

A regular meeting of the Town Board of the Town of Moreau was held on August 23, 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
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Jeffrey McCabe, Town Justice; Elizabeth Lanfear, Supervisor’s Confidential Secretary; Pete Corlew, Recreation Maintenance Foreman; Kevin Elms, Zoning Board Member and Town Resident; Reed Antis, Planning Board Member and Town Resident; Town Residents: Richard Hughes, Betty Wimette, Andrew Belair, Michael & Danae Bock, Vince Sporrer, Floyd & Debbie Smith, Jim Rando, Jeff Riggi, Anne Kusnierz, Jonathan Pease, Carol Alden, Jim Aiken, Terry Clark; Village Residents: Pete Lemery, Margaret Centerbar, Ann Celeste and Brigid Martin; Rodney Congdon, Lake George

The Supervisor led the Pledge of Allegiance.

**SET FUTURE MEETINGS AND WORKSHOPS**

None scheduled.

The Supervisor went on to the first public comment period and he was advised that he had skipped agenda item number 1.

**APPROVAL OF MINUTES**

The minutes from August 9, 2016 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

Supervisor Congdon noted that on page 199, Sewer Fees, halfway down, there was a rate of \$17.50 and stated that it should read \$1,750.00.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to approve the minutes from August 9, 2016 with the above noted correction.

Roll call vote resulted as follows:

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

**PUBLIC COMMENT PERIOD:** solely for comments and questions related to agenda items

None

**SUPERVISOR’S ITEMS**

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The Supervisor stated that the only matter he had for discussion was for a document received late this afternoon for the purpose of Highway Department re-paving. Attorney O'Hara explained that the document was a Federal aid project agreement that had already been done once but the paperwork submitted wasn't sufficient for the State. The project is for re-paving of Feeder Dam Road which will receive Federal aid. The Town Board needs to pass this resolution in order to proceed.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adopt the following Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" program-aid eligible costs, of a transportation federal-aid project, and appropriating fund therefore and authorizing the Town Clerk, Town Supervisor and Counsel to sign any of the documents necessary to file.

WHEREAS, a Project Feeder Dam Rd./Reservoir Rd. Preservation Project, Town of Moreau, Saratoga County P.I.N. 1760.12 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20 % non-federal funds; and

WHEREAS, the Town of Moreau desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction phase.

NOW, THEREFORE, the Town Board of Moreau, duly convened does hereby

RESOLVE, that the Town Board of Moreau hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board of Moreau hereby authorizes the to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$239,000.00 be appropriated from account DB5112.493.4 Highway Department Blacktop Account and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, Town Board of Moreau shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town Board of Moreau be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town Board of Moreau with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

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Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

### **COURT REQUESTS**

A request was received from Judge McCabe for three of his Court Clerks and himself to attend their respective Annual State Association Conferences. He stated in his request that these items were budgeted for.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Linda Blackburn, Jennifer Miller and Karen Epifanio to attend the NYS Association of Magistrates Court Clerk's Annual Fall Conference for a total cost of \$1,692.70, which includes meals, lodging and mileage and for Judge McCabe to attend the NYS Magistrates Annual Fall Conference for a total cost of \$687.75, which includes meals and lodging. Mileage for Judge McCabe is to be reimbursed by the State. The total for both conferences will total \$2,380.45.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to change the work classification for Jeffery Backus to Head Mechanic effective August 28, 2016. Jeffery was hired as a MEO on 9/14/2009 and has been acting as Head Mechanic since May 2015.

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 Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of a 2017 Single Axle Plow Truck w/4 Season Body from Tracey Road Equipment, Inc. at a cost of \$199,988.88. This is a 2016 budgeted purchase item in account DB5130.2 with a balance of \$231,121 as of 8/3/2016. \$209,500.00 was budgeted for this item.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked if this truck will be replacing an old one and the Highway Superintendent replied "yes". He also stated that the old one will be put on Auctions International.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of Diesel Fuel under State Contract #PC66705 from Mirabito Holdings, Inc. at a cost of \$20,000.00. This will be paid from account DB5142.460 with a balance of \$66,210.80 as of August 3, 2016.

Roll call vote resulted as follows:

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

### **RECREATION DEPARTMENT REQUESTS**

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to hire Melissa Chester at a rate of \$10.50 per hour pending completion of the pre-employment process as a Recreation Assistant.

Councilman Kusnierz asked if anyone interviewed this person other than Sandy and asked how many other applications were received. He asked if there was a family relationship between her and the Program Director and Councilwoman LeClair replied “yes”. He asked if any Board member recommended this person and the answer was “no”. He stated that with any hires, the Board should have an active role. This motion wasn’t voted on and Supervisor Congdon stated that it will be held until the month-end audit meeting.

### **HIRE-THERESA MILLER, CLERK P/T AT \$13.02 PER HOUR**

The Assessor has requested that Theresa Miller be hired at a rate of \$13.02 per hour on a part-time basis pending successful completion of a pre-employment physical and background check. Councilman Kusnierz asked again if any of the Board members had met with this candidate. The reply was “no”. The Supervisor stated that he had met her. Councilman Kusnierz stated that the personnel committee should have an active role in who’s being hired. He stated, that at the end of the day, they’re responsible. He stated that they should talk to her. This item will be tabled until the next meeting. Reed Antis asked why the position was being filled after 8 months. The Supervisor stated that up until now the Assessor has been able to handle everything. Councilwoman LeClair stated that the Assessor tried going off the civil service list first and had to exhaust the list first before she could look at outside candidates and that’s why the process took so long. Mr. Antis thought that this position had been eliminated. Councilman VanTassel clarified that the full-time position was eliminated and a part-time position in her place was budgeted for.

Carol Alden asked to speak to the Town Board regarding this agenda item and stated that according to the organization minutes she has 10 minutes. It was replied that the 10 minutes would be for public hearings. The Supervisor agreed to let her speak. She stated for the record that she wasn’t speaking on behalf of anyone else but herself. She stated that her first comments were for Councilwoman LeClair and Councilman Prendergast. She referenced a meeting from September 9<sup>th</sup> where a motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to fill the position of part-time Deputy Court Clerk at a rate of \$11.00 per hour and now you’re hiring a clerk for the Assessor at a starting salary of \$13.02 per hour, which is the same rate paid to the former employee. She asked if it is standard practice to fill open positions with the final wage of the employee exiting that position. Councilman Prendergast replied “no”. The Supervisor responded by saying that it would depend on the duties of the position and what might have changed over the course of the year. He stated that there are many reasons and that the starting salary might even start at a higher rate of pay. He stated that it would also be taken into consideration, the experience the person coming on board might have. She asked if the position was advertised as “salary commensurate with experience”. The Supervisor asked the Town Clerk if this wording is placed in the help wanted ads and the Town Clerk replied that for some positions it has but for

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this position she didn't believe it had. She asked if there were particular KSA's that would elevate this position over the responsibilities of the part-time court clerk position. Councilman Prendergast asked what a KSA was and she replied knowledge, skills and ability. Councilman Prendergast answered her question "not that he was aware of". The Supervisor stated that this position might be looked at with equal responsibility. She stated, with equal responsibility, you would be paying the Assessor's part-time clerk a starting pay of \$13.02 per hour and the starting pay of a part-time court clerk \$11.00 per hour. Supervisor Congdon stated that he was in favor of raising the salaries. Ms. Alden was aware of that and stated that she had read the minutes. She stated that Councilman Prendergast was in favor of raising salaries as well. Her final comments were that this is an 18% variance between the two positions. She stated that it's more than the CPI adjustment. She doesn't understand how this can be substantiated. She stated that it was in the minutes that the previous clerk was paid to do nothing and that she was having difficulties getting things delegated to her. She stated that she hopes this matter can be addressed with the department head. She thanked the Board for listening to her comments and asked them to be considered. She then went on to say that there are several other labor positions in the Town that pay more than the part-time Court Clerk who handles money and highly confidential matters. She stated that the Board needs to review salaries before budget time. Councilwoman LeClair stated that the Supervisor's Secretary is looking into this and will try to get it done for budget time.

### **FIRE EXTINGUISHERS – SERVICE AND INSPECTION**

An RFP had been returned from NY Fire and Signal. It was stated that the Special Project Aid had sent them out to a number of companies. Kevin Elms commented that there are other local companies that could be included in the RFP process and stated that he would give the names. The Highway Superintendent stated that they had gone with another company at one time but had problems with them. Councilman Kusnierz stated that they would keep this in mind at budget time for next year.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to accept the bid from New York Fire and Signal for Fire Extinguisher inspection services for the Town Hall, Transfer Station, Recreation Department, Water Department, Highway Department including trucks and equipment.

Roll call vote resulted as follows:

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

### **ACCEPT RESIGNATION OF NANCY ALBER**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the resignation of Nancy Alber from the position of part-time cleaner.

Roll call vote resulted as follows:

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

### **DISCUSSION – PROSECUTION OF DOG CASE BY BARTLETT, PONTIFF, STEWART & RHODES**

The Supervisor reported that a neighbor had complained of a barking dog. He stated that the Dog Control Officer had gone down to the residence and didn't hear the dog barking but had given an appearance

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ticket to the owner so that the complainant would have an opportunity to explain the case to the Judge. He stated that the case is for a habitual barking complaint and that it's up to the complainant to present the case to the Judge. The Plaintiff in the meantime has hired an attorney to defend the case. The Supervisor stated that he wouldn't vote for an attorney fee of \$150.00 per hour to defend a neighborhood dispute for a dog that barks because he wants to come in the house. Mr. Aiken, the defendant, was present and stated that they hired counsel, not to go against the action of the Town, but to defend the personal squabble. He stated that they're trying to put an end to the complaints. Councilman Kusnierz stated that he didn't understand why a representative of the Town would issue a citation with no evidence. Mr. Aiken stated that there was an unsubstantiated complaint and there have been others in the past. He thought that the Dog Control Officer issued the citation to allow the plaintiff to present his proof. Mr. Aiken also stated that he will have a daunting task in proving the case without having the adequate proof. Councilman Kusnierz stated that the Town Board has an obligation to uphold the Town Code with legal representation of the Town. Elizabeth Lanfear stated that it was a matter of procedure that the citation was issued and explained that the Dog Control Officer will issue a ticket if the situation happens more than once. Councilwoman LeClair asked if the Dog Control Officer reached out to the Aiken's and Mr. Aiken replied "yes". Councilman Prendergast stated that they should let the complainant prove their own case. Councilman VanTassel stated that the Town has to declare readiness or there will be no trial. There was a rather lengthy discussion as to whether or not counsel should be provided to prosecute the case. Councilwoman LeClair made a statement that the Board isn't the Judge. Both parties have equal rights and who are they to say who's right and who's wrong. Councilman Kusnierz stated that they can't pick and choose which Town Codes they're going to enforce and that they need to be uniform. He stated that if the Dog Control Officer wants counsel, it should be provided.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair allowing the Dog Control Officer to represent himself.

Before roll call was taken, there was more discussion and the motion was rescinded. Councilman VanTassel stated that he wanted to speak with the Dog Control Officer to see if he wants counsel.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair that should the Dog Control Officer want legal representation he should do so by reaching out to the Town Board and they will engage the services of Bartlett, Pontiff, Stewart and Rhodes at \$150.00 per hour.

The Supervisor stated that the Dog Control Office hasn't requested counsel to defend the case. Councilman Prendergast stated that the Dog Control Officer issued the ticket as a matter of procedure with no evidence and he won't support hiring legal counsel for \$150.00 per hour.

Roll call vote resulted as follows:

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

Councilman VanTassel asked to speak about a Recreation matter that didn't make the agenda. He stated that the Town had approved a stipend for someone to conduct the arts and crafts event this summer and that individual could no longer do it. The stipend was approved for \$200.00. There was an employee at the beach who is a teacher with an art background that was asked to fill in at a rate of \$150.00 and she conducted the art classes on short notice. He stated that a resolution needs to be passed to pay Brenna the \$150.00 stipend instead of the \$200.00 stipend that was passed in the resolution. Because she was already an employee and was paid an hourly rate for what she worked, they would only be paying her the difference between what she was already paid and the stipend of \$150.00. Councilman Kusnierz stated that he was aware of the issue and that in the future, Department heads should be making these requests and getting direction from the Board. Councilman VanTassel stated that she had spoken with either Councilwoman LeClair or himself about the issue.

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A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to pay a stipend to Brenna Munz for conducting Arts & Crafts classes not to exceed \$150.00. She will be paid for the difference between what her gross pay was and the \$150.00.

Jim Rando asked if this item was on the agenda and Councilman Prendergast stated “no” and that it was already mentioned that it wasn’t. He stated that the Town should be following procedures that are in place in that all agenda items need to be presented by the Friday before meetings.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that the Board passed a resolution offering a \$200.00 stipend for an assistant for the Baseball Camp this summer, which brought in a lot of folks. He stated that this hasn’t been paid yet and that it was a proper charge. Elizabeth Lanfear stated that last year there was a resolution but it wasn’t paid and this year there was no resolution for anyone to be paid as an assistant. The Town Clerk was asked to research the minutes from last year’s budget workshops to see if there was money budgeted for the assistant position and bring it to the Supervisor’s office and they will in turn find out who worked the Baseball Camp and bring it to the Board. Elizabeth asked if this could be taken care of at the Audit meeting to be held on Tuesday. There were no objections.

### **PUBLIC COMMENT PERIOD**

Reed Antis asked if anyone had heard back from Head Start yet on the possible lease of the Annex building and the answer was no.

Mr. Antis asked if there was an attempt to remove the items that are being stored in the Annex building and the answer was no.

Mr. Antis asked what the story was with the Sheriff’s building and the reply was “nothing”.

Mr. Antis stated that at the last meeting he had requested that the Town advertise for alternate members to the Planning and Zoning Boards and asked if this had been done. Elizabeth Lanfear stated that there is an alternate on the Planning Board. Mr. Antis stated that there is none on the Zoning Board.

Mr. Antis asked about the status of Mr. Hooper’s road in front of his house on Route 197. The Supervisor stated that it had been dealt with and the next move is up to him. There’s an issue with having a separate parcel with no house on it. The Assessor can’t do what she needs to do without him making a request.

Mr. Antis asked if the Town Highway roof is still in discovery. Attorney O’Hara replied “yes”. Mr. Antis asked how long this was going to take as it has already been 4 years. Mr. O’Hara replied that there are multiple parties involved and that it’s a very complicated matter. Mr. Antis asked how much money has been spent so far on this matter and the Supervisor replied “not very much”.

Mr. Antis stated that the Village Planning Board approved the 61 Hudson Street property to be a school and he asked if the interested parties had gotten back to the Town and the answer was “no”. He stated that if the Town doesn’t hear from them, he suggests tearing the building down.

Mr. Antis stated that he had given the Board a slip on the Monolith Power Agreement stating that they were going to save the Town 25% and we’re not. He asked if the Board has addressed this. Councilman Prendergast stated that he had looked at the pump stations and towers and suggested that he’s no expert.

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He thought that possibly they could have someone look at the meters to see if there are better units that can be put in.

Jim Rando stated that he had read in the newspaper about the Route 9 sewer project. He asked if there will be a public hearing on the matter. The Supervisor replied that nothing has been scheduled yet but would have to be. Councilman Kusnierz stated that the Town is required by law to hold a public hearing.

Kevin Elms asked if they were going to be forming a committee on the sewer project. He offered to sit on it if they establish one. He also stated that they should have input from the community.

Vince Sporrer asked if the Town had scoped out the sewer project and asked if they know where it's going to be. Councilman Kusnierz stated that there is a workshop scheduled and he was hoping that a representative from EFC would be there. They'll be looking at their options. They can adjust the lines and put policies in place such as what the prices would be if people want to buy in after the fact. He stated that they will want as much public input as they can get.

Mr. Rando stated that there was a lot of information in the Post Star article and thought that the public would like more details of the project. Councilman Kusnierz stated that a lot of time has passed since the initial sewer district information was provided and that they will need a new starting point again to see what options are available.

Mr. Rando asked who presents the option to the Town Board. He thought there had been mention of the line possibly going to Fort Edward. He stated that there are numerous articles that state Glens Falls might not be able to handle it. He stated that the Town of Queensbury is extending their sewer line to their Industrial Park and he questioned the City's capacity. He asked if Fort Edward is a possibility. Councilman Kusnierz stated that they want to know what their options are. Mr. Rando asked if the Village or Town of Fort Edward have been included in the discussions. The Supervisor stated that they need to know what the real capacity is for the City of Glens Falls. When it rains, there's untreated sewage going into the river.

Pete Lemery addressed the Board and stated that Fort Edward is at capacity. He stated that he works for the City of Glens Falls and explained what happens when the City has bypasses of partially untreated waste. He stated that all storm water and sewer water go through the same piping, which is illegal now. During normal weather conditions they can handle much more flow. The Supervisor stated that a speedies permit makes it legal. Mr. Lemery stated that unfortunately, it has to because the State can't ask the City to dig up all of their piping to put in a twin set, one for storm and one for sewer. The Supervisor stated that because of the influx of storm water, it's a failure of the City's plant to handle it. Mr. Lemery stated that it's been happening for decades. The Supervisor replied that it doesn't make it right. Mr. Sporrer stated that's the City's problem and the Supervisor replied that it's the river's problem. Mr. Lemery stated that he didn't believe the Town has the proper infrastructure to pump to Fort Edward and that would be an added cost.

## **COMMITTEE REPORTS**

Councilwoman LeClair asked the Supervisor to explain the letter she has a copy of that was sent to Mr. Naughton of Blue Flame. The Supervisor replied that he had been working on the public safety aspect of this issue. He stated in his letter, that he wanted them to be aware, that they would be moving forward at their own financial risk. Councilwoman LeClair asked what notice he was sending to them. He replied that it would be an executive order to stop construction. He asked Councilwoman LeClair to stop in to see him and he would explain everything to her. Councilman Kusnierz asked what section of law the Supervisor was referring to and he replied section 24. Councilman Kusnierz stated that he wasn't aware of any powers granted to the Supervisor for executive orders. Attorney O'Hara stated that he wasn't aware of any law either. The Supervisor stated, that if public safety is affected in any way, he intends to take the appropriate steps.

Councilwoman LeClair stated, that it was reported from Sandy Mahoney, she was awarded a \$3,000 grant from Dick's Sporting Goods for the fall soccer program, which has 375 enrollees. She reported from



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Sandy that Flag Football will be starting soon. She'll be purchasing t-shirts and supplies that won't exceed \$500.00.

Councilwoman LeClair stated that at a recent Board meeting, Chris Music had suggested that the Town advertise RFP's through the Chamber of Commerce. She checked into this and advised that they don't send out bulk mailings to members but to become a member it would cost \$519.00. To obtain a list of all the members it would cost \$150.00 or for a spread sheet with 4 updates, it would be \$200.00.

Councilwoman LeClair stated that she, along with Councilman VanTassel, met with Pete and Sandy and they're working on a spreadsheet for tomorrow's workshop.

Councilwoman LeClair read a statement:

After being approached by multiple Town employees, hearing their concerns about the treatment they have been subject to and discussing these concerns with the Town Board in an attempt to explore ways to resolve the concerns of these employees, I want to share with everyone the actions that have been taken so far. In about the following order, I have spoken to:

The Town Attorney  
The NYS Attorney General's Office  
The NYS Comptroller's Office  
The Division of Human Rights  
The EEOC (Equal Opportunity Employment Commission)  
The NYS Department of Labor  
The United States Department of Labor  
The US Federal Government Info Line  
The Federal Information Line  
The NYS Board of Elections  
The Saratoga County Board of Elections  
An Attorney from the Association of Towns

The two suggestions I have been given are to:

1. Have the Board make a resolution and a vote of "No Confidence" in the Supervisor and then turn it over to the Board of Ethics. This was suggested by the Saratoga County Board of Elections.
2. To hold a vote to "Censor" the Supervisor and turn it over to the Board of Ethics. This was suggested by the Attorney at the Association of Towns. There was also a reference to Public Officers Law Section 36.

The Supervisor asked what this was about. Councilwoman LeClair replied that it was about his yelling and screaming and the way he speaks to employees. She stated that when he became Supervisor, he had signed a sheet in the Employee Handbook that states the Town of Moreau has the right to immediately discharge employees in the event of, but not limited to, the following serious offenses: theft, damage, assault, verbal abuse to Town residents, Town employees or the Town Board. The form asked if he was agreeable to the rules and he signed it. She stated that he has not followed through. The Supervisor stated that he had a disagreement with an employee over her opinion. He stated that he expressed the law and hers was an opinion. He stated that he raised his voice and he can see that this wouldn't be effective in the future. There was a lengthy discussion relating to his conduct with regard to personnel in the Building Inspector's office and to personnel at the Recreation Department. Councilman Prendergast stated that the issue is not disagreement it's how he disagrees. He stated that the Supervisor rants and raves and that he can't do this. He stated that he's created a hostile work environment that can put the Town in jeopardy. He has a responsibility toward the employees. There were several people talking at once and therefore there were no notes taken at this time. The Supervisor accused Pete Corlew of taking pictures of him while he had dozed off in the Town Hall. Pete spoke up and stated that he didn't take pictures. The Supervisor stated that he understands that the Board doesn't want him here. Councilman VanTassel stated that he takes offense to that statement. He never said he didn't want him here. Councilman

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VanTassel stated that he was happy to hear that he understood what Councilwoman LeClair had stated. The Supervisor agreed that raising his voice doesn't do anything and agreed that he wouldn't do it anymore. Councilwoman LeClair made the statement that his poor behavior needs to stop. She stated that the employees don't even want to come to work in the morning. The Supervisor asked the Town Clerk if that was true and she replied "yes". She stated that he was loud and disruptive. She also stated that it's unnerving to hear him yelling and that he's mean to people and a bully. Councilman Kusnierz thanked the Supervisor for his recognition of the concerns that were brought up. He stated that he and the other Board members had been contacted by another Town Official who was upset and didn't know what to do about the Supervisor's behavior. He stated that the situation put him in a difficult position as a representative of the Town. He stated that they were looking for advice that could be injurious to the Town. He asked, that moving forward, there be a deliberate recognition that there's a fine line between speaking loudly and making your point and the perception of a hostile work environment. He doesn't want any of the employees to feel that they're in a hostile work environment. The Supervisor stated that rather than raising his voice, he should address his concerns in writing. Councilman Kusnierz stated that he's been doing this a while and that we're all here unless we die or get convicted of a felony. He stated that we can either work together or butt heads along the way, which doesn't serve anybody. He stated that there will be disagreements but at the end of the day, you can't get anything done without a consensus and that takes dialogue.

The Supervisor stated that he had a disagreement with Attorney Buettner at the last meeting over minutes for executive session. He stated that he had brought up redaction. He stated that he checked the law and that is the law. He stated that if minutes are taken during an executive session to discuss litigation and someone wants to see them, they can be refused because of the fact that it's litigation. If the refusal is appealed, it would go before a Judge who would then make a determination if the record should be released or redacted. There was a rather lengthy discussion relating to executive session.

Attorney O'Hara stated that there was a statement made earlier about his partner Attorney Buettner in that she had given incorrect advice. He stated that according to Public Officer's Law section 106, defines that minutes are to be taken in executive session of any action taken by a formal vote, which record would consist of a summary of the final determination of such action and the date and vote thereof. Provided that such summary does not include any matter that's not required to be made public by the Freedom of Information Law. In closing, he stated that you don't have to take minutes in executive session and you don't have to include things that aren't disclosable. If action is taken in executive session, minutes need to be taken. If no action is taken, there is no requirement that minutes be prepared. Attorney O'Hara explained why there should be no minutes taken when the executive session involves litigation. The Supervisor stated that there's case law that adds to the requirements in executive session.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn to executive session at 9:29pm to discuss the work performance of a particular unnamed employee.

Roll call vote resulted as follows:

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

The Town Clerk was invited into the executive session to record minutes of any action that might be taken.

The Town Board returned from executive session at 10:55 pm. The Town Clerk reported that there was action taken in executive session and reported the following:

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to conduct an investigation into a personnel matter that was discussed in executive session.

A regular meeting of the Town Board of the Town of Moreau was held on August 23, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to adjourn the meeting for the evening at 10:56 pm.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

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