

A month-end meeting of the Town Board of the Town of Moreau was held on March 29, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

The Supervisor call the meeting to order at 7:10 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Rudy Klick, Special Project Aide; Town Residents: Jim Hooper, Kevin Elms, Andy Belair, Dana Charpentier, Reed Antis, Bob Shaw and Rodney Congdon

The Supervisor stated that he had looked at the Lewis & Greer voucher and wondered how much the Town had spent up to this date. He asked the Special Project Aide and he didn't have an answer. The Supervisor stated that they were to send an interim report and also stated that a lot of things have happened since the case started. Councilman Kusnierz stated that there should be a road map from Counsel addressing where the Town is going and how they're going to get there. He asked if the Assessor is given direction from the Town as to how much she should be using this firm. The Supervisor stated that he has no control over that. Councilman Kusnierz stated that he would like to be brought up to date from the Assessor. The Supervisor stated that it wouldn't be productive to come from the Assessor, it should come from the law firm. Councilman Kusnierz stated that historically the Assessor has provided the Board with updates and recommendations as to whether we should move in this direction or that. Councilwoman LeClair stated that we've spent a lot of money. Councilman VanTassel stated that after reading over the contract, he wondered if the Town has received everything that was promised. Councilman Kusnierz stated that sometimes info is provided Counsel to Counsel to avoid FOIL. It was agreed that the approval of this voucher would be subject to an interim report being received. The Town Clerk was asked to send a letter to Lewis & Greer on behalf of the Town Board asking for an interim report on the Erie Boulevard Hydro case, tax certiorari #475-07.

The Supervisor stated that he had several people contact him regarding their water bills in District 1 extension 5. They had signed easements that state they will only be billed for water they use and yet even though they don't use the water, they've been getting minimum bills. He reported receiving a copy of a memo from the Clerk's office that has 7 customers that are billed the minimum even though the water is not being used. He was of the opinion that the fees paid should be refunded as this is what was agreed upon in the easement. Councilman Kusnierz suggested giving credits but it was pointed out that if they weren't using the water, there would be nothing to apply the credit to. It was also mentioned that the easements in Water District 6 are worded the same way and that there are customers not using the water in that District as well. The Supervisor thought that there should have been separate costs between the actual water usage and the cost for the infrastructure. Jesse Fish explained that some people are hooked up to their houses but they have no meters installed and the water is off. Others had the water brought to the curb. Councilwoman LeClair stated that it had been a while since they had discussion on this matter but she recalled questioning, that if they aren't paying minimum bills and 10 years from now they decide they want to use the water, will they have to pay a hook-up fee. There was discussion as to how this would be handled. Some people were told by the inspectors that if they were to hook up now, there would be no charge and they wouldn't have to pay for water they didn't use. Councilman Kusnierz stated that if there is no water from the curb stop to the house, there should be no charge. Councilman VanTassel asked, that of the 7 customers that are being billed minimums, how many have water lines that come all the way into their homes. Jesse Fish replied that he believed all of them did but will check. Councilman Kusnierz stated that maybe the contractors made mistakes and shouldn't have run the lines into the homes. Councilman VanTassel recalled that in order for him to get his water installed at no charge, he had to agree that he

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would convert from his well. He still uses his well for irrigation but there's no cross connection. The Supervisor stated that there are regulations for Jesse to check for cross connections. He questioned the Landmark not being on the list as they have a line that was brought to their building. He stated that there needs to be fair play. Councilman Kusnierz stated that we need to reach out to Burley and Guminiak and see what we can find out. He asked the Town Clerk to check the other water districts to see how their easements read and he will contact Tim Burley himself to see what his recollection was of these districts. He seemed to recall that there were different parameters for different districts. The Supervisor agreed with this and stated that they will look at this again once they have more information.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to increase appropriations by \$171.14 to HI8320.2 Water District 1 Ext 2 Capital Project – Administrative – Equipment to create a 2016 budget for Water 1 Extension 2 Capital Project

and, to increase appropriations by \$6,565.12 to HH1620.2 Highway Garage Capital Project – Buildings – Equipment to create a Highway Garage Capital Project budget for 2016

and, to increase appropriations by \$62,800.00 to DB5112.493.4 Highway – Improvements – Blacktop/Novachip/Novac to increase 2016 appropriations by re-appropriating 2015 unspent funds.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel approving payment to Lewis & Greer in the amount of \$5454.94 subject to receipt of an interim report, which is specified in the contract, and that it is satisfactory to the Supervisor. This will be paid from account A1355.4.

Roll call vote resulted as follows:

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

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair approving payment to Jack Hall Plumbing & Heating in the amount of \$1,238.68 for pipe & a recirculation switch motor. The work was over the \$500.00 procurement policy and needed Town Board approval. This will be paid from account A1620.401.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he wanted to make the Board aware that he believed there was a contract signed with BOCES in September 2015 that allows their students to use their own equipment, with the Town's aid of fuel, on County property within the Town of Moreau for the construction of horse and bike trails. The contract is due to expire in June 2016 and they will need Board approval and a newly signed contract to continue the work that was started. Counsel will need to review the contract. Councilman

A month-end meeting of the Town Board of the Town of Moreau was held on March 29, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

VanTassel stated that BOCES is pressed and without a signed contract, they may have to pick a different job to put the students on and the Town might lose the opportunity for them to complete the work. BOCES needs to know by mid-April. This will be discussed at the next regular Town Board meeting to be held on April 12, 2016. Councilman VanTassel will be meeting with Bob Vittengl and walk the property so he's familiar with the project.

Rodney Congdon asked if he could make a remark and when allowed, he stated that it was a delight to be able to hear Jesse Fish's comments. The only other person he could hear easily was Todd. He had difficulty hearing what was being said. Councilman VanTassel stated that the microphone system hasn't been working since the flood in the building. He asked what the decision was on Mr. Fuller's water bill and Councilman VanTassel explained that Todd would be checking with Tim Burley and that they would have answers by the next regular meeting.

A motion was made by Supervisor Congdon and seconded by Councilwoman LeClair to pay the bills as audited.

Roll call vote resulted as follows:

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

**AUDITED CLAIMS**

General Fund – A Account Claim nos. 228-240, 242-243, 245-246, 249-253, 257-258, 260-261, 264-267, 271-272, 275,286-287, 290-293, 296-297, 301-303, 305-306, 308, 318-319, 322-328	\$116,881.92
Town Outside Fund – B Account Claim nos. 246, 257, 268, 276-279, 282-286, 296, 310-313, 321	\$2,272.12
Highway Fund – DB Account Claim nos. 244, 247-248, 254-256, 259, 261-263, 269-270, 273, 288, 294, 298, 299-300, 304, 306, 309	\$41,681.13
Sewer District 1 Fund – GI Account Claim nos. 227, 239, 246, 257	\$371,141.57
Water District 1 Fund – I Account Claim nos. 239-243, 257, 266, 289, 308, 320	\$411.06
Water District 2 Fund – II Account Claim nos. 239-243, 257, 288-289, 295, 308, 320	\$701.66
Water District 4 Fund – IV Account Claim nos. 239-23, 257, 266, 288-289, 308, 320	\$855.39
Meadow Ridge Lighting District Fund – MR Account Claim nos. 229, 234	\$88.86
Palette Lighting District Fund – PA Account Claim nos. 229, 234	\$207.97
Palmerton Heights Lighting District Fund – PH Account Claim nos. 229	\$470.82
Pinewood Lighting District Fund – PW Account Claim nos. 229, 234	\$275.46
Riverview Lighting District Fund – RV Account Claim nos. 229, 234	\$318.64
Sherwood Forest Lighting District Fund – SH Account Claim nos. 229, 234	\$295.63
Water District 3 Fund – SW Account	

A month-end meeting of the Town Board of the Town of Moreau was held on March 29, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

Claim nos. 239-243, 257, 289, 308, 320	\$199.76
Transfer Station Fund – TS Account Claim nos. 239, 243, 250, 257, 264, 307, 308, 314	\$5,141.98
Tanglewood Lighting District Fund – TW Account Claim nos. 229, 234	\$140.00
Water District 5 Fund – V Account Claim nos. 239-243, 257, 266, 274, 289, 308, 320	\$296.90
Water District 6 Fund – VI Account Claim nos. 239-243, 257, 266, 289, 308, 320	\$1,085.70
Woodscape II Lighting District Fund – WP Account Claim nos. 229	\$345.19
Woodscape Lighting District Fund – WS Account Claim nos. 229, 234	\$465.61
Trust and Agency Fund – TA Account Claim nos. 317	\$1,912.50
Highway Capital Project Fund – HH Account Claim nos. 315	\$26.00
Landfill Reserve Fund – LF Account Claim nos. 316	\$1,424.16

Jim Hooper asked how the Town Board took to Mr. Conklin’s presentation on March 22, 2016. The Supervisor stated that he thought it was a marvelous presentation and a good idea. Mr. Hooper stated that he will be meeting with Mr. Conklin next week and asked the Town Board if there was anything they could do to encourage Mr. Conklin further. Councilwoman LeClair stated that she had liked what she heard. Reed Antis asked how the property is zoned and if this project would be a PUD. The Supervisor replied that it is zoned Recreation. Councilman VanTassel stated that a courtesy call could be made to Mr. Conklin to see where he stands and the Supervisor replied that he has spoken with him. Mr. Hooper stated that Mr. Conklin’s proposed project will only use 1/3 of the property and stated that he asked the Town what they wanted to do with the rest. He would like to see horse trails and cross country ski trails. He suggested, that if the Town Board wants to see something else in the plan, now’s the time to let Mr. Conklin know. Councilman Kusnierz stated that if this project needs Town Board approval, the Town Board can make stipulations, assuming that it becomes a PUD. Councilman Kusnierz stated that the current zoning may not allow the project.

Reed Antis stated that he had done auditing of the Town’s utility bills and that there are some glaring issues that the Town Board should be aware of. One is the Water Tower Building on Sisson Road. Once the electricity gets turned on for heat the bill is abnormally high. He recommended that the Town have an energy audit. A better heater and controls could bring the kilowatt hours down, which might eliminate the demand charge. He stated that the Town Hall building is in the same situation. The Town Board needs to take action to get rid of demand charges to save money for the Town. Mr. Antis presented to the Board members a report of his findings. The Supervisor stated that he would look over his report. Mr. Antis also stated that the Solar City contract should be looked at before anything moves forward.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adjourn to executive session at 8:29 p.m. to discuss litigation with respect to the Highway Garage and to discuss the purchase of property from Excess Land.

Roll call vote resulted as follows:

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

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The Town Clerk did not sit in on the executive session.  
The Town Board returned from executive session at 9:39 p.m.

No action was taken in executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn the meeting for the evening at 9:40 p.m.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	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: [www.townofmoreau.org](http://www.townofmoreau.org)