

A regular meeting of the Town Board of the Town of Moreau was held on January 26, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:12 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Rudy Klick, Special Projects Aide; Kathleen Moore, Post Star Reporter; Jesse Fish, Water Superintendent; Elizabeth Lanfear, Supervisor’s Secretary; Jeffrey McCabe, Town Justice; Tim Alden, Town Justice; Town Residents: Virginia Livsey, Bruce Flamer, Kevin Elms, Jim Rando, Carrie Baker, Mary Jenkins, Tom Hutchins, Martin and Loretta Lemmo, Reed Antis, Stevee Vittengl, K. Pansini, Kathie Spangler, Chris Fitzgibbon and Will Congdon; Village Residents: Chris Music, Margaret Centerbar, Ann Celeste and Linda Flood.

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

**APPROVAL OF MINUTES**

The minutes from January 19, 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 January 19, 2016 as prepared.

Roll call vote resulted as follows:

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

**SET FUTURE MEETINGS AND WORKSHOPS**

Councilwoman LeClair reported that the L.A. Group would be present at the next regular Town Board Meeting to discuss their contract.

Supervisor Congdon stated that there was mention of a need for updating to the Zoning but he thought that there were just simple corrections that could be made at a Public Hearing. He stated that he couldn’t believe that there were errors that existed after all these years.

Supervisor Congdon stated that there have been big errors made and the purpose of the Workshop is to see what their interpretations of the Town Code are and why they aren’t following it.

The Supervisor stated that there is a propane company looking to do business in the Town and at a meeting of the Planning Board, they were told by the Building Inspector that this was a permitted use. Reed Antis stated that it was told to the Planning Board that this was a permitted use by Joe Patricke

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because they had approved Shaw Fuel before this. He stated that the site plan has been approved and they're at the stage of having a public hearing.

Councilman Kusnierz asked if there was any documentation from the Building Department to the Planning Board and Mr. Antis replied "no". Councilman Kusnierz stated that this should have been documented. Mr. Antis stated that Mr. Patricke submits a monthly report to the Board and it should be in there.

Kevin Elms stated that he is a member of the Zoning Board of Appeals and wanted the Town Board to be aware that the Planning and Zoning Boards take their direction from the Town's Code Enforcement Officer. He stated that Joe Patricke is the Code Enforcement officer who represents the Town and makes the decisions as to the code and how it's interpreted. He told the Supervisor that he might not agree with the decisions of the Planning Board but they got their directions from Joe.

Councilman Kusnierz stated that the Boards rely on the Code Enforcement Officer as well as Counsel for the Town that's present at the meetings.

Councilman Prendergast stated that if we want to talk to the Planning & Zoning Boards we need to schedule a meeting and get this done.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to schedule a workshop between the Town Board and Planning and Zoning Boards for February 2, 2016 at 6:30 p.m.

Roll call vote resulted as follows:

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

The Supervisor stated that he would notify the members of the Planning and Zoning Boards of the meeting.

### **PUBLIC COMMENT PERIOD**

Kevin Elms suggested moving the Town Clerk to the prior Sheriff's Building and put a drive through in for those who have difficulty getting into the building. He stated that there are options for that building that need to be explored. He also suggested that a Code Blue shelter might be an idea. He also asked the Supervisor if he might be able to look inside the building. The Supervisor told him to stop by and he would be able to let him in.

### **COURT REQUEST TO CHANGE CLASSIFICATION FROM CLERK TO COURT CLERK**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to change the classification title from Clerk to Court Clerk Competitive.

Roll call vote resulted as follows:

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

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to appoint Jennifer Miller to the position of Court Clerk Competitive.

Roll call vote resulted as follows:

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

**REQUEST TO USE TOWN ROADS FOR A 10K RACE APRIL 23, 2016**

A request was received from Meghan Schempp for authorization to use Town Roads for a 10K Race on April 23, 2016 starting at 9:00 a.m. The race is in addition to the Fox Trot which supports the Michael J. Fox Foundation for Parkinson's disease.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the use of Town Roads for a 10K Race to support the Michael J. Fox Foundation on April 23, 2016 at 9:00 a.m.

Roll call vote resulted as follows:

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

**ACCEPT RESIGNATION OF MICHELLE JOHNSON AND AUTHORIZE TO ADVERTISE FOR CLEANER**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the resignation of Michelle Johnson and authorization to advertise for the position of part time cleaner.

Roll call vote resulted as follows:

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

**APPOINT CHAIRPERSON TO ETHICS ADVIRORY COUNCIL**

This item was tabled to be discussed in executive session.

**AUTHORIZATION FOR SUPERVISOR TO SIGN MOREAU COMMUNITY CENTER AGREEMENT**

There was discussion relating to page 4, Article 10(b) of the Agreement, which presently states that the Community Center agrees to furnish an annual audit of the financial records, within 90 days of the agreement. The Community Center doesn't file their tax returns until April.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the contract with the Moreau Community Center with the following change in wording to Page 4, Article 10 (b):

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The Civic Center agrees to furnish to the Town Board of the Town an annual audit of the financial records and any other records in writing relative to its financial operations, as may be requested by the Town, within (180) days of the date of this agreement. Failure to comply with this provision shall constitute a breach of this agreement and shall trigger the repayment or refund provisions specified in ARTICLE "5" hereof.

Roll call vote resulted as follows:

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

### **AUD PROPOSAL**

This item was tabled for discussion in executive session.

### **ZONING BOARD – APPOINTMENT OF CHAIRPERSON**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to reappoint Gerhard Endal as a member to the Zoning Board of Appeals and to appoint him as Chairperson for 2016.

Roll call vote resulted as follows:

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

### **REQUEST FOR WAIVER OF INSURANCE REQUIREMENT**

A Request was received from Marie Raymond, President of the Adirondack Fiddlers Association, asking for a waiver of the Insurance Requirement for the use of a pavilion on July 10, 2016.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to waive the Insurance Requirement for Adirondack Fiddlers Association who will be using the Town Park on July 10, 2016.

Roll call vote resulted as follows:

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

The Supervisor stated that a resolution is needed to set the pay for Elizabeth Lanfear while understudying with the current Confidential Secretary. He stated that her rate of pay would be the same as the current Confidential Secretary only at an hourly rate. Councilwoman LeClair stated that there was a concern over the fact that she would be starting prior to taking a physical and thought she would need to be hired under a 1099. Attorney O'Hara stated that you can't be an employee and under contract at the same time. She will be an hourly, temporary employee pending successful completion of a physical. Councilwoman LeClair stated that a resolution was made to hire Elizabeth at the last meeting but that was for after successful completion of a physical. This resolution will hire her prior to her completion of a physical.

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A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to hire Elizabeth Lanfear at the same rate of pay as the current Confidential Secretary at an hourly rate. Elizabeth will be an hourly, temporary employee pending successful completion of a physical.

Roll call vote resulted as follows:

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

The Supervisor reported of a constant concern from taxpayers regarding the use of the 12828 zip code. He stated that it would be worthwhile to have a motion that recognizes the problems and confusion that people have with the 12828 zip code in the Town of Moreau. He stated that the Town of Shushan just got their own Post Office and they're very small. Reed Antis asked if the Supervisor is looking to get a Post Office for the Town of Moreau and he stated no. The Supervisor suggested that the media make mention that the Town of Moreau has to share a Post Office with a Washington County Town. There were some comments made by the public regarding property values and also the fact that Washington County still gets sales tax revenues for the purchase of cars. Reed Antis stated that he was advised by the State and that they were very adamant that they are set up to recognize the two Counties within the one zip code. They have software that will show how this is done. He stated that we are not the only community that has this issue. A member of the audience stated that she works with passports and this creates a problem with a driver ID having Fort Edward and an application for a passport with Moreau. Councilwoman LeClair stated that they may want to talk to the former Supervisor. She stated that he had worked diligently on this issue.

The public comment period had been skipped over and when the Supervisor asked if there were any committee reports Stevee Vittengl spoke up with questions about the Recreation Park. She asked who was in charge and then reported that her son had been at the Park that was supposed to be open until 7:30pm and he was asked to leave at 3:00pm. Councilwoman LeClair stated that it depends on the amount of ice and snow. Mrs. Vittengl replied that there was plenty. Mrs. Vittengl asked again who was in charge and Councilwoman LeClair replied that Pete Corlew is the foreman in charge. He makes most of the day to day decisions. Mrs. Vittengl stated that her son and his family were sledding and the rink wasn't in yet and that it was about two weeks ago. She asked if there was a plan to put in a second rink for the small children and Councilman VanTassel replied that there was no plan at this time. She replied to him that hockey is awesome but how will little ones skate when there's hockey going on. Councilman VanTassel stated that he and Councilwoman LeClair would meet with Pete Corlew and discuss all the concerns. He doesn't have all the answers to her questions. Mrs. Vittengl also reported that there were seven donated trees at the Park and they've all been cut to the ground. Councilman VanTassel stated that they need to look into the facts before they make comment. He asked Mrs. Vittengl for contact information so that he could contact her once he had the facts.

### **COMMITTEE REPORTS**

Councilman Prendergast stated that at a previous meeting, there was discussion about having Department Heads at the Town Board meetings. He suggested a memo be sent out.

Councilman VanTassel reported that since last week when he suggested putting a committee together that would include members of the public to improve communications. He asked that if any members of the audience would like to participate, please reach out to him. He reported that he has reached out to a firm that will do a current assessment of our website and Facebook pages at no charge. A member of the audience stated that the Village of South Glens Falls is in need of upgrading and there are no funds available. She suggested that the Village be pulled in with the Town. Councilman VanTassel stated that we could have better communication between the Town and the Village. He will be sending a memo out to department heads asking for their input on how communication can be improved.

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Councilman Kusnierz reported that he received notification from Time Warner regarding a programming agreement and that WGN is to be added. He also reported receiving notification of a letter of resignation from Annette Newcomb who was a Trustee for the Crandall Public Library representing the Town of Moreau. He wanted to thank her on behalf of the residents of the community for her 20 years of service.

Councilwoman LeClair reported that she had spoken with a gentleman from C2ae regarding the completion of the Town's asset management plan. He told her that he would be in contact with Tim Burley and will get back to her.

Councilman VanTassel stated that there will be multiple contracts coming up for Soccer and Baseball and such. He will be meeting with the Recreation staff as well as Counsel to see about getting these contracts re-negotiated so it doesn't hold up the kids from playing sports.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 8:25 p.m. to discuss personnel and contractual. The Town Board left the meeting room to hold executive session in the Conference Room.

Roll call vote resulted as follows:

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

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

The Board members returned from executive session at 8:50 p.m.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair that the Town seek RFP's for the Landfill Financial Assurance Report.

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 that the Town seek RFP's for the completion of the Annual AUD.

Roll call vote resulted as follows:

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

Maggie Centerbar asked what became of the Sisson Road discussion from last week. The Supervisor reported that there was a meeting with National Grid two days after the Town meeting. He stated that they expect to have a good relationship with National Grid but up to this point there had been a lack of communication. Reed Antis asked if there was a Town Representative present at the Public Hearing that they held in June 2015. Supervisor Congdon reported that he had received information from National

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Grid today and once he's had an opportunity to review the documentation, he will be able to respond to this question.

Maggie Centerbar asked what the status of the sewer on the Route 9 corridor is and the Supervisor replied nothing right now. She asked why and stated that sewer is needed down there. He replied that there is a lack of a good plan to make it happen. He also stated that they're looking at a complete remake of the exit 17 and if the State does this, they would need to coordinate any plans for sewer. It would be costly to put down the sewer and then have to do the construction around the infrastructure. He stated that the plan is to do away with the cloverleafs and have straight intersections with traffic lights. Mrs. Vittengl stated that we need sewer before we need new intersections. Mrs. Vittengl asked again, when the Town will be getting sewer down Route 9. Councilman VanTassel stated that he didn't say he was against the plans for sewers on Route 9. He stated that the Route 9 corridor needs evaluation and a good plan needs to be written. We need to do something to develop economic growth down Route 9. He stated that he's all for it and supportive. He stated that we have to go about this the right way and to have an answer today, no one on the Board is going to have that.

Mrs. Vittengl stated that the funding was in place. The Supervisor questioned her and asked if she meant a loan. She replied that the former Supervisor had received Grant money to put the sewers in. Supervisor Congdon corrected her and told her that it was a loan that would be given to the Town and not Grant money.

Councilman VanTassel stated that if he has any involvement, he'll try to find a way to get this done. It's certainly an opinion that he's heard from others.

Councilman Prendergast stated that for many years they've been trying to get Grants or Loans to bring sewer up Route 9. He stated that without it the Town's dead in the water.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn the meeting for the evening at 9:12 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 full audio of the meeting, please visit the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)

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