

A regular meeting of the Town Board of the Town of Moreau was held January 19, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:00 p.m. and then led the Pledge of Allegiance.

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; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Sandy Mahoney, Recreation Program Director; Paul Kelly, Esq., Attorney for the Mahoney's; Ben Marcantonio, Assistant Building Inspector; Garry Robinson, Engineer for the Town; Kathleen Moore, Post Star Reporter; Town Resident's: Bruce Flayer, Virginia Livsey, Kevin Elms, Mary Jenkins, Chris Fitzgibbon, Brigid Martin, Richard Noonan, Jim Rando, Tom Mahoney, Reed Antis, Will Congdon, Eric Poust, Rich Morris, Justin St. John, Terry Clark and Jim Aiken; Village Resident's: Ann Celeste, Debbie Fitzgibbon, Paul and Linda Flood, Charlie Granger and Maggie Centerbar.

APPROVAL OF MINUTES

The minutes from December 22, 2015 (2 sets) and from January 4, 2016 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from December 22, 2015 (2 sets) as prepared.

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 Prendergast and seconded by Councilwoman LeClair to approve the minutes from January 4, 2016 as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

Councilwoman LeClair stated that Jim Martin from the L.A. Group wanted to meet with the Town Board. She was directed to contact Mr. Martin and have him come to the next regular Town Board meeting on January 26, 2016.

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A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to schedule a Public Hearing, regarding the establishment of Sewer District 1, Extension 5, for March 8, 2016 at 6:30 p.m.

Roll call vote resulted as follows:

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

There was discussion regarding the Town's payment policies for Sewer buy in. Councilman Kusnierz stated that the Town has no policy. He stated that the Town has received a significant amount of money from a developer and he's in limbo because there is no policy in place and would like some of the money returned. Supervisor Congdon stated that this is a legal issue. Attorney Buettner stated that Mr. Schermerhorn would like to be in attendance at the workshop that is scheduled. Councilman Kusnierz stated that all developers that are affected should be invited. Supervisor Congdon stated that there should be a policy in some format first before a workshop is scheduled. Councilman Prendergast stated that someone should get a hold of Tim Burley and gather information before the next meeting to be held on January 26, 2016 and then a workshop can be scheduled. Councilwoman LeClair will contact C2ae and see what information she can gather and at the same time she will look into the Asset Management Plan to see what they need to do to finalize it.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked if the Attorney for the Town had received information relating to the Power Purchase Agreement meeting that was held on December 22, 2015. Attorney Buettner stated that she had heard from Mr. Boyd and is in the process of drafting a memo to the Town Board. Mr. Antis was advised that he could email Mr. Boyd directly.

Terry Clark asked if the 5 minute time limit had been removed for public comment and the answer was yes.

MOHICAN BATTENKILL RE-BUILD PROJECT

Garry Robinson, Town Engineer, was present and gave a brief presentation on the National Grid Mohican Battenkill Project which requires the rebuilding and reconductoring of approximately 14 miles of two existing electric transmission lines from Moreau to Greenwich. Mr. Robinson's role was to review National Grid's Stormwater Management Plan for this project and if it were OK to have it approved by the Town. This process has been completed. Supervisor Congdon stated that he was concerned to find out that National Grid was using eminent domain to proceed with this project. Councilwoman LeClair stated that the first she knew of the project was from Sandy Mahoney who had approached her with concerns. Councilman Prendergast stated that the first he knew of the project was recently just before the meeting he attended. Supervisor Congdon stated that the Town is faced with major construction that the Town didn't know anything about. He went on to say that things like this should be brought to the Town Board's attention. He asked if the Highway Superintendent was notified of the Public Hearing that was held back in June and he replied "no". Attorney Buettner stated that National Grid followed eminent domain law. They would have notified the homeowners that are affected by the law. If the Town didn't have property that was to be affected, they wouldn't have been notified. Sandy Mahoney stated that she had come to the Town and asked Joe Patricke and Preston about the project and she was told that they knew nothing about it. She asked for a copy of the letter that was sent to the Town regarding the Stormwater Management Reporting. Paul Joseph asked to have the Board allow him to use Garry Robinson for consulting services to look over the roads and to get a bond on them. Supervisor Congdon stated that he doesn't see the need for outside assistance until we know where we're at. Councilman VanTassel asked how many property owners are being affected by this project and Ben Marcantonio replied 6. Councilman

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Prendergast stated that the Town may not have much control over this but stated that the Town is gathering information. He did say that we need help from Garry Robinson getting the bond. The Supervisor stated that's what the Attorney is for and Attorney Buettner replied that it would be good to have Garry Robinson on board. The Supervisor stated that he wasn't happy with information they've received from Garry Robinson so far. He felt the Board should have been brought up to date sooner. Attorney Buettner stated that the only reason Mr. Robinson was involved was because he was the Town's engineer looking at the Stormwater Management plan and that's all he would know about the project is the Stormwater. The Supervisor asked Mr. Robinson if the Town knew he approved the Stormwater Management Plan for a major construction in somebody's backyard. He hadn't answered the question before the Supervisor stated that if he approved, without the Board knowing it, the Stormwater Management Plan, he has disrupted that neighborhood and those peoples' houses. If he wants to continue on with the same program, he won't buy it. Mr. Robinson stated that he and Joe had several meetings with National Grid representatives in the field regarding the Stormwater Management Plan and that's what he was hired to do. Councilman Prendergast asked who contacted him to do the work and he replied Joe Patricke. Councilman Prendergast stated that it's safe to assume that if he was with Joe Patricke when the meetings took place, he would have thought that the Town had been notified. Supervisor Congdon disagreed. The Supervisor stated that if Joe Patricke hired Mr. Robinson, the Town should have given him approval and then they would have been looking for the report. Attorney Buettner stated that the Town hires it's consultants in January at the Organizational Meeting so that they can be used throughout the year. Board approval wouldn't have been necessary. Supervisor Congdon stated that this is very upsetting to him, it's not the way things should be done. Reed Antis asked if this would be in his monthly reports. Councilman Kusnierz stated that it could be but he didn't recall it being on any of his reports. Supervisor Congdon stated that they need time to analyze this and that he's concerned over the taxpayers. Sandy Mahoney asked who the National Grid engineer is that will be doing the inspections. There wasn't anyone present who had the answer to her question. Attorney Buettner stated that she has been looking at all the documents from the Army Corp permit – Case # 11-T-0068. There are 100's of documents that are available on the website. Ben Marcantonio stated that the project is due to be completed by 2018. Councilwoman LeClair stated that the audio from the January 15, 2016 meeting is on the Town's website if anyone would like to listen. Supervisor Congdon stated that there is too much money being misspent on other peoples' opinions. He stated that if you need a bond on the road, get us a cost and we'll get you the bond. Attorney Buettner asked the Highway Superintendent to get in touch with her this week and they will go over what they need for a bond or a letter of credit from National Grid. Councilman VanTassel stated that there aren't a lot of facts. He stated that the Town Board should look at the other opportunities as Councilman Kusnierz mentioned about grant money and once they have the facts they can communicate more effectively.

JOHN MCALLISTER – REQUEST TO USE 349 REYNOLDS ROAD FOR CUB SCOUTS

Mr. McAllister wasn't present. The Supervisor stated that he thought he would have been here but since he wasn't, he'll have to get more information and will bring this back to the Board at a later date.

BUILDING DEPARTMENT REQUEST

The Assistant Building Inspector is requesting Town Board authorization to attend an educational conference in Lake Placid from February 29, 2016 – March 3, 2016. By attending this conference he would fulfill his entire requirement of 24 annual in service credit hours that is mandated by New York State to maintain his Certification for Building Inspector/Code Enforcement Officer. Supervisor Congdon stated that they decided not to let him go because there would be nobody here to take care of inspections. Councilwoman LeClair stated that this is an opportunity for him to get all the necessary certifications that he's required to. Councilman Kusnierz stated, that at the last meeting, they had extensive discussion that questioned his qualifications. He stated that the way to get them qualified if to send them to training. Ben Marcantonio stated that the contractors work with the Building Department in these situations. They know there won't be anyone available for a few days to do inspections. Councilman VanTassel stated that the Department felt they would be slower now than later and the Town would be incurring additional costs by sending him to four separate classes instead of one. He stated that it isn't just a matter of the costs involved but we should get clarity as to whether this is the best time. The Supervisor stated that we have one of the biggest projects underway right now in our Town. Councilman Kusnierz stated that

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because the Town's Building Inspector is still on the payroll, we should be looking at shared services with another municipality. Councilman VanTassel stated that we need to gather more facts. They need to know when the other classes are and how much they will cost. Councilman Prendergast stated that this is not the busiest time of year. It's going to get busier by summertime when other classes are available. If he were to attend this class, it would take care of his requirements for a full year. Rich Morris stated that this has been a problem. When someone is on vacation or on a day off, contractors can't get their work done. Councilman Kusnierz stated that he's not saying the Town should go without. If Ben can get proper coverage from another municipality, this would meet the needs of the people. Rich Morris stated that it's imperative that they notify all permit holders if they are going to be away. Councilman Kusnierz stated that this topic should be tabled until Ben can reach out to other municipalities for coverage. Ben stated that all other municipalities are sending their employees to this training session, so there would be no coverage available.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Assistant Building Inspector to attend an educational conference in Lake Placid from February 29, 2016 – March 3, 2016. By attending this conference he will obtain his 24 annual in service credit hours mandated by New York State to maintain his Certification for Building Inspector/Code Enforcement Officer. The estimated expense will be \$709.00 for the Conference Fee, Hotel Charges and Membership Fee plus reasonable and proper expenses including mileage and meals.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

Sandy Mahoney asked if she could take part of her incoming registration fees for wrestling to take care of the wrestling coaches' stipend and to take care of the High School referees for basketball which they've done in the past at \$10.00 per game. The Board replied that she was good and that no resolution was necessary.

Ms. Mahoney also reported that she's working on a program for the annex building. There are two High School Spanish teachers that are willing to teach Spanish classes similar to what they do at Crandall Library.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the rental of handicap accessible Porta Toilet and Regular Porta Toilet from Stone Industries at a cost of \$125.00/28 days for Handicap Accessible and \$70.00/28 days for Regular. This will be paid from account A7140.4.

Roll call vote resulted as follows:

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

WATER SUPERINTENDENT'S WORK SCHEDULE

This item was tabled until later in the meeting.

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REQUEST FOR WAIVER OF INSURANCE REQUIREMENT

The Supervisor reported that he has a meeting scheduled with Dave Meager and he will discuss this request with him. This item was tabled until he has further information.

ACCEPT RESIGNATION OF CATHERINE KNAPP FROM ETHICS ADVISORY COUNCIL

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the resignation of Catherine Knapp from the Ethics Advisory Council.

Roll call vote resulted as follows:

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

The Town Clerk had asked for authorization to advertise for this position and the Supervisor stated that the Post Star might be able to make mention of the vacancy without having to pay to advertise the position.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH C.T. MALE – 2016 LANDFILL MONITORING

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the agreement with C.T. Male Associates for the 2016 Landfill Monitoring Services.

Roll call vote resulted as follows:

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

AUD PROPOSAL

It was explained that RFP's had gone out for the completion of the annual AUD, Town of Moreau and the Landfill Financial Assurance report for year ending December 31, 2015. No RFP's were returned by the due date of January 8, 2016. A call was received from Jenkins, Beecher & Bethel, LLP stating that a response to the RFP had been sent out on January 6, 2016. They had delivered their proposal on January 11, 2016. This was the only proposal received.

The Supervisor stated that he would like to see what this consists of for \$3,000.00.

This item was tabled until the next regular Town Board meeting to be held on January 26, 2016.

**DISCUSSION – TABLED ITEMS FROM ORGANIZATIONAL MEETING
RE-APPOINTMENT OF PLANNING AND ZONING CHAIRMEN AND ENGINEERING SERVICES**

The Supervisor stated that the engineering services were put off for 30 days and asked that there be discussion at the next Town Board meeting on January 26, 2016 to discuss both issues.

Attorney Buettner pointed out that there are Zoning and Planning Board meetings to be held next week and they haven't re-appointed the Chairmen. The Supervisor stated that there are alternates that can act

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as Chairmen. Mr. Elms stated that he was the acting Chairman for the Zoning Board. He also stated that he was concerned that Mr. Endal wasn't re-appointed as a member of the Zoning Board or as Chairman and stated that he would like to know why. The Supervisor stated that they want to have a meeting with the Boards and have some discussions.

CLOSE WATER 1 EXTENSION 2 CAPITAL PROJECT CHECK ACCOUNT

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to close the checking account for Water District 1 Extension 2 Capital Project and to transfer the balance of \$171.13 to Water District 1.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Kevin Elms stated that he's worked on the Zoning Board very diligently. He stated that there are issues with the Zoning in the Town of Moreau and that it's outdated. He stated that it's not cohesive and doesn't work well with businesses. He stated that it's held business back in the Town. He stated that the Town Board needs to form a new Zoning Committee to look at the Zoning and he would love to be a part of it.

Jesse Fish asked what happened to agenda item #7. The Supervisor stated that this is a personal issue and will be discussed later in the meeting.

SUPERVISOR'S ITEMS

The Supervisor stated that the Board needs time to keep abreast of what hasn't been kept up to date. He mentioned the Town's zoning laws. Kevin Elms stated that he isn't happy with the Schermerhorn projects. All of the sewer capacity is used up on his projects. He stated that there are things that were done that were good for Mr. Schermerhorn but might not have been good for the Town of Moreau. He believes that the Town isn't receptive to business. Sitting on the Zoning Board, he sees the hoops people have to jump through to start a business in this Town. He understands that there have to be rules but the Town seems more receptive to building a lot of houses instead of bringing in business. He stated that the reason the exit 17 corridor isn't developed is because they always find reasons to not let it be developed. He stated that he could compile a list of people that had come before the Town that weren't able to develop. The Supervisor stated that he would like to see this list once it's been compiled.

The Supervisor stated that he's seen a plan that came out last summer to reconfigure exit 17. He asked that the Board take a look at the plan and make it a priority.

There was discussion over the design of the clover leaf at exit 17 and why it was put in that way.

The Supervisor stated that he had received monthly reports and asked for a motion to accept them.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to accept the monthly reports from the Department Heads.

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Roll call vote resulted as follows:

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

Councilman VanTassel made a suggestion to the Board that they consider forming a committee of some sort, which might involve members of the public, specifically around the area of communication. In the brief time that he's been here, he's talked with some department heads and employees and he thinks that there's an area of improvement amongst the Board members and the public. He also stated that the Town's website, with a lot of Facebooks, have a lot of inconsistencies. He stated that there's a way to provide better value by improving communications. He doesn't know how to make those recommendations without first doing some assessment. He's curious to know if any of his fellow Board members would be interested in exploring this. Councilman Kusnierz stated that any time they're improving communication between the public and department heads is the way to go. They can start first off by recommending that Town employees anonymously provide any suggestions and to put them in the Board members boxes. They know best how the departments are run and what they would like to see. Councilman Kusnierz stated that there's no doubt that the Town's website could be more user friendly and more interactive and to make public documents more accessible. Councilman Kusnierz suggested putting something on the website asking for input from the public relating to the website.

The Supervisor reported receiving a memo from the Highway Superintendent reminding the Board that the funds in the 2015 Budget account #DB5112,493.4 in the amount of \$62,800 should be rolled over into the same account for 2016. This amount is the matching amount required for the Feeder Dam and Reservoir Roads grant sponsored by NYS and Glens Falls Transit.

The Supervisor received a request from the Water Superintendent, for Board approval, for the purchase of a new water meter for White Birch Estates. He stated that the original meter was a badger meter and after it stopped working properly a retro fit was installed by Master Meter to correct the problem. This never worked quite right and it quit again. The Water Superintendent stated that it's our responsibility to maintain the equipment. They're giving us an Octave meter, which would normally cost \$1,800.00 for \$800.00. The Water Superintendent stated that he had spoken with two of the Board members regarding this purchase and it now needs to be ratified. The Supervisor asked Mr. Fish if he had records that go back to 2006 that show the usage and how it was slowing down. Mr. Fish replied that he did and the Supervisor stated that he would like a copy.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel ratifying the purchase of a 2" Octave meter for White Birch Estates from direct buy from Master Meter from Villano Bros. at a cost of \$800.00. This will be paid from account 8310.4 which has a balance of \$81,000.00.

Roll call vote resulted as follows:

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

The Supervisor reported having information relating to the Annual Planning & Zoning conference and asked if any Board members wanted to attend, they need to get their completed forms in to Kathy.

The Supervisor reported having a request from the Assessor to advertise for a part time clerk.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Assessor to advertise for a part time clerk at the budgeted salary.

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Roll call vote resulted as follows:

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

The Supervisor stated that there should be consideration of the building out front. The Assessor has worked up numbers. He stated that they should look at the entire campus which includes the Town Hall and the Fire House. They can salvage what's in the building and then take it apart. They can figure out later what they want to do with the lot. Councilman Prendergast agreed. Councilwoman LeClair asked if they should reach out to the Sheriff's Department again and it was stated that they won't come back. Kevin Elms stated that they should explore alternate uses. He thought they could start a committee to look at the viable uses for the two buildings out front. Councilman Prendergast stated that you're beating a dead horse with the issue. Mr. Elms stated that he would like to look at the house. No one had any objections to his request.

Ben Marcantonio stated that if they want to tear the house down, they'll have to do an asbestos survey. The Supervisor stated that everyone makes a big deal out of asbestos and the people who do the surveys are laughing all the way to the bank. Attorney Buettner stated that it's the law that they do the surveys.

Reed Antis asked if there were any plans for 61 Hudson Street yet and the Supervisor replied that they will have a plan.

Attorney Buettner asked if they were going to address agenda item #7. The Supervisor stated that this was an executive session item and Attorney Buettner replied that it wasn't. They are only discussing his work schedule. Councilman Prendergast stated that they had discussed this matter while the Supervisor was on vacation and it's been worked out. No resolutions were needed.

There was inaudible discussion relating to a future employment and Attorney Buettner reminded the Board members that they were still in open session.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 9:32 p.m. to discuss potential employment.

Roll call vote resulted as follows:

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

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

The Board returned from executive session at 10:23 p.m. and resumed the regular session.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to create the position of Temporary Clerk to the Supervisor at a rate of \$16.15 per hour. This position is temporary until a confidential secretary is appointed by the current Supervisor.

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Roll call vote resulted as follows:

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

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to appoint Elizabeth Lanfear as Temporary Clerk to the Supervisor at the rate of \$16.15 per hour pending successful completion of a pre-employment physical and any civil service requirements.

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 Prendergast and seconded by Councilman VanTassel to adjourn the meeting for the evening at 10:25 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	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 full audio of the meeting, you may visit the Town's website at: www.townofmoreau.org