

A regular meeting of the Town Board of the Town of Moreau was held on November 8, 2016 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Councilwoman LeClair 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

Town Board Members Absent

Gardner Congdon	Supervisor
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Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Elizabeth Lanfear, Supervisor's Confidential Secretary; Pete Corlew, Recreation Maintenance Director; Jim Martin, The LA Group; Kevin Feuka, C2ae; Jason Denno, NYSEFC; Kevin Elms, Zoning Board Member and Town Resident; Reed Antis, Planning Board Member and Town Resident; Dave Rogge, Lamplighter Mobile Home Park; Town Residents: Elizabeth and Richard Mark, Anthony Gagliano, Richard Hughes, Dennis & Karen Butler, Anne Kusnierz, Will Zimmerman, Nelson Charron, Bill Austin, Angela Wadsworth, Terry Clark, Brian McKenzie, Terry Stewart, Leslee & Keith Chadwick, Rich Morris, Mike Kelly, Chris Music; Village Resident: Pete Lemery

Councilwoman LeClair led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from October 18, 2016, October 24, 2016, October 25, 2016 (3 sets) and October 26, 2016 were prepared and presented to the Town Board prior to the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the minutes of October 18, 2016 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to approve the minutes from October 24, 2016 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from October 25, 2016 (3 sets) as prepared.

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from October 26, 2016 as prepared.

Roll call vote resulted as follows:

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

Councilwoman LeClair wanted to mention that in the October 17, 2016 set of minutes it was stated that the Assessor and Building Inspector's Clerk do most of the Code Enforcement. She wanted to make note that the Assessor may see Code Enforcement issues and report them to the Code Enforcement Officer and then the actual Code Enforcement is done by the Code Enforcement Officer (Jim Martin). Mr. Martin stated that it's a coordinated effort between himself, the Assessor and the Building Inspector's Clerk. He stated that Code Enforcement has been very active and that it's a team effort.

SET FUTURE MEETINGS AND WORKSHOPS

A special meeting for the adoption of the 2017 Budget was scheduled for November 16, 2016 at 7:00 p.m. At this meeting there will be a possible resolution for Sewer District 1, Extension 5.

The month-end meeting scheduled for November 22, 2016 was moved to November 29, 2016 at 6:30 p.m.

PUBLIC COMMENT PERIOD solely for comments and questions which pertain to items on the agenda.

DISCUSSION – ZONING CHANGE; PROPERTY OWNED BY STEWART & BOVEE

The Town's Zoning administrator, Jim Martin, gave a presentation and explained the request for a zoning change from Terry Stewart of Stewart and Bovee. The Town Board was presented with the request along with maps showing the boundary lines near Exit 17, as was the Attorney for the Town. Mr. Martin stated that this started with a boundary line adjustment. The intent of the lot line adjustment was to modify the two parcels for distinct uses consistent with the Town zoning ordinance. The adjustment was not able to exactly follow the zoning district line thus resulting with both parcels still falling partially in both zoning districts. The request is to extend the C-1 zone over to the property boundary and then a slight adjustment from C-1 to R-2. He stated that this is before the Town Board as the legislative body in charge of adopting local laws and would need the Town Board to change it. He stated there is no time frame for the change. Mr. Martin stated that if the Board decides to take up this consideration, he would recommend giving to the Planning Board for their review. He stated that the Town isn't bound to go before the Planning Board but recommends it. He stated that once the recommendation comes back from the Planning Board, a Public Hearing can be scheduled for the matter of adjusting the lines in the manner requested of the applicant. Councilman Kusnierz was in favor of referring the matter to the Planning Board for their review and comment. Mr. Stewart explained that it's just an adjustment and that this has been given a lot of thought for over 2 years. Mr. Martin stated that a resolution would be needed directing the Planning Board to review.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair directing the Planning Board and the Town's Zoning Administrator to review the requested action on the part of Stewart and Bovee for lots 76.-3-5.112 and 76.-3-83 and to report back to the Town Board.

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Roll call vote resulted as follows:

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

COMPREHENSIVE PLAN – JIM MARTIN

Mr. Martin stated that he had sent a memo to the Town Board outlining the process to update the Town's Comprehensive Plan. He stated that there is a separate contract in place for the Comprehensive Plan that won't take away from his duties as Zoning Administrator. He stated that this is long overdue and suggests that it start next month. Councilman Kusnierz asked if the terms of the contract would change and Mr. Martin responded "no". He stated that the contract for the Zoning Update is approximately \$52,000.00. \$23,000.00 would be for the Plan update and the balance for the Zoning Ordinance. He thought it was prudent and appropriate to come to the Board members to let them know this was starting.

Councilwoman LeClair stated that she thought there was a grant available. Mr. Martin replied that he's pursuing a \$15,000.00 grant, which they are about to file for. The grant won't help with the Plan preparation but will help with the Zoning preparation. If the grant were approved it would reduce the Town's cost to about \$35,000.00. He stated that only communities with an approved Ag Plan, from NYS Ag and Markets, can apply for the grant. He stated that the Town recently gained this designation and that this is a very limited pool of applicants.

Councilman Prendergast stated that he wanted to speak with the Town's bookkeeper before he starts. He wants to make sure that there's money available and advised that he would let him know. Mr. Martin was agreeable and stated that he would wait until he heard back from Councilman Prendergast before he starts.

Councilman Kusnierz wanted to recognize Mr. Martin's attentiveness to Zoning. He stated that it's been a huge improvement and the community recognizes it.

DISCUSSION – PROPOSED SEWER DISTRICT – C2AE AND EFC

Kevin Feuka from C2ae and Jason Denno from NYS EFC were present to go over the plan for Sewer District 1, Extension 5. Mr. Feuka explained that the Town is still eligible for financing. The percentage rate went down to 1.49% for 30 years. It was stated that in order to re-apply, the district needed to be revised, it can't be exactly the same. The recommendation was to add a small addition to the previous plan and that was to add the Jamaica, Tulip areas. The proposed Sewer project would go from the Exit 17 interchange to Bluebird Road to the Industrial Park. The NYS EFC had stated that this route would make the most sense with the highest need. The costs are being analyzed by using water usage records. Mr. Feuka stated that he had worked with the Attorney for the Town, Karla Buettner, to make sure that the basis of how they put this out meets the legal requirements of the Town law. He stated that he appreciated her help to make sure this is as valid as possible. The preliminary estimate shows the rate per EDU to be down 10% from what it was three years ago. Mr. Feuka stated that they've focused on the debt analysis to make sure the debt was equitable because that's the higher number. He stated that the debt portion of what an EDU pays is the one that tends to be the most contentious. He stated that even if some chose not to hook up, they would be apportioned a cost of the debt because they would have the benefit to their property. The next step would be to do a final analysis on the costs if the Board wishes him to move forward and to provide a map, plan and report for the Boards consideration. He stated that there would be a capacity charge for the City of Glens Falls and he's reviewing the numbers. Mr. Feuka stated that if sewer is available, it's an opportunity to grow the Town's tax base. Mr. Feuka stated that he's prepared to advance.

Councilman Kusnierz thanked Mr. Feuka and Mr. Denno for working around the clock to crunch the numbers and to find ways to offset increased costs of construction and being able to provide valid

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numbers to the Environmental Facilities Corp. He stated that it made Mr. Denno's job easier in securing the increased costs for the project. In his conversations, the cost of the project is up 35-40% since the last project that was presented to the residents. He stated that his goal and the Board's goal was to come out with a cost per EDU, which is lower than the last proposal. He stated, from what he's hearing tonight, it sounds like a real possibility. He stated to have a project increase in construction costs and to have a cost per EDU to be less than what was presented the last time is quite a monumental task. He thanked both of them for getting this done.

Councilman Kusnierz stated that with the previous cost of \$600.00 for hook-up, anyone who didn't want to hook up didn't have to. He stated that's still the case but that there's confusion in that, they thought they wouldn't have to pay the debt service. His understanding is that, by law, residents of the district will have to pay the debt service but they won't have to pay for operation and maintenance. Mr. Feuka confirmed this statement. Mr. Feuka also stated that areas may grow and will contribute to the debt base. Councilman Kusnierz asked, based on EDU's, is there an assignment on the Real Property Tax Classification? He asked that Mr. Feuka explain how it would be classified based on vacant property vs. a hotel or such. Mr. Feuka stated that it depends on what the flows are and EFC would have to evaluate it. Councilman Kusnierz asked if he had mentioned that the financing was less than the last time. Mr. Feuka stated the financing is at 1.49%. Councilman Kusnierz asked if the municipal financing is 0% for 5 years. Mr. Denno stated it was up to 5 years. Councilman Kusnierz asked that when they come up with final numbers for cost per EDU, is the 0% built into the rate per EDU. Mr. Denno stated that you're looking at the total debt for the total project cost. He stated that it's up to the Town to distribute the debt per EDU.

Councilwoman LeClair asked if a resident is paying for the debt service and not using the sewer but sometime down the road decides that they want it, would there be a hook-up charge. Mr. Feuka stated that it would be up to the Town to determine. This would also have to be explained to people at an informational meeting, leading up to the proposal, as to what the costs would be. The question of vacant property came up. Mr. Feuka stated that vacant property is assigned 1/2 an EDU. There would be potential for them to be treated differently than a home that would be tapping into the line. Councilwoman LeClair mentioned that she had spoken with Mr. Denno and asked about doing an income survey. Mr. Denno stated that it depends on where they lie on the intended use plan and what the plans current financing is and what would be offered. The objective is to move forward with project that's scored above the funding line. They have a threshold that they use, which is old census data that uses a State average of \$53,003.00. He stated that if you're at the State wide average or below and your population is less than 300,000 and the project costs are less than \$20,000,000.00 it may qualify. The Town of Moreau is at \$58,534.00 which is really close and worth looking into an income survey. This is a task that could take up to 3 months. The deadline to have the application in, is March 1, 2017. Mr. Denno thought that this was something that the Town Board and community should look at. If there's an opportunity for 0% financing, he asked why we wouldn't take advantage of it. He stated that there are no guarantees, but it's something to explore. He stated that he knows of a couple consulting firms that could perform the study and will give the names to Councilwoman LeClair or Mr. Feuka. Councilwoman LeClair stated that 1.49% doesn't sound like a lot but it is. Mr. Denno stated that, in his experience, the cost for a study would be between \$3,000 and \$6,000. Mr. Feuka stated that the district formation would have to be based on the 1.49%. Councilwoman LeClair stated that she would get the information and they could discuss the costs.

Councilman Kusnierz stated that there are timelines set by the State to receive the funding and there is a requirement to have the application in by March 1st. He stated that it's not a lot of time. The Town Board will have to designate lead agency, which will probably be on November 16, 2016 and the Board will have to pass a resolution and if a resolution is published no later than November 26, 2016, they'll have to have a public hearing at least 10 days after that date. He stated that deadlines are approaching quickly.

Councilwoman LeClair stated that the residents have a lot of questions and she didn't feel that they got the answers they needed the last time. She asked if there can be fact sheet that can be handed out that would answer these questions. Mr. Feuka stated that this was a good point and that it should be understood. Councilwoman LeClair asked if C2ae would put this together and he replied that they would.

Councilman Prendergast asked about the modification of the plan. There was mention that Jamaica and Tulip were added and he asked if it was just those two roads. Mr. Feuka stated that the whole area was

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included. He's running some numbers to see if additional roads could be added. Councilman Prendergast stated that the more information they get out, as far as what roads, the better. Councilman Prendergast stated that he doesn't want to force anyone to hook-up as he understands the debt service. He did state that this would be a benefit to the property owners.

Mr. Feuka stated that one of the primary reasons that the cost per EDU went down was because there has been interest in development along the Route 9 corridor. He stated, as the interest grows, the cost goes down. Councilman Prendergast stated that the evidence is in the eastern part of the Town. The development is there because of the sewers.

Councilwoman LeClair stated that in the beginning users would be paying a high rate and she asked if new users were to come on board and pay the buy in, could some of that money be used to offset the costs for the existing users. Mr. Denno stated that would be a determination made by the Town. He stated that it's negotiated pricing between the Town and the developer.

Rich Morris asked if the number of 286 land owners was still the same and Mr. Feuka replied "yes, approximately". Mr. Morris asked what the percentage was of residential vs. commercial. Mr. Feuka didn't have a number but stated that it didn't change much. Mr. Morris stated that he believe the cost per EDU the first time was \$423.00 and asked that if it is 10% less this time. Mr. Feuka stated that when it was presented back in 2014, there was a total of \$595.00 (\$430.00 debt service and \$165.00 for operation and maintenance). The debt service is now estimated at \$390.00 per EDU. He stated that he still needs to verify the numbers. Mr. Morris stated that one of the hurdles is that the large landowners are paying the least. They're only paying 1/2 of an EDU. This financially benefits them the most. He stated that to ask the residential people to bear the cost of the development of the corridor doesn't seem fair to him. He would like to see an appropriate EDU for large tracts of land. Mr. Feuka stated that if he understands, Mr. Morris is stating that a large property owner can do more with their parcel if they have sewer service there. He stated that if they split off a piece it would be a new EDU category. Mr. Morris stated that he understood but also said that it's strange that the people that would benefit the most would pay the least. Mr. Feuka stated that if a development came on, they would be paying the EDU's up front. Mr. Morris asked if there is language that states that the overall EDU would go down per dwelling unit. Mr. Feuka stated that the Town would make that decision. Mr. Morris stated that if they want to get this group, they need to get over this hurdle.

Mr. Morris stated that the last estimate was approximately \$18,000,000.00 and that was for 11 miles of laterals. He asked if that is still the same and why so many. Mr. Feuka stated that not everyone will want to hook up and the less that hook up, not as many laterals and the cost goes down.

Mr. Morris stated that decommissioning will be an added expense to the landowners. He stated that every landowner will need to decommission properly, their existing septic. He stated that the cost of that is important for landowners to understand.

Mr. Morris asked what portion of their budget is for laterals and what portion for the force main. He stated that from what he's seen, 50% will hook up right away and those laterals will be paid for. Anyone coming on after that would have a fee to hook in. Mr. Denno stated that when you're preparing the engineering estimate, you're going to include everything. If there are changes and if people choose not to hook up, they would do change orders and the costs would go down. Mr. Feuka stated that laterals are roughly about 20% of the cost. If a percentage of the people choose not to hook up, the costs go down.

Mr. Morris asked if the City of Glens Falls can accommodate and how much would the Town be on the hook for any upgrades to the system. Mr. Feuka stated that under the current contract there are no fees for upgrade. He stated that they are looking at making improvements. Mr. Morris asked if Mr. Feuka was available afterwards for any other questions. Councilman Kusnierz directed Mr. Morris to provide the Town Board with his questions and they will forward them to Mr. Feuka.

Mike Kelly addressed the Town Board with his opposition to the plan. He stated that he had a 25 year background in the sewer industry. He gave his reasons for his opposition. The first being a referendum vote of 80-53 against the project. He stated that there have been no real changes and thought that the

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Board was expecting a different outcome. He stated that there were 80 people against it then and it may grow. He stated that the plan by having sewers is to lower taxes and create jobs. The Town would have to borrow 18-20 million dollars and hope that people will connect. This may not happen for 10 years. He stated that the Town is looking to gamble on the sewer project and hopes that people hook in and bring taxes into the community. He stated that he's not against that. He stated that you would be sticking the cost to those who won't benefit in the same way as some in the room will, who have industrial and light commercial property. He stated that they stand to gain big but that residential has nothing to gain. He stated that the Town is putting the burden on the residents of those on Bluebird Road and asked what they stand to gain. He stated that there is a large project that has been approved irrespective of sewers on the corner of Bluebird Rd. and Route 32 and it's not proceeding. He stated that it's not, not proceeding because of the sewer. It's because of the economy. He suggested that they should pay for the project by a Town wide assessment and have every resident participate in the gamble and every resident will benefit if and when it pays off. If it doesn't pay off and the gamble fails, it should be a Town wide expense. Mr. Kelly stated that he will oppose this plan unless the debt is spread out amongst all the tax payers. He stated that he went to the outreach meeting, which was put on by the former Supervisor and has sat down with Supervisor Congdon and it was told to him that if you don't want to connect, you don't have to pay and it turns out that isn't true. He stated that the members of the Town Board have done a horrible job explaining the project. He stated that if the Board is looking to do the same thing with no changes, they should be prepared for the same outcome.

Councilman Kusnierz thanked him for his comments and stated that there would be a public hearing for all to be heard. He also stated that it's against the law for there to be an ad valorem tax to be placed on property owners in an agriculture district, which would take out 40-50% of landowners. He thought that the position of the Board is to maintain the opportunity for access to significant funding from the State. He stated that he has an obligation to the Town, if they have access to this money, to give the opportunity to the residents to have access to it. A gentleman asked if the funding was pushed over because of the environmental impact from Bluebird Road and Councilman Kusnierz replied "yes". Councilman Kusnierz stated that the reason the Town has access to the funding is because of the environmental impact. Councilman Prendergast stated that there is a real need for sewer on Bluebird Road.

Kevin Elms asked if there was any consideration for Route 197. Councilman Kusnierz stated that they had the engineer look at that but because of the significant increase in construction costs the net benefit of adding the line down there with the number of users would have driven the EDU up. He stated that it wasn't a viable option.

Reed Antis stated that Mr. Schermerhorn has refiled and is putting in the homes on Bluebird Road in with septic. He stated that they're not designed to be used with sewer.

Mr. Hughes asked if they pursue the 0% financing, could be an extension to the March 1, 2017 deadline. Mr. Denno replied "no".

Chris Music commented that he liked Councilwoman LeClair's idea to communicate with the public. Councilwoman LeClair asked if anyone has any questions to call the Town Hall and let them know what they would like to know. She would like to send a letter out to everyone in the district and let them know when the meetings are. Mr. Music asked if there was a standard communication. Mr. Feuka stated that it's usually put on a Town website.

Councilman Kusnierz thanked Mr. Feuka and Mr. Denno for their time. Mr. Denno stated that he would get the names of consultants for an income study to her.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel directing Town Counsel to prepare a resolution declaring the Town as lead agency for the November 16, 2016 special meeting for Sewer District 1, Extension 5.

Roll call vote resulted as follows:

Councilwoman LeClair Yes

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

HIGHWAY DEPARTMENT REQUESTS

Councilwoman LeClair stated that they need to memorialize the vote done by phone for the purchase of rock salt.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of Rock Salt for the 2016 budget year from American Rock Salt at a cost of \$60,000.00. The purchase will be made under County Contract #16-PWS-10R from account DB5142.490 with a balance of \$153,043.25 as of October 3, 2016.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of gasoline for the 2016 budget year from Global Montello Group at a cost of \$5,000.00. The purchase will be made under State Contract #66690 from account DB5142.460 with a balance of \$48,719.25 as of October 5, 2016.

Roll call vote resulted as follows:

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

Councilwoman LeClair stated that the Highway Department is asking to purchase Winter Sand in the amount of \$5,000.00 from Cranesville Aggregate at \$6.35 per ton from the Gansevoort pit. There were two other prices given that were less but the mileage was greater. Town of Ballston at \$5.75 per ton and 34.6 miles per trip and Charles Friedman Excavating at \$6.00 per ton and 21.4 miles per trip. He compared the costs and found Cranesville to be the least expensive.

Councilman Kusnierz asked if he followed the same procedures that he normally does and the Highway Superintendent stated that he had received three quotes. Councilman Kusnierz asked if the Town was going to exceed the threshold and the answer was no.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel authorizing the purchase of Winter Sand in the amount of \$5,000.00 from Cranesville Aggregate at a cost of \$6.35 per ton with 6.4 miles per trip. This will be paid from account DB5142.491 with a balance of \$13,000.00 as of November 1, 2016.

Roll call vote resulted as follows:

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

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Supervisor Congdon

Absent

RICHARD MARK – ZONING/BUILDING CONCERNS

Mr. Mark presented to the Board his concerns with the property owned by Bob Shaw on Fortsville Road across from his property. He stated that this area isn't zoned commercial and he's still not happy with how the barn is being used. He stated that there are transformers, radiant heat and septic in the barn. Mr. Martin spoke with regard to the permit and stated that technically it's a pole barn. Mr. Mark stated that he has commercial vehicles in an R5 zone. There are diesel smells and pounding and he has video to show it. He stated that he's made complaints for over a year and wants it all gone. Mrs. Mark stated that she would like to see the storage of the equipment gone. Mr. Martin stated that there was an RV connected to the power and hooked into the septic. He was directed to move the RV. He stated that it was removed. There were complaints since that time of commercial usage. Mr. Martin along with the Building Inspector made a site visit and issued a citation letter. Mr. Shaw reached out immediately, he's been very forthright. Mr. Shaw invited them to see the barn. Mr. Martin stated that he and the Building Inspector went in and stated it was very elaborate. He stated that zoning is not a perfect science and this is an example and he deferred to the Town Board, they have to be able to prove commercial use. He stated that he doesn't have police powers. He can write a letter but to follow through on a violation and issue an appearance ticket, there has to be evidence that commercial use is occurring. He doesn't want to spend Town resources and dollars if there isn't a solid case and he's not sure that it can be overcome. Mr. Martin encouraged Mr. Mark to stay diligent and to keep monitoring the situation. He stated that he didn't think the case was there yet. Mr. Mark stated that the trucks he has there were on the corner of Ballard and Route 9 for three years and that was zoned commercial. Mr. Mark stated that he's in an R%, which is agricultural. He's not using the trucks to oil the fields. He's seen him fill up the low boys with dirt and ship it out. He asked why he should have to look at it. Councilman Kusnierz stated that the Board doesn't have enforcement powers. He stated that they do appreciate the work Mr. Martin has done and understands Mr. Mark's frustration. What he's hearing tonight is that although there may be something going on, we're not far enough into the process to take action. He asked Mr. Mark to take what he has and compile moving forward and provide to Mr. Martin who can work with Counsel. Mr. Martin stated that when they have an active case, they can bring it. Mr. Mark stated that he was given a letter stating no storage of commercial vehicles and that the truck is commercial. Mr. Martin stated that he would reach out to Mr. Shaw again to see if he would move his vehicles to another location. Mr. Mark stated that he moved into an R5 zone to be away from the commercial. Councilman Prendergast asked Mr. Martin, what happens when someone applies for a permit to build a pole barn and what is built is not what it appears to be. Is there some action that can be taken? Mr. Martin stated that he had responded to Councilman Kusnierz in a memo. He stated this is not violating the definition of a pole barn. He stated that there are a lot of out buildings that have bathrooms and have things that are above a minimal definition. He stated that they'll have to keep track of the use. Councilman Prendergast asked about the septic system. Mr. Martin stated this is still an open item with the Building Inspector. Mr. Martin stated that Mr. Shaw volunteered to excavate the septic when he met with him and the Building Inspector. He also stated that there's a letter in the file from a licensed architect with a stamp and signature certifying proper installation. There was a question of a perk test and Mr. Martin stated that this can all be re-created. Mr. Martin stated that he's happy to bring this back to the Building Inspector. They need to have the septic excavated and they need to see the perk test. Councilman Prendergast stated that he's fine with that. Mr. Martin stated that he would bring this back to the Building Inspector. Mr. Mark asked about the C.O. and Mr. Martin stated that he believes the septic came in after the C.O. Mr. Martin isn't saying that everything has been above board. Councilman Prendergast stated that he's committed some intentional acts that were wrong. Mr. Martin stated that they will pursue the septic and make sure that it's proper and up to code, including the perk test and he will appeal to Mr. Shaw to have the vehicles removed. He stated that he expects this to be an ongoing challenge. He asked the Mark's to keep track of their records and if he sees Mr. Shaw doing anything commercial, he'll be all over it. He stated that he would work on this Thursday and then changed his thought and stated that he would call him tomorrow and will keep everyone in the loop. Councilman Kusnierz asked Mr. Mark to reach out to the Board if he's not satisfied.

OLD BUSINESS

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Councilwoman LeClair stated that the Supervisor wasn't here and she can't answer about the Deer Run and Pheasant Way Speed Reduction Request or the handicapped accessibility. With regard to the handicapped accessibility, Councilman VanTassel stated that the Supervisor had asked the Building Inspector to work on this and so he's been asked to gather some quotes. The Supervisor's secretary stated that she didn't know Matt was already working on this and has already made some calls herself. Councilman VanTassel stated that if the Supervisor's office is going to work on this they can, the Building Department has other things to do but also stated that he would talk to Matt tomorrow.

Councilwoman LeClair stated that she didn't have any current information on the proposal from CT Male on the SPCC Plan for the Town. Liz Lanfear stated that it's the same as before. She stated the plan needs to be approved as it was reported that it's overdue. Councilwoman LeClair read from the proposal that the plan needs to be done every 5 years by a certified engineer. Councilman Kusnierz asked that they reach out to Ms. Thibodeau for discussion at the public hearing for the 2017 budget.

Councilman VanTassel reported that the target date for the re-construction of the meeting room is still November 15, 2016. He also reported that the Building Inspector has two of the three quotes needed for insulation work that's needed.

SUPERVISOR'S ITEMS

None

PUBLIC COMMENT PERIOD

Mr. Hughes asked about the Town's sign in front of the Municipal Complex and if there was any thought given to a light at the sign. Councilman Kusnierz stated that Head Start will be widening the driveway and he believes the lighting situation is going to be addressed. Pete Corlew stated that there's wiring next to the sign but it's not working. Mr. Hughes asked where the wiring comes from and Pete replied that he believed from the Annex Building. Pete stated that there was a suggestion of a solar light. Councilman VanTassel stated that they're anxious to see what Head Start will do and also stated that it's a valid concern. Elizabeth Lanfear stated that the Town is waiting for them to sign the contract.

Terry Clark asked the Board again if anyone has done anything to check the water lines. Councilwoman LeClair stated that they've spoken with Jesse Fish but also stated that even if they went in, she's not sure what they would look at. He stated again that the Town is obligated to maintain the water line. Mr. Clark stated that if the Town cared, they would do something before someone else's house gets flooded. He stated that he's not going to give up.

Angela Wadsworth stated that she agreed with the comments about the sign out front. Ms. Wadsworth stated that when the building was first discussed, it was mentioned in a Moreau newsletter in 2010 that the reason we needed a new municipal center was because the current one didn't comply with the American Disability Act. Ms. Wadsworth went on to state that she's still taking action on the surveys and the fence that was installed by her neighbor incorrectly onto her property. She stated that she has documents, pictures and video of many people moving her survey pins. She stated that she's had to put up surveillance cameras. She gave out pictures of Jim Sweet's map and a survey map that got her neighbor's their permit to put their fence up. Councilwoman LeClair asked if she was supposed to come in and speak to the Supervisor about this matter. At a previous meeting he had asked her to come in and speak to him. Liz Lanfear stated that Ms. Wadsworth's attorney has been in touch with the Town's attorney. Ms. Wadsworth stated that she had spoken with the Supervisor a few times but hasn't met with him personally yet. She explained how the survey map shows that their fence is on her property. She stated that it's hard to get everybody on the same page and she can't trust anyone. Ms. Wadsworth stated that in order for the neighbor's house to be built, they needed a variance and it was her understanding that the Building Inspector had to file a form with the State documenting the proof of why they needed a variance. She stated that she pulled up the application for a variance and there are quite a few questions on it. She would like to see how the Building Inspector filled out the application because at the time there was litigation going on. She doesn't know how it got approved and would like to FOIL it. Ms. Wadsworth also reported to the Board that she was intimidated to have her name with her issues on a Village website. She

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stated it was a Village View site. She went on to say that the contractors report showed the storm water runoff issue. She has a problem every time it rains. She would like to sit down with the entire Board and will give the Supervisor a call. She'd like to put this to bed.

Ms. Wadsworth asked if there were any codes on drones. She stated that her neighbor has one that flies over her property. She feels violated and wants her privacy. Councilman Prendergast stated that the Town doesn't govern the airways and also stated that the FAA is struggling to come up with regulations. In closing, Ms. Wadsworth stated that she doesn't want to hurt anybody, she feels violated and she wants to get back to normal. She doesn't want to be flooded when there is snow melt. She asked the Highway Superintendent if he might be able to give her a pointer or two.

Reed Antis spoke about the poor insulation in the water towers and causing the increase in electric costs. Councilman Prendergast stated that they are looking into the cost for added insulation. Mr. Antis stated that the Board should be meeting with Constellation to go over a new contract and if the new price isn't fair, they should be going back to National Grid. He stated that the last time the contract was signed it was at the last minute. He's trying to be pro-active by letting the Board know the contract is coming up. He stated that last time it wasn't looked at properly.

Mr. Antis asked about the VanBuren Street meter and if this was something that the Town was going to do or if they needed RFP's. Councilman Prendergast stated that he would find out.

Shannon Wadsworth approached the Board and stated that she was Angela Wadsworth's daughter. She stated that she's lived in her mom's house for 23 years and knows what the property used to be like. She stated that with the new house next door, it's caused a lot of issues and they're not happy with it. There are flooding issues and they have cameras that show people violating their property. She stated that her mom just wants a resolution to the problem. Councilwoman LeClair told her to come in and see the Supervisor.

COMMITTEE REPORTS

Councilman VanTassel stated that they had a meeting back in September, which laid out the framework for pricing for Field Use. They left the meeting with prices that they shared with everyone and the take away was that they needed to establish fees for out of town users. He stated that they need to get this done. He asked that it be put on the agenda for the next regular meeting. He's modified page number 7 of the electronic presentation with numbers from feedback that he received. He stated that they need to get this done as the groups are pushing on the Recreation Maintenance Director for answers.

Councilwoman LeClair stated that she had received an email from Prentiss & Carlisle and they would like to come to a meeting to discuss what happened. She stated that Karla thought two Board members could meet with either herself or Malcolm at their office. She was advised that the Supervisor has very strong feelings and wants to be involved. She stated that if the Supervisor can't be there and someone else would like to be there, she asked to let her know. It was also suggested that they reach out to Bob Vittengl for his take on the project. Councilman Prendergast stated that he's not really sure where the Town stands on this. Councilwoman LeClair stated that they feel the Town owes them over \$20,000.00. Councilman VanTassel thought that the Supervisor was working with Counsel on this matter and asked if this ever developed. Attorney O'Hara stated that it had. He met with the Supervisor and drafted them a letter with the Town's concerns. Councilman VanTassel stated that if the Town isn't in litigation, he's not opposed to them presenting their case. Liz Lanfear stated that it was her understanding that it's not pending litigation but potential litigation. It's also her understanding that Prentiss & Carlisle paid the Town up front and never commenced one cutting and didn't finish another. Councilman Kusnierz believes that they're looking for a resolution. Councilwoman LeClair asked if they want them to meet with the Board in executive session with the attorney present. Councilman Kusnierz stated that they need to be unified on their position. Attorney O'Hara stated that he has the whole file in his office and stated that the Town needs to determine what their position is before they meet with them. Councilwoman LeClair would like to meet as a whole Board. Attorney O'Hara stated that he wouldn't be available for a few weeks. It was decided that this wasn't urgent and can wait until Attorney O'Hara returns.

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A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn to executive session to discuss a personnel matter at 10:08 p.m. The Highway Superintendent was invited into the executive session.

Roll call vote resulted as follows:

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

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

The Town Board returned from executive session at 10:16 p.m.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn the meeting for the evening at 10:17 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 meeting, please visit the Town's website at: www.townofmoreau.org