

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

The Supervisor 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
Gardner Congdon	Supervisor

**Town Board Members Absent**

Todd Kusnierz	Councilman
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**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Tammy Daley, Deputy Town Clerk; Lisa Sperry, Deputy Town Clerk; Elizabeth Lanfear, Supervisor’s Confidential Secretary; Peter Corlew, Recreation Maintenance Foreman; Kathleen Moore, Post Star Reporter; Gerhard Endal, Zoning Board Member; Jennifer Mancucci and Jackie Ellsworth, Head Start; Members of the South Glens Falls Fire Company, Peter Lemery and Nicholas Quinn; Town Residents: Chris Music, Joe Bovey, Richard Hughes, Bruce Flayer, John & Shannon Smith, Joe Tardif, Michael & Danae Bock, Charlene Endal; Village Residents: Margaret Centerbar, Ann Celeste, Charlie Granger; Rodney Congdon, Lake George

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from July 12, 2016 were presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

Councilman Prendergast stated that on page 176 – Code Compliance – 15<sup>th</sup> line, it should read: Councilman Prendergast gave her his copy of the letter.

The Town Clerk stated that there was an error on page 178 – CSEA Contract – last line, it should read: from January 1, 2016 – December 31, 2018. She stated that the correction has already been made.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from July 12, 2016 with the above noted corrections.

Roll call vote resulted as follows:

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

**SET FUTURE MEETINGS AND WORKSHOPS**

None Scheduled

**PUBLIC COMMENT PERIOD** – This comment period is solely for comments and questions relating to agenda items.

There were no comments.

**EOC HEAD START**

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Jennifer Mancucci and Jackie Ellsworth were present from Head Start to answer any questions the Town Board might have regarding the possible lease of the Town's Annex Building. The Supervisor reported that a proposal has been given to the Town. He stated that the proposal includes a lease amount of \$1,250 per month and he stated that if the Town is to pay utilities on the building, that amount wouldn't be appropriate. Councilman Prendergast gave a brief overview of the possible lease and stated that the Supervisor had a valid question relating to the rent. He stated that the Town needs to get the rent right for the people. He thought the meeting they had with Head Start went very well and he was impressed with their presentation. The rent they came up with was based on the amount of work that will be done to improve the building. The Supervisor stated, with the increase in traffic coming in and out of the parking lot, the entrance would need to be more accessible. He wasn't sure if the Town or Head Start would incur this cost. Councilwoman LeClair reported that the building will need a new roof and some soffit work in the near future. Ms. Mancucci stated that Head Start is federally funded. They aren't allowed to buy buildings, they can only rent but they are given money to make upgrades so that the buildings meet the standards that they have to follow. Any improvements that are made to the building would remain. A playground would be erected that would be half on the pavement and half in the grassy area. They are required to have 6" to 9" of mulch in the grassy area by standards that are set. All of the equipment would remain if they were to leave. Their hours of operation are Monday through Friday from 8:00 a.m. to 4:00 p.m. but after 2:30 p.m. the playground will be open to any residents of the Town of Moreau. There were some questions as to what other equipment would stay as they would be putting in a kitchen. Ms. Mancucci stated that she would have to check into this but she thought the equipment would stay.

Attorney Buettner disclosed that her firm represents Saratoga County EOC but have never been asked to represent with regard to a lease and she didn't believe this would be a conflict.

Councilman Prendergast stated that the proposal states that Head Start won't make any alterations without the permission of the lessor and that the alterations would become the property of the lessor. He also stated that Head Start is currently located at the Pine Knolls Church but they have been asked to vacate because the space they're using is now needed by the Church. Councilman VanTassel stated that the only thing needed is to come up with a fair price. The Supervisor stated that the building hasn't been occupied for a very long time and that they will need to go back and look at utility bills. Councilwoman LeClair stated that she would have Rudy look at the bills. She also asked that the Attorney for the Town "stay in the loop"

Chris Music asked the Board if they knew what their rate of return would be. The Supervisor stated that they would weigh all the aspects. Councilman Prendergast stated that they are not expected to operate as a loss. The Supervisor also reported that by having a school at this location it might help the cause to get a speed limit reduction from the State. Councilwoman LeClair stated that there was a problem with the air conditioning units and Pete Corlew is getting prices for new. She stated there would be a value to replace them. She also stated that if the building is leased to Head Start the building would be left in a better condition than what it started. The Supervisor stated that the playground would benefit about 100 kids who live next door to the annex building. Councilman Prendergast stated that there are a lot of families, which are low income, that need this in the community. He stated that we have the structure and that this means a lot to him.

The Supervisor stated that he looks forward to working with them and that the Town will be in touch. Councilman Prendergast thanked them for coming as well.

#### **HIGHWAY DEPARTMENT REQUEST – SUPERINTENDENT'S CONFERENCE**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Highway Superintendent to attend the NYSAOTSOH (NYS Association of Town Supervisors of Highways) Conference, Education Symposium & Expo being held in Lake Placid at the Crown Plaza Hotel on September 13 – 16, 2016. Registration fee, lodging and meals will total \$601.00. This is a proper town charge with funds allocated for this in account A5010.401, with a balance of \$1,690 as of July 18, 2016.

Roll call vote resulted as follows:

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

### **RECREATION REQUESTS – HIRE EMPLOYEES**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to hire Bradford Gordon at a rate of \$9.75/hour and Jeremy Fifield at a rate of \$10.25/hour both as Part-time Seasonal employees (up to 19 hours/week) pending successful completion of pre-employment physicals.

Roll call vote resulted as follows:

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

### **HIRE CLEANER FOR THE TOWN HALL**

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to hire Nancy Alber as Part-time Cleaner at a rate of \$10.00/hour pending successful completion of a pre-employment physical with a start date as soon as the physical has been completed.

Roll call vote resulted as follows:

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

Councilwoman LeClair mentioned that the person in this position should be required to sign a statement that they have read and understand the requirements of the job relating to security.

Pete Corlew asked if the Board wanted him to move the janitor's supplies out of the Rudy's office and back into the janitorial room. It was requested that the supplies stay where they are for now.

### **SOUTH GLENS FALLS FIRE COMPANY – MUTUAL AID PLAN**

A Mutual Aid Plan was presented to the Town Board for the July 12, 2016 meeting for Board resolution, which was tabled for more information.

Pete Lemery and Nicholas Quinn were present at this meeting and explained that the Fire Company needs a resolution from both the Town and the Village, as they are the authority having jurisdiction that oversees fire protection. They stated that the Village has already passed their resolution.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to pass the following resolution:

RESOLVED, that this Board authorizes the participation by the South Glens Falls Fire Company Inc. in the Saratoga County Fire Mutual Aid Plan as now in force and as amended from time to time and certifies to the Saratoga County Board of Supervisors through its County Fire Coordinator that no restriction exists

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against “outside service” by such Fire Company within the meaning of Section 209 of the General Municipal Law which would affect the power of such Fire Company to participate in such plan,

and be it further RESOLVED, that a copy of this resolution be filed with the County Fire Coordinator.

Roll call vote resulted as follows:

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

### **LA GROUP – ENGINEERING INSPECTIONS**

A proposal was received from The LA Group to provide construction inspection related services for the Town, which would be billed on an hourly rate. Councilwoman LeClair stated that the proposal should have the words “plus reimbursable expenses” removed. Supervisor Congdon stated that they would inspect water, roads, sewer etc. as requested by the Planning Board and also stated that this proposal would be to replace Garry Robinson. A lengthy discussion ensued. The entire audio can be heard on the Town’s website. In conclusion Councilman Prendergast asked that discussion on this matter be continued in executive session. The Supervisor insisted on notes being taken in executive session if they are going to take action with money to be spent. Councilman Prendergast stated that his intent for the executive session is to discuss the performance. He stated that he’s never taken action in executive session to spend money. The Supervisor stated that the public leaves and doesn’t know what happens after executive session. Councilman Prendergast stated that they advise the public if they might be taking action so they know if they should stay or not.

### **STANDARD WORK DAY RESOLUTION**

Councilman VanTassel reported his 90 day time log for NYS Retirement purposes, which needed to be resolved by the Town Board.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast approving the following resolution:

Resolved, that the Town of Moreau Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

Councilman Alan VanTassel – Record of Activities Result = 4.62 days per month based on a 6 hour standard work day.

Roll call vote resulted as follows:

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

### **RFP – BOARD ROOM REPAIR**

There was discussion as to the need for RFP’s vs. the Supervisor hiring those individuals to do the jobs separately without RFP’s. The Supervisor stated that the plumbing part of the repair has already been done and what’s left needs three different activities. He suggested hiring someone to do the sheetrock and

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insulation first, a carpenter to do the baseboard work and then someone to do the carpeting. There was a lengthy debate with regard to the procurement policy. In conclusion the following resolution was offered.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast that at least two Board Members get together to draw up an RFP with specifications, to be published in the Post Star for three days starting July 29, 2016, for the repair, construction of the Town Municipal Building. The proposals shall be returned by August 9, 2016.

Roll call vote resulted as follows:

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

### **RELEAF CONFERENCE FEE**

This agenda item had been taken care of during the month-end audit meeting.

### **PUBLIC COMMENT PERIOD**

Chris Music asked what other sources the Town is using other than the newspaper to get this information out. He suggested that the Town use the Chamber of Commerce to get the RFP information out.

Another gentleman asked the Town Board how long the approvals of the Planning Board are good for. The Supervisor thought that there was a time limit. The gentleman stated that demographics change and that there should be expiration dates to the approvals. The Attorney for the Town stated that it was her understanding that the Town has no sunset provision by law. They had drafted a local law four years ago but it was never acted on. She thought that there should be a sunset provision and stated she would present this to the Town Board before the next regular meeting so that they could schedule a public hearing and pass a local law. She stated that if the law is passed, it wouldn't affect any prior approvals unless the project changes and needs to go back before the Planning Board.

Nicholas Quinn, from 202 Reservoir Road, approached the Board and stated to the Supervisor that with regard to executive session he wants the Board to follow the laws but with regard to the repairs of the building he's asking the Board to ignore the policy. He stated that what's happened in the past is the past and how the repairs were made. If it was done wrong, it's done and they need to move forward and do things correctly. His second statement was that he and his wife had contacted Board members regarding a property at 202 Reservoir Road. He thanked Elizabeth Lanfear for her help in his matter and also thanked Councilman Prendergast for his attention to his problem. His third comment was to have someone review the contact information for the Town Board members on the Town's website.

### **SUPERVISOR'S ITEMS**

The Supervisor stated that he had received a memo from the Attorney relating to the logging contracts. He stated that she is requesting additional information and made mention that he had sent her everything. He asked Attorney Buettner if the outcome of the project met the terms that were laid out. Attorney Buettner stated that she recalled having met with the Supervisor and Elizabeth in Elizabeth's office about a month and a half ago. She stated that the discussion is Attorney client privilege and she can't discuss it. She stated that he could, if he chose to. She recalled telling the Supervisor that he needed to tell her what he thought they did wrong and give her the facts that she can prove it. That's what she's waiting for. The Supervisor stated that if they were going to pay a certain amount of money for certain products owned by the Town and they say that they will provide quantitative lists of the product and they don't do that and they sell it... he gave examples. The Attorney stated that she's happy to meet with the Supervisor. The Supervisor again asked her to analyze the information he had provided and tell her if Saratoga Land Management fulfilled the terms of their contract. Attorney Buettner stated that she would like to meet

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with the Supervisor but stated that he won't call her. The Supervisor made a few comments about the Town's law firm and then went on to ask about information the Board was to be provided regarding compensation for the use of the force main. Attorney Buettner asked the Supervisor if he was going to be degrading her law firm and if so asked the Board if this was proper. She asked the Supervisor what he wanted her to do and that the matter had been discussed over six months ago. He referred to a memo he received from her stating that the Town may charge and the law states it would be illegal to do anything but. He wants to provide a legal mechanism for the Town tax payers to be reimbursed for the use of the force main. He stated that nothing is happening on it. He wants the Board to have accurate information. Councilman Prendergast stated that he has the information on it. He stated that he got his answer, he may not like it, but that's the answer.

### **COMMITTEE REPORTS**

Councilman Prendergast stated that there was discussion at an earlier meeting with regard to Cost Control Associates, Inc. and he stated that it wasn't acted on. Elizabeth Lanfear stated that the Supervisor has already signed the agreement. It was her assumption that because there was no cost to the Town, there wouldn't need to be a resolution. She's in the process of getting the bills together for Mr. Laake to look at.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel authorizing the Supervisor to sign the agreement with Cost Control Associates, Inc.

Roll call vote resulted as follows:

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

Elizabeth Lanfear stated that it wasn't an agreement that was signed it was a letter of authority to look over the bills. Councilman Prendergast stated that there should be a contract and the Supervisor agreed. Attorney Buettner asked if the Board would like her to look at the letter of authority and they agreed that she should. Councilman Prendergast stated that his intent for bringing this up tonight was to see where they were at with the process and to see what action was taken and what needs to be taken. He stated that it can be done at the next meeting because he's not sure where we're at anymore. Attorney Buettner looked over the letter of authority and stated that they've been given authorization to review the bills. It doesn't say what happens if they find the Town has been overbilled. She stated that in working with this before, they would get a 1/3 of whatever savings they find. But, she stated, this letter doesn't state that. She stated that with this letter of authority, you're only giving them authority to review the bills. Councilman Prendergast stated that he wants to know where the Town is at with the process and stated that he would contact Cost Control Associates. He rescinded his previous motion.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn to executive session at 9:15 p.m. to discuss litigation for Fire Suppression and the Highway Garage, the performance of an unnamed Recreation employee and engineering performance.

Councilman Prendergast stated that they may take action after executive session but no action would be taken in executive session and that no minutes will be taken.

Roll call vote resulted as follows:

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

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

The Supervisor left the executive session at approximately 9:30 p.m.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adjourn the executive session and re-open the regular meeting at 9:54 p.m.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adjourn the meeting for the evening at 9:55 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

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