

A regular meeting of the Town Board of the Town of Moreau was held on December 13, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Deputy Supervisor LeClair called the meeting to order at 7:02 p.m.

The Town Clerk called the roll.

Town Board Members Present

Alan VanTassel	Councilman [arrived at approximately 8:00 p.m.]
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor [arrived at 7:05 p.m.]

Town Board Member Absent

None

Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Elizabeth Lanfear, Supervisor's Confidential Secretary; Amy D'Ambrogio, Barclay & Damon; Pete Corlew, Recreation Maintenance Director; Kathleen Moore, Post Star Reporter; Reed Antis, Planning Board member and Town Resident; Richard Schermerhorn, Schermerhorn Development; Town Residents: Jennifer Lindsey, Richard Hughes, Nicholas Quinn, Dana Charpentier; April O'Hearn, Hudson Falls

Deputy Supervisor LeClair led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from November 16, 2016, November 22, 2016, November 29, 2016 and December 8, 2016 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from November 16, 2016 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from November 22, 2016 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from November 29, 2016 as prepared.

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Roll call vote resulted as follows:

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

The minutes for December 8, 2016 had to be tabled until later in the meeting as there were only three people in attendance at that meeting and two of them weren't present, at this meeting, to make a motion and vote.

SET FUTURE MEETINGS AND WORKSHOPS

Public Hearings were scheduled for the Moreau Emergency Squad contract and the South Glens Falls Fire Company contract as follows:

Moreau Emergency Squad – December 27, 2016 6:50p.m.
South Glens Falls Fire Co. – December 27, 2016 6:55 p.m.

The Organizational Meeting for 2017 was scheduled for January 5, 2017 at 7:00 p.m.

PUBLIC COMMENT PERIOD

Councilman Kusnierz welcomed Attorney Amy D'Ambrogio, Counsel for Erie Boulevard Hydro. The Supervisor wanted to have an executive session for discussion of the Erie Boulevard litigation and update the Town Board on some developments. Councilwoman LeClair read a memo from Attorney Buettner, which stated that there should be no discussion of the matter in open session and Attorney D'Ambrogio shouldn't be invited into an executive session. None of the Board members that were present wished to discuss the matter without Special Counsel present. The Supervisor asked Attorney D'Ambrogio why she was at the meeting and she replied that she was here to listen. She also stated that her firm had sent an email regarding settlement negotiations, which they all should have seen. She stated that they're anticipating an answer from their last communication. The Supervisor asked again if they could excuse themselves for a few minutes so that he could advise the Board of new developments. Councilman Prendergast asked what his expectations were after they meet. He asked if he was going to take action. The Supervisor replied "no". Councilman Prendergast was of the opinion, that if he wasn't planning on taking any action, there was no reason they couldn't meet at the end of the meeting, so they wouldn't have to keep the members of the audience waiting. It was agreed that they would discuss what new developments the Supervisor had at the end of the meeting.

There were no other public comments.

OLD BUSINESS

A draft policy resolution was presented to the Town Board several weeks ago for their review and comment. Councilman Kusnierz suggested that the Board review the draft further and email requested changes to each other and then it can be acted on at the Organizational Meeting on January 5, 2017.

The Supervisor stated that he didn't have anything regarding the Speed Limit Reduction for Deer Run and Pheasant Way. He asked if anyone wanted to be heard. There were no members of the audience wanting to be heard. He stated that the request has been made and the Town is waiting to hear back from the State.

The Highway Superintendent was asked about the curb cut in front of the Town Hall building. The Supervisor stated that it's late in the year to do this. The Highway Superintendent stated that it's too late now if they haven't hired a contractor. The Supervisor stated that they don't have a contractor until they have a time frame of when the curb will be cut. Councilman Kusnierz stated that they need to work on getting someone lined up to do the cement and then they can have the Highway Superintendent get the

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curb cut. Councilwoman LeClair stated that it would be nice to have some sort of a buzzer. The Supervisor stated that they won't do that right now. The Highway Superintendent asked the Supervisor to get him the name of the contractor, once he finds someone, and he'll set things up with them.

MOREAU TOWN COURT – JCAP PURCHASE

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Town Court to purchase through WB Mason 1 Brigade 6 Shelf Legal File Cabinet at a cost of \$604.20 and 2 Fire Proof File Cabinets at \$1,299.00 each. The total cost will be \$3,204.18 and will be paid from the remainder of the JCAP funds.

Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT

There was a brief discussion as to the Highway Superintendent's request to purchase a Tilt Assembly for a Gutter Broom. The Supervisor stated that he was not in favor of the purchase.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a Tilt Assembly for a Gutter Broom at a cost of \$1,445.77 from Cyncon Equipment. This will be paid from account DB5130.2 with a balance of \$18,401.12 as of October 4, 2016.

Roll call vote resulted as follows:

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

There was an error in the number of days reported for Paul Joseph on the July 13, 2010 Standard Work Day Resolution and it needs a Board resolution correcting it.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair that the number of days per month, which were reported on the Standard Work Day and Reporting Resolution, for Highway Superintendent Paul Joseph, dated July 13, 2010, were in error. The term of office that was reflected in the Resolution was from January 1, 2010 through December 31, 2013. The record of activities result is amended to reflect 22.14 days per month instead of the initial report of 20 days per month.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT

The Town received two quotes for the rental of portable toilets for 2017 as follows:

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Stone Industries		\$85.00 Regular Portable Toilet	per 28 days
4305 Route 50		\$135.00 Handicap Portable Toilet	per 28 days
Saratoga Springs, NY 12866	Total:	\$220.00 per 28 days or \$2,860.00	per year

IBS Septic & Drain Service		\$100.00 Regular Portable Toilet	per month
2 Lower Warren Street		\$140.00 Handicap Portable Toilet	per month
Queensbury, NY 12804	Total:	\$240.00 per month or \$2,880.00	per year

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz for the rental of Regular and Handicap Portable Toilets from Stone Industries at a cost of \$85.00 for Regular Portable Toilets per 28 days and \$135.00 for Handicap Portable Toilets per 28 days or a total of \$2,860.00 per year.

Roll call vote resulted as follows:

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

BUILDING DEPARTMENT

The Supervisor inadvertently skipped over the first item and reported that the repairs to the Town's meeting room should be done in a couple weeks.

He stated that there have been quotes received for the replacement of insulation in the attic.

The Board went back to the first item on the agenda under Building Department, which was the repair of the Building Department truck. Paul Joseph stated that his Department had looked at the truck and had given a price to get it fixed. Councilman Prendergast stated that it would cost more than what the truck is worth. But also stated that there's no money budgeted for a new truck. He did think that there was enough money budgeted for repair. The Supervisor stated that it needs to be safe to drive. Councilman Kusnierz stated that he doesn't have a problem getting the truck repaired but that they would need to determine where the money would come from. This item was tabled until the next regular Town Board meeting at which time, they will have determined where the money for the repairs will come from.

The discussion of the insulation resumed. There were two prices given for the replacement of insulation in the attic of the Town Hall building.

Snyder's Drywall	\$750.00
Jake Losaw Custom Carpentry	\$1,547.12

Councilman Prendergast stated that there is a concern when one price is double the other.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to engage the services of Snyder's Drywall to supply and install insulation at the Town Hall building at a cost not to exceed \$750.00.

Roll call vote resulted as follows:

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

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MOREAU COMMUNITY CENTER – FINDINGS AND DETERMINATIONS FOR BINGO

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the Findings and Determinations for the Moreau Community Center Bingo License Renewal.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he had voted no because Question #1 on the form asks about the moral character of those in charge of the games and if they've ever been convicted of a crime. He stated that he can't do that because he doesn't know. He stated that this same situation has come up across the State and there are cities that won't sign these forms because of that line. The gaming commission has been asked to change that and hasn't as yet.

TRANSFER STATION

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast accepting the resignation of James Roberts from the Transfer Station.

Roll call vote resulted as follows:

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

Councilman Prendergast stated that they had interviewed someone for the Transfer Station this evening and will hear more at the meeting on December 27, 2016.

There was discussion of the hours for the Transfer Station on Christmas Eve, which falls on a Saturday. Councilman Prendergast stated that Ted Monsour made the suggestion to keep it open but close early that day.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to change the hours for the Transfer Station on Christmas Eve, December 24, 2016, to 7:30am to 1:00pm.

Roll call vote resulted as follows:

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

There was discussion relating to the Inter-Municipal Agreement between the Town and Saratoga County to assume responsibility of the County's recycling center at the Town's Transfer Station. Attorney O'Hara stated that in section #17 (D), it requires the Town to have Environmental Liability Insurance coverage. He stated that they need to know if the coverage exists and if not the availability and costs. He also stated that in section #24, there is a 180 day notice to cancel and in the prior contract it was a 60 day notice. The Supervisor stated that he didn't have a problem changing the number of days for the notice to cancel. On the signature page of the agreement, the County Attorney made a note that the Insurance for

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Environmental Liability is waived. Attorney O'Hara stated that he would speak with their attorney to have the insurance requirement taken out of the contract. This item will be brought back up at the December 27, 2016 meeting.

APPROVE CONTRACT FOR SPCC PLAN – CT MALE ASSOCIATES

There was a brief discussion on the purpose of the SPCC Plan. Elizabeth Lanfear stated that the Town has been out of compliance since 2015. Supervisor objected to the State mandate and asked to see the one that was done in 2010. He also stated that we're one month away from a new Federal administration and that the requirement may be canceled. Councilman Prendergast stated that if the Supervisor has another engineer to provide the same product, then he should bring it to the Board. If he has nothing, then he'll make a motion on December 27, 2016 to authorize CT Male to perform the SPCC. This agenda item was tabled until December 27, 2016.

PLANNING BOARD APPOINTMENT

The Supervisor reported receiving a letter from Linda Riggi stating that she will not be seeking a re-appointment to the Planning Board. There was discussion of appointing Gerald Bouchard who is an alternate at present, effective January 1, 2017. This item was to be held until later in the meeting when Councilman VanTassel was present as Councilman Prendergast and Supervisor Congdon both stated that there was a family relationship with Mr. Bouchard.

SUPERVISOR'S ITEMS

A resolution was presented to the Town Board for the purpose of submitting a grant application through NYS Agriculture and Markets for financial assistance in the implementation of municipal agricultural farmland protection plans through the State Assistance Payments for Amendments to Municipal Laws Affecting Agricultural Lands, Farm Operations or Farmland Protection.

Councilman Kusnierz explained the importance of the resolution and the financial advantage to the Town.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair offering the following resolution.

WHEREAS, the Town Of Moreau completed the Moreau Farmland Protection Plan in 2014 in part with funds from New York State Department of Agriculture and Markets, and

WHEREAS, the New York State Department of Agriculture and Markets provides an opportunity for financial assistance in the implementation of municipal agricultural farmland protection plans through the State Assistance Payments For Amendments To Municipal Laws Affecting Agricultural Lands, Farm Operations Or Farmland Protection, and

WHEREAS, it is in the best interest of the Town of Moreau to pursue a grant to remove unreasonable restrictions affecting agricultural lands and farm operations,

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to complete and submit this grant application with a grant request of \$15,000 with commitment of \$5,000 cash match from the Town.

Roll call vote resulted as follows:

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

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The Supervisor also reported that there was a vacancy on the Saratoga County Youth Board. He asked the Board members to think about this and give any recommendations before the next regular Town Board meeting to be held on December 27, 2017. Councilwoman LeClair stated that the Recreation Director has typically submitted names for this position.

Councilman Kusnierz stated that the Board had been copied on a memo from Mr. Schermerhorn along with copies of correspondence between the Building Department and himself. He stated that Mr. Schermerhorn is here this evening to verify that everything is still in place. Mr. Schermerhorn stated that he had received approval three weeks ago on the Leonelli project. He stated that he had contacted the Attorneys regarding a resolution that set the sewer rates and is here tonight asking the Board if the agreement is still in place as he doesn't want any surprises. He's looking for clarification that they're all set before putting in for financing. The Supervisor stated that he couldn't give any firm numbers and explained how he was looking for a way to pay back the cost of the force main. Councilman Kusnierz stated that his intent is to uphold the contract. The Supervisor commented that he would like to see the document. Attorney O'Hara stated, after speaking with Attorney Buettner, who had spoken with Councilman Kusnierz, that the agreement is enforceable. Mr. Schermerhorn explained that Mr. Leonelli had gone directly to the City of Glens Falls for the costs of the buy in capacity and the Town had approved it. Councilman Prendergast stated that an agreement is an agreement. Councilman Kusnierz stated that he would send a copy of the documentation to the Supervisor's secretary.

PUBLIC COMMENT PERIOD

Terry Clark asked if anyone had done anything with the water line inspections yet. He stated that at the last Town Board meeting, it was agreed that letters would be sent out. Councilman Kusnierz stated that he believed the letters were sent out and the Town Clerk confirmed that they did. She didn't have the documentation readily available but thought the letters had gone out on December 6, 2016. Mr. Clark stated that he hadn't received the letter. The Town Clerk told Mr. Clark that he was on the list to receive the letter. Mr. Clark asked what the plan of attack was and Councilman Kusnierz replied that the letter stated there were a couple failures and instructs those in the District to contact the Town should they wish to have their lines inspected. Mr. Clark asked that if they find enough failures, can they go back on the contractor and Councilman Kusnierz replied "no".

Reed Antis asked about the Leonelli property on Harrison Avenue and where the pump station on VanBuren Street is going to send the sewage to Glens Falls, how this relates to the force main. The Supervisor stated, that without having a copy of the contract, he's not in a position to answer his question.

Mr. Hughes stated that he had looked at the plans for the proposed new sewer district and it will include Harrison Avenue and Sisson Road. He asked what parts. The Supervisor stated that the map shows it very clearly and that he would be happy to show him. Mr. Hughes asked if they would be using the existing force main. Mr. Hughes explained that if they were using the force main and he decided to hook into the line, he would need a grinder pump because it's not a gravity feed. He asked again if everything will remain the same. The Supervisor stated that he hoped it was in the report but that he's not at liberty, right now, to offer an opinion. Councilwoman LeClair stated that they could check with Kevin Feuka, c2ae, to see if they may be able to move the cost into the cost of the District and paid for over a 30 year period. Mr. Hughes asked if there are any regulations for the existing septic if they hook into the sewer. Councilman Prendergast stated that he believed it would have to be capped off and not used again.

Dana Charpentier stated that he lives across the road from the Municipal Building and knows that the more users that hook in will reduce the cost. He stated that the project is not coming down Reynolds Road and asked what's to say in the future, that the whole Town would be on the hook for the sewer system. He asked if there was a possibility that he would have to pay into this. The Supervisor stated that he could speak for himself in that it's not a possibility, but future Boards may change that and suggested that Mr. Charpentier pay attention to what's going on.

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Mr. Hughes asked, if the project progresses and it comes to a vote, will they be allowed to cast absentee ballots. Councilman Kusnierz didn't believe that this would be possible. The Supervisor stated that they would have to look into this.

Councilman VanTassel entered the meeting and there was discussion on whether or not to meet in executive session regarding the Erie Boulevard litigation. Councilman Kusnierz stated that if the Supervisor wants to update them in executive session, he didn't have a problem with that but he won't entertain any discussion with the opposing counsel without the Town's special counsel present. Ms. D'Ambrogio was asked as to how this whole thing transpired and if she had reached out to the Town or if the Supervisor had reached out to her. Ms. D'Ambrogio stated that the Assessor had reached out to her law firm directly and they did not respond. They had their client respond to her. She stated that there seemed to be a disconnect between Lou Lewis and her firm. She stated that there was a best and final offer given to them, which was accepted, and then a few weeks later... her thought was interrupted by the Supervisor, when he stated that they were getting to the point, that they need to discuss the matter. Ms. D'Ambrogio stated that she didn't need to discuss this with the Board and that's not why she came here tonight. She stated that she was here to listen and to see if any decisions are made. The Supervisor stated that he would like to meet with the Board.

Elizabeth Lanfear stated that there are a few items that need to be addressed before they go into executive session. The first being the permanent appointment of Gerald Bouchard to the Planning Board.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel appointing Gerald Bouchard as a permanent member to the Planning Board effective January 1, 2017.

Roll call vote resulted as follows:

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

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to approve the minutes from December 8, 2016 as prepared.

Roll call vote resulted as follows:

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

The motion failed and therefore this item will be tabled until the next regular meeting to be held on December 27, 2016.

A motion was made by Councilman Prendergast to adjourn to executive session.

Councilman Kusnierz asked if he would be willing to rescind his motion and asked that a new motion be made to meet with Counsel.

Councilman Prendergast rescinded his original motion and offered a motion that was seconded by Councilman VanTassel to adjourn the regular meeting at 8:36 p.m. to meet privately with Counsel.

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Roll call vote resulted as follows:

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

The Town Clerk did not attend the private meeting.

The Town Board returned from meeting with Counsel at 9:25 p.m.

Councilman VanTassel reported that the Recreation Committee had met and that they will present their fee schedule for 2017 at the next regular Town Board meeting.

Councilman VanTassel sadly reported that Keith Vance, one of the Town's Recreation employees, passed away today.

Councilwoman LeClair gave a name of Alton Knapp, who is retired from DEC and who used to work on flood plain development. He's waiting to hear from Steve Alheim, who designed the plans for the beach house, to see if we can get electronic copies of the plans and then Mr. Alheim will give an estimate to do the certification of elevation and a flood plan and locate where the beach building can go. The Supervisor stated that it's just a beach. Councilwoman LeClair asked him what he wanted her to do and he suggested that she ignore it. Councilman VanTassel asked her to find out what the costs are.

The Supervisor thanked Ms. D'Ambrogio for coming.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to close the meeting for the evening at 9:30 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk