

A regular meeting of the Town Board of the Town of Moreau was held on August 9, 2016 at 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
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Elizabeth Lanfear, Supervisor's Secretary; Peter Corlew, Recreation Maintenance Foreman; Sandy Mahoney, Recreation Program Director; Karen Epifanio, Court Clerk; Kathleen Moore, Post Star Reporter; Reed Antis, Planning Board Member and Town Resident; Gary Endal, Zoning Board Member and Town Resident; Ron Zimmerman, Planning Board Member and Town Resident; Town Residents: Terry Clark, Richard Hughes, Rachel Zimmerman, Anne Kusnierz, Sarah Linehan, Patrick Linehan, Mary Ellen Kusnierz, Mary Jenkins, Christine Fitzgibbon, Michael and Danae Bock, Megan Pliscofsky, Ron Pliscofsky, Donna Schempp, William Schempp, Catherine Knapp, Kerry Bateman, Ramona Bearor, Jim Rando, Nicholas Quinn, John Smith, Jon Pease, Stevee Vittengl, Charlene Endal, Angela Wadsworth and Joe Tardif; Village Residents: Ann Celeste, Margaret Centerbar, Brigid Martin, Peter Lemery and Charlie Granger

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from July 26, 2016 (2 sets) were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of July 26, 2016 (2 sets) as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

The month-end meeting was rescheduled for August 30, 2016 at 6:30 p.m.

PUBLIC COMMENT PERIOD - solely for comments and questions relating to the agenda

Reed Antis made comment about the Town engaging the services of Cost Control Associates. He referred to the power usage at the Nolan Road plant stating that the usage was very high and needed to be looked into. He made comment that the Town shouldn't hire someone until they see where the power is being used. He asked that the Town Board take action before they hire Cost Control Associates. Councilman Prendergast stated that the Town Board are not experts in this field but thought that the heat panels could

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be checked at that plant. Councilman Prendergast stated that he would go down to Nolan Road with Jesse Fish tomorrow. Councilman Kusnierz stated that a portion of utility bills goes toward energy conservation and at times they offer free energy audits. He suggested that someone call and find out if this is available.

Jim Rando made comment on the RFP agenda item and recited the Town's procurement policy. He asked if the procurement is a policy or if it's the law. He also asked if it's reviewed annually. Councilman Kusnierz stated that the procurement policy is adopted each year at the organizational meeting along with 40-50 other policies. He also stated that it's a Town policy not a law but also commented that there is State law that the Town has to follow. Mr. Rando suggested that the Town Board take the time to review policies before the organizational meeting.

The Supervisor gave a history of how they came to the RFP's for the reconstruction of the Town Board room since the flood back in February and expressed his opinions on the procurement policy. He made comment about the plumbing work performed by Crisafulli Brothers and mentioned that they have never shown up at the Town Hall to do the right thing. He stated that he and Councilman Kusnierz had gone up in the attic following the last flood and saw that the insulation had come off the pipes. Councilman Kusnierz concurred with him. The Supervisor stated that the Board will be asked to extend the RFP's for the repairs and stated that the Board should start working for the Town and stop wasting money on advice. He stated that the lack of respect is hard to take. Councilwoman LeClair stated that respect is earned and the more he yells, the less she hears. The Supervisor presented a letter to the Post Star reporter that had been given to the Board members. Councilman Kusnierz asked the reporter what the letter was and she stated that it was an email that went to NYMIR asking the insurance company for a copy of the engineering report regarding the recent flood, dated March 8, 2016.

SUPERVISOR'S ITEMS

The Supervisor stated that he had a few things that need attention. The first item that had to do with the force main and a letter received from Attorney O'Hara. He stated that the letter wasn't complete and where it read "the Town may or can apply a fee" it should have stated "shall apply a fee" to the user of the force main. He stated that when the loan of a million dollars was made, it was for industry and jobs. He stated that once the decision was made to have it for apartments, since it was subject to a permissive referendum, you would have to go back to the public and ask them if they would agree to change the use from industry and jobs to apartments. He stated that he has asked repeatedly for a genuine decision from the Attorneys so that the Board could move ahead in a legal fashion. He wanted everyone to know that he still doesn't have it.

The second item for discussion was with regard to a document Terry Clark had presented over two months ago stating that the Town would be responsible for the water lines for 30 years and asked what action the Town took. He stated that the information was given to the Town Attorney so she could contact C2ae to see if there's some other document that might negate the document that he has. He stated that the same thing is happening in Fortsville. We're charging people for water and they have an agreement that says you won't have to pay for any water except what goes through your meter. The Supervisor asked if anyone had looked at the documentation and if they are going to pay them. Councilman VanTassel stated that there is an ongoing discovery into the facts and asked Attorney Buettner for the outcome. Attorney Buettner stated that she has spoken with C2ae and the EFC and had provided the Town Board with information in respect to the individuals on Fortsville Road. She stated that they are a part of the Water District and when you're in a Water District and receive funding from the Environmental Facilities Corporation, whether or not you are hooked up, you are required to pay the debt service. She stated that she further looked into this with the Town Clerk and found that's exactly what the residents on Fortsville Road are paying. She stated that they were paying \$73.50 twice per year for the debt service, which is required under the loan agreement with the EFC. The Supervisor asked if the bill stated that it was for a minimum water charge. Attorney Buettner stated again that the bill is for the debt service. The Supervisor asked if the bill stated minimum charge on it and the Attorney stated that she didn't have it in front of her. There was a brief exchange and the Attorney stated that she would email a copy of the document to the Supervisor. Councilman Prendergast stated that they are working on it. The Supervisor stated that he had heard that there is no intention to recognize the document that states you will only have to pay for the water that goes through the meter. There's no mention that they would have to pay a debt service.

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Councilman VanTassel stated that he didn't imply and didn't think that anyone else had applied that this was done. He stated that they just got this information tonight and that they're working on it.

The Supervisor asked the Board if they had read the Stormwater Management Report that had problems with it. Councilman Kusnierz stated that he hadn't seen the report. The Supervisor stated that it had to do with the engineer requiring wings on Ella Drive and Woodscape to prevent rain water from going where it should go. Councilwoman LeClair stated that she had gone over there with Paul Joseph and it didn't seem to be an engineering issue. She stated that the Michael's Group hadn't backfilled yet so she wasn't sure if it was an engineering issue or if they need to contact the Michael's Group and tell them to come back and complete the job. Councilman Kusnierz asked about the report and Elizabeth Lanfear stated that the report he was referring to was an email from Blue. The Supervisor stated that what he was talking about was the Stormwater Management Plan, which the Board had discussed before and the reluctance he has to move on it. He stated, that going to the Town's partner in Stormwater Management, Blue Neils, he stated that he had come up here and agreed with him and put it in writing and assumed that the Board got copies of it. Councilman Kusnierz stated that this wasn't an engineering report. Elizabeth Lanfear stated that the Board was copied on the email. The Supervisor stated that the engineering report didn't reflect the problem with the Town's Stormwater Management and that is the issue. Attorney Buettner asked if that was before Mr. Neils came to the MS4 audit. Elizabeth Lanfear stated that the email came after the Supervisor and Mr. Neils drove around. Attorney Buettner stated that she was talking about when Mr. Neils came and met with Mr. Robinson. Attorney Buettner stated that she wanted to make sure the Board had all the information.

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair for the Highway Superintendent to set aside \$5,000.00 for the purchase of crushed stone to use on various roads. Availability and cost will determine the supplier. There are funds allocated for this purchase in account #DB5110.493 with a balance of \$7,105.40 on August 1, 2016.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to purchase (4) rear tires for one of the Highway Trucks from Warren Tire at a cost of \$1,547.92. This will be paid from account DB5130.405 with a balance of \$8,923.27 as of August 1, 2016.

Roll call vote resulted as follows:

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

It was reported after the meeting that the tires were for the 2004 Freight Line-Truck 19.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to change Mark Aubrey's work classification to MEO effective August 14, 2016. Mark was hired as a laborer on August 20, 2012.

Councilman Kusnierz asked if this was budgeted for and the answer was yes.

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

The Highway Superintendent reported that things have been going very well this year and that they've been working well with the other Towns and the Village.

Councilman Kusnierz thanked the Highway Superintendent for following through on the request for Equestrian Crossing Signs on Burt Road.

Councilwoman LeClair stated that she has been working over at the Transfer Station regarding safety training. She stated that the Highway Superintendent has been helping with the training and will continue. She thanked him for his help.

BALLOON FESTIVAL

There was a brief discussion of the cost of the ad for the Balloon Festival. The amount budgeted was \$350.00 and the ad will cost \$375.00. In order for this purchase to be made a transfer of \$25.00 will have to be done. Elizabeth Lanfear provided the Board members with a copy of the sample ad, which included a balloon festival picture. Councilman Prendergast was supportive of the Balloon Festival stating that it brings people into our community. Supervisor Congdon stated that he didn't see the value in the ad. He stated that the people will come to our community without placing an ad. He also stated that the only person who profits from this is the person putting the book together. Councilwoman LeClair stated that the \$375.00 goes toward putting the event on. Councilman VanTassel asked if the program is sent out in advance so that it will attract people to the Town of Moreau. Councilwoman LeClair stated that she could find out if the ad goes out ahead of time. Councilman VanTassel stated that he wasn't familiar with the program and would like more information. He asked if there was a deadline. Councilman Kusnierz replied that there was an August 15, 2016 deadline. He also stated that the promotion of the event, which has been historically supported in the past, puts the Town in a good light. People may want to live here and raise a family.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to transfer \$25.00 from A6772.4 to A6410.4.

Councilman VanTassel asked if the ad given the Board is just a sample. Councilwoman LeClair stated that she had worked with Elizabeth Lanfear to come up with this ad and that the picture was provided by Elizabeth's brother. She also stated that he should receive credit for this. The Supervisor stated that the Board is willing to pay \$375.00 for a Balloon Festival ad but can't bring ourselves to pay the recreation employees as much as the people that handle the garbage at the transfer station. There was a brief exchange between Councilwoman LeClair and Supervisor Congdon.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to take out a full page advertisement in the 2016 Balloon Festival booklet for a cost of \$375.00.

Roll call vote resulted as follows:

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

DISCUSSION – COST CONTROL ASSOCIATES

Councilman Prendergast reported that he had spoken with Mr. Laake from Cost Control Associates and that there was no resolution for the Supervisor to sign the cost reduction agreement with them. He stated that the agreement is the same as before except that the desired services have been filled in but can be changed. He stated that there was discussion earlier in this meeting on the subject and stated that if the Town Board authorizes this agreement, they will go back to past billings to look at any errors. They won't do anything for future billings. Mr. Antis recited from a portion of the contract that states: For any cost reductions recommended by CCA and approved for implementation by CLIENT, CCA will share in the resulting savings at a 33% rate for the first 24 months following implementation of the changes. He stated, all we need to do is look at the heaters that heat the water department buildings and bring them up to date. Councilman Prendergast stated that he would go with Jesse to look at the heaters tomorrow and asked the Board if this can wait until the next regular Town Board meeting. Mr. Antis stated that the Town doesn't need to give 33% for someone to tell us something we already know. The Board was in agreement that further discussion on the Cost Control agreement would take place at the next regular Board meeting. Councilman Prendergast also stated that there is a firm called Smart Lock that will come in and do energy audits. He asked if the Board would like him to contact them so they might come to the next Board meeting and give a presentation. It was agreed that he should contact them.

SEWER FEES

Councilman Kusnierz stated that it's imperative that they move forward on this issue. The Town doesn't have a policy for collecting sewer fees as of this moment and because of this the Board had to refund a significant amount of money to a developer. He stated that he had asked the Town Clerk to research the minutes for discussion on this matter. They went back to 2008. He stated that all of the Board members should have received a copy of this. He stated that he hoped they could have a discussion and see how to proceed in establishing fees. He stated that they can have Counsel draft a local law. He also stated that one of the things imperative, to keep in mind, when they look at the fee they establish for buy-in per EDU, the Town should earmark for a reserve fund for infrastructure development build out. Attorney Buettner stated that this was discussed when they had a developer come to them last November. She stated that back in 2008 there was discussion on how water connection fees are billed and that is 1/3, 1/3 and 1/3. There was discussion of sewer but no policy was adopted. The Town required this developer to pay all of the sewer fees up front as there was no policy. It seems reasonable to her that the sewer policy could be the same as the water in that they would pay 1/3, 1/3 and 1/3. She suggested that the Building Department and Water Department get involved with this. There should be a policy in place. Councilman Kusnierz stated that back in December of 2011 there was a rate of ~~\$17.50~~ \$1,750.00 [amended 8/24/2016 lm] per EDU that was discussed with an annual charge of \$257.00. These numbers were established after discussion with the Town's engineers. He stated that we need to look at these numbers. Councilman Kusnierz stated that there should be a workshop held with regard to the sewer fees and policies. Possibly they could come up with a guidance for Counsel to draft a Local Law. Councilman Kusnierz stated that we do have a lot of information but it's dated. We should have engineering review where the Town is at right now and where we are with EFC funding. Councilman VanTassel stated that they had already done some homework on what the policies are for other communities. He'll pull the information out and look at it again. Supervisor Congdon stated that he had met with Mayor Diamond and he stated that he'd be happy to meet with the committee or the full Town Board and give his perspective on where they're at. The Supervisor stated that they should meet with the Mayor and their engineers to see where they're at for future plans. He asked that the committee set a date that they would like to meet with them. Elizabeth Lanfear asked if this was a special meeting and the Supervisor replied that it's not a special meeting, it's a meeting with them. Councilman Kusnierz stated that if they go there, only two members can go. If they have the meeting here, all of the Board members can go. Councilman Kusnierz asked if the Mayor would be willing to come here. The Supervisor stated that he probably would. A sewer workshop was scheduled for September 21, 2016 at 6:00 p.m. The Mayor for the City of Glens Falls will be invited.

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Councilman Kusnierz asked if the Town Board had a chance to see where the Town is on the funding line for EFC funding. He stated that we just made it to 61. He stated that this will expire at the end of the year. He stated that if they're going to do anything, they need to move within the next six months. Attorney Buettner stated that the Town will have to update the map plan and report so the first thing would be to hire an engineer. The map plan and report would have to be different from the first one. Attorney Buettner stated that the Town's engineers are appointed only until Sunday. Councilman Kusnierz stated that we'll need to keep them on as engineers for the Town and get a price for the map plan and report. Councilman Prendergast stated that he would be in the building tomorrow and would call them to get prices.

EXTEND RFP UNTIL 12PM ON AUGUST 23, 2016

Councilman VanTassel stated that it was determined that RFP's can be sent out to contractors. He stated that the intent to extend the RFP is to get it distributed to the local contractors to obtain as many responses as possible.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to extend the RFP deadline for the construction job at the Town Hall to August 23, 2016 at 12:00 p.m.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked the Supervisor's secretary to send out the RFP's to local contractors.

PUBLIC COMMENT PERIOD

Terry Clark stated that he had submitted a FOIL for the EFC contract and asked if he would be getting a copy. Councilman Prendergast asked the Town Clerk how long it would take to give him an answer to his request. The Town Clerk replied that she has 20 days to advise him whether it will be granted or denied and at this time she hasn't been able to locate the document he's asking for. Attorney Buettner stated that there is no contract. She stated that they've gone back and looked through Bond Counsel documents and there is an EFC Bond Purchase Agreement, which they are in the process of locating in their files. She did mention that they aren't obligated to provide this information.

Mr. Clark stated that he had heard from someone at the Village, that they will be doing a water project that Cassale was hired to do and that they were told by someone from the Town that they would be ok as long as they weren't going into the houses. Mr. Clark stated that not all of the problems were inside homes and that the Village was given bad information. He stated that there hasn't been anyone hired to go back and check all of these lines. He went on to state that the Supervisor was trying to piece out the reconstruction project at the Town Hall because he knows people. He stated that there's no favoritism, he just wants to get people in the Town Hall to get the job done right. He stated that this building is a mess and asked to let someone take the lead that knows what they're doing and get things done right.

Angela Wadsworth stated that she's been coming to these meetings for many years and has been a resident of the Town of Moreau for over 30 years. She made comment about the Supervisor stating that he has a heart and cares about the tax payers. She stated that it's a ridiculous atmosphere that they can't work together. She stated that she's a very ill person and shouldn't be at this meeting. She stated that there was an agreement a few months ago and she's still waiting for a mutual code enforcement. Councilman Prendergast stated that the Board didn't agree to it. Ms. Wadsworth stated that Councilman Prendergast agreed to have this done. Supervisor Congdon stated that the Town now has a code enforcement person. He didn't think this needed a Board resolution. She just wants to know if there was a

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code violation. He'll contact the code enforcement officer and put this on his agenda and will make sure he follows through with this.

Jim Rando stated that the Annex building was purchased back in 2005 for \$309,000.00 and said that there was recent talks to lease the building. He asked if there has been any progress on signing the final contract with anyone and asked if the Town was at liberty to discuss the terms. The Supervisor stated that the Town hasn't heard back from them yet but they are anxious to get started. He stated it came down to a dollar amount and what service the Town would have to provide and to make sure it was equitable for both parties. There's been no controversy so far. Mr. Rando asked if there was a time line and the Supervisor replied that it's difficult because you're dealing with the Federal Government. Mr. Rando asked who was involved with the negotiations and the Supervisor replied that there were other Board members involved along with himself. Mr. Rando asked if it was safe to say that the Supervisor and Councilman Prendergast are the ones in charge and the answer was "yes". Mr. Rando asked if there will be any provisions to improve the entrance to the complex and Councilman Prendergast replied that it had been brought up and will be discussed. Mr. Rando asked about the types of vehicles that would be coming and going from the facility and Councilman Prendergast replied that it would be mostly private automobiles. He stated that there will be a lot more traffic but that it might help with getting a speed limit reduction. Mr. Rando stated that it was a waste of money to purchase the building for \$309,000.00 and to sit vacant for 11 years. He stated that in the future the Board needs to be more careful spending money. Councilman Prendergast stated that this is the first time he's excited about owning this property and hopes that the deal goes through. He's met with the temporary Building Inspector at the Annex building so the Town is ready to go if the deal goes through. He stated that he would provide a written report and that there was nothing major that needed to be done.

Reed Antis stated that the Town needs to get things out of the Annex building that aren't being used.

Mr. Antis also stated that the personnel committee needs to come up with a policy in that if an employee leaves within a certain amount of time they would have to reimburse the Town for any expenses the Town might incur for training.

Mr. Antis stated that the Planning and Zoning boards have no alternate members and that the Town should advertise.

Mr. Antis stated that he hasn't heard from Mr. Martin regarding the Comprehensive Zoning plan and asked if anything has been scheduled. There was no audible reply.

Mr. Antis asked about water testing and overtime. Jesse Fish replied that he tests the system every day.

Mr. Antis asked if the quit claim deed for Mr. Hooper had been done and the Supervisor replied that it's being done. Attorney Buettner stated that there were some issues that were being looked into.

Mr. Antis asked if PS Technical Services are doing everything that they're supposed to be doing and Councilman VanTassel replied "yes".

Mr. Antis stated that he had spoken with Attorney O'Hara and that they were still working on discovery. He stated that it's been 4 or 5 years since it's been built and for this to drag on this long is sad.

Mr. Antis asked about the Emergency Services Plan and the response was inaudible.

Mr. Antis asked if the bird problem has been addressed. The Supervisor made comment on the situation and then replied "no" to his question.

Mr. Antis asked where they were at with the flag pole and there was no audible response.

Mr. Antis spoke to the Board regarding power usage and Monolith Solar. He cited some facts and stated that the Town needs to get rid of their demand charge. He also stated that the Town needs to re-address the Monolith contract.

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COMMITTEE REPORTS

Councilman VanTassel reported that he and Councilman Prendergast had met with the Village of South Glens Falls to discuss water rates, should the Village need to purchase water from the Town and also if the Town needs to purchase from the Village. The Village currently would charge the Town \$3.80 per thousand gallons if we needed water. Councilman VanTassel stated, that if they stay with that rate, that's what the Town will charge them. He stated that they're looking into the rates that the Town residents are being charged. Councilman VanTassel stated that the Principal Account Clerk is working on a spread sheet that will help them to come up with a fair rate. No one is anxious to sell for less than what we charge our own residents. He stated that they would need to work on this with the Water Superintendent. Councilman Prendergast stated that there was also discussion as to what would be needed on Feeder Dam Road, as far as check valves and such, if the Village were to need water. Jesse Fish stated that it would be Harrison Avenue and not Feeder Dam Road. Councilman Prendergast stated that this was a quick meeting and that next time they meet, they would need Jesse Fish present.

Councilman VanTassel reported they may not have an inter-municipality agreement in force with the Village. He stated that Councilman Prendergast and he will continue to look into this and bring up at the next Board meeting.

Councilwoman LeClair commended Sandy Mahoney on all the work she had done on the Color Run for the Universally Adaptive playground. Ms. Mahoney stated that they had 100 runners and raised between \$3,000 - \$4,000 and that they had a lot of fun. She commended the committee who worked with her and also stated that there was good press coverage of the event. Councilwoman LeClair asked how many volunteers she had and Ms. Mahoney replied that she had help from Bare Bones, Moreau Community Center, the Coalition and a lot of family and friends.

Councilman Kusnierz stated that as a member of the Town of Moreau Ag Advisory Committee, he knows that the Board received a copy of the State's reaction to Ag & Markets approval of the Town of Moreau's Farmland Protection Plan dated July 29, 2016. He commended the Town Board for taking action in developing an ag protection plan. The first recommendation was for the Town to consider purchase and development rights for farmers to receive help through the Saratoga County Planning offices. He stated that the second recommendation is for the Town to create an Agriculture Conservation Zone in the areas east of Route 9 and south of Route 32, which are now residential zones. Adding this Zone would encourage agricultural activities in this area. He stated that this should be looked at when updating the zoning. Councilman Prendergast suggested passing this information along to Jim Martin. Elizabeth Lanfear reported that the Town received the funds that they were anticipating from the result of the Town adopting this plan.

Councilwoman LeClair stated that she has been working with Pete Corlew with regard to the fees for tournaments and such. She stated that it looks like it's costing the Town around \$1,000 per tournament. She stated that they're working to come up with some suggestions. A workshop to discuss the fees was scheduled for August 24, 2016 at 7:00 p.m.

Councilman Kusnierz stated that the Board needs to take action on the status of engineering services. He stated that a resolution was passed back in June that extended their services and it expires on Sunday (August 14, 2016).

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to extend C2ae, EDP and Garry Robinson as Town designated engineers for an additional 60 days.

Roll call vote resulted as follows:

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

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Supervisor Congdon Abstain

The Supervisor stated that the Assessor had some items for discussion regarding Erie Boulevard and SCA Tissue and had provided the Town Board with information.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn to executive session to discuss potential litigation regarding tax certiorari cases with Erie Boulevard and SCA Tissue.

Roll call vote resulted as follows:

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

Supervisor Congdon asked that minutes be taken in the executive session. A brief discussion ensued over whether or not minutes should be taken. Councilwoman LeClair asked why the Town would want minutes that are public if they are in litigation. The Supervisor stated that if minutes are requested they can be withheld because of the litigation. Attorney Buettner stated that any minutes taken in executive session would be available to the public.

Councilman Kusnierz withdrew his motion.

The Supervisor stated that he doesn't know why the public shouldn't know what's being offered and what this Board's decision is. He stated that he can't see where the problem is.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn to executive session at 9:05 p.m. to discuss potential litigation regarding tax certiorari cases for Erie Boulevard and SCA Tissue, with no minutes to be taken.

The Supervisor stated that this makes it impossible for him to take part. He stated, that's not the way he understands the law and he can't be part of this. The Assessor asked to speak and stated that there's no offer to settle the case. She stated that if the Town puts this litigated information out for public scrutiny, you're looking for trouble. She stated that if this information is made public and the petitioners have access to it, you might as well fold it up and give it away. Attorney Buettner stated that action would be taken in open session after the executive session. She stated that she concerned with the Town's stance with litigation if the Town Board takes minutes. If minutes are taken, they would become evidence and can be used against the Town. The Assessor stated that she can't participate in an executive session where it's going to harm the litigation and the tax payers of the Town. Councilman Kusnierz stated that it would be devastating to the Town for the discussion to be made public. The Supervisor stated that by holding an executive session, tax payers will never know if right steps were taken to protect the tax payers. There was an exchange between the Supervisor and Councilman Kusnierz. The Supervisor left the meeting before roll call was taken.

Roll call vote resulted as follows:

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

The Assessor was invited into the Executive Session and it was stated that there may be action taken after executive session.

The Town Clerk did not sit in on the Executive Session.

A regular meeting of the Town Board of the Town of Moreau was held on August 9, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Town Board returned from executive session at 9:50 p.m.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to engage the services of Lawrence Farbstein from Industrial and Utility Valuation Consultants, Inc. for the purpose of providing the Town materials for litigation purposes for the SCA Tissue at a rate of \$250.00 per hour not to exceed 20 hours inclusive of mileage and travel expenses.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the meeting for the evening at 9:51 p.m.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	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 meetine, please visit the Town's website at: www.townofmoreau.org