

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:15 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; Malcolm O’Hara, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Elizabeth Lanfear, Supervisor’s Secretary; Sandy Mahoney, Recreation Program Director; Kathleen Moore, Post Star Reporter; Hal Leonelli; Drake Hewitt; Town Resident’s: Kevin Elms, Andrew Belair, Virginia Livsey, Bruce Flayer, Rich Morris, Reed Antis, Leo Bonneau Sr., Jim Rando, Maria Jennings, Mike Shaver, Terry Clark, Mary Jenkins, Kathie Spangler, Stevee Vittengl, Angela Wadsworth, Will Congdon, Jim Aiken; Village Resident’s: Charlie Granger, Chris Music, Brigid Martin, Linda Flood, Margaret Centerbar and Ann Celeste

Supervisor Congdon led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from February 23, 2016 (3 sets) were prepared and distributed 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 February 23, 2016 (3 sets) as prepared.

Roll call vote resulted as follows:

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

Supervisor Congdon stated that at a previous meeting he had misspoken about his Secretaries education and wanted to state for the record that Elizabeth Lanfear did have 4 years of college education but did not have a degree as yet. He hoped that this would put things to rest and apologized to Ms. Lanfear for the error.

SET FUTURE MEETINGS & WORKSHOPS

The month end meeting of the Town Board was rescheduled for March 29, 2016 at 7:00 p.m.

There was discussion on the setting of a date for a workshop to discuss the Town’s sewer rates and policies. Councilman VanTassel stated that a workshop could be scheduled after the next regular Town meeting to be held on March 22, 2016. Attorney O’Hara stated that he would have his information to the Town Board by March 22, 2016. Supervisor Congdon stated that the Board needs to move ahead but can’t until they find out if they’re doing something wrong. He stated that finding this information has been difficult. Kathie Spangler asked what the attorneys are being asked to research. The Supervisor explained that it was for the purpose of the Bond at the Industrial Park and the meaning of the Resolutions enabling

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legislation to create a tax levy on the General Fund and to provide the means to repay the taxpayers for money they've spent for a specific purpose, namely jobs in the industry, with a provision that states it can't be an arbitrage bond. He stated that it's his job to make the Town's General Fund whole. There are laws involved and we need legal opinion as to what's right and wrong.

Councilman VanTassel stated that he wasn't comfortable having a workshop until all the information has been received.

Councilman Kusnierz suggested setting the workshop date at the next regular Town Board meeting that will be held on March 22, 2016.

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the purchase of (2) Portable Air Jack/Stands from Gray Manufacturing at a cost of \$2,181.00. This price includes free freight and will be paid from account A5132.2, which has a balance of \$3,025.00 as of February 3, 2016. This is a budgeted item.

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 Kusnierz approving the purchase of Crushed Stone in the amount of \$5,000.00 for use on various Town road projects. Depending on the availability and cost will determine the supplier used, which are all listed on the County contract #15-PWCSGS-50R. The purchase will be paid from account DB5110.493, which has a balance of \$14,000.00 as of March 8, 2016.

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 Prendergast and seconded by Councilman Kusnierz approving the purchase of (5) Main Brooms & (5) Gutter Brooms for the Johnson Sweeper, from Monroe Tractor, in the amount of \$1,732.25, which has no freight charge. This will be paid from account DB5130.492, which has a balance of \$33,783.00 as of March 3, 2016.

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 Prendergast and seconded by Councilwoman LeClair approving the purchase of a 14' Tenco Conveyor Chain from Fort Miller FAB3 Corp. in the amount of \$928.00, with freight included. This was an emergency repair and will be paid from account DB5130.405, which has a balance of \$12,481.61 as of March 1, 2016.

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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

Councilman Prendergast asked how much salt the Highway Department has left and Paul Joseph replied that there was a lot left.

AUD PROPOSAL

The Supervisor stated that there were RFP's sent out for the completion and filing of the AUD with New York State and the completion of the Landfill Financial Assurance Report for the year ending December 31, 2015. The following proposals were received:

Marvin and Company, P.C.	\$5,400.00 - \$6,500.00 (Range)
Jenkins, Beecher & Bethel, LLP	\$3,300.00
Whittemore, Downen & Ricciardelli, LLP	\$2,825.00 (AUD) & \$650.00 (Landfill Financial Assurance)

Supervisor Congdon stated that for obvious reasons, his choice would be to go with Whittemore, Downen & Ricciardelli, LLP. Councilman Prendergast stated that it wasn't obvious to him. He stated that if they're not going with the lowest qualified bidder, they need to know why. The Supervisor stated that to avoid an appearance of a conflict of interest, it's in the Town's best interest, to use a firm other than Preston's previous firm, which he has financial connections with. Councilman Prendergast stated that he didn't agree. Councilwoman LeClair and Councilman Kusnierz did agree with the Supervisor. Stevee Vittengl asked why they weren't choosing Jenkins, Beecher and Bethel and the Supervisor replied that it was to remove any doubt in anyone's mind that there is a conflict of interest. She asked what the Supervisor knew about the other firm and the Supervisor replied, that he knew they were a reputable firm. He stated that in years past, Preston had his work audited by his previous firm and as a taxpayer, had he known, would have complained about this. It had the appearance of a conflict of interest to him. Kevin Elms stated that you wouldn't be taking the lowest bidder and doesn't agree with the reasoning. He stated that it's not a legitimate issue and didn't think it was a conflict of interest. Councilman Kusnierz stated that if he had taken over as Supervisor, he would have required and asked the Board for a forensic audit to be done to know where they were starting. He stated that he's comfortable spending a couple hundred dollars more to insure they have a second set of eyes.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to approve Whittemore, Downen & Ricciardelli, LLP to complete and file the AUD with New York State (\$2,825.00) and for the completion of the Landfill Financial Assurance Report for the year ending December 31, 2016 (\$650.00) for a total cost of \$3,475.00.

Councilman Prendergast stated that this was brought up at a previous meeting and it didn't carry through. At that time, they checked with the Attorney and they were told that it was legally ok. He also stated that previous Boards have come through this even when Preston was on the Board, to use Jenkins, Beecher & Bethel. He stated that it was unanimous then and that nobody voted no. He stated that Preston isn't in the firm anymore and that it's a local firm and local business. He stated that if he can hire local he will and he sees no reason not to with this.

Supervisor Congdon stated that there has been no State audit of the Town for a long time. Councilwoman LeClair stated that she's willing to go \$175.00 more. She stated that she's not doubting the job that they did. She stated that what it comes down to, is that about a month and a half ago, the Town Board found out that there was a huge project coming to our community. She had directed Sandy Mahoney, who had informed her of the project, to go and see Preston and the Building Inspector. She was told by them it was a small repair project. She stated that the Supervisor should have informed the Board of the project at the time he knew and he didn't.

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Roll call vote resulted as follows:

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

Councilman Kusnierz mentioned to the Supervisor that he had skipped over the public comment period.

PUBLIC COMMENT PERIOD

The Supervisor asked that anyone wishing to speak, please stay on subject and not be repetitive.

Mike Shaver addressed the Board with his repeated concerns to lower the water rates in Water District 2. Supervisor Congdon stated that it would be best if Mr. Shaver came in and talked to him with his thoughts. Councilman Prendergast stated that this was discussed a few meetings ago. They looked at eliminating the minimum charges for Water Districts 2 and 4. He stated that it would help the elderly and people on fixed incomes. He also added that a 5% reduction in the rate was presented. He was ready to make the changes that night. Councilman Kusnierz agreed with this proposal but thought they should take into consideration other fund balances. Councilman Prendergast stated that Districts 2 and 4 have fund balances. Jesse Fish's recollection of the proposal, was that they wanted to wait until the new Supervisor was on board for his input. Councilman VanTassel asked about the cost to re-paint the towers. Jesse gave a figure and Mike Shaver stated that the Town allows cell towers on top of the water towers and that the lease money should be going into a reserve fund for this purpose.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to eliminate the minimum charge in Water Districts 2 and 4 effective immediately and for a reduction of 5% for the cost of the water per thousand gallons.

Councilman Kusnierz asked what the boundaries of the districts were and the Water Superintendent gave the information. Councilman Prendergast stated that he's a user in Water District 2 and will benefit from this change but asked that the Board not punish the other 728 users because of him.

Roll call vote resulted as follows:

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

Mike Shaver also noted that there were some fire hydrants put in that were too far apart and additional hydrants need to be put in. He would like to see this get done. Councilman Prendergast stated that it's in the budget.

Rich Morris stated that there's a need for a sewer committee that could meet with members of the Town Board to see how sewer plans can move forward, if there is going to be one.

Supervisor Congdon, Councilman Prendergast and Councilwoman LeClair agreed that this would be a good idea and Councilman Prendergast asked anyone interested in serving on a committee for the sewer should submit their name.

Linda Flood asked if the State audits for free. The Supervisor stated that would be preferable but if they couldn't, the Town is still obligated to do one. He also stated that an unofficial audit can be asked for if there is a specific reason, which centers around finding something wrong. Councilman Kusnierz stated that he believed the Comptroller's Office will do free audits for school districts but he didn't believe they would do them for municipalities.

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Mary Jenkins stated that she would like to set the record straight in that Preston Jenkins, the former Supervisor, had retired from his accounting firm in 2007 and has nothing to do with it since.

Angela Wadsworth addressed the Board and asked if she might meet privately with the Town Board after the meeting regarding her issues she's had with the house that was built next to hers.

Kathie Spangler asked if the water in the Town of Moreau is being tested daily. The Supervisor stated that it's being tested just about daily and that it's tested more than what's required. Ms. Spangler asked what was the requirement and the question was deferred to the Water Superintendent. Jesse Fish stated that the Town is required to do seven tests per month for coliform and e-coli and the Town does eight. He stated that chlorine is monitored daily. He also stated that four times a year, they do a THM and an HA85 test that determines the level of disinfection material. They also do testing for lead, copper and asbestos levels. He stated that the Town's water is in good shape. The Supervisor stated that the Town purchases treated water and that it's also tested there as well.

Mike Shaver mentioned to Ms. Spangler that there is a Water Quality Report available on the Town's website and Jesse Fish stated that there are copies of the report in the Clerk's office as well.

APPOINT SONYA FOWLER AS CHAIRPERSON TO THE ETHICS ADVISORY COUNCIL

Councilman Prendergast asked if this position will need to be backfilled one Ms. Fowler is moved into the Chairperson position. Elizabeth Lanfear stated that there are vacancies. Councilman Prendergast stated that the vacant position needs to be filled but that in the past there hasn't been much interest. Somehow, the Town needs to advertise for these vacancies. The Supervisor stated that it's very costly to advertise in the Post Star. He stated that the Town needs to get the word out, by bulletin board and internet and hopefully the Post Star might run stories stating that there are vacancies on these Boards. Councilman Kusnierz stated that there should be the capability to email through the Town's website, letting people know of these vacancies. They should be able to voluntarily sign up with their email so they can get these notifications. Councilwoman LeClair stated that the email sign up was initially intended for Recreation Department notifications. Councilman VanTassel stated that this falls into the communication category they've discussed and that he would get together with Mannix Marketing. The Supervisor stated that each Board Member should have their own space on the website that they might be able to discuss issues and give their own reports to the public. The Supervisor also reported problems that he's having with the internet and asked Councilman VanTassel to look into this matter as well. Councilman VanTassel stated that he has a call into our provider and he's asked to meet with them.

Councilman Prendergast asked that if anyone present is interested to serve on the Ethics Advisory Council that they should submit a letter of interest to the Town Clerk.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to appoint Sonya Fowler as Chairperson to the Ethics Advisory Council.

Roll call vote resulted as follows:

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

DISCUSSION – PLANNING BOARD ALTERNATE

A regular meeting of the Town Board of the Town of Moreau was held on March 8, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor reported receiving a letter of interest from Gerald Bouchard to sit as an alternate on the Town's Planning Board. Councilman Prendergast and Supervisor Congdon both showed a relation to this gentleman.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to appoint Gerald Bouchard as an alternate Planning Board member.

Roll call vote resulted as follows:

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

SET SALARY RANGE FOR NEW BUILDING INSPECTOR

The Supervisor stated that the Town has received a memo asking them to set a salary for the position of Building Inspector. He also stated that when interviews take place, he wants to clarify what the roll of the position is and that this person will report to the Town Board with what's going on and to make this a real Full-time job that the Town deserves. He stated that, whoever the Town hires for this position, won't be going off and doing things that the Board is not aware of. He recommended keeping the salary as the Board established at budget time. Councilman VanTassel stated that by setting the salary, the County will then provide the Town with the active list, which they aren't providing right now. Councilwoman LeClair felt that there should be a range and suggested \$45,000 - \$54,000.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to establish a rate of pay for the position of Building Inspector between \$45,000.00 and \$54,000.00, based on interview and experience.

Roll call vote resulted as follows:

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

ELECTRONICS RECYCLING

The Supervisor reported receiving three proposals for the purpose of recycling electronics and all three were quite high. He stated that the Town isn't in a position to make any decisions right now and asked that this be tabled until the next regular Town Board meeting. The Supervisor stated that you have to go to Albany for this type of service, there's nothing around here. Councilman VanTassel stated that there's not a lot of money in this business. He stated that he could speak with Ted Monsour to see who he has proposals from. Councilman VanTassel's company has to deal with recycling for their clients.

The Highway Superintendent reported to the Board that his department has picked up several TV's, laptops and computer monitors over the last month due to the fact that the Town has no recycling anymore. He stated that you can bring recyclables to Best Buy but only three items for a three month period and you have to show a driver ID. Councilman VanTassel stated that his company works with a company that will pick up these recyclables at no charge. He told the Highway Superintendent, that if he's getting a stockpile with nowhere to put the recyclables, to give him a call and he will help him out.

PUBLIC COMMENT PERIOD

Jim Aiken stated that the Town needs to get the email function working so that the people who reside in the Town are aware of job postings. He stated that he knows of a few people that might be interested in

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the Building Inspector position and asked if there are any specifics or do they just go to the Clerk's office for applications. Councilwoman LeClair stated that the Town has to hire off the Civil Service list.

Brigid Martin asked if when Jim Martin from the L.A. Group was here, didn't he suggest that this position be split into two, Building Inspector and Code Enforcement Officer. She thought it was mentioned that the same person shouldn't be checking their own work. Councilman Kusnierz believed from the conversation, that whoever is representing the Town at the Planning or Zoning boards, shouldn't be the same person.

Linda Flood asked what the salary for the Building Inspector was before he retired and the Supervisor replied \$54,500.00.

COMMITTEE REPORTS

Councilman Kusnierz reported receiving notification from Time Warner of some scheduling changes, with a free preview of Stars coming up and the addition of some channels and the deleting of others.

Elizabeth Lanfear asked where the Town was with an agreement with Time Warner. Councilman Kusnierz stated that the agreement the Town had with Time Warner expired years ago. He stated that there have been some issues State wide and that there's been discussion of letting the State take over the franchise agreements. Our previous agreement had a mandatory build out rate of 14 homes per buildable mile. He stated that what they struggle with, when you get out into the Ag districts of the Town, you can't meet and will never meet that build out requirement with our current zoning. According to public service law, that without an agreement in place, they have to go by the old agreement. So, they have no reason to come to us for a new agreement.

Councilman VanTassel stated that BOCES will be visiting the Recreation Park next week to evaluate where we left off on projects last year and to make decisions as to which projects to continue with.

The Recreation program director, Sandy Mahoney, reported that the wrestling program is finishing up. They're looking to have a spring soccer program. They're also working on getting a class that will teach Spanish lessons to middle school age children. They're working on contracts with the Jenny Finch softball clinic to be held at the Recreation Park.

SUPERVISOR'S ITEMS

The Supervisor reported receiving a request from Mary Simmons regarding a 5K race in memory of Steve Polidore that will be held on June 12, 2016.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve of a 5K race in memory of Steve Polidore being held on June 12, 2016.

Roll call vote resulted as follows:

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

The Supervisor stated that the Town needs to get together with the Attorney to discuss the problems with the Town Hall building and bring the rest of the Board up to date. The Supervisor and the Attorney for the Town set a meeting for Thursday morning (March 10, 2016) at 10:00am in the Town Hall.

The Supervisor asked the Water Superintendent what he knew about the letter he received regarding the inspection of back flow preventers at the Jan Avenue and Town Hall sites. Jesse Fish stated that a letter goes out once a year from the Clerk's office that asks certain business owners to have their back flow preventers inspected. This is performed by certified plumbers and once the inspections are complete, a

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copy of the report is forwarded to the Water Superintendent. The Supervisor asked why the Water Superintendent couldn't do this and Mr. Fish replied that he wasn't certified to do this. The Supervisor asked why he wasn't certified and he replied that he would have to take a class before he could be certified. The Supervisor asked for a meeting with the Water Superintendent to discuss this. The Superintendent stated that there should be someone within the Town that would be able to perform this inspection. Jesse Fish stated that it's not required by the Department of Health, it's recommended by the Department of Health. Reed Antis asked who has to have their systems inspected. He stated that the letter is sent to those who might be in danger of sending chemicals back into the water system. Rich Morris stated that it would be for anyone who has an irrigation system that has a back flow preventer.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adjourn to executive session at 8:54 p.m. to discuss possible litigation.

Roll call vote resulted as follows:

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

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

The Board returned from executive session at 9:40 p.m. There was no action taken in executive session.

Angela Wadsworth returned after executive session to speak to the Town Board. She stated that she's still having water issues. There was discussion as to her litigation and Ms. Wadsworth stated that her litigation is not against the Town of Moreau. The Supervisor will stop by her home tomorrow and stated that they'll need to take a long hard look at her situation.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to close the meeting for the evening at 9:45 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, please visit the Town's website at: www.townofmoreau.org