

A regular meeting of the Town Board of the Town of Moreau was held on September 27, 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

Todd Kusnierz	Councilman
Alan VanTassel	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Gardner Congdon	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Sandy Mahoney, Recreation Program Director; Elizabeth Lanfear, Supervisor's Secretary; Kathleen Moore, Post Star reporter; Town Residents: Garrett Marissal, David DiDio, Laura Killian, John Hogan, Richard Hughes, Jim Rando, Chris Scarincio, Stevee Vittengl, Mary Jenkins, Bill Austin, Michael and Danae Bock, Richard and Kyle Noonan, Angela Wadsworth, Terry Clark, Gay Congdon, Jim Aiken, Nicholas Quinn, John Smith; Village Residents: Marissa Macey, Margaret Centerbar, Ann Celeste, Brigid Martin, Pete Lemery, Charlie Granger; others: Tom Young, Rodney Congdon

The Supervisor led the Pledge of Allegiance.

SET FUTURE MEETINGS AND WORKSHOPS

The Supervisor stated that a workshop needs to be scheduled for sewer. He also stated that the last workshop was canceled because the engineer couldn't attend and therefore there was no point in having the meeting. He stated that it wasn't because of this Board that the meeting was canceled. Elizabeth Lanfear stated that Jason Denno and Kevin Feuka are both available October 4, 2016.

A sewer workshop was rescheduled for October 4, 2016 at 6:30 p.m. and budget workshops were scheduled for October 4, 2016 at 6:00 p.m. and October 11, 2016 at 6:00 p.m.

The Supervisor stated that he also needed to discuss sewer rates. He stated that he needs to get his numbers done this week in order to complete his tentative budget for Friday, September 30, 2016. He thought that since the Board was already meeting on September 28, 2016, to discuss Recreation Fees, they could discuss the sewer rates at that time. The Attorney for the Town stated that it would be ok to discuss the sewer fees at that time.

APPROVAL OF MINUTES

The minutes from September 14, 2016 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

Councilwoman LeClair referred to page 225 of the minutes regarding an article written in the Post Star Newspaper about Peter Corlew, the Recreation Maintenance Supervisor. She asked if the minutes were true and the Town Clerk stated, that was how she interpreted the meeting, from the audio and from her notes. The Councilwoman stated that she had more than one person come to her stating that the Supervisor and the Post Star Reporter had prepared that article together and that the information given to the Post Star was rehearsed and that she was told what to say contrary to what the minutes stated. The Supervisor made mention that he has been misquoted before. He stated that he was asked to comment on a story that Kathleen Moore was writing. He stated that he did comment and then thought about his comment and had her change it. There was a very lengthy discussion that ensued about the article and the procedure for punching time cards and the termination of an unnamed employee.

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A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to approve the minutes from September 14, 2016 as prepared.

The motion was rescinded as there was a comment from the Recreation Director that she had a change. She stated that on page 223, 5th paragraph, 6th sentence should state “she tried to get first aide, CPR and AED training” not EMT training.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to approve the minutes from September 14, 2016 with the above noted correction.

Roll call vote resulted as follows:

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

Councilman Prendergast and Councilwoman LeClair abstained because they weren't in attendance of the meeting and the Supervisor abstained because he wanted to take some more time and review the minutes.

The motion failed.

The Supervisor stated that he's happy to see everyone here at the meeting and as long as things don't get out of whack, he feels that the public should be heard in order for the Board to make a decision. Councilman Kusnierz agreed and stated but when it comes to that portion of the agenda. He stated that the reason they have structure to the meetings is so that they can get the business done. The Supervisor stated that while they're on a particular subject, the public should have the right to comment. He stated that in the past the public has been left out of the decision making. A discussion ensued over Terry Clark's water damage and Councilman Kusnierz stated that he didn't disagree with Terry Clark's concerns. The Supervisor asked why then, did the Board not take action to make him whole and Councilman Kusnierz replied that they don't have the ability to. Malcolm O'Hara stated that the statute of limitations for negligence by the contractor to the Town is three years. He stated that Mr. Clark was damaged not the Town and that the Insurance Company from the Contractor should make Mr. Clark whole. Councilwoman LeClair stated that they rely on the advice of the Attorney. Terry Clark read a blog from a Face Book page regarding the canceled sewer workshop. He concluded that Brigid Martin's views were false. Councilman Kusnierz stated that it's freedom of speech. Mr. Clark read from a section of his contract with the Town in that the Town would be responsible for 30 years until the EFC loan is paid. Councilman Kusnierz asked if he was looking for compensation or repair. Mr. Clark stated that his insurance company shouldn't have to pay a dime. He stated that he's putting the Town on notice that there's a 30 year warranty and that the same thing that happened to him will happen again. The conversation skipped over to Angela Wadsworth. She stated that there was a bond and money was being withheld from Casale. Councilman Kusnierz stated that there were no claims and so the money was paid out. Ms. Wadsworth stated that she had made a claim and it disappeared. She stated that the problems are still there. There was a brief discussion between Councilman Kusnierz and Ms. Wadsworth.

PUBLIC COMMENT PERIOD solely for comments and questions pertaining to agenda items

Angela Wadsworth approached the Board and asked Councilman VanTassel how long he had been a Town Resident. He replied “22 years”. She asked if she could meet with him personally for about 15 minutes. Councilman VanTassel stated that he would give her his cell phone number after the meeting. She asked Attorney O'Hara if there was an opportunity for herself, Attorney Rhodes and he could sit down and have a meeting regarding the possible conflict of interest that exists. Attorney O'Hara stated that he works under the direction of the Town Board. Ms. Wadsworth asked if any of the Board members had a problem with this meeting. Councilwoman LeClair stated that she would like one of the Town Board members present if they meet and asked if she was seeking counsel. Ms. Wadsworth stated that she wants to sit down and explain what the legal counseling did to her and she wants Alan Rhodes to know what

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happened. The Supervisor asked Ms. Wadsworth to give him a call tomorrow and Attorney O'Hara stated that he would discuss the matter with the Town Board so they can direct him. He also stated that the Town Board has no control over Mr. Rhodes.

TOURNAMENT SCHEDULING PROCEDURE AT THE REC PARK

Tom Young was present and stated that he coaches a 12u travel softball team in South Glens Falls. He asked if there was a policy for the way the Town rents out fields for tournaments. Councilman VanTassel stated that there is nothing in writing but hopefully will be after the workshop to be held tomorrow night. Right now the Town has been going by past practice. There was apparently, an issue with a tournament that was scheduled and then told the date wasn't available. Councilman Kusnierz asked Mr. Young if a Town representative told him the date was ok and he replied "yes". Pete Corlew was present and explained that he hadn't given approval and that he follows past practice with assigning fields. Mr. Young was given an alternate date. In closing Councilman Kusnierz stated that this situation would be a topic for discussion at tomorrow night's workshop and invited Marissa Macey to attend.

OLD BUSINESS UPDATES

The Supervisor stated that the information is for the Board and, in the interest of time, the Board members all have a copy of the updates. He didn't feel it necessary for Councilman VanTassel to go over the items.

SUPERVISOR'S ITEMS

None

HIGHWAY DEPARTMENT REQUEST

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast approving the emergency purchase of (3) tires from Adirondack Tire Center at a cost of \$880.00 to 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 Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

WATER DEPARTMENT REQUEST

There was a discussion relating to a damaged mirror on the Water Department truck and the costs received to replace.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel approving the purchase of a truck mirror from Jerry Brown's Auto Parts at a cost of \$425.00 used. This purchase will be paid from account 8310.4 with a balance of \$233,000.00 as of September 1, 2016.

Roll call vote resulted as follows:

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

DISCUSSION – FILLING LABORER VACANCY IN THE WATER DEPARTMENT

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The Supervisor stated that he knows Jesse needs help and would like to discuss with Jesse his plans. Councilman Prendergast stated that this was brought up over a month ago and it didn't go anywhere. He stated that it got muddled up with Civil Service requirements. Supervisor Congdon stated that this can wait until the next Town Board meeting. Councilman Prendergast agreed that this needs to be a topic of discussion at the next Board meeting.

AUTHORIZE THE PURCHASE OF CARPET FOR BOARD ROOM AND BACK HALLWAY

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the purchase of replacement carpet from the Mohawk Group for the repair of the Town Meeting room not to exceed \$1,145.00.

The company they hire to do the repair work can install the carpet.

Roll call vote resulted as follows:

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

PLANNING BOARD CHAIRMAN

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to appoint Ron Zimmerman as Planning Board Chairman for the remainder of the year.

Roll call vote resulted as follows:

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

DISCUSSION – CHAIR DONATION TO THE COMMUNITY CENTER

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the Town to donate 30-35 chairs from the Town's Annex building to the Moreau Community Center.

Roll call vote resulted as follows:

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

DISCUSSION – SMART WATT

Councilman Prendergast explained that this came about when Cost Control had given their presentation. Smart Watt will, if requested by the Town, do an energy audit of Town facilities. He had hoped that they would send a representative to tonight's meeting but couldn't. The Town of Queensbury presently uses Smart Watt. He stated that he would like someone to come and give a proposal. The Supervisor stated that he knows people in Queensbury and will ask if someone can come.

STUFF A BUS FOOD DONATION

A regular meeting of the Town Board of the Town of Moreau was held on September 27, 2016 at the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A request was made from CWI to put a box at Town Hall as part of their Stuff a Bus campaign. Councilwoman LeClair stated that people should be aware that the proceeds of the collection will help those in Warren and Washington counties. Not Saratoga County. She suggested that the Town reach out to the Community Center to see if they might want to place a box at Town Hall. Elizabeth Lanfear stated that she would give them a call. The Town Board was in agreement that they would like to help those in the Town of Moreau first and asked that a letter be sent to CWI declining their request.

PUBLIC COMMENT PERIOD

Jim Rando stated that he felt the threshold for spending in the Town’s procurement policy could be higher and should be looked at prior to January.

Terry Clark referred to an article that was in the newspaper regarding him videotaping the Town Attorney. He stated that she was staring at him. Councilwoman LeClair stated that she had been at meetings where he expressed his dislike and distrust and also used the word “hate” and then after a meeting came across the room toward the Attorney being loud and expressive toward her. She stated that Councilman Prendergast had to step in between them.

The Supervisor made comments about procedural issues with the Attorneys. He stated that there are issues that haven’t been responded to, specifically the logging contract. Attorney O’Hara stated that he had sent the Supervisor an email a couple weeks ago. Elizabeth told the Supervisor that she had put the email in his box and asked when he would like to meet with him. The Supervisor stated that he’s available at any time. He continued his conversation to include the possibility of a legal mechanism to charge users of the force main to pay back the General Fund. Attorney O’Hara stated that he had sent him a letter six months ago stating that it’s permissible for the Town to do certain things. He stated that he would review his letter and give the Supervisor a call tomorrow.

Terry Clark cited his contract again and made comments that Councilwoman LeClair would have been angry too if this had happened to her. He reflected on the letter that she had written to him. She responded that the letter was written about his behavior.

The Supervisor commented that the Town needs to deal with these problems and if you don’t, people get nasty. Councilwoman LeClair stated that doesn’t make nasty ok and the Supervisor replied that it does. There was discussion relating to Terry Clark’s water hook up.

Attorney O’Hara stated that there was a resolution passed that approved the engineering firms for an additional 60 days and that will expire on October 9, 2016, before the next Town Board meeting.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel engaging the Town Engineers, that were previously approved for a (60) day period, from October 10, 2016 through the end of the year.

Roll call vote resulted as follows:

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

Councilman Prendergast brought up an issue with a water customer, who had been hooked into the Town’s system (Water District 1) and didn’t realize it. She had used over 300,000 gallons of water from the initial hook-up until now. The Town Clerk is asking to allow the user to pay over the course of a years’ time without penalty.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz allowing Dawn Hayes (Patten) of 67 Spier Falls Road to pay her water bill within 1 year without penalty.

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

Nicholas Quinn asked the Board if they were going to invite any of the Departments to the Budget Workshops. The Supervisor replied that they were welcome to come. Mr. Quinn asked if they would be welcome to speak and the Supervisor replied "of course". Mr. Quinn stated that they hadn't heard of any dates or times for the workshops. The Supervisor stated that they would be publicized. He also stated that the Board would be going over everything, line item by line item and not scheduling special workshops by Department. Mr. Quinn asked if there wouldn't be any negotiations and the Supervisor replied that he didn't say that. He stated that's why it's a Tentative Budget.

Mr. Quinn also stated that he's noticed an issue with traffic on Sisson and Reservoir Roads. He stated that both speed limits are 30mph. There was a serious accident on Sisson Road this past year, which caused serious injury. Both roads have increased residences and foot traffic and there are no sidewalks. He wanted to bring this to the Boards attention to see if it could be resolved. The Supervisor stated that it would be meaningful for the Board to pass a resolution decrying the fact that the State DOT determines speed limits. Paul Joseph stated that the only way to lower the speed limit is to have a school or a hospital. The Supervisor stated that they need to make their feelings known to the Legislature. Mr. Quinn asked if the Town could ask for more Sheriff Patrols. He stated again that the speed limit is 30mph and that there's no way they're going that fast.

Councilman Kusnierz stated that there was an email received from the Town Clerk regarding an individual who had come to the Town Hall and had difficulties getting in. He asked that the Board consider, as they go through the budget process, an electronic opening door for at least one entrance. The Supervisor stated that he knows someone who might be able to put in a curb cut and that it would cost under \$500.00. He stated that he would add this to the budget.

Bob Shaw stated that he lives on Palmer Ridge Rd and that there are no stripes on the road. He stated that it's dark at night and hard to drive without the stripes. Paul Joseph stated that he has 5 roads that he would like to add stripes to but he's out of money in his budget.

Angela Wadsworth spoke to the Board about the Blue Flame project and gave information relative to her research. The Supervisor responded to her comments stating that it wasn't this Boards decision and that there was a lack of good advice.

Elizabeth Lanfear wanted to make mention that Reed Antis wasn't at the meeting tonight because he's at a conference speaking on cemeteries as a representative of the Town of Moreau.

Angela Wadsworth approached the Board again and read an article from October 7, 2015 about fund balance and that there will be an eye opener in 2018. She doesn't want the new Supervisor blamed for something that's already been done. Councilman Kusnierz stated that different administrations come and go and that we have a democracy here. He stated that the policies are carried out by a majority of the Board. He stated that this year will be exceptionally difficult to stay within the tax cap. There will be a lot of challenges and a lot of hard decisions. Ms. Wadsworth stated to Councilman Kusnierz, that if he felt the budget should have been voted no to, then he should have worked harder on the other Board members. Councilman Kusnierz took offense to that statement. He stated that it's not his job to make other Board members vote a certain way. Councilman Prendergast stated that the previous Supervisor had laid out a plan for the next 5 years. He stated that they knew this was coming and had talked about it at budget time. He stated that every year it's going to get tighter and tighter.

Bob Shaw stated that the Town of Wilton hasn't had a Town tax in over 30 years. Councilman Prendergast stated that they pay more County tax.

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A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to adjourn to executive session for the purpose of discussing a personnel issue at 9:50 p.m.

Roll call vote resulted as follows:

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

The Town Clerk didn't initially go into executive session but was invited in shortly after.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to close the executive session and resume the regular session at 10:05 p.m.

Roll call vote resulted as follows:

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

It was reported that there was formal action taken in the executive session regarding a personnel matter.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to adjourn the meeting for the evening at 10:06 p.m.

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.