

A continuation of the Public Hearing on the 2016 Preliminary Budget that opened on November 4, 2015 was held by the Town Board of the Town of Moreau on November 10, 2015 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The continuation of the Public Hearing commenced at 6:30 p.m.

Town Board Members Present

Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman [arrived at 6:33 p.m.]
Robert J. Vittengl, Jr.	Councilman
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Francine Thibodeau, Principal Account Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Susan Stockman, Assessor's Clerk; Kathleen Moore, Post Star reporter; Chris Abrams, Highway Department; Sandy Mahoney, Recreation Program Director; Town Residents: Reed Antis, Alan VanTassel, Pete Lemery, Gardner Congdon, Jim Rando, Tim and Chris Merrill, Brian & Deb Abare, Rich Morris, Joe Tardif and Dana Charpentier, Tom Cummings; Village Residents: Chris Music and Kristi V?; John Peters and Lane Zugalla from Cornerstone

Supervisor Jenkins welcomed everyone to the continuation of the Public Hearing and asked if anyone had anything to say.

Councilman Prendergast stated that with the changes made from the public hearing held on November 4, 2015, there will be no change to the tax rate from last year.

Supervisor Jenkins asked if anyone from the public had comment.

Mr. Antis asked if the Town will have money in the budget for Posted Signs around the Recreation Park and the Supervisor replied that it would be affordable if the Town Board decides to post it. Councilwoman LeClair asked the Attorney for the Town if the Town can post the trail that's shared by our Town and the Town of Fort Edward. Attorney Buettner replied that you can put posted signs on your own property. Supervisor Jenkins stated that the public owns the property and it shouldn't be posted to keep them out. Councilman Kusnierz stated that the posting would be for Hunting and Fishing.

Mr. Antis asked about the Riverfront Park project and if there was money in the budget for it. Councilwoman LeClair stated that the next round of Grant's are to be filed in June or July. Attorney Buettner stated that easement papers have been supplied to the Conservancy.

Supervisor Jenkins stated that there were two changes to the budget. They've reduced the hourly rates for the Full-time clerks and made an adjustment to the Health Insurance Account. This reduced the budget by \$8362.00 and will keep the tax rate identical to last year which is \$.567080/thousand.

Councilwoman LeClair stated that they had discussed the Water Superintendents pay but wasn't sure where they ended up. The Principal Account Clerk stated that his rate of pay is still at \$56,858.00 after discussion. Councilman Kusnierz stated that his position hasn't changed. He stated that he had received a memo from Counsel and it states that Department Heads are Town Officials and that they're not entitled to overtime. Supervisor Jenkins stated that Jesse's position is non-exempt. Councilman Kusnierz stated that he wasn't made non-exempt in the organizational minutes. He also stated that the Town Board took the proper action in freezing elected officials salaries. He stated that there is a Department Head who is responsible for a multi-million dollar budget and a staff of at least 10 Full-time employees who will make less than the Water Superintendent who is in charge of 1 Full-time employee. It disturbed Councilman Kusnierz to hear a statement made by the Water Superintendent that he could make the overtime go away. He asked if he had to work overtime and did we have to pay overtime. He stated that's a huge increase to pay an individual. He doesn't support the increase for the Water Superintendent.

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Councilman Prendergast stated that the water users pay for the Water Superintendents salary not the taxpayers. He stated that this raise will bring his salary to what it should have been after 6 months of probation. It will alleviate overtime except for emergencies. With this salary, the Water Superintendent will also be making 8% less than he did in 2015. He stated that his responsibilities are just as great and that he's responsible for all the drinking water of thousands of residents. He also stated that even if someone were to show him that it wasn't mandatory for the water to be checked on Saturday and Sunday, he wouldn't stop it from being checked. He stated that it's too important and the risk is too high.

Councilman Kusnierz stated that yes, water users pay his salary but the money comes out of their pockets and the majority of them are taxpayers. He never suggested that the Town shouldn't be checking chlorine residuals on weekends but he stated that it could be accommodated with a lower rate of pay.

Rich Morris asked if it's common to hire new employees at the same rate of pay as the employee that is being replaced. He stated that it causes problems within the ranks and it's irresponsible to the taxpayers.

Gardner Congdon stated that Todd's remarks are where we're at. He stated that if the Water Superintendent was running a water plant and actually creating water; that would be different and he stated that he's not. Mr. Congdon made comment about sending two employees to locate shut-offs when you're talking about budgets and responsibility. He stated that there's a shut-off inside the house. You don't need to shut off the water outside. He also stated that the water received from Queensbury and Saratoga is highly chlorinated and that if there's never been a test that shows high chlorine then there is no point in testing water on weekends if there's never been a problem. He also stated that there are other means to test residual chlorine. There is a device that will trigger an alarm and call a cell phone if the chlorine level goes high. He stated that there are a lot of things that need to be looked at before making decisions.

Councilwoman LeClair stated that if Jesse hadn't been working his weekend rounds two weeks ago, the Town would have had an environmental spill. There was a major problem at the sewer plant that would have gone undetected had he not been doing his inspections. She stated that when the Town Clerk and Highway positions were replaced the salaries stayed the same. She stated that when the Building Inspector or Assessor leave, the salaries will be close. When the Building Inspector leaves Ben will be making close to what he is making. Jesse's salary in 2015 was \$48,696 and six years ago when Mike Shaver left he was making \$49,037. So Jesse is making less now than what the last Superintendent made when he left 6 years ago. He has hundreds of additional water users, additional sewer and responsible for replacing water meters throughout the Town. She stated that with the new meters the Town's water loss has been cut by 9%. Jesse is as skilled and competent as Mike Shaver is and she supports a salary of \$56,858 for Jesse.

Councilman Kusnierz stated that's a 16% increase. Councilman Prendergast stated 8% less overall.

She stated that he made \$48,696 this year and Councilman Kusnierz asked what it was with overtime. Councilwoman LeClair stated \$12,000 in overtime. Councilwoman LeClair stated that Leeann and Paul both received the pay for what the positions were worth. She's looking at this salary with no more overtime.

Gardner Congdon asked if the overtime issue was resolved and Councilwoman LeClair stated that there will be no more overtime.

Councilman Kusnierz asked if we have to pay overtime or not.

Attorney Buettner stated that the policy is set by the Board. Currently Jesse is exempt employee by law because he meets a three part test. Exempt meaning that the Town is not mandated to pay overtime. The three part test requires a certain salary. It requires that they be in an administrative role with two or more full-time employees under him. That can be one full-time and two part-time. If you meet these three tests, you're technically exempt. It doesn't preclude him from getting overtime. It's the Town's decision under

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Town Law whether or not to give overtime. Councilman Kusnierz asked if Attorney Buettner was aware of any policy and her answer was "no". Councilman Kusnierz stated that in the 14 years that he's been on the Town Board there has been no policy.

Rich Morris asked why overtime was allowed and the Supervisor replied that he's a non-exempt employee and because of civil service law. Some of the rules that the Attorney read don't cover him. He stated that if the Water Superintendent went to an article 7, he may probably win. We mandated work to be done.

Councilman Prendergast stated that there were cases where a salaried employee was scheduled to work overtime on a regular basis and they had to pay them, once it went to court. He stated that you can take advantage of an employee and make their hours 15 every day.

Rich Morris stated that as the Attorney said, in order to be a salaried employee you have to meet certain criteria.

Attorney Buettner stated that it doesn't matter if an employee is salaried or hourly, it's exempt or non-exempt.

There was discussion between members of the audience and Town Board members regarding exempt and non-exempt and the need for salary structure.

Councilman Kusnierz made one last comment to appeal to the Board. He stated that in addition to the 16% increase in salary, there are additional costs for retirement. He stated that there have been comments about ability. He stated that no one on the Board believes this job is being done sub-standard. That is not anything his comments or decisions are based on. His decisions are based on rules of salaried employees and State Law.

Councilman Vittengl stated that the water department asset for water alone is \$18,000,000. Users have increased dramatically. Amount of gallons pumped has increased. Maintenance is done in house to keep everything functional at a rate of \$300,000 per year. Do we sub out or do it ourselves; replacing meters, replacing the lines; providing reliable healthy water for the users. He stated that he agrees with Bob Prendergast and is in favor of the proposed salary.

Councilman Kusnierz asked if there would be no more overtime with this position. Councilman Prendergast stated that there would be no paid overtime.

Jim Rando asked if the Board could make a motion and vote on a policy to be made regarding overtime.

Supervisor Jenkins stated that they could schedule a resolution for the next regular Town Board meeting.

Rich Morris stated that it should be in the employee handbook and Attorney Buettner replied that she believed the employee handbook is being updated.

Councilman Kusnierz asked where they were at with the part-time clerk for Highway and the Supervisor replied that the position was still part-time. He asked what the rate was and Francine replied with a 2% raise it is \$13.02 per hour. Councilman Kusnierz stated that his position at the last meeting was that he thought a Full-time position was needed but that it would need to be paid for. It's his understanding that this individual would be willing to work at a lower rate to be Full-time. He stated that some of the increase could be off-set by the savings from changes they made at the last Board meeting. He stated that the Part-time clerk also works as a wing-man during the winter. He stated that if you look at what she makes as a Part-time person and what she makes as a wing person, which he knows is a different rate. Francine Thibodeau stated that she's paid from two different funds; Highway and General Fund. Councilman Kusnierz asked if she were Full-time would she be all General Fund and the answer was yes. Councilman Kusnierz went on to his next question and asked where they were at with the Assessor's Clerk and the answer was Part-time.

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The Assessor's Clerk made comments relating to the change in her status to Part-time. She stated that she has health concerns and will lose her benefits if she's reduced to Part-time. She asked the Board to think of her as a person and not a line item.

Councilwoman LeClair stated that the Assessor's Clerk had spoken with her and she made the comment that she doesn't do anything and that the Town is paying her to do nothing. The Clerk stated that there isn't anybody that hasn't seen her working and stated that she's being punished for not having the tools to do her job.

Councilman Prendergast stated that he tried to get this position reinstated last week and also tried to get a pay increase for elected officials.

Councilman Kusnierz stated that when he's looking at the budget, it's a process. They focus on demanding needs and there is a dire need for a Full-time clerk in the Highway Department and he supported that but he said that they need to find a way to pay for it. The way to do that is to look at the staffing needs for the Town and review each position. His position was that the Assessor's Clerk position could be eliminated to meet the more pressing needs of putting the Highway Clerk on Full-time. He didn't feel that a Full-time position needed to be filled in the Assessor's office.

The Supervisor stated that we have a tax cap increase this year of 1% and based on the tax levy from last year; that gives the Town an increase of \$12,500 that they can spend between the Fire Company and the General Fund in order to make it work. He stated that they've eliminated a tremendous amount of cost in this process. If the Town goes over the tax cap, everybody loses benefit. The next step would be losing STAR if they don't stay under the tax cap. He stated that he felt bad for what they had to do.

The Assessor's Clerk asked if shouldn't everyone tighten their belts. She also stated that when she was first hired the intent was for her take over when Peggy retires. She stated that she's not allowed to do the things that she should be doing.

Gardner Congdon stated that this should be looked into. He stated that it's a problem if there's no access to the records if the Assessor isn't in. He also stated that there should be access to paperwork when the offices are empty. He thought that the Clerk's office should have the ability to help people instead of having to make people come back. He also stated that the offices should be staffed. He made the comment that you should look at this from the tax payer point of view and it's not being done right now.

Councilman Prendergast agreed with Mr. Congdon.

Councilman Kusnierz asked if the Board wanted to make the position Full-time for the Highway Clerk @ \$13.00 per hour, what would they have to do with the budget.

Francine Thibodeau stated that it would raise the salary. She would also be eligible for Health benefits and you would have to put in \$15,000-\$20,000 for that. Councilman Kusnierz stated that they haven't cut that much out of the budget. Supervisor Jenkins stated that the only way you could do it would be to use fund balance.

The Supervisor asked if there were any more questions. Rich Morris asked how Health Insurance was affecting the Town. The Supervisor asked Francine Thibodeau what the percentage was and her reply was that she wasn't sure because they lowered the HRA.

Gardner Congdon gave his opinion of the unexpended balance in the General Fund. He stated that if you use \$451,000 to reduce taxes.... The Supervisor stated that the figures he was looking at were estimated in August. Mr. Congdon stated that the point he was trying to make was that if they were to use only \$150,000 instead of \$451,000 and raise the tax rate \$.79. He stated that if they don't do this, there will be no unexpended balance for next year. He stated that taxes should be raised across the line or you should be cutting expenses. One or the other. He stated that the fund balance has been burned through. He stated

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that it's irresponsible to leave the Town with no unexpended fund balance. He asked that the Board reconsider and tell the tax payers you need to raise taxes.

The Supervisor stated that he estimates fund balance at the end of the year to be \$1.2 million. They could raise the budget back up \$8,000 but they'll go over the tax cap and if the Town goes over that, they lose all kinds of benefits.

Mr. Congdon stated that everyone knows that the tax cap is a joke. He stated that the problem is that the Town waited too long to take advantage of it. He stated that the result now is that it's gotten the Town into a corner. He asked the Supervisor to bite the bullet and raise the taxes.

Mr. Congdon stated that there is a lack of accountability and that he's seen the vouchers and a lot of money is going out of the Town to pay for experts. He stated that the experts have been paid hundreds of thousands of dollars and you're looking to cut the position of the Assessor's Clerk.

The Supervisor stated that those decision to hire people were made by the Board.

Mr. Congdon was making comment when the Supervisor asked for a motion to close the Public Hearing.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to close the Public Hearing at 7:47 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

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