

A regular meeting of the Town Board of the Town of Moreau was held on February 23, 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.

The Town Clerk called the roll.

Town Board Member 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; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Rudy Klick, Special Project Aide; Jesse Fish, Water Superintendent; Elizabeth Lanfear, Supervisor’s Secretary; Pete Corlew, Recreation Working Foreman; Sandy Mahoney, Recreation Program Director; Matthew Andrus, Cancer Services Program of Saratoga; Town Residents: Kevin Elms, Reed Antis, Stevee Vittengl, Virginia Livsey, Bruce Flayer, Jeff Riggi, Tom Hutchins, Peter Lemery, Carol Alden, Anne Kusnierz, Jim Rando, Chris Whitcher, Shelly Englert, Will Congdon, Ryan Underwood and Rich Morris; Village Residents: Brigid Martin, Debbie Fitzgibbon, Margaret Centerbar and Ann Celeste; Rich Schermerhorn; Denis Mullins: Matt Mitchell; Jimmy Egan; Rodney Congdon

Supervisor Congdon led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from February 2, 2016 and February 9, 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 Councilman VanTassel to approve the minutes from February 2, 2016 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from February 9, 2016 as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

A regular meeting of the Town Board of the Town of Moreau was held on February 23, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor stated that he had met with the Chazen Companies and he would like to schedule a workshop to update the Town Board. He also stated that Jim Martin should be present. Councilman Kusnierz asked that he have a copy of the Chazen report to look at before the workshop is scheduled. The Supervisor asked Elizabeth Lanfear to get a copy of the report and distribute to the Town Board members. He stated, particularly the conclusions and changes. Kevin Elms asked if it could be put on a PDF. Ms. Lanfear stated that she would check to see if she could get an electronic version. No date was set for a workshop.

UPDATE ON TOWN HALL WATER DAMAGE

The Supervisor gave a brief summary of the water damage to the Town Hall, stating that the outside hose lines froze and burst. The areas that flooded have been dried out and repairs will need to be made. He stated that the details of what happened are subject to the Town Boards knowledge.

The Attorney for the Town made a suggestion that the Town Board is in the process of investigating the reasons for the water break. Why it broke and where it broke. The insurance adjuster has been in to review the damage. At this stage there's not enough information to give out. It behooves the Town to accept this as potential litigation in the event that there was negligence during the construction of the building.

Stevee Vittengl asked if the Insurance was paying for the damage and Ms. Buettner replied "yes". She asked who would be fixing the damage and Ms. Buettner stated that a contractor has not been retained yet.

PUBLIC COMMENT PERIOD

Rich Schermerhorn was present and asked the Town Board for a refund of sewer fees that were charged for his Bluebird Road project. He stated that the fees he had to pay up front were established when the Town had plans for Route 9 sewer and the plan was voted down. The opinion of the Attorney was that, based on research, there is no written policy to collect the fees up front and that the \$1750.00 fee that was collected was for a potential sewer project that didn't pass. The Town shouldn't keep the money.

Supervisor Congdon wanted to go on record stating that he wasn't made aware of any of this.

Councilman Kusnierz stated that the Town has no right to keep his money. Mr. Schermerhorn's request has been sitting out there for several months and he asked what immediate action the Town Board will take.

Supervisor Congdon stated that he agreed with Councilman Kusnierz but added that there are other problems. He wants to be fair with Mr. Schermerhorn and he's asked for legal opinions and hasn't received the answers. Attorney Buettner stated that the issue with the Bond is separate and distinct from Mr. Schermerhorn's issue. The Supervisor stated that he needs an opinion to protect the taxpayers. Attorney Buettner stated that she is following up on Supervisor Congdon's Bond issue. The Supervisor stated that as Mr. Schermerhorn has money coming back to him, so may the other taxpayers in Town. Councilman Kusnierz stated that the Town may be subject to litigation if the money isn't refunded.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to reimburse Schermerhorn Construction Company in the amount of \$371,000.00 for sewer fees the Town was not entitled to.

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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Councilman Kusnierz asked Elizabeth Lanfear to reach out to surrounding communities for their sewer policies. A workshop was scheduled for March 3, 2016 at 6:30 p.m. to discuss sewer policies.

HIGHWAY DEPARTMENT REQUESTS

The Highway Superintendent had submitted a request to contract with Saratoga County DPW for 2016 Road Striping. There was a lengthy discussion relating to the need of the striping and where the money would come from. The allocated funds for striping in the 2016 budget was \$28,000.00 and the cost last year was \$32,122.52. The Highway Superintendent didn't have an exact figure from the County for the upcoming year but thought it would be around \$33,000.00. The County needs an answer from the Town by Tuesday so they can order their paint. The Supervisor thought that, since the price of gas is down considerably, he might be able to negotiate a price for paint with the County. The discussion continued on to which account they might take the balance of the cost from and it was decided that it would come from the sand account.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel that the Highway Department may contract with Saratoga County DPW for 2016 road striping in an amount not to exceed \$35,000.00. \$28,000.00 will be paid from account A3310.499 and the remainder will be paid from the sand account DB5142.491.

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 Councilwoman LeClair authorizing the purchase of bulk air, oil and fuel filters from Weller's Auto Parts for the sum of \$2,700.00. This will be paid from account DB5130.492, which has a balance of \$34,754.12 as of 2/2/2016.

Roll call vote resulted as follows:

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

SOUTH HIGH MARATHON DANCE PROCLAMATION

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adopt the following resolution:

PROCLAMATION

WHEREAS, for the 39th consecutive year the South Glens Falls High School is hosting the annual South High Marathon Dance to raise funds to benefit local charities, organizations and individuals in the community and tri-county area; and

WHEREAS, the first South High Marathon Dance was held in 1978 with about fifty dancers participating and has grown to an astounding 800 plus dance participants who will dance for an amazing 28 hours, and

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WHEREAS, the first marathon dance raised \$1,500 and this amount has increased to \$621,680 the amount raised in 2015 for a grand total over the years of over \$4.82 million, and

WHEREAS, over the past 38 years the funds raised by the marathon dance have been distributed to over 365 beneficiaries within South Glens Falls/Town of Moreau and surrounding communities, and

WHEREAS, the recipients chosen to benefit from the proceeds raised by this year's dance are as follows; Ed Allen; Pam Barker; Barbara Belden; Julie Coon; Matthew David; Tammy Deuel; Barnes Family; Perkins Family; Sherman Family; Marshall Freebern; Peter & Phillip Frolish; Shannon Garnsey; Jay Honsinger; Missy Howe; Rev. Charles Huff; Jeffery Jackson; Reese Johnson; Thomas Ketcham; Harper Kirk; Andrea Leombruno; Sereia Lillibridge; Gabby Lincoln; Daniel Mantia; Nicholas Mead; Kellan Morehouse; David Ovitt; Dane Quackenbush; Kacey-Hannah Sisco; Johnny Sorgie; Joelle Sutliff; Kathleen Sweet; Joellen Thompson; Joanne Topolski; Rhyan Towne; Celina Winchip; Angel Names Association; Lyme Action Network; Moreau Community Center; Open Door Mission; Project:Cameron's Story; Rebuilding Together Saratoga County; Southern Adk Indep. Living (SAIL); the Ben Osborn Memorial Fund, and

WHEREAS, the dance marathon has become a tradition which brings the whole community together in an emotional, exciting and gratifying experience that will stay with those involved for the rest of their lives, and

WHEREAS, the Town Board of the Town of Moreau, extends their sincere gratitude to all those involved and especially to the students who devote their time and effort to making the Marathon Dance a success, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby proclaims March 4th and 5th, 2016 "Dance Marathon Weekend" as a tribute to our community.

Roll call vote resulted as follows:

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

Supervisor Congdon extended his gratitude to the students who make this dance a success.

COLORECTAL CANCER AWARENESS PROCLAMATION

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adopt the following resolution:

PROCLAMATION

WHEREAS, the Town of Moreau joins to support observances that raise awareness of health issues that affect people across our state, nation and the world, such as the various types of cancer, including colorectal cancer; and

WHEREAS, colorectal cancer is a leading cause of cancer-related deaths among men and women in the United States; each year in New York State, nearly 10,000 people develop colorectal cancer and close to 3,500 New Yorkers die from this disease; it is estimated that one in twenty people will develop cancer during their lifetime; and

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WHEREAS, colorectal cancer occurs most often in older people; approximately 60% of people newly-diagnosed with colon cancer are age 65 and older, and 90% of all colorectal cancers are diagnosed after age 50; and

WHEREAS, about 75% of colorectal cancer occurs in people who have no known risk factors; while the causes of colorectal cancer are not well understood, scientists agree that the following factors increase a person's risk of developing this disease; age, family history and hereditary conditions, personal health history, obesity, physical inactivity, diet, and other lifestyle factors such as cigarette smoking and excessive alcohol use; and

WHEREAS, colorectal cancer often can be prevented through regular screenings that can detect small growths, called polyps, which can be removed before they develop into cancer; screening for colorectal cancer is a covered benefit through Medicaid as well as health plans participating in the New York State of Health, and the New York State Cancer Services Program offers colorectal cancer screening to eligible uninsured individual in every county and New York City borough; and

WHEREAS, in support of the statewide and national goals to screen at least 80% of age and risk-appropriate men and women for colorectal cancer, New Yorkers and people everywhere are called upon to raise their awareness of colorectal cancer and take preventative steps to safeguard their health and that of loved ones from this disease;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau, does hereby proclaim March 2016 to be Colorectal Cancer Awareness Month in the Town of Moreau.

Roll call vote resulted as follows:

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

PUBLIC COMMENT PERIOD

Terry Clark asked if the Town Board was aware that there was a water break in English Village three weeks ago. None of the Board members had knowledge of the break and asked Jesse Fish what happened. Jesse stated that someone driving a school bus had reported the leaking water to their bus garage and they in turn called Jesse. He stated that a curb stop had failed and came apart. It had been leaking for a while but has since been repaired. He also stated that a boil water notice had been given to only one unit for a few days and that the other units were ok. Mr. Clark stated that there will be more breaks down the road due to Casalle's poor work.

Reed Antis wanted the Board to be aware of the Solar City PPA. He's reviewed the contract and stated that it doesn't look like a good agreement and that the Town won't save any money. He stated that before they go any further the Board should bring them in and have them physically show how the Town will save money.

Supervisor Congdon stated that they are waiting for Mr. Antis' analysis. Mr. Antis stated that in the first seven months, the Town has only saved \$935.00. Mr. Antis reported that the Town spent more money with Constellation than if they had stayed with National Grid. Councilman VanTassel opened up an application while listening to Mr. Antis that showed the Town being ahead and Mr. Antis replied not enough.

Jim Rando asked the Town Board if they've scheduled any workshops relating to the salary structure for employees and the answer was "no". Councilman Kusnierz stated that a policy was adopted in 1993 but it is now outdated. Councilman VanTassel stated that there's been some discovery since the last meeting. They've made a commitment to work on this and they will continue to do so.

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Matt Andrus from Cancer Services Program of Saratoga was present and gave the Town Board a brief description of their services and then thanked them for the Resolution that was adopted tonight.

Maggie Centerbar asked if the Town has hired anyone in place of Joe Patricke. The answer was “no”. Councilman Prendergast asked if the position has been advertised yet and Councilman VanTassel replied not yet, but the intention is to advertise for the job. Councilman Kusnierz stated that we need to advertise so that everyone gets a fair shot. Councilman VanTassel stated that there are a variety of ways to advertise. Councilman Kusnierz stated that it can be put on the website, placed in the Chronical and The Post Star stating that there’s an opening and that the Town is accepting applications. Councilman Prendergast stated that a pay range should be set that would depend on experience. Attorney Buettner stated that, by Town Law, the person hired for Building Inspector has to be a Town resident. She also stated that this can be changed. Debbie Fitzgibbon stated that it would be a good idea to post with the Department of Labor. Councilman Kusnierz stated that it could also be posted at the County. Carol Alden asked if the present Assistant Building Inspector has taken the Building Inspector exam and the answer was “yes”. She asked if it was open, competitive and the answer was “yes”. Supervisor Congdon stated that he was told there was not an active list but that it was subject to change.

COMMITTEE REPORTS

Councilman VanTassel reported that the SGF Youth Baseball contract is under negotiation. They are proposing to provide three new lighted signs for scoring at fields 1-3 and they would like to count this toward their 2016 fees as in kind service. The old signs will try to be sold under gov.deals. The value of the signs are \$8517.77 and they would be responsible for the installation per Town Code. Councilman VanTassel reported that after speaking with SGF Youth Baseball and other entities it was discussed that this has been past practice but might not be able to continue this in the future. He stated that the Town will need to collect some kind of fees in order to fertilize and water the fields. They need cash to offset the expenses. Pete Corlew stated that SGF Youth Baseball also pays for the dust and lime and they line their own fields. Mr. Corlew also reported that SGF Youth Baseball is looking to combine their travel leagues into this contract. He stated that he doesn’t agree with this as the participants pay three separate fees to different entities. Councilman VanTassel stated that they should be able to split the cost of the signs were charged last year. Councilman VanTassel asked if the spring and fall Travel leagues were charged last year. Pete Corlew stated that there was not contract, nothing was paid and they just used the fields. He didn’t believe that there was a spring travel league last year. Mr. Corlew also reported that Youth Baseball and All-Stars take care of their own fields and the travel teams rely on the Recreation Department. He doesn’t have a problem with SGF Youth Baseball using sweat equity because they do their own work but he does have a problem with allowing the travel teams to use sweat equity because the Town does all the work. Elizabeth Lanfear stated that the idea behind the sweat equity came about because the SGF Youth Baseball and SGF Girls Softball are all Town residents that pay taxes as well. She made reference to the Softball Quads and the dugouts. She stated that it would have cost the Town more than what it cost Girls Softball to put these in and to allow the sweat equity is a positive thing because the Town is getting what it needs without having to put out the money.

Councilman VanTassel also reported that Buddy Beames will be conducting a Jenny Finch Softball Camp from May 6 – May 8, 2016 and that the contract is being negotiated. This will be about 400 campers and 1,200 people overall. Pete Corlew stated that Mr. Beames was to come before the Town Board before and didn’t. He’s already had more than half of the campers signed up for this program and money has been collected. Councilman VanTassel stated that he had met with him last week and told him that the Town would get back to him by next week with a fee. Councilwoman LeClair stated that they’re looking to use the concession stand as well. Elizabeth Lanfear asked if Girls Softball will have to remove their goods and Pete Corlew replied “no”. He stated that this had been worked out. Councilman VanTassel stated that he asked to have the fields manicured and raked both days and to have use of the concession stand.

Sandy Mahoney gave an update on the plans for a Universally Accessible Playground. She stated that things are moving forward and that she’s had some local business people looking to donate items. She stated that Mr. Schermerhorn has graciously offered to help build the playground. Ms. Mahoney also stated that she’s going to be working with an architect that will be assisting in the planning and she

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expects that things will get started in August. She also stated that the School Superintendent (Mike Patton) is willing to send out fundraising notices once she has the information together.

Councilman VanTassel stated that Pete Corlew has reached out to BOCES and he will be meeting with them next week along with Ms. Mahoney and Councilman VanTassel to come up with a Master Plan for the Park this year. BOCES has done work for the Town in the past and they're looking to come up with 2 or 3 projects to get done.

Councilman VanTassel reported that there was some contention in the way the soccer program was run last year. Ms. Mahoney has spoken with the organization that was in charge of the program last fall and stated that there is another party that might be interested in running the program. He stated that both will come before the Board with a presentation and then they will make a decision.

Councilwoman LeClair stated that spring is coming and they have limited funds but need to think about the beach house. She will be meeting with Saratoga BOCES to see if they might be able to help to put a new roof on. Ms. Mahoney stated that the Electricians Union was also willing to help out.

Councilwoman LeClair stated that the trail system along the river is on hold because National Grid is doing some work.

Mrs. Centerbar asked if they were refurbishing the entire beach house and Councilwoman LeClair replied that the initial cost was \$70,000.00. If they just put a new roof on the building, the Village had offered to help with the labor portion and if BOCES is willing to put the new roof on, the Town would only be looking at materials. She stated that, right now, she's not sure anyone wants to go any further with that. Councilwoman LeClair stated that there are other things that need to be done on property that the Town does own. She stated that the Town doesn't own the property that the beach house is on. Mrs. Centerbar asked where the money would be coming from to replace the roof and Councilwoman LeClair replied that it would be from a capital reserve fund that comes from money received by developers. Mrs. Centerbar asked about the money from John Benoint's estate. She thought there was money left over after the Village completed the boat launch. Councilwoman LeClair stated that she would look into this. Ms. Mahoney stated that she was told there is no money left.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn to executive session at 9:04 p.m. to discuss potential litigation with the Town Hall.

Roll call vote resulted as follows:

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

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

The Board returned from executive session at 9:49 p.m. and Councilman Kusnierz stated that he had rescinded his motion and made a new motion to discuss potential litigation with the Town Hall and to invite Richard Morris into the executive session.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adjourn the meeting for the evening at 9:49 p.m.

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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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

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