gutheil stated that it's doubled in two years and calls for an explanation.

Mr. Gutheil went on to page 20 – Water Revenues –The Water Service Charges are \$100,000 and he asked why. Supervisor Jenkins stated that it was for development in Water District 1. A PUD with 186 units that they will receive revenue for about 50 next year for buy in. Mr. Gutheil asked if this was going towards the balancing of the budget and that shouldn't it be going towards capacity. The Supervisor stated that they have to pay the debt service and that it identifies as an appropriation. Mr. Gutheil stated that our water service charges are identified as future capacity and storage. Mr. Gutheil stated that it's co-mingling funds and that if they don't build this year, there will be a deficit.

Mr. Gutheil went on to page 49 – Transfer Station – Equipment and asked what the \$52,000 was for. The Supervisor replied that the Highway Department will be using the Loader at the Transfer Station as a trade-in and the Transfer Station will take over the old one from the Highway Department. Mr. Gutheil asked what the value was of the Highway Loader and the reply was between \$70,000 and \$80,000.

Mr. Gutheil went on to page 65 – Town-Wide Recreation Capital Project and asked what the \$150,000 project was. The Supervisor stated that it's a proposed budget amount. He stated that the budget isn't established until you pick the project. This is just an estimate. Mr. Gutheil made the comment that the Supervisor just threw the numbers in without having a project. The Supervisor stated that some of this would be for improvements.

Councilwoman LeClair asked Francine Thibodeau what the personal services are for and Fran replied payroll.

Reed Antis asked about the four buildings that the Town owns and the cost to maintain them. He asked if the costs were built into the budget. The Supervisor replied "yes" and then Mr. Antis asked if we really needed the two buildings out front. He stated that the Town spent the money on them and they're just sitting there. Councilwoman LeClair stated that there has been discussion and Councilman Prendergast added that the discussion has not gone into depth. Mr. Antis recommended that the Town get rid of the buildings. He asked about the old Town Hall building and the Supervisor replied that it's in a Realtor's

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hands. He asked about the building at the end of Nolan Road and how much it costs to maintain it. The Supervisor replied that it costs nothing. He also stated that the Town is looking at the cost to get rid of the asbestos and to fill the wells. Mr. Antis stated that the Town was going to build a pole barn at the Rec Park and asked what happened with that. The Supervisor replied that it was very costly. Mr. Antis asked if there was space at the old Highway Garage for Rec to store some of their equipment and Paul Joseph replied "no".

Mr. Antis asked what Pete Corlew's position was and Councilwoman LeClair replied that he is the working foreman and he's taken on some of the responsibilities of the maintenance director. He can't do some of the paperwork due to his job description. Mr. Antis asked who he reported to and Councilman Kusnierz stated that he reports to the Town Board. Mr. Antis asked if there was any money incorporated into the budget for the Sand Bar Beach building. The Supervisor answered that if they do anything it will come out of the \$150,000 capital projects potential budget. Reed stated that the beach is only open for about 6-7 weeks due to scheduling problems. Councilwoman LeClair stated that she and Bob will have to sit down with Pete and Sandy once budget process is over so they can discuss the Beach issues. Supervisor Jenkins stated that they can make the building more usable and presentable for around \$35,000. Councilman Prendergast stated that he is not for shutting the beach down. Mr. Antis asked about the rake for the fields at the Rec Park and if it will be purchased this year or next. Councilwoman LeClair stated that it will save the Town money if they purchase this year and Councilman Kusnierz replied that it will help the fiscal year 2016 if they purchase this year but also stated that it's a lot of money. He stated that he would prefer to have expansion of the facilities for the residents. He'll have to look at the other two items offered for the prices.

Mr. Antis stated that he had been told that someone saw hunters leaving the Rec Park at dusk. He asked how the Town dealing with this as well as the unleashed dogs that have always been a problem. Councilwoman LeClair stated that there haven't been any complaints recently. The Supervisor stated that Pete had asked someone to leave that was getting ready to hunt. Mr. Antis stated that the property should be posted.

Mr. Antis stated that he had discussed with the Town Board at the last meeting about the contract with Solar City at the Industrial Park. He stated that the Town has a power purchase agreement with Integrys and asked if that was correct. He stated that it was authorized back in December to sign a new purchase agreement with them to pay 7.285 cents and the contract with Solar City is 6.8 cents. He stated that's only a difference of 1/2 a cent. Councilman Vittengl stated that's just for the power not the demand, distribution and other fees. He stated that this building uses 5,000 kw per month. He stated that the demand charge last month was just under \$200.00 so for the demand use, it's about 4 cents per kw hour. NYSEERDA's average commercial rate for the electricity, delivery and demand is 14 to 15 cents. Mr. Antis asked if we were buying electricity from Integrys. Councilman Vittengl stated "yes" and said you take that bill and the National Grid bill plus the National Grid demand bill plus the other fees and add them together and it's close to 13 - 15 cents per kw hour delivered. You don't pay a delivery charge. He stated that to get off demand you have to go 2,000 kw hours or less for 12 consecutive months. Once you do that the demand charge goes away. If the demand stays below 2,000 kw hours each month by next July the demand charges should go away. Mr. Antis stated that there will be a solar farm at the Tech Park and it will be on Town property and it's not a utility. Councilman Vittengl stated that it will be generating power for the Town. Mr. Antis stated that based on the contract, the Town will have to maintain the grounds around the farm. Councilman Vittengl stated that there are options and the costs change if the Town chooses to maintain or not. Mr. Antis stated that it's in the contract that the Town will maintain.

Francine Thibodeau stated that on October 26, 2015 she thought that Town Board put \$16,000 into the 2016 budget for a telemetry unit for Sewer District 1. Then on October 27, 2015 it was approved for this year's budget. She asked if this needs to come out of 2016 and the answer was yes.

Councilman Kusnierz asked how much savings the Town would have to find to keep the tax rate flat. Francine Thibodeau replied \$8,362.00. Councilman Kusnierz asked if that was accomplished tonight and Francine replied that she didn't think so.

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Reed Antis recited information that he had read from an Association of Towns magazine relating to contracts with employees. The Appellate Division of the Supreme Court stated that if the Town is paying for a class for an employee, there can be an agreement so that if the employee leaves within a certain period of time, they would have to reimburse the Town for the cost of the classes. He stated that the Board should check with the Attorney for the Town to see if this agreement should be in place for the Assistant Water Superintendent when he gets his Class D License.

Mr. Antis stated that he was told that Joe Patricke works a 35 hour work week and asked if he is a salaried employee. Supervisor Jenkins stated that we're designated as civil service 35 hour work week. Francine Thibodeau stated that the Town Board adopted a standard work day for this position. Mr. Antis asked if he works overtime and the Supervisor replied occasionally. Mr. Antis asked if everyone reads the Building Inspectors monthly report and there was no audible answer except from Councilman Kusnierz and he answered yes.

Mr. Antis asked how many miles of road get paved each year. Councilman Prendergast stated that it depends on the budget year. Paul Joseph replied that there were 3-4 miles done this year. Mr. Antis asked if there are funds appropriated for the comprehensive plan and the Supervisor replied yes.

Mr. Antis asked if the Town has a dog control officer and the answer was yes.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to leave the public hearing open and for it to be continued on November 10, 2015 at 6:30 p.m. and to adjourn the public hearing for the evening at 8:50 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk