

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 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 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; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Elizabeth Lanfear, Supervisor's Confidential Secretary; Kathleen Moore, Post Star Reporter; Pete Corlew, Recreation Working Foreman; Sandy Mahoney, Recreation Program Director; Dave Meager, Adirondack Trust Insurance; Town Residents: Brian Abare, Virginia Livsey, Bruce Flayer, Terry Clark, Anne Kusnierz, Andy Belair, Mary Jenkins, Robert Shaw, Jim Rando, Tom Cummings, Ronald Kowalski, Vince Spoorer, Angela Wadsworth, Russ Backus, Reed Antis, Jim Hooper, Richard Goldy, Stevee Vittengl, Jim Aiken, Carol Alden; Village Residents: Brigid Martin, Thomas Wade, Margaret Centerbar, Ann Celeste, Debbie Fitzgibbon, Peter Lemery, Charlie Granger

Supervisor Congdon led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from March 22, 2016 and March 29, 2016 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 Councilman VanTassel to approve the minutes from March 22, 2016 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Supervisor Congdon and seconded by Councilwoman LeClair to approve the minutes from March 29, 2016 as prepared.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

SET FUTURE MEETINGS AND WORKSHOPS

A workshop to discuss sewer fees was scheduled for April 21, 2016 at 7:00 p.m.

PUBLIC COMMENT PERIOD

The Supervisor asked that this comment period be related only to what is on the agenda and that the second comment period could be used to discuss other business.

Angela Wadsworth addressed the Town Board regarding transcripts of the Town minutes. She asked to be added back on. She stated that there are many meetings that she had attended and the only way to know was to listen to the audio. Ms. Wadsworth made a comment relating to a conflict of interest with regard to Bartlett, Pontiff, Stewart and Rhodes regarding a house that was built. Ms. Wadsworth directed her attention to Attorney Buettner and stated that she was biased and had an audio she wanted the Town Board to hear where the Attorney viciously went after her and was sticking up for the contractor. She asked who Dan Stewart was to her law firm. Attorney Buettner asked the Supervisor if he wanted her to respond to the questioning. The Supervisor stated to Ms. Wadsworth that this topic is to be discussed later in the meeting and asked her to present to his secretary all of her questions and concerns and that they would be addressed.

Jim Hooper addressed the Town Board with regard to an abandoned road that's in disrepair and is requesting to take it over. He presented photos for the Board to look at. He directed his questioning to Councilman Prendergast and asked what he had against him and why the road can't be deeded over to him. Councilman Prendergast stated that it had nothing to do with him but rather the issue of the road. Councilman Prendergast stated that he had come in two years ago and wanted something in return for the road. He stated that he had wanted an ice cream store and had issues with the Planning or Zoning Board. Mr. Hooper stated that they wanted a PUD and all he wanted was a special use variance permit. Councilman Prendergast recalled, that the discussion at the time was, that the Town Board can't tell the Planning Board what to do and if Mr. Hooper couldn't get his ice cream store then there was no reason to have the road. He also stated that if the Town were to pave the road, he wouldn't be willing to just give it away. The Supervisor asked the Town Attorney for clarification on whether or not the Town Board could give their opinions to the Planning Board. Attorney Buettner stated that there is nothing that precludes the Town Board from speaking to the Planning and Zoning Boards and giving them notice that someone had come to the Town Board with a request. The only preclusion is that you can't tell them what to do either by direct or indirect order, the law precludes that. Mr. Hooper stated that he wants to move forward and that there is no bartering going on. Mr. Hooper also stated that it would save the Town a lot of money to give him the road. Supervisor Congdon stated that it's an issue to determine what's good for Mr. Hooper and what's good for the Town. He stated that he would be in touch with Mr. Hooper.

Terry Clark asked about the change in the first public comment period and stated that there should be two public comment periods. The Supervisor replied that they are trying to stay on subject with the first comment period. Mr. Clark stated that the public put the Board members in office and wanted to remind them of that. His comments were noted.

Reed Antis stated that within the supporting documents on the Town's website, was the Insurance proposal and that the pages were marked confidential. He asked if this document was confidential and the answer from Dave Meager was "no".

RECREATION REQUESTS

Pete Corlew had presented to the Town Board at the last regular Town Board meeting a request for two Recreation Laborer/Full Time Seasonal new hires for the Recreation Park at \$10.25 per hour and to rehire two employees as Full Time Seasonal who are listed right now as Recreation Laborer/Part Time Seasonal and Recreation Laborer/Part Time. The Town Board was polled on this matter and now has to be ratified. Councilman Kusnierz wanted to make it clear that his vote of "no" when polled, was not for the hiring and re-hiring but for the poll being verbal. Supervisor Congdon stated that there are laborers at the Transfer Station that make \$12.00 per hour and to give the re-hires at the Recreation Park only \$10.92 sends a bad

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

message. He stated that it should be equal pay for the laborer positions. Councilman Prendergast stated that he had spoken with the Principal Account Clerk after being canvassed by phone and asked her if the budget would be affected. She told him that they would be ok if they stayed under 40 hours but to increase the salary would be on the edge. There was a very lengthy conversation with regard to these salaries. The Supervisor wanted to go on record and state that there should be equal pay for equal work is important and the pay should be equal for the laborers at the Transfer Station and the Recreation Park. Councilman VanTassel asked to go on record and state that he felt it should be best addressed at budget time. He stated that the immediate problem that they were asked to make a decision on was to change their status to Full Time Seasonal so they could effectively cover the demands of the Park. There could be an additional expense to the Town because they will be working additional hours but to adjust their hourly rate at this stage would be an additional expense above and beyond that. What he's looking to get approved right now is the change to Full Time Seasonal for the defined period of time. There was further discussion on the matter.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to change the positions of Christopher Rich from Part Time/Seasonal to Full Time/Seasonal and to change James Davenport who is a Part Time Laborer to Full Time/Seasonal from April 1 – October 31, 2016 and after that time period will return to Part Time Laborer for the remainder of the year. Both will be paid at the rate of \$10.92 per hour.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to hire David Gould and William Schempp as Recreation Laborers, Full Time/Seasonal at \$10.25 per hour.

Roll call vote resulted as follows:

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

DAVE MEAGER-INSURANCE RENEWAL PRESENTATION

Dave Meager from Adirondack Trust gave a handout of his presentation to the Town Board prior to the meeting. He explained that Adirondack Trust has been the agent representing the Town for the past 5 years. Mr. Meager stated that the Town's Insurance Policy is with NYMIR. NYMIR was created by an Association of Towns, Counties and Villages and is a reciprocal, not self-insured. He explained how a reciprocal works and proceeded to explain the policy and coverages and stated that the increase in the premium is due to the recent claims and payouts. The Supervisor stated that there are changes that need to be made to the policy. He stated that he would review with Mr. Meager to see how some changes would reflect the savings and then he would discuss with the Town Board. He may have more questions and would get back to Mr. Meager.

HIGHWAY DEPARTMENT REQUESTS

The Supervisor asked if they could do a blanket resolution for the Highway Department requests to move things along. Councilman Prendergast stated that it would take much longer to do them separately and that he would prefer to do them one at a time.

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing Brush and Limb Pick-Up by the Highway Department from April 25, 2016 – May 30, 2016.

Councilman Prendergast stated that if the pick-up is approved as the Highway Superintendent asked he believes this would be the first year that the Town wouldn't have an ad in the Post Star. The Supervisor asked if he was aware of the cost and Councilman Prendergast stated that he was aware and that he believes it's important to reach out to the public as much as you can.

Councilman Kusnierz withdrew his previous motion.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing a Brush and Limb Pick-Up by the Highway Department from April 25, 2016 – May 20, 2016 and to run the advertising for the Pick-up in both the Cronicle and the Post Star Newspapers.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the purchase of (6) 30" x 16 gauge galvanized corrugated fully perforated x 6' sections from Chemung Supply at a cost of \$879.84. This will be paid from account DB5110.497 which had a balance of \$4,000.00 as of April 1, 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 Kusnierz and seconded by Councilman Prendergast authorizing the purchase of (7) 30" Rings & Grates for drywells from EJ USA at a cost of \$2,009.00. This will be paid from account DB5110.450 which had a balance of \$4,000.00 as of March 4, 2016.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUEST

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to approve the purchase of (142) water meters from Water District II by Water District IV at a cost of \$187.00 each for a total cost of \$26,554.00. The meters are in stock and have already been purchased by Water District II. This purchase will be paid from account IV8310.2 which has a balance of \$84,349.00.

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

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 authorizing Jesse Fish and Earl Ruff to attend an AWWA school in Saratoga on April 13, 2016 for credits needed to maintain their licenses. There is no cost for Jesse Fish to attend and a \$50.00 fee for Earl Ruff. This will be paid from account IV8310.4 which had a balance of \$79,453.22.

Jesse Fish stated that they need (30) credit hours every three years in order to maintain their licenses and this all day class will give them 6-7 credit hours. They're only 15 minutes away if an emergency should arise.

Roll call vote resulted as follows:

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

DISCUSSION – FILLING WATER DEPARTMENT LABORER POSITION

Councilman Prendergast stated that he had this put on the agenda because the laborer for the Water Department has left and they need to replace and fill the position. He asked for the feeling of the rest of the Town Board. Councilman VanTassel stated that he had a conversation with Jesse Fish regarding the workload in his department and felt that there was enough work to keep a person busy. Councilman VanTassel stated that the water department had been locating and mapping out shut offs. The Supervisor stated that in his observation, the Town doesn't need a laborer and he is adamantly opposed to adding any more positions to the water department. He stated that the Town of Moreau doesn't make the water, the Town of Queensbury does. He asked if it was worth it to hire someone to find locations and mark them with blue paint. He stated that we hire people and spend money to train them and then they find a better place to go. He stated that if this job is needed, then he would like a real report from Jesse Fish stating in detail what this person would do. Councilman Prendergast stated that the laborer does more than just find locations. Councilman Kusnierz stated that he wouldn't trivialize any job that any employee does. The Town has grown by leaps and bounds. He stated that we have a plethora of water districts that have been created and extended. A Water Superintendent who is charged with overseeing these districts and he won't be here forever. Councilman Kusnierz stated that we have a responsibility as a Board to make sure we have continuity. We'll need someone with historical knowledge of what's going in the ground and someone behind him, when we lose the Water Superintendent, so our residents will feel safe knowing that we have the continuity for safe public water services. This doesn't have to be done tonight but it needs to be addressed. The Supervisor agreed that this needed to be looked at.

The Supervisor stated that the Asset Management Plan that was created by Tim Burley had some information that was incorrect regarding the pipes and asked how someone would take over for the Water Superintendent and be expected to know what's going on with the pipes when the reports are inaccurate.

The Supervisor made comments regarding an MS4 report and that he was responsible to sign off on it. If it was incorrect, he could be subject to fine or jail time. He commented that the report is full of errors. Councilman Kusnierz stated that he hasn't seen anything wrong with the report.

Councilman Prendergast asked that they stay on subject with the agenda. There was some conversation before they got back to the agenda item being addressed. Councilman Prendergast stated that he wanted

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

to be factual in that the position for water department laborer isn't being created, the position was already there. They've been working with a laborer for years. Councilman VanTassel stated that the purpose for having this item on the agenda was for discussion about the position that's open and to evaluate the potential of Jesse's possible retirement in the future. We have assets in this Town that we're responsible for. He suggested that they have an ongoing meaningful conversation on this topic

Jesse Fish stated that the Asset Management Plan was prepared by Tim Burley's office in cooperation with himself and the maps that they had and it was done to the best of their ability. He was talked to and Mike Shaver was talked to. He stated that Harry Gutheil had looked over the Plan. It was said that some pipes were labeled in wrong places. Mr. Fish stated that Mr. Gutheil had said that it was no big deal because the longevity and the life of the pipes was about the same and that it was something that could be handled and they could get to it and now Tim Burley has left the company. The Plan isn't really completed yet at no fault of his or the Town Board. The Supervisor stated that the erroneous information should have been corrected by Jesse.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to table the discussion on the position of Water Department Laborer.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked that the Water Committee come up with some ideas and bring them to the Board.

DISCUSSION – UPPER HUDSON RIVER REVITALIZATION PLAN; PAYMENT DUE \$29,000

Supervisor Congdon stated that the former Supervisor had signed an agreement for the Upper Hudson River Revitalization Plan and there's no money budgeted for this expense. Councilman Kusnierz thought that there was a provision in the 2016 budget. Elizabeth Lanfear stated that there was \$30,000 budgeted but it was for something else. The Town Clerk had searched the minutes and couldn't find where the Board approved the Supervisor to sign the contract. Councilman Kusnierz asked the Town Clerk to search the minutes for any discussion relating to the funding of sewer districts. Councilman VanTassel asked, that to be clear, there is a contract with the City of Glens Falls signed by a Town representative and the Supervisor replied "yes" and also stated that they haven't been able to find any money to pay it. Councilman Prendergast stated that he would be in the Town Hall tomorrow and that he would look into the matter. Further discussion on the Memorandum of Understanding was tabled.

ETHICS ADVISORY COUNCIL – REAPPOINT ART BOUCHER/DEFINE THE TERM FOR MARIA JENNINGS

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to re-appoint Art Boucher to the Ethics Advisory Council to fill the 4 year term that expired December 31, 2015.

Roll call vote resulted as follows:

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

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

There was discussion as to whether Maria Jennings' appointment at the last Town Board meeting was to fill a complete 4 year term or to fill the remainder of the term vacated by Catherine Knapp.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast appointing Maria Jennings to the full vacancy for a 4 year term to the Ethics Advisory Council.

Roll call vote resulted as follows:

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

This leaves one opening to fill the remainder of the term vacated by Catherine Knapp.

DISCUSSION – AUTHORIZATION FOR SUPERVISOR TO SIGN BOCES CONTRACT FOR HEAVY EQUIPMENT WORK

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the contract with BOCES subject to Counsel's review.

Roll call vote resulted as follows:

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

PERMISSION FOR FRAN THIBODEAU TO ATTEND NYS RETIREMENT SYSTEM EMPLOYER EDUCATION SEMINAR

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Francine Thibodeau to attend an Employer Education Seminar presented by the New York State Retirement System to be held on April 29, 2016 at Crandall Public Library. The seminar is free and there will be no costs involved.

Roll call vote resulted as follows:

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

DISCUSSION – IT CURRENT STATUS; ALAN VANTASSEL

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

Councilman VanTassel reported to the Town Board that he had discussion with PS Technical Services. The Town doesn't currently have a reliable back-up that's being performed. He stated that PS Technical Services had put in a temporary back-up solution and gave a proposal for a more reliable one. The proposal was for \$2,900.00. They had stated in a communication that they wouldn't be held liable if anything were to go wrong with this method of back-up. Councilman VanTassel stated that this topic, in his opinion, falls into an emergency situation as the Town doesn't have a reliable back-up. He stated that the Town can continue to operate in this mode or take corrective action. Councilman Prendergast recalled that the Board, when they were looking at back-up services, were concerned with the liability issue, if the information was compromised. Councilman VanTassel stated, being in the industry, he doesn't know of any organization that would take on the liability. They will recommend an enterprise back-up solution, they'll warranty the work of installing it but they can't control anything that happens to it. Councilman VanTassel stated that in his organization that he works for, they wouldn't use this solution but something similar. The methodology of what they're proposing is sound. He stated that the hardware they would be using, he's not familiar with but he did research and found it to be interphase grade solution. In his opinion he would recommend the Town expend that expenditure. He stated that the cost to the Town would be greater if a problem arose. The Supervisor asked if Councilman VanTassel felt that this company is better than his own. Councilman VanTassel stated for the record that it should be disclosed that he didn't believe the Town could do business with an organization that he owns stock in. The Supervisor stated that in order to avoid a conflict he could remove himself from any financial reward. One of the other challenges that the Town is in, is that they've already been through 4 different organizations and there's nobody left to choose. Councilman VanTassel stated that the current provider of service hasn't been engaged to do anything other than break fix. They aren't being asked to anything proactive or preventive and they don't have knowledge of the current structure. In his opinion, it would be in their best interest and the Town's best interest to engage them to come in and do a deep dive. He stated that what Storedtech would be willing to do is to put one of their system engineers with them to oversee the analysis at no charge. The analysis would consist of recommendations with budgeted costs of what the Town should do to sure up the environment. It would be a billable event and he believes the rate is \$95.00 per hour and they estimate it to not exceed 4 hours. Councilman VanTassel stated that his recommendation is to engage the services of PS Technical Services to provide reliable back-up and to do an analysis so that the Town can make decisions moving forward. He did state that the Town currently has an exposure that they don't provide service for and that's the phone system. Storedtech could help out for now but the Town would eventually have to source out for that service. Councilman Prendergast and Councilwoman LeClair both stated that they were supportive of the recommendation.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to engage the services of PS Technical Services to execute the proposal presented to the Town, which is a back-up solution that will install hardware and configuring software at a total cost of \$2,900.00. This will be paid from account A1620.401.

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 engage the services of PS Technical Services to complete an in depth Technical Assessment, with written documentation of the environment with a recommended road map of areas of concern and shadowing them at no charge a senior engineer from Storedtech Solutions Inc. This service is not to exceed 4 hours at \$95.00 per hour and will be paid from account A1620.401.

Roll call vote resulted as follows:

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

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

DISCUSSION – BILLBOARD REQUEST FORM THE SARATOGA COUNTY FAIR

The Supervisor reported receiving a request from the Saratoga County Agriculture Society asking for permission to place a 32 sq. ft. billboard promoting the 175th Anniversary of the Saratoga County Fair in the Town of Moreau, on the week of June 20th and to be removed on the week of July 25th.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing a 4’ by 8’ Billboard Sign for the Saratoga County Fair to be place in the Town of Moreau on the week of June 20, 2016 and to be removed the week of July 25, 2016.

Roll call vote resulted as follows:

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

ETHICS BOARD VACANCY – ROBERT BRAYMAN’S POSITION

The Supervisor stated, that hopefully, there will be an article in the Cronicle outlining the vacancies on the different Boards of the Town. He stated that a letter was received from Mr. Brayman, who served on the Ethics Board, that he is no longer living in the Town of Moreau.

PUBLIC COMMENT PERIOD

A woman from the audience asked what the difference was between the Ethics Advisory Council and the Ethics Board. Attorney Buettner replied that it’s a requirement of New York State that Towns have an Ethics Advisory Council. If there’s a complaint that someone has done something unethical, the complaint goes to the Ethics Advisory Council. They will look at the Ethics Disclosure Statements and the complaint and if they deem that there is merit to the complaint it goes to the Ethics Board. The Ethics Board has a due process where they allow the individual, who the complaint is against, to come in and discuss it. They will then determine if there was an ethical violation. Ms. Buettner stated that they are both 4 year terms both for the Council and the Board.

Terry Clark asked how he could get on the Board and it was replied that he should send a letter of interest to the Town Clerk.

Angela Wadsworth stated that the water rates for District 2 and 4 were lowered at a previous Board meeting and at the last Town Board meeting it was mentioned by Attorney Buettner that the rate for Water District 2 could only be lowered by local law. She stated that it should have been noted and corrected that night before it went any further. Ms. Wadsworth commented on the Town hiring the law firm of Lewis and Greer and also George Bunk. The Supervisor asked her to come forward as he couldn’t hear what she was saying. She approached the Board and stood next to Attorney Buettner and again spoke about the lowering of rates in District 2 and 4 and had issue with the fact that it wasn’t corrected and done that night. Councilman Prendergast stated that the Code has to be redrafted and presented to the Board before they can vote on it. The Town will need to have a public hearing on the matter. Ms. Wadsworth stated that the prior Supervisor hired Lewis and Greer for \$20,000.00 and they hired another lawyer, George Bunk. Attorney Buettner replied that Lewis and Greer and George Bunk are special counsel to the Town of Moreau for the Erie Boulevard litigation. She also stated that George Bunk is an engineer hired

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

by Lewis and Greer. Ms. Wadsworth had more questions but the Supervisor asked her to give all of her question to the Clerk so the Board has time to look at them and then the Attorney could answer them. The Supervisor promised Ms. Wadsworth that he would get to the bottom of her problem and how it happened. Attorney Buettner stated that she would provide the Supervisor with all of the information. Attorney Buettner also advised Ms. Wadsworth that she would be on vacation during the next Town Board meeting and if she would like the answers addressed by herself she should wait until the first meeting in May. Ms. Wadsworth continued with her questioning and Councilman Kusnierz asked her to provide them to the Supervisor. Attorney Buettner stated that she would be happy to answer any questions that are provided to the Supervisor.

Brigid Martin thanked the Supervisor for his aid to the Village in the offer to pay for the Village concerts. The Supervisor stated, that to make it clear, he was at the Village meeting to discuss inter-municipal cooperation and used the concert in the park as an example, to sit down to see if they would fit into the Town's Rec programs and to discuss the Village's shortfall. He was amazed that two of the Trustees thought it was a good idea but he asked what was wrong with the Mayor, he stated that he couldn't figure it out. He didn't know why the Mayor wouldn't discuss inter-municipal cooperation.

Councilman Prendergast stated that he wasn't against inter-municipal cooperation and then asked the Supervisor what he had promised. The Supervisor stated that he didn't promise anything and that he only asked to meet as a Board. The Supervisor asked Councilman Prendergast why he wouldn't have asked him about this at his home. Councilman Prendergast asked why he couldn't ask him in public. Ms. Martin stated that the Village attorney specifically asked the Supervisor to clarify his position and he said that he would formally accept the offer on behalf of the Village. The Supervisor stated, again, that he didn't promise anything. He stated that he asked their Board to meet with this Board for full cooperation that would benefit the taxpayers. He also stated that this Board represents the Village just as much as their Board does. He stated that there was a figure of \$50,000 in the article that has been corrected. He didn't know where the figure came from. He asked Kathleen Moore, Post Star Reporter, if she would like to be in the mix. She stated that she wasn't at the Village meeting. There was more discussion between the Supervisor and Councilman Prendergast as to why he asked the question in the Board meeting tonight and not earlier if he had a concern.

Mr. Shaw asked the Town Board why the building looks half finished. The Supervisor stated that this item will be brought up in executive session. Councilman VanTassel stated that there is ongoing litigation.

Terry Clark asked why the Town is holding people responsible for what they do. He stated that he had asked the previous Supervisor to have all the water lines checked and he asked what will happen if it happens again like with him and English Village.

Mr. Shaw asked if the Town has enough money to finish the project. The Supervisor stated that he's been in contact with a plumbing company. The Town doesn't know the extent of the problem. The Supervisor stated that the Town can't afford to get someone in here to do the work who doesn't do it right. He stated that there is a local company who is making a proposal. He stated that other companies are reluctant to bid on the job because they don't want to pick up in the middle of someone else's work.

Terry Clark stated that the flag pole is tilted and asked when it will be fixed. The Supervisor stated that he's spoken with the flag company two times and that they were to get him some numbers.

Vince Spoorer asked if the Fire System is on. The Supervisor stated that it was as far as he knows. He stated that the attic part is not on. Mr. Spoorer asked if the Insurance Company was aware of this and the Supervisor replied that they were.

COMMITTEE REPORTS

Councilman VanTassel stated that the Park looks well. They got a jump on things because of the good weather. He commended the employees. He stated that the Park is open and Jesse passed the water test. Sandy Mahoney stated that Lacrosse has started, baseball started and softball is waiting to sign the contract. She stated that spring soccer is going on. Councilman VanTassel stated that a Spring Soccer

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

program has started that is an attempt to test out another person who might be able to run the Fall Soccer program. They're keeping a close eye on that as they know it was a concern to the public. Ms. Mahoney stated that she currently has 5 lifeguards. They're hoping to leave the beach open later on Friday nights. She stated that she has the paperwork ready to go in for the Town's permit. She stated that, hopefully, within the next few weeks, she'll be able to get some prices to the Town Board to work on the beach house.

Councilwoman LeClair stated that she believed there was \$4,000 to \$5,000 budgeted for the purpose of hiring someone for office help at the Park. At the next meeting, she would like to discuss or come up with a proposal to hire someone to handle scheduling. Councilman VanTassel thanked Ms. Mahoney for all her hard work on the contracts.

Councilman Kusnierz stated, that regarding the sewer down Route 9, he had an opportunity to speak with the general counsel for the Environmental Facilities Corp. He stated that there was an application submitted for low interest funding for sewer down the Route 9 corridor. He stated that the Town is on an annual list and has to submit paperwork to stay on the list or it will bump us to a multi-year list. He stated that he felt it significant that the Town submit the 1 page notice that we want to remain on the list. He stated, that according to the EFC, all Towns should have been mailed in March and the paperwork is due no later than April 22, 2016. He stated that in this year's State budget, there's \$100,000,000.00 added to the multi-year funds. He stated that it behooves the Town to file the paperwork to stay on the list. The Supervisor asked his secretary if she had seen the paperwork and she replied "no". He asked the Town Clerk as well and she didn't recall seeing it either. Councilman Prendergast stated that he would be in the Town Hall tomorrow and will look into it.

Liz Lanfear stated that there was supposed to be something in Supervisor's item relating to the Saratogian Newspaper. She stated that it costs the Town approximately \$370.00 per year and sometimes it doesn't get delivered, nobody reads it and the Town doesn't advertise in it. She asked if the Board wanted to continue to receive it. It was agreed to cancel the subscription.

The Supervisor stated that they needed a motion for executive session. Councilman VanTassel asked if it was for litigation purposes and the Supervisor stated yes and among other things. Attorney Buettner asked what other things and the Supervisor replied that he needed to have a debate on the laws of executive session. The Supervisor read from a section of law the conduct of executive session. Attorney Buettner stated that she was familiar with that section of law. The Supervisor stated that he shouldn't be limited to discuss only one item. Attorney Buettner stated that he could discuss more than one item, they just need to be listed in the motion. The Supervisor stated that if he states litigation, it should be a general mention that would cover all litigation, without having to name them all. Attorney Buettner respectfully disagreed and stated that there was case law. Supervisor Congdon stated that case law could go one way and then on another occasion go another way. The Supervisor gave a synopsis of Terry Clark's problem with his broken water line and stated that there was case law so Terry sued the Town and the contractor. He stated that because Terry didn't notify the Town that the pipe was going to break before a year and ninety days went by that he was not timely in filing his suit. The Supervisor stated that case law would have required Mr. Clark to have x-ray vision to be able to look at the fitting and be able to determine that it wasn't hooked up right. Attorney Buettner stated that she agreed with the Supervisor in that the law is what the law is but as Attorney she's advising that there is case law that needs to be followed. The Supervisor stated, if you have a law and you follow the law and someone objects to the law, the Judge uses case law to make a determination. He asked that if you're trying to run a meeting and you're following this law, how will case law come in to the picture. Attorney Buettner stated that she didn't understand his question. Councilman Kusnierz asked if there was something he wanted to add to executive session. The Supervisor replied that he wants this resolved, so that if they go into executive session, they won't get hung up on what they can discuss, under an interpretation that he doesn't agree with and then they don't get anything done. He stated that he had outlined 10 agenda items, all of which he would like to discuss under executive session, in a blanket resolution. Attorney Buettner advised that you can't do that unless you identify and it falls within the law. The Council members looked through their binder books for the document that the Supervisor was referring to. Once everyone found the report in question, the Supervisor stated that he wanted to discuss the items 1 -10 in executive session. The Supervisor asked to go into executive session to discuss his items 1-10. Attorney Buettner stated that she couldn't help, advise

A regular meeting of the Town Board of the Town of Moreau was held on April 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

and protect the Board, if this is how they were going into executive session. The Supervisor stated that she was welcome to stay for executive session as she was part of what was going to be discussed.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adjourn to executive session at 10:17 p.m. to discuss potential litigation, representation by Counsel and contract negotiations with CSEA.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

Before the Supervisor voted, he asked what the motion was again and it was repeated. He asked if that was it and Councilman Kusnierz asked if he wanted something else. The Supervisor replied that he wanted the whole list. Councilman VanTassel stated that it was encompassing. Councilman Kusnierz stated that would be included in the agenda items.

Supervisor Congdon	Yes
--------------------	-----

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

The Town Board members exited the Board room without formally coming out of executive session at 10:50 p.m.

There was no action taken in the executive session.

The regular session of the Town Board meeting was not 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