

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 6:57 p.m. with the objection of Reed Antis as the meeting was scheduled for 7:00 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Alan VanTassel	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Village Resident's: Kathryn Celeste, Margaret Centerbar, Joe Orlow, Charlie Granger, Harry Gutheil and Town Resident's: Reed Antis, Elizabeth Lanfear, Anne Kusnierz, Sarah Linehan, Ed Robbins, Preston and Mary Jenkins, Chris Fitzgibbon, Will Congdon, John McAllister, Rich Morris and David Rogge from Lamplighter Acres Mobil Home Park.

The Supervisor led the Pledge of Allegiance and then welcomed everyone to the meeting.

The Supervisor stated that this is a long agenda but with standard organizational items. He asked if any of the Board members had anything that they wanted to discuss. Councilman Kusnierz asked that agenda item #2, which discusses salaries, be tabled until further discussion later in the meeting on the Water Superintendent's salary.

Supervisor Congdon asked that Agenda item #3 be tabled for further discussion. He also had questions relating to the contracts with the Moreau Emergency Squad, South Glens Falls Fire Co. and Moreau Community Center. Attorney Buettner stated that the contracts for the Moreau Emergency Squad and South Glens Falls Fire Company were signed at budget time. She then went on to explain how the contracts came about. The Supervisor was concerned over auditing procedures for these three entities.

The Supervisor read down the Agenda #'s

Councilman Kusnierz asked that the beginning of paragraph #6 to Agenda item #18 be corrected to read: If any Employee.

There was discussion relating to Agenda item #35. Councilman Kusnierz stated that he would like to see RFP's sent out for engineering services. Attorney Buettner stated that the Town had sent out RFP's and never acted on them. She suggested that if they want to send out a new RFP, that the first set of proposals be rejected.

The Supervisor stated that there's room for discussion relating to Agenda items #37 and #38. Councilman Kusnierz stated that the public would be well served if they would see if there are any other members of the Zoning or Planning Boards that might be interested in serving as Chairman. Councilman Kusnierz stated that they've had problems in the past with interest in the community but that wouldn't preclude them from advertising. Supervisor Congdon stated that these items could be tabled. Attorney Buettner advised the Board that the items may be tabled but with the understanding that there are Planning and Zoning Board meetings coming up and those positions would be hold overs until the Board appoints someone else. Reed Antis pointed out to the Board that Mr. Endal's position ended on December 31, 2015.

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Supervisor Congdon continued down the list of agenda item and asked that Item #43 be tabled for further discussion. He would like to try eliminating this item and see how it goes. For Agenda Item #44 he thought that setting a time limit of 10 minutes per person to speak during Public Hearings would better serve the public.

Councilman Kusnierz asked what Item #46 was. The Town Clerk stated that she added these requests from the Highway Superintendent as an agenda item as this was an agenda that they were working with. She apologized if it wasn't in the proper form.

Agenda Item #47 was tabled until they make a determination if there are others interested in serving on this Board.

The Supervisor stated that he had a couple other items. The first being a letter from Susan Stockman declining the Boards offer that reduces her position from Full-time to Part-time. He asked if they needed to accept her resignation and Attorney Buettner stated that it isn't considered a resignation, she's declining a position that was offered to her. The second item is a letter received from Joe Patricke stating that he will be retiring effective February 1, 2016 and will be using his vacation time prior to that date. The letter requested clarification on the use of 4 personal days and 1 holiday. Councilwoman LeClair suggested that they look into this and make a determination at the next meeting.

Councilman Kusnierz stated that they'll have a vacancy one way or another and they should be ready to advertise. Attorney Buettner replied that the position can't be filled before it's vacated but you can search. You would have to be careful as the Building Inspector's position is competitive. She stated that they could interview but should work with Saratoga County to make sure about testing. Councilman Kusnierz asked if a provisional appointment can be made and Attorney Buettner replied yes.

Supervisor Congdon stated that he had received a letter from Attorney Buettner along with an agreement for Legal Services for 2016 and stated that discussion was in order.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the agreement with Bartlett, Pontiff, Stewart and Rhodes PC for 2016 legal services.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

Supervisor Congdon questioned the Code of Ethics and it was replied by Attorney Buettner that everyone has to complete one each year. He asked who was in charge of these. The Town Clerk replied that her office is responsible for sending them out and receiving them. He asked how long they were good for and the Town Clerk replied that they're all good for the year. If a new employee comes on board in the middle of the year, they would have to complete the form and it would be good until the end of the year.

The Supervisor reported the dates for the Association of Towns Annual training and stated that a Resolution is in order to send a representative from the Town. Councilman Kusnierz stated that there's already an item in the organizational agenda that addresses this.

Supervisor Congdon addressed the Board with issues regarding the logging and asked that the matter be put on hold until the Board has a chance to look at the contracts more closely. Councilman VanTassel asked if he was talking about Prentiss and Carlisle and the Supervisor replied Saratoga Land Management. Councilman VanTassel stated that Prentiss and Carlisle has shut down their local office. Attorney Buettner stated that this is something they need to look into and asked if the Board wants her to reach out to Prentiss and Carlisle and Saratoga Land Management to put a hold on their work for 30 days until they can see what's going on. She stated that they can't legally put on hold but we can ask if they

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would agree to a stay. The contracts can be terminated by a convenience clause but the Town would have to reimburse money. Supervisor Congdon asked that if there are contracts in place and prices were given and the contracts were not followed, wouldn't there be damages to the Town. He stated that the Town didn't get what they paid for. Attorney Buettner cautioned the Supervisor from making any kind of determination right now. She also stated that this is something that should be discussed in executive session. Councilman Kusnierz stated that he is in the same position as Councilman VanTassel and stated that if they didn't meet the letter of the contract or if they violated the contract, it's something the Town Board needs to look at. Attorney Buettner stated that she would do some research on the matter.

The Supervisor asked if everyone was ok with the Committee Appointments. Councilman Prendergast stated that he hadn't had a chance to review it. Councilwoman LeClair stated that they're the same as last year except that Councilman VanTassel replaces Councilman Vittengl for all the Committees he was on.

Supervisor Congdon asked if the public had any questions or comments. Rich Morris stated that it was very difficult to hear the Board from the back of the Board room. Councilwoman LeClair stated that the microphones weren't out at tonight's meeting. The Town Clerk stated that she didn't put them out because in order for them to work you have to physically put your mouth up to the microphone.

Reed Antis asked the Supervisor if in the future he would give a little background as to what they are discussing so the public knows what you're talking about.

Elizabeth Lanfear stated that if you look at agenda Item #26 it mentions that a report is due prior to its regular meeting but it doesn't say which meeting. She asked which meeting this is referring to. Councilman Kusnierz suggested revising the Agenda Item #26 to read:

Resolution requiring all department heads submit a monthly report to the Town Board three days prior to its first regularly scheduled bi-monthly meeting outlining pertinent department activities, data and problems the Town Board should be made aware of.

The Town Clerk will make the revision to this resolution.

John McAllister stated that regarding resolution #43, the public has lost decorum in speaking their minds and nothing has been done about it. He asked that a decorum be established and started to make comment about the 5 minute public comment period. Supervisor Congdon interrupted Mr. McAllister to advise him that this Agenda Item had been removed earlier in the meeting. Mr. McAllister stated that the Board needs to set a decorum for the public so it doesn't get out of hand. Supervisor Congdon stated that he thought the Board could handle these situations.

A woman from the audience stated that she had read in the newspaper that Supervisor Congdon was planning on working 25 hours per week and that he hadn't done this in a long time. She asked if he thought he would be able to accomplish his duties within the 25 hours. The Supervisor replied, probably not. He did want to make it clear that not all work done for the Town is done in the Town Hall Building. He stated that the only way to know what's going on is to be out and about. It doesn't mean that if you're not here, you're not working.

Reed Antis addressed Councilman Kusnierz and asked him because of his schedule and that because he's not able to attend the Crandall Public Library meetings, if someone else should be the Crandall Library liaison. Councilman Kusnierz stated to Mr. Antis that he's raised that question once or twice and with the beauty of technology, he's able to get ahold of them and they are able to get ahold of him. He has access to all the monthly reports. He's worked directly with them and knows what's going on.

Elizabeth Lanfear asked the Board what happens with the Building Inspector/Code Enforcement Officer's salary once he's retired. She asked if the salary would remain the same. Attorney Buettner replied that the salary in this organizational agenda is for Joe Patricke and once the Town hires someone new, they will set the salary for the new Building Inspector/Code Enforcement Officer. She then asked if Ben Marcantonio has all the training and authority to do everything Joe Patricke did or will things have to be on hold without our Building Inspector/Code Enforcement Officer being present. Councilman

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Prendergast stated that he wasn't sure but that the Town needs to get the process rolling. Councilman VanTassel stated that if a situation were to arise, they would seek advice from Counsel. Reed Antis asked if the Assistant Building Inspector is able to issue Certificates of Occupancy. Attorney Buettner replied that they don't know. Supervisor Congdon stated that they're hoping by the next meeting to possibly shift some work around between employees. He stated that some jobs would be expanding their duties while others might be lessened. Mr. Antis stated that because we have a Building Inspector who's on vacation, we have nobody qualified to take care of his duties. Councilman VanTassel replied that's not what was said. He stated that they don't understand clearly what the Assistant Building Inspector's qualifications are as it relates to what he can or can't approve and if the Town Board can put an alternative into place to cover any gaps so the residents aren't held up on the process. In the meantime, they'll start a job search to find a replacement for the Building Inspector. Mr. Antis stated that he finds it sad, that the Assistant Building Inspector has been in his position for two years and nobody knows what he's qualified to do. The Supervisor replied to his comment and stated that for thirty days, the Town is going to be in a bit of a bind. In the meantime, they'll examine the qualifications of the Assistant Building Inspector. Councilman Prendergast stated that the Assistant Building Inspector has been attending classes so that he's capable of handling the duties. He did state that they don't know what his actual qualifications are. Mr. Antis stated that it was disappointing, that after two years, no one knows what his qualifications are.

Supervisor Congdon stated that since they were on the subject of the Assistant Building Inspector, he had received a request from Ben Marcantonio requesting permission to attend an educational conference February 29<sup>th</sup> thru March 3<sup>rd</sup>, 2016. It was the consensus of the Board to refuse his request at this time due to the lack of staffing.

There was more discussion on the Assistant Building Inspectors qualifications. The complete audio of this discussion can be heard on the audio.

A motion was made by Councilwoman LeClair to adopt Resolution's Number 1-3, with the exception of Resolution #2 - the Water Superintendent's Salary and Resolution #3 - Budget Officer - Unpaid.

Councilman Prendergast asked if it would make more sense to adopt all the Resolutions with the exceptions that they're concerned with. Councilwoman LeClair agreed with Councilman Prendergast and rescinded her motion.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adopt the Resolutions of the Organizational Agenda as follows, with the exceptions of #2, #3, #35, #37, #38 #43 #44 and #47 that were tabled for discussion later in the meeting, and Items #46 being removed (Highway Department Requests). The Resolution for Agenda Item #26 is approved with the revision noted earlier.

1. Resolution setting 2016 salaries for elected officials:

Supervisor	\$45,076.00
Council people (each)	\$11,300.00
Town Justice (each)	\$27,478.00
Town Clerk	\$43,491.00
Highway Superintendent	\$54,567.00

4. Town Clerk's, At Will, Appointments:

Deputy Town Clerk and Receiver of

Taxes: Tammy Daley Annual Salary (52 Weeks): \$27,051.00

Deputy Town Clerk and Receiver of

Taxes: Diane Foster Annual Salary (52 Weeks):\$26,520.00

Deputy Registrar of Vital Statistics:

Tammy Daley (1/2 of Birth & Death Certificate filing Fees Paid to Registrar in accordance with NYS Public Health Law-Section 4173(3))

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5. Highway Superintendent's Appointments:  
Deputy Highway Superintendent: Michael Montgomery (Per CSEA Contract)
6. Resolution setting non-employee compensation per annum of \$1,000 for Mary Antis as Town Historian and requiring an annual report to be submitted prior to the request for a stipend.
7. Resolution setting stipend for Planning Board Members at \$40.00 per meeting for each of the six members, \$50.00 per meeting for the Chairperson.
8. Resolution setting stipend for Planning Board Secretary at an amount not to exceed \$65.00 per Meeting.
9. Resolution setting stipend for Zoning Board of Appeals Members at \$40.00 per meeting for each of the four members and \$50.00 per meeting for the Chairperson.
10. Resolution setting stipend for Zoning Board of Appeals Secretary at an amount not to exceed \$65.00 per meeting.
11. Resolution setting stipend for Board of Assessment Review Members at an amount not to exceed \$70.00 per meeting.
12. Resolution authorizing the Supervisor to sign the following contracts and make payment in the amounts and terms stated in the contracts.  
  
Civic Center of Moreau, Inc.  
Saratoga County Animal Shelter  
Saratoga County Youth Advisory Council  
Saratoga County Office for the Aging Nutrition Agreement
13. Resolution instructing the Supervisor to extend a loan to the Town Clerk in the sum of \$200.00 for one year for the purpose of making change and petty cash and the Receiver of Taxes \$250.00 for the purpose of making change.
14. Resolution authorizing the Town Clerk the right to accept bingo and games of chance licenses and amendments and the authority to approve same.
15. Resolution requiring all purchases \$500.00 and over for all departments be made with properly approved purchase orders, and that all purchases that may exceed \$500.00 be competitively priced and not purchased without prior Town Board approval, except highway purchases relating to emergency repairs to equipment may be purchased without prior Town Board approval up to \$1,000.00, subject to being competitively priced.
16. Resolution designating TD Bank of Glens Falls, Glens Falls National Bank and Trust and NBT Bank as depositories for town monies.
17. Resolution designating the Glens Falls Post Star Newspaper and the Chronicle as the official newspaper to be used for all legal advertising.
18. Resolution setting forth the following employee policies for all full-time employees hired prior to 1/1/07 (not applicable to elected officials or those employees covered under CSEA contract), and defining "full-time" as any permanent employee working twenty (20) hours per week or more on a regular, continuing basis and "part-time" as any permanent employee working less than twenty (20) hours per week on a regular basis:

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Vacations: Full-time permanent employees will earn vacation leave upon completion of the employee's anniversary date of employment as follows:

1-5 years of service = 2 weeks vacation  
6-10 years of service = 3 weeks vacation  
11-19 years of service = 4 weeks vacation  
20 + years of service = 5 weeks vacation

Vacations: Full-time permanent employees hired on or after 1/1/07 will earn vacation leave upon completion of the employee's anniversary date of employment as follows:

1-5 years of service= 2 weeks vacation  
6-12 years of service = 3 weeks vacation  
13 and forward years of service= 4 weeks vacation

Unused accrued vacation time may be carried over annually up to 10 work days not to exceed a maximum of 30 days accrued vacation, but unused vacation time will not be paid in cash. Vacation schedules shall be approved in advance by each department head. The department head will notify the Town Supervisor of all vacation schedules approved for all employees in their department. All department head's should request approval of their vacation schedule in advance by the Town Supervisor. Grandfathered Part-Time employees hired prior to January 1, 2005 will be eligible for the same vacation schedule with "week" being the same as that employee's work week.

Sick Days: All employees after six months of continuous service shall be entitled to one (1) day of paid sick leave for each month of service commencing from the first day of employment. Grandfathered Part-Time employees hired prior to January 1, 2005 will be eligible for sick leave with "week" being the same as that employee's work week. Unused sick leave may be accumulated but cannot be paid in cash at any time. Any employees calling off sick shall notify their department head. The department head will in turn notify the Town Supervisor. A department head calling off sick shall notify the Town Supervisor.

After five (5) working days of sick leave or seven (7) calendar days, the employee must apply for NYS Disability Insurance Benefits and his/her sick leave pay shall be reduced by the amount of disability benefits he/she receives. For each day of sick leave after the fifth (5<sup>th</sup>) working day or seventh (7<sup>th</sup>) calendar day, the employee shall be able to utilize their leave accruals and be paid their full salary by the Town. The Town will retain the employee's Disability payment and credit the employee's leave accruals accordingly.

Any non-union employee that retires from the Town with an excess of 200 accumulated sick days, will be eligible to receive a monthly credit of either \$100.00 toward their co-payment of health insurance premiums or a \$100.00 monthly cash payment as a health insurance buyout, if they are not currently a member on the Town's health insurance plans, for every (20) days of accumulated sick leave in excess of the 200 accumulated days.

If an employee is out on disability they shall not accumulate additional sick time and shall pay the percentage of health insurance co-pay established by Town Board resolution while on disability if they are not receiving town wages.

Employee shall pay the percentage of health insurance co-pay established by Town Board Resolution while on disability.

Personal Days: All full-time permanent employees after six months of employment shall be entitled to four (4) personal days per year; grandfathered part-time hired prior to January 1,2005 shall be entitled to two (2) per year. If an employee fails to use his/her personal days, all unused days shall be added to the employee's accumulated sick leave.

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**Bereavement Leave:** All full-time permanent employees shall be entitled to three (3) days bereavement leave for a death in the employee's immediate family or employee's spouse's immediate family (including nieces and nephews and brother-in-law and sister-in-law).

**Employee Leave Records:** All employees will be responsible for maintaining an accurate, on-going, accounting of his/her used and unused leave time on forms provided by the town. These forms shall be submitted (with written approval of department heads) to the Supervisor's Office bi-weekly.

**Time-Cards:** It will be a violation of Town Policy for any employee to card stamp another employee's time card other than their own. Such violation may result in disciplinary action.

**Holidays:** All permanent full-time employees shall be granted thirteen (13) paid holidays. Grandfathered part-time employees hired prior to January 1, 2005 will be eligible for the following Holidays schedule with "holiday" being the same as employee's work day:

New Year's Day	Veteran's Day
President's Day	Memorial Day
Thanksgiving Day	Day after Thanksgiving
Fourth of July	Christmas Day
Labor Day	Floater
Columbus Day	Good Friday
Martin Luther King Day	

If a holiday falls on a Saturday, the day of observance shall be the previous Friday. If a holiday falls on a Sunday, the day of observance shall be the following Monday. Unused holidays cannot be carried over to next year.

**Employee Benefits:** All full-time, year round, permanent employees (see definition) and their eligible dependents will be entitled to receive the following benefits:

- NYS Employees' Retirement Plan (unused sick leave may be converted as additional service credit upon retirement).
- NYS Disability Insurance.
- Saratoga County Self-Insurance Plan (Workman's Compensation).

**Insurance Benefits:**

All full-time, year-round, permanent employees (see definition) and their eligible dependents will be entitled to receive medical, prescription, optical and dental insurance benefits pursuant to programs approved by the Town Board and continue to pay the same percentage they are currently paying. The health insurance benefits listed above are not applicable to those receiving the insurance buy-out. Those covered under the CSEA Contract will be covered as in their contract.

The above insurance benefits will also be extended to Town Supervisor, Town Clerk and Highway Superintendent and grandfathered part-time elected officials. Unless the Town Board designates a probationary "waiting period" at the time of hire, these benefits will become effective within a thirty (30) day period after the day of employment.

19. Resolution authorizing the reimbursement to Town Officials and Employees who use their own vehicles for Town Business and setting that rate at the rate set by the Internal Revenue Service and also requires that all elected and appointed officials gain Town Board approval prior to attending a conference or seminar, if expenses for same are to be a town charge.

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20. Resolution designating the Supervisor as the representative from the Town to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 14-17, 2016 and to cast the vote of the aforesaid Town, pursuant to Sect. 66 of Article III of the Constitution and By-Laws of said Association and in the absence of the Supervisor, the Deputy Supervisor is designated to cast the vote of said Town and in the absence of the Deputy Supervisor any member of the Town Board may cast the vote.
21. Resolution designating Adirondack Trust for the term of our current policy as the insurance broker of record for commercial package policy and umbrella, including general liability, public official's liability, auto, fire, inland marine and Town Officers and Employees Bonds currently in effect.
22. Resolution authorizing the Town Clerk to collect all water and sewer rents and receive all applications and fees for taps in Water District I, II, III, IV, V, VI and Sewer District I.
23. Resolution authorizing and accepting as the official undertaking the following bonds for Town Officers and Employees:

Supervisor	\$140,000
Deputy Supervisor	\$140,000
Town Clerk/Tax Collector	\$140,000
Deputy Town Clerk/Tax Collector	\$140,000
Bookkeeper	\$140,000
Senior Transfer Station Clerk	\$140,000
(2) FT Court Clerk each	\$140,000

All other elected and appointed officials/town employees will be bonded for \$90,000

24. Resolution designating the regular monthly meetings of the Town Board be set for the second and fourth Tuesdays of each month at 7:00 p.m. and Month-End Meetings will be held at 6:30 p.m. on the fourth Tuesday of each month before the regular meeting of the Town Board unless otherwise designated by Town Board resolution.
25. Resolution establishing the policy that, minutes of all Town Board Meetings be completed and made available for review by the Town Board within two weeks following the meeting and further establishing that all minutes from all regular and special meetings be subject to approval at the following Town Board Meeting and all audios of Town Board Meetings be made available to the public via the Town's website within three days of the meetings.
26. Resolution requiring all department heads submit a monthly report to the Town Board three days prior to its first regularly scheduled bi-monthly meeting outlining pertinent department activities, data and problems the Town Board should be made aware of.
27. Resolution designating the Town Clerk as the official responsible for notifying the media of regular and special Town Board Meetings in compliance with the New York State Open Meetings Law.
28. Resolution authorizing diesel, oil, and gasoline for the highway department be purchased at State Bid Price or below.
29. Resolution authorizing South Glens Falls Fire Department, Civic Center of Moreau, Inc., South Glens Falls Central School, Corinth Headstart, Saratoga EOC Headstart, Saratoga County Public Health Nurses, Recreation, Building Department, Sewer Department and Water Departments to purchase diesel & gasoline from the Town of Moreau Highway Department and be invoiced for same.
30. Resolution authorizing the Highway Superintendent to hire temporary employees to help with snow and other operations as needed at \$12.00 per hour.

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31. Resolution authorizing the Highway Superintendent to negotiate with the Superintendent of Highways of any municipality within the County of Saratoga, Warren or Washington to provide for the reciprocal use of Town owned highway machinery, tools or equipment, upon such terms and conditions as agreed upon by the parties, including the Town Board of the Town of Moreau.
32. Resolution authorizing the Highway Superintendent to attend the New York State Transportation and Federal Surplus Auctions and be authorized to purchase items for the highway department, pending approval of the Town Board for all items purchased costing \$3,000.00 or more.
33. Resolution authorizing the expenditure of town highway funds in the amount of \$889,400.00 for General repair and improvement of 83.72 miles of town highways, sluices, culverts, and bridges having a span less than five feet and boardwalks or the renewals thereof and permanent improvement of town roads. No moneys set aside for such improvements shall be expended, nor shall any work be undertaken in such improvements, until the Highway Superintendent and Town Board approves the expenditures, specifications and estimates for such construction.
34. Resolution authorizing Supervisor to pay postage to refill postage meter, utility bills, state retirement, leases, Board approved cash advances and payments due on contracts, prior to audit.
36. Resolution authorizing Town Officers/Employees who collect town fees or other payments to impose a service charge on all returned checks as per General Municipal Law Section 85.
39. Resolution conferring the benefits of Section 18 of the Public Officer's Law upon the Town's employees, as that term is defined in Section 18(1) (b) of the Public Officer's Law, and to be held liable for the costs incurred under Section 18 of the Public Officer's Law.
40. Resolution requiring the following to file an Oath of Office prior to the commencement of their new term each year:
  - All Deputies
  - Building Inspector/Code Enforcement Officer
  - Assistant Building Inspector/Code Enforcement Officer
  - Planning and Zoning Board Members whose terms expired 12/31/15
  - Court Officer
  - Dog Control Officer
41. Resolution to pay employees who serve on active jury duty their normal wages with the understanding that if they only have to serve on jury duty for a portion of their work day that they will return to work and also that they provide proof of service.
42. Resolution authorizing the Saratoga County Animal Shelter to issue dog licenses on behalf of the Town of Moreau prior to the release of any impounded dog to a Town of Moreau resident pursuant to Article 7 of the NYS Agriculture & Markets Law.
45. Resolution authorizing payment of the budget amount to the Historical Society.

\*\*FAIR LABORS STANDARDS ACT

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Roll call vote resulted as follows:

Councilman Kusnierz	Yes to all Resolutions but #16 to which he abstains
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adopt Resolution #44 as follows:

Resolution setting a time limit of 10 minutes per person to speak during Public Hearings with additional time to be allowed after all others have been heard and to eliminate Resolution #43 as follows:  
(Resolution setting a time limit of 5 minutes per person to speak during the public comment periods at each Regular Town Board Meeting with additional time to be allowed after all others have been heard).

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

Councilman Kusnierz stated that he appreciates the Board tabling Item #2 for further discussion. He stated that the Board established pay increases of 2% but with the Water Superintendent receiving a 16.7% salary increase. He stated that some Board members justified supporting the increase because there was a concern for use of overtime in that position and they've gone back and forth over this as to whether or not the position is even eligible for overtime. He stated that this position is not eligible for overtime and felt it was grossly unfair to other Town employees who work just as hard to see another employee get a \$8,162.00 raise in one year. He respectfully requested of the Town Board to keep his salary increase in line with the other department heads at 2%.

Councilwoman LeClair stated that she disagreed with Councilman Kusnierz. She stated that the overtime and rate of pay are two separate issues. She stated that when someone is hired as an Assistant Water Superintendent and then takes over as the department head, there are additional responsibilities. She stated that he was never compensated for this increase in responsibility. She stated that when someone takes over the responsibility as the head of a department, they receive pay for that. She stated that if the Assistant Building Inspector moves up to the Building Inspector position, they wouldn't expect him to get the same rate of pay he's getting now. She stated that Jesse has gone above and beyond by making improvements to the systems. It's a larger system than when the previous Water Superintendent was here and he's doing the Superintendent's job at an Assistant's pay.

Councilman VanTassel stated that based on all the information that he's gathered from the people who have shared information, he feels similar with Councilwoman LeClair's position based on how he was hired and the job he was asked to do. There was some belief, from what he was told, that even though he might not legally be eligible for overtime, he was allowed to get it and it was part of his compensation. To take it away after the fact doesn't settle well with him. Councilman VanTassel believes they've put policies in place to prevent this type of problem going forward. He stated that he believes he should be paid the wages that are presented in the budget.

Councilman Prendergast stated that everyone knows how he feels. He stated that it was a substantial increase this time and if he had his way it would have been increased years ago, it wouldn't be all at once today. He stated that there were many discussions about overtime and none of them liked it. He stated that this does two things, no more overtime issues and it gives him the salary he believes he should have been receiving years ago.

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Supervisor Congdon agreed with Councilman Prendergast and stated that he would like the Board members to look at every job not just for salaries but for job duties. He stated that there is an overlap of responsibility in some positions and he thinks this should be looked at. He stated that regarding the Water Superintendent they need to look at what he does for his salary. He stated that there may be changes in what he does. He stated that if we were operating a plant and having to distill water or treat water, that would be one thing. He stated that the Water Superintendent's position is not a Water Treatment Operator.

Councilman Prendergast stated that there are duties of the Water Superintendent that a Water Treatment Operator doesn't do. He stated that a Water Treatment Operator isn't down in a hole at 3:00a.m. replacing hardware.

Councilman Kusnierz stated that his comments aren't directed at the caliber of work in any way, shape or form. He's coming from the perspective that when you make an increase in personnel costs, you have that cost forever moving forward. He went on to say that everyone received their STAR rebate checks just in time to pay Town & County Taxes. If the Town Board makes an unsafe action and exceeds the 2% tax cap, you don't get those checks. He feels that it's his responsibility to make decisions based on the tax payer's pocket books. He stated that these are important decisions that will be with us for a long time and will impact everyone's tax dollar.

Rich Morris asked why there's such a discrepancy in the increases between the Water Superintendent, the Building Inspector and the Highway Superintendent and why there's such a difference in pay. He also stated that he doesn't agree with someone stepping into the same salary as the person they are replacing.

Supervisor Congdon stated again that it would be important for the Town Board to look at all these positions and look for areas where the work that is done to be expanded or lessened. He will try to set up a meeting with department heads and employees and see what they can do.

Councilman Prendergast stated that when they transitioned from one Water Superintendent to the new one, we never skipped a beat.

Councilwoman LeClair asked the Water Superintendent how many users there are now. Jesse replied that it went from 1,600 to 2,300 and that there are now three water towers, a redundant connection with the County and sewer connections for three or four apartment complexes. She stated that there was never an adjustment in pay from when he was hired as an assistant to when he was appointed as Water Superintendent. She stated that regarding the Highway Superintendent's salary, she believed that last year they didn't give the 2% raise for elected officials and they hadn't given raises in years before that. Had the Highway Superintendent received those raises, his pay would be a little bit more than what the Water Superintendent is making.

Councilman Kusnierz asked the Water Superintendent how many radio read meters there are now. Jesse replied about 1,200. Councilman Kusnierz stated that with the technology, you only need to drive by a house for a reading and that this saves Jesse time. Jesse replied that they were able to eliminate the number of meter readers.

The Water Superintendent stated that when he came to work for the Town, he had nine years' experience with the Village of South Glens Falls and eight of those years were operating the water plant. He stated that he didn't come here to get his licenses and qualifications; he had the qualifications. He now has 16-17 years involved in this and stated that it's not like he's new at it. He stated that he doesn't know everything, every day he learns something different. He felt that the Superintendent's pay was the Superintendent's pay.

Supervisor Congdon stated that as a means to resolve the discrepancy of pay between the Highway Superintendent and the Water Superintendent would be to equalize the pay. He stated that it wouldn't cut the percentage down for the Water Superintendent but it would recognize the more responsibility of the Highway Superintendent over the Water Superintendent.

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Highway Superintendent made the comment that the Water Superintendent has always made more than him back to 2006.

Supervisor Congdon asked why Jesse should make more than Paul, unless he can be convinced that he has more responsibility.

Councilman Prendergast stated that every year that he didn't get a raise, he said he should and every year the Town Clerk didn't get a raise, he said she should. He always said that they shouldn't be punished because they're elected and if it were up to him the Highway Superintendent's pay would be up there.

Jesse Fish stated that when he started it was explained that his salary for Water Superintendent wouldn't be the same because it was an appointed position and asked to be corrected if he was mistaken in that when The Highway Superintendent and Town Clerk stepped in at the same salary.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve Resolution #2 of the Organizational Agenda as follows:

2. Resolution setting the following respective annual salaries (52 Week) or hourly rate, as approved in the 2016 Budget except as otherwise provided under Town Law, Civil Service Law, or other applicable law, rule, or agreement.

Leeann McCabe	Receiver of Taxes and Assessments	\$8,463.00
	Records Management Officer	\$1,005.00
	Registrar of Vital Statistics- [1/2 Birth & Death Certificate Filing Fees in accordance with NYS Public Health Law Section 4173(3)]	
Margaret Jenkins	Assessor (10/01/13-9/30/19) (FLSA EXEMPT)**	\$50,982.00
Susan Stockman	Assessment Clerk, PT	\$13.02 hour
Helen Potter	Crossing Guard- Part-Time (Moreau)	\$11.44 hour
Mary Wood	Substitute Crossing Guard	\$11.44 hour
John Hayes	Crossing Guard (Tanglewood), PT	\$11.44 hour
Joel Nolin	Substitute Crossing Guard	\$11.44 hour
John Helwig	Crossing Guard (Tanglewood), PT	\$11.44 hour
Frank Joseph Patricke	Building Inspector/Code Enforcement Officer	\$54,514.00
Ben Marcantonio	Assistant Building Inspector/Code Enforcement Officer	\$37,650.00
Kathy Perez	Building Inspector's Clerk	\$31,442.00
Theodore Monsour	Laborer/ Cleaner, Part-Time	\$14.28 hour
Michelle Johnson	Cleaner, Part-Time	\$10.00 hour
Michael Hastings	Transfer Station Laborer, PT	\$12.42 hour
Herbert Adamson	Laborer, PT/Seasonal	\$10.46 hour
Charles E. Mattison	Transfer Station Laborer, PT	\$12.18 hour
James Roberts	Laborer Part-Time	\$12.18 hour
Jeffrey Stevens	Laborer, Part-Time	\$12.18 hour
William Coon	Transfer Station Clerk/Laborer, PT	\$12.42 hour
Kimberly Zupan	Transfer Station Clerk Part-Time	\$12.42 hour
Francine Thibodeau	Principal Account Clerk/Typist/Bookkeeper	\$45,072.00
Rudolph Klick	Part-Time Account Clerk	\$13.55 hour
Linda Blackburn	Court Clerk Full-Time	\$32,461.00
Jennifer Miller	Clerk to the Town Justice, FT	\$28,050.00
Karen Epifanio	Clerk Part-Time	\$11.00 hour
Suzanne MacMore	Clerk to the Town Justice, PT	\$11.44 hour
Ron Belisle	Court Clerk Part-Time	\$11.82 hour

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Thomas Geraghty	Court Officer	\$14.80 hour
Jesse Fish	Water Superintendent District 1	\$4,833.00
	Water Superintendent District 2	\$11,258.00
	Water Superintendent District 3	\$3,582.00
	Water Superintendent District 4	\$11,656.00
	Water Superintendent District 5	\$3,468.00
	Water Superintendent District 6	\$13,532.00
	Sewer District 1 Superintendent	\$8,529.00
	Total	\$56,858.00
Earl Ruff	Deputy Water Superintendent, on Call	\$18.57 hour
James Graul	Water Department Laborer, FT	\$14.15 hour
Christine Clifton	Water Meter Reader	\$13.49 hour
Denise Jones	Water Meter Reader	\$13.49 hour
Linda Blackburn	Water Meter Reader	\$13.49 hour
Jennifer Miller	Water Meter Reader	\$12.97 hour
Bruce Siergiey	Laborer, FT	\$14.20 hour
Sandra Mahoney	PT Recreation Program Director	\$13.77 hour
Peter Corlew	Recreation Working Foreman	\$16.00 hour
Kenneth Bushey	Laborer, FT, Seasonal	\$10.92 hour
Christopher Rich	Laborer, PT, Seasonal	\$10.92 hour
Keith Vance	Laborer, FT, Seasonal	\$10.92 hour
Maureen Leerkes	Clerk Part-Time Highway Department	\$13.02 hour
Royce Pixley	Laborer Rec & Cemeteries, PT	\$12.48 hour
Dexter Baker	Dog Control Officer Part-Time	\$12.48 hour
David Delong	Dog Control Officer Part-Time	\$12.48 hour
John Dixon	Assistant Water Superintendent, PT, on call	\$18.57 hour
Wing Person/Flag person	Highway Department	\$12.00 hour
James Davenport	Laborer, PT	\$10.92 hour

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman VanTassel	Yes
Supervisor Congdon	Abstain

The Supervisor asked that they leave open Agenda Item #3 relating to the Budget Officer. Attorney Buettner stated that by law, as Supervisor, he is the Budget Officer.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to approve Resolution #3 of the Organizational Agenda as follows:

3. Supervisor's, At Will, Appointments:

Budget Officer	Supervisor Unpaid
Teresa McGuire	Confidential Secretary / Assistant Bookkeeper (FLSA EXEMPT) **
	Annual Salary (52 Weeks): \$33,660.00
Deputy Supervisor	Councilwoman LeClair - Unpaid
Supervisor's Committee Appointments	See Attached 2016 Schedule

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

MOREAU TOWN BOARD  
2016 COMMITTEE APPOINTMENTS

Buildings & Grounds.....Councilwoman LeClair  
.....Councilman Prendergast

Cable TV.....Councilman Kusnierz  
.....Councilman VanTassel

Cemetery.....Councilman Prendergast  
.....Councilman Kusnierz

Highway Department.....Councilman VanTassel  
.....Councilwoman LeClair

Insurance.....Councilman Kusnierz  
.....Councilman Prendergast

Mosquito Control.....Councilman Prendergast  
.....Councilman Kusnierz

Personnel & Employee Benefits.....Councilwoman LeClair  
.....Councilman Prendergast

Recreation.....Councilwoman LeClair  
.....Councilman VanTassel

Transfer Station/Landfill.....Councilman Kusnierz  
.....Councilwoman LeClair

Water1, 2, 3,4,5,6, & Sewer 1.....Councilman Prendergast  
.....Councilman VanTassel

Crandall Library Liaison.....Councilman Kusnierz

Fire Company Liaison.....Councilwoman LeClair

Moreau Community Center Liaison.....Councilwoman LeClair  
.....Councilman Kusnierz

Local Waterfront Revitalization.....Councilwoman LeClair

Industrial Park.....Councilman VanTassel  
.....Councilwoman LeClair

Zoning Liaison .....Councilman VanTassel  
.....Councilman Prendergast

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the engagement of services of the following named consulting firms subject to the filing of a current ethics disclosure statement such engagement to be valid for the next 30 days.

C2ae  
PS Technical Services  
C.T. Male Associates  
Garry Robinson, P.E.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to table Agenda item #'s 37, 38 and 47

(#37 - Resolution appointing G. Peter Jensen, Chairman of the Planning Board)  
(#38 - Resolution appointing Gerhard Endal, Chariman of the Zoning Board)  
(#47 - Resolution to Re-Appoint G. Peter Jensen to the Zoning Board of Appeals)

Councilman Prendergast stated that he's uncomfortable doing this. He knows that Mr. Jensen and Mr. Endal have put in many years, a lot of hard work and a lot of hours and they take their jobs seriously. He stated that he didn't know what discussion would make him change his mind on that resolution.

Supervisor Congdon stated that his goal is to discuss with the Planning & Zoning Chairmen with the understanding of the laws and how they interpret them. He stated that they all know that there were situations last year. He stated that he was involved in the writing of some of the ordinances that are being interpreted differently.

Councilman Prendergast asked if Counsel was at these meetings and Attorney Buettner replied yes.

Supervisor Congdon stated that they went through the famous Dog Grooming case. He stated that she was told she had to apply for a variance and after doing so was denied. Attorney Buettner stated that the case went to the State Supreme Court and the Supreme Court Judge upheld. Supervisor Congdon stated there are many cases from the Supreme Court that are reversed, so this doesn't impress him.

Supervisor Congdon went on to address problems that he had with the Planning Board in years past.

Reed Antis asked if there was a separation between the Town Board and the Planning & Zoning Boards. Attorney Buettner replied yes. The Town Board has the authority to appoint the Planning & Zoning Board members but can't influence them after they've been appointed.

Councilman Prendergast stated that in the 26 years that he's been here, he's heard nothing about any problems.

Supervisor Congdon made a few more comments relating to his displeasure of the Planning Board.

Councilman Kusnierz stated that they will have two more meetings before the next Planning & Zoning Board meetings. Attorney Buettner stated only two meetings before the Zoning Board meeting.

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	No
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

Councilman Kusnierz stated that at the next Town Board meeting they should plan a workshop regarding our requirements for developers to pre-pay sewer buy-in. The Town does have a policy in their Code Book for water but not for sewer. He was made aware that the Town has received a check for a few thousand dollars. In fairness to anyone who will be developing they need to establish a policy that is either similar to water but it has to be fair. A developer pointed out to Councilman Kusnierz that no other developer has been required to make this kind of payment.

Attorney Buettner stated that it is reflected in the minutes, that regarding to water, you have to pay 1/3, 1/3 and 1/3 but regarding the sewer, nothing has been done. She stated that it's up to the Board, they need to set policy either to pay all the sewer fees up front when applying for the first permit or to pay 1/3, 1/3 and 1/3 as is with the water.

Councilman Kusnierz stated that this isn't something that they will just show up next week and make a decision on. There are many factors that the Board needs to consider and a workshop should be scheduled that would include those involved.

Councilman Kusnierz stated that he had a recommendation brought to him and mentioned that developers are required to pay for the Town's legal and engineering services when they oversee the construction for pipes for water and sewer. He knows a developer who received a bill that was for services that were conducted by a Town engineer a year and a half ago. He stated that it makes it very difficult for them to budget. There needs to be a more timely delivery of the bill from the Town passed to the developers. He also stated as a savings to the Town, possibly instead of the engineers, they could use Town employees to conduct these inspections. He stated that at the next regular Town Board meeting they can schedule a workshop to look at these fees.

Harry Gutheil asked if the money went into sewer or the General Fund. Supervisor Congdon replied that he didn't know. Mr. Gutheil stated that the debt is being paid by the General Fund. Preston Jenkins stated that any money collected for sewer infrastructure went into the sewer fund.

Maggie Centerbar addressed the Supervisor and stated that she didn't know if she misunderstood him earlier stating that Jesse Fish's job isn't as important and has less responsibility than the Highway Superintendent's job. The Supervisor stated that the Highway Superintendent has more responsibility and Mrs. Centerbar asked how he figured that when the Highway Superintendent only takes care of the Town and the Water Superintendent takes care of water for the Town and the Village. The Supervisor told Mrs. Centerbar that the Village has their own Water Superintendent.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Highway Superintendent to purchase Diesel Fuel from the 2016 Budget year from Mirabito Holdings, Inc. under State Contract #PC66705 in the amount of \$20,000.00. This will be paid from account DB5142.460 which has a balance of \$70,000 as of 1/1/16 and authorizing the purchase of Rock Salt from the 2016 Budget year from Morton Salt under County Contract #15-PWS-10R in the amount of \$80,000.00. This will be paid from account DB5142.490 which has a balance of \$170,000.00 as of 1/1/16 and authorizing the purchase of Gasoline from the 2016 Budget year from Global Montello Group under State Contract #PC66690 in the amount of \$10,000.00. This will be paid from account DB5142.460 which has a balance of \$70,000.00 as of 1/1/16.

An organizational meeting of the Town Board of the Town of Moreau was held on January 4, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to change the next regularly scheduled Town Board meeting from January 12, 2016 to January 19, 2016 at 7:00 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adjourn the meeting for the evening at 9:45 p.m.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	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 complete audio of the meeting, please visit the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)