

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 6:47 p.m.

The Town Clerk called the roll.

Town Board Members Present

Alan VanTassel	Councilman
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
Gina LeClair	Councilwoman

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Peggy Jenkins, Assessor; Sandy Mahoney, Recreation Program Director; Jim Davenport, Recreation Laborer; Keith Vance, Recreation Laborer; Tammy Daley, Deputy Town Clerk; Elizabeth Lanfear, Supervisor's Confidential Secretary; Reed Antis, Planning Board Member; Town Residents: Chuck Rowson, Janet Kropp, Keith Gilligan, Virginia Livsey, Bruce Flayer, Mary Jenkins, Donna Prout, Michael and Danae Bock, Terry Clark, Ronald Quinn, Nicholas Quinn, Lisa Corlew, Karen Epifanio, Gay Congdon, Rich Morris, Stevee Vittengl, Jim Rando; Village Residents: Ann Celeste, Maggie Centerbar, Brigid Martin, Paul Williams, Peter Lemery, Rick Daley

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adjourn to executive session at 6:48 p.m. for the purpose of conducting an interview for the position of Part-time clerk to the Assessor.

Roll call vote resulted as follows:

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

The Assessor was invited into the executive session.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to close the executive session and return to the regular session at 7:16 p.m. with no action having been taken in the executive session.

Roll call vote resulted as follows:

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

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from August 23, 2016 and August 30, 2016 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

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A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to approve the minutes of August 23, 2016 and August 30, 2016 as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

A workshop was scheduled for September 28, 2016 at 6:30 p.m. for the purpose of discussing Recreation fees.

PUBLIC COMMENT PERIOD solely for comments on agenda items

Keith Gilligan addressed the Board regarding a requested right away to property he owns in the Town of Moreau. He stated that, it came to his attention, that the attorney for one of the plaintiffs, represents the same firm that represents the Town. He thought that the Town was told they needed to hire a different attorney for this case. Mr. Gilligan was asked if he had any documentation that they could look at and he replied that his attorney (Mr. Silvestri) had it. Mr. Gilligan stated that there used to be a road there and now it's closed. He stated that according to Highway Law 300, the Highway Superintendent is supposed to pick a jury to decide the case and also to hire an appraiser to determine the value of the property. He's been waiting six months. He stated that he can't sit on this any longer. Attorney Buettner explained that her partner (Mark Lebowitz) does represent one of the adjacent land owners, which has nothing to do with her representation of the Town. Once Mr. Gilligan's counsel submitted an application last year to the Town, the Town contacted her. This had nothing to do with the other side. She was in contact with Mr. Silvestri and Mr. Joseph sentenced Mr. Silvestri a demand for jury which needed 15 days' notice. She stated that Mr. Silvestri never got back to Mr. Joseph. Mr. Gilligan stated that he's seen the emails sent to Mr. Joseph. Attorney Buettner stated that she's not involved at this point. She stated that to avoid any appearance of an impropriety, she had advised the Town and Mr. Joseph that she wouldn't be representing the Town on this case. She stated that Mr. Joseph was supposed to have the Town hire other counsel. Since then, she hasn't been involved in the case and hasn't spoken with Mr. Silvestri. The question was asked as to where the case stands right now and it was replied from Councilman Kusnierz, that it would be in the hands of the Highway Superintendent. Councilman Kusnierz stated that he hasn't seen a request for the Town to hire Counsel for this case. Mr. Gilligan stated that he would get a copy of the emails to the Supervisor and the Supervisor stated that he would be in contact with Mr. Joseph. Attorney Buettner stated that she would provide the law to the Supervisor.

Reed Antis asked the Town Board about the legalities for a Vice Chairman of the Planning Board since Mr. Jensen has been out. He stated that they need someone who can sign mylars and put notifications in the newspaper. Mr. Antis stated that Mr. Zimmerman has acted in the past and thought he would be a good choice for a permanent Vice Chairman. Councilman Kusnierz stated that he would have to recuse himself from appointing Mr. Zimmerman as there is a family relationship. Attorney Buettner stated that the Planning Board can appoint Mr. Zimmerman to act as Chairperson for their meeting on Monday and then the Town Board can appoint a permanent Chairperson after that. The Supervisor stated that they will see how Mr. Jensen is doing.

Mr. Antis also stated that the Town should advertise for alternates to the Planning and Zoning Boards.

ASSESSOR'S REQUEST

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel permitting the Assessor to attend the NYSAA annual training conference to be held September 18 – 21, 2016 at the Fort William Henry in Lake George, New York, with the Registration fee of \$225.00 to be a proper charge.

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Roll call vote resulted as follows:

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

SUPERVISOR'S ITEMS

Supervisor Congdon reported that a walk-through had been done at the vacant annex building. The Supervisor noted that the locks have been re-keyed on the exterior doors at the 61 Hudson Street property. He asked that the bronze letters from that building be removed and put into safe keeping.

The Supervisor stated that the Board agreed, after research, that Mr. Hooper would be deeded the road adjacent to his property. He asked the Assessor, if at the present time, he's combined the two properties. The Assessor replied that she tried contacting him several times and he had not responded. The Supervisor suggested that this matter be tabled for now and asked the Assessor to send him a letter.

A Sheriff's Deputy entered the meeting at 7:40 p.m. and asked to speak with the Supervisor. As there was no quorum when the Supervisor left the room, it was decided to take a short recess.

The Supervisor returned and the meeting resumed at 7:50 p.m.

Still under Supervisor's items, he reported that they will be discussing the Pop-Warner contract later in the meeting. Councilman Kusnierz asked if the Town requires EMT coverage. Sandy Mahoney replied that Pop Warner provides their own EMT coverage. She stated that if there are over 5,000 people in attendance, you would need EMT coverage. Pop Warner has less than that but chooses to provide the coverage. She stated that it's part of their policy. The Supervisor stated that the Town Board should require the coverage and Councilman Kusnierz stated that it would have to be budgeted for. Sandy Mahoney stated that she tried to get ~~EMT~~ First Aid, CPR and AED training [amended 9/28/2016 lm] training for park personnel last year and it wasn't supported. Councilman Kusnierz stated that he doesn't have a problem with putting the training in the budget.

The next item for the Supervisor was discussion on the Blue Flame propane facility. There was a rather lengthy discussion on his proposal to halt the project by using an executive order of section 24 of the executive law and to rescind their building permit. He also asked the Town Board to consider a local law that would prohibit this type of facility within 1250 feet of a residence. He read section D of the law and made comment that he had used this section when he was Supervisor years ago. Councilman Kusnierz pointed out that section 24 wasn't effective until March of 2012 and Attorney Buettner stated that the section was introduced after 9/11. Councilman VanTassel stated that he has a valid concern and wanted it known on the record that he didn't want the tanks either. He then asked the Supervisor if he had sought legal counsel on behalf of the Town and he replied "yes". He asked him if he thought he was within his legal rights to execute this legal order and he replied "yes". Councilman VanTassel asked Attorney Buettner if he has the legal authority to do this. Attorney Buettner stated that he can issue a State of Emergency in response to disaster or emergency under section 24 of the Executive Law. She stated that the conditions are listed under Executive Law 20 subsection 2a, which defines disaster. Once the Supervisor declares a State of Emergency, under the Town's Emergency Preparedness Plan, adopted in 2013, he must mobilize the Town's Emergency Operations Center and it has to be operative 24 hours per day. She read the section of law out loud and in closing stated that he has the authority under those conditions to issue an emergency order. Councilman VanTassel asked the Supervisor if he had any other information he could present to the Town Board as he wants to clearly understand the Town's exposure if the action takes place. Supervisor Congdon stated that once the facility is built, an emergency will exist. Councilman Kusnierz asked how breaking ground is an emergency. He also asked how it would affect the Town's mining operations if a local law were introduced. The Supervisor asked "what mining" and Councilman Kusnierz replied "Jointa Lime". Councilman VanTassel stated that this was his first presentation to the Board and asked if he was looking for their position on this tonight. The Supervisor

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stated that he didn't have time to wait for a full Board. A heated discussion continued and in closing, there was no support for the Supervisor's request.

HIGHWAY DEPARTMENT REQUESTS

There were a couple of purchase orders put through that didn't have Board approval as yet.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the payment of purchase order #21832 in the amount of \$694.36 to Adirondack Tire for the purchase of (1) Front Tire for Truck #14. This will be paid from account DB5130.492 with a balance of \$18,289.22 as of September 6, 2016.

This was an emergency repair.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the payment of purchase order #21833 in the amount of \$562.00 to Mooradian Hydraulics for the purchase of (1) Valve Coil for the New Holland Tractor/Boom Mower. This will be paid from account DB5130.492 with a balance of \$18,289.22 as of September 6, 2016.

This was a dealer item only.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the purchase of (2) Front Tires (315/80R22.5 Hankook AH11s) for Truck #17, which includes dismount, mounting and balancing, from Adirondack Tire in the amount of \$859.02. This will be paid from account DB5130.492 with a balance of \$18,289.22 as of September 6, 2016.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

Sandy Mahoney had presented the Town Board with a packet of information relating to the purchase of fanny packs, t-shirts, swimsuits and the possible purchase of a replacement swing set at the Sandbar Beach. She also requested authorization for the payment to Flag Football Referees in the amount of \$40.00 per game. A request was also made for a Rec Fun Run.

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The Supervisor doesn't support the purchase of equipment just to use up a budget. Ms. Mahoney stated that the swimsuits are on sale for a 1/4 of the cost. She can get them for \$8.00 compared to \$28.00. She stated that it will make the lifeguards look professional and also stated that there's money budgeted. She also stated that the swing set was approved at budget time for \$3,000.00 and the prices she received were under that. Councilman VanTassel asked that the swing set be tabled until the next Town Board meeting. The Supervisor stated that \$2,400.00 is a lot for a swing set and he wanted to look at what's already there. Ms. Mahoney stated that the money for the fun run will cover the cost of t-shirts that will be given out. The date for the run is scheduled for October 1, 2016.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to pay the Flag Football referees \$40.00 each, per game up to 12 games.

Roll call vote resulted as follows:

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

Councilman VanTassel wanted to make a statement while already on the topic of Recreation. He stated that he is aware of the article that was in the Post Star regarding time cards and in the article a particular employee was named, Pete Corlew, who's not an elected official, he's a Town employee, who's in good standing and does a great job for the Town. Councilman VanTassel asked the Supervisor, if what the Post Star had written was not a statement from him, was there a chance he would ask the Post Star to give a retraction. The Supervisor stated that he intends on talking to the reporter to find out where the information came from. The Supervisor started to make reference to three letters that were sent to Pete and Councilman Kusnierz interrupted him and stated that he won't talk about employees in public session. Any employees work performance should be discussed in executive session. Councilman VanTassel stated that Pete Corlew would appreciate it, if the Supervisor would contact the Post Star reporter and have the comments retracted to clear the record on behalf of the Town employee.

POP WARNER CONTRACT

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the Supervisor to sign the agreement with South Glens Falls Pop Warner effective today.

Roll call vote resulted as follows:

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

ELECTRONICS RECYCLING AND WOOD CHIPPING

Elizabeth Lanfear stated that Ted wasn't here tonight to give an oversight of what he had found so Elizabeth gave a brief description of a recycling service set up in Queensbury. The Town would need a scale. They would need to charge for flat screen TV's and a shelter would need to be provided. She asked if the Board wanted to explore this option. She stated that they offered to do a one day pick-up and provide manpower. Ted would collect the fees. Councilman VanTassel asked Elizabeth to have an agreement, for everyone to look at, at the next Town Board meeting.

Elizabeth Lanfear stated that the Board needs to decide what to do with the brush at the transfer station and stated that Ted wants to know if someone can come in and chip. Pete Corlew stated that BOCES has the chipper right now. Councilman Kusnierz thought that Galusha had done the chipping in the past and asked that she get prices so the Board can make a decision.

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GE SOIL SAMPLING AT 44-46 FARNAN ROAD

The Supervisor received a request from GE to do soil sampling at the Town’s property on Farnan Road.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the Supervisor to sign the permission slip allowing GE to do soil sampling for PCB’s at the Town’s Industrial Park.

Roll call vote resulted as follows:

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

BUILDING INSPECTOR REQUEST

The new Building Inspector, Matt Dreimiller, has registered for his first three classes to obtain his Building Inspector Certification and is seeking Town Board permission to attend.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing Matt Dreimiller to attend the first three classes to obtain his Building Inspector Certification. The classes will be held in Albany/Loudonville and are scheduled for October 11, November 15 and November 29, 2016 with mileage being a proper Town charge.

Roll call vote resulted as follows:

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

ANNEX UPDATE

Elizabeth Lanfear reported that Matt Dreimiller, Ben Marcantonio and a representative of Head Start had toured the Annex Building. The requirements of Head Start are more stringent than the Town’s and the building had no problems.

GARAGE DOOR OPENER – OLD SHERIFF’S STATION

With Head Start possibly coming into the Annex Building some of the equipment being stored will have to be moved out. The discussion was of the lawn tractor being stored there. Rather than storing it in the roll up door at the end of the Annex Building, it was suggested that it could be stored in the garage of the old Sheriff’s Station building. The current garage door opener doesn’t work and the door is too heavy for one person to lift. Prices were received for a new garage door opener, with the lowest being \$420.00. The Supervisor stated that they could put the tractor in the old Highway Garage instead of spending \$600.00 for a new garage door opener. Councilman VanTassel suggested they explore the old Highway Garage as well and stated that he would speak with Paul Joseph.

PUBLIC COMMENT PERIOD

Rich Morris addressed the Board with a concern over elections being held in the schools. With all the traffic expected for the November election he asked the Board to consider alternate polling places and suggested the Town Hall and the Fire House in the Village. There was a suggestion that the Schools might

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take a Superintendent's Day on Election Day to avoid any security issues. The Supervisor stated that he would take his concern under advisement.

Mr. Morris commented on the Supervisor's actions on the Blue Flame propane facility and stated that if someone were going to put a bomb in your front yard, you would hope that the Supervisor would step up and do something.

Jan Kropp of Old Saratoga Road addressed the Board looking for advisement over a development next to her property where trees were cut down and the stumps were left. She asked who they would contact to have the stumps removed. She stated that they would be willing to mow the property if the stumps were removed. Councilman Kusnierz asked if they were in the utility right of way and Ms. Kropp didn't know. She stated that when DA Collins took over the property, they cut trees down but left a buffer and now the buffer is gone. The Supervisor thanked her and stated that they would look into this.

Terry Clark addressed the Town Board with his concerns over the contract that he had signed for water hook-up and stated that he wanted someone other than the Town to come in and check things over. The Supervisor stated that it would be up to the Town to decide who should inspect. Mr. Clark stated that because of litigation he would like someone other than the Town to inspect and document the findings. There was a rather lengthy discussion on who should inspect his lines as the contract also read that the Town has the right to inspect at any time. There was also discussion as to whether or not he is actually in litigation with the Town. He thought that papers had been filed and Attorney Buettner stated that they hadn't. Councilman VanTassel in closing stated that he would discuss the matter with the other Board members.

Rick Daley made comment to the Board relating to Terry Clark's problem and stated that there are other compression fittings that can be used or they could just shut the water off.

Reed Antis asked the Board about 61 Hudson Street. Elizabeth Lanfear stated that, the last she knew, the persons that were interested had gone to the Village Planning Board and were approved.

Mr. Antis asked if the Board has plans to remove the items from the Annex Building. The Supervisor stated, that wasn't a priority right now. Mr. Antis reported that the air conditioning has been on in the empty building, which costs a lot of money. Councilman VanTassel stated that he believes it's on to prevent mold. He also stated that if the deal goes through with Head Start, they will address removing the records from that building. He asked if the matter concerning the Highway Garage is still in discovery. Attorney Buettner stated that it can take up to nine months but she wasn't the person handling the case. She stated that Malcolm O'Hara is handling the case. She also stated that he would be in attendance at all future Town Board meetings instead of her. Terry Clark clapped his hands and Councilman VanTassel stated that for the record, that was inappropriate. Mr. Antis asked why this has taken four years and suggested that the Attorneys are dragging their feet. Councilman Kusnierz stated that they are following the judicial process. He stated that there's certain criteria that moves the case along. Attorney Buettner replied that this has only been in court for 1 year and that there are no feet being dragged.

Nick Quinn asked if the Town Board would be scheduling any budget workshops and the Supervisor replied none have been scheduled yet.

COMMITTEE REPORTS

Councilman Kusnierz stated that a sewer workshop is scheduled for September 21, 2016 and asked that someone from EFC be invited to the workshop to provide the largest picture of their options.

Rich Morris asked if the Town has spoken with the Village of Fort Edward and the Supervisor replied that they had. Councilman VanTassel stated that they don't have the capacity right now.

Councilman Kusnierz read a letter that the Town received commending Pete Corlew and his staff for their work done at a recent tournament.

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Councilman Kusnierz reported that a resignation letter was received from Crandall Public Library for Michael Harman. Councilman Kusnierz wanted to thank him publicly on behalf of the residents of the Town of Moreau for the time he has served.

Councilman Kusnierz reported receiving notification from Time Warner that as of September 12, 2016 the pop up guide will cease.

Reed Antis stated that the Library is all ready to appoint someone to replace Mr. Harman.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to adjourn to executive session at 9:58 p.m. to discuss the hiring of a cleaner.

Roll call vote resulted as follows:

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

The Town Clerk was invited into the executive session.

The Town Board returned from executive session at 10:05. There was no action taken in executive session.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to hire Arthur Gadway for the janitorial position with an effective date as soon as possible after a successful completion of a pre-employment physical has been done, with a rate of pay of \$10.00 per hour.

Roll call vote resulted as follows:

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

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to adjourn the meeting for the evening at 10:05 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

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