

A regular meeting of the Town Board of the Town of Moreau was held on January 10, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:07 p.m.

The Supervisor led the Pledge of Allegiance.

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Peggy Jenkins, Assessor; Jesse Fish, Water Superintendent; Pete Corlew, Recreation Maintenance Supervisor; Elizabeth Lanfear, Supervisor’s Confidential Secretary; Kathleen Moore, Post Star Reporter; Town Residents: Brian Chesney, Ed Petrush, Reed Antis, Mike & Agnes Kelly, Chris Music, Bob Vittengl, Lynton Schroll, Richard Hildebrand, John Trembley, Brian McKenzie, Terry Clark; Village Residents: Brigid Martin, Maggie Centerbar, Ann Celeste; Dave Rogge, Lamplighter Acres; April O’Hearn, Hudson Falls; Rodney Congdon, Lake George

APPROVAL OF MINUTES

The minutes from December 20, 2016 and December 27, 2016 (4 sets) were prepared and presented to the Board prior to the meeting, for their review, comment, correction and approval.

A motion was made by Councilwoman LeClair and seconded by Supervisor Congdon to approve the minutes from December 20, 2016 and December 27, 2016 (4 sets) as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS

The month-end audit meeting was re-scheduled for January 31, 2017 at 6:30 p.m.

PUBLIC COMMENT PERIOD- solely for comments and questions relating to agenda items

Mike Kelly stated that he had a meeting with the Supervisor and that they worked through some issues relating to the sewer project. He thanked the Supervisor for meeting with him. He thanked those who attended the Public Hearing and stated that there were good points made from both sides. Mr. Kelly asked if those who live in mobile home parks would be allowed to vote in the special election. He understood it was the opinion of the Assessor and that it would be at the Town’s discretion. He asked when the Town would decide. He asked the Assessor to review the Map, Plan and Report to make sure of those eligible to vote. Mr. Kelly also asked who else might be able to vote that’s not on the tax roll. He also asked to have agenda item #12 moved to the top of the agenda because there were several people in attendance for that item.

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The Assessor replied to Mr. Kelly by stating that it wasn't her opinion who should vote from Lamplighter, she simply answered questions as to how those in Lamplighter were taxed and explained how some parcels are suffixed. The Supervisor stated that there has been confusion over suffixed parcels and explained how these parcels came to be on the tax roll to begin with. He stated that Lamplighter MHP is the only one that has some of their parcels suffixed out.

Agenda item #12 was moved to the top of the agenda.

CITIZENS FOR SEWER

Brian Chesney offered several comments. He stated that an environmental study should be done, traffic needs to be looked at. He stated that the Town can't afford a monumental project like this one without having certain questions answered.

Dave Rogge, Lamplighter Acres MHP, spoke to the Board. His main question was whether or not residents of his mobile home park will be eligible to vote. He explained that he needs to be the first to know so that he can educate those people. He stated that they need to know what they're facing if the project fails. Mr. Rogge made comment on the need for sewer. He also asked who would represent the Town's vote as they own property as well. The Supervisor stated that the decision who can vote is a matter of law. Councilman Prendergast stated that he wouldn't want to leave anyone out. The Supervisor stated that it's very clear, in that if you're a tax payer you're entitled to vote and he also stated that there are 91 property owners in Lamplighter that pay taxes and therefore are tax payers in the Town. Councilman Kusnierz was of the opinion that the Town Board has the ultimate authority as to whether or not residents of Lamplighter can vote. He's taken into consideration, Counsel's interpretation of the law. He believes they should be looking at the standpoint of the Map, Plan and Report, where plans were put together on the basis of EDU's. He stated that in order for the referendum to be successful, the person with an EDU will be responsible for the cost, not the property owner. He stated that the person who has been assigned and EDU will be responsible for the sewer hook-up. He also stated that there are multiple mobile home parks in the proposed district and questioned why only Lamplighter would get to vote. He explained that a mobile home can be moved at any time. He stated that at the end of the day the improvement stays with the land. The sewer can't go with a mobile home if it's moved. Councilman Kusnierz stated that the Board has to decide if they will be able to vote and commented again that the owner of the park will pay for the district not the owners of the mobile homes.

A gentleman asked how many EDU's Lamplighter was assessed and it was replied that they are assessed at $\frac{3}{4}$ of how many mobile homes are in the park.

Mr. Rogge stated again that he needed to know right away so he could inform those who live in his park and also to advise them what will happen if the septic fails in his park.

Ed Petrush asked questions about EDU's and how the bills will get paid. There was some confusion on his part as to the difference between EDU's and number of votes. It was explained to Mr. Petrush that EDU's are a predetermined number. The residents, who total 91 and might be able to vote, won't change the number of EDU's or the amount that would be charged. Those numbers are already calculated into the EDU's.

There was a lengthy discussion as to whether or not the residents of Lamplighter, who receive tax bills, should vote.

Elizabeth Lanfear presented a letter she had received from Greg Hewlett via email and Councilman Kusnierz read it into the record. The letter will be annexed to this set of the minutes after the last numbered page.

Councilman Prendergast stated that there are a lot of questions that need to be answered. If he were a property owner or a business owner in the district, he would look at things one way and if he were a homeowner in the district, he would look at it differently. He stated that this is a difficult situation. He

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stated that the only way for the Town to move forward is to install sewer. Advantages won't come right away but will down the road. It will bring jobs & commercial growth and we need commercial growth otherwise the Town will be in trouble. He stated that the most the Town can do is offer the project and ask the people if they want it. He also stated that they need to get information to those in the district so that they can make an informed vote. He stated that if this is voted down, the Town will keep looking for ways to fund a project because without sewer, the Town is dead in the water.

Councilman Kusnierz stated that in his full time job he works in communities that are starving for growth and who are always looking for funding and they receive no level of funding that the Town of Moreau has right now. He stated that the proposed project isn't perfect but wants the residents to have the opportunity to make the decision. He also stated that the cost of the project will never go down. He stated that the Town Board met the deadlines to meet a viable option. They set the mandatory referendum when they didn't have to. He stated that he's happy to be able to present the opportunity to the residents.

Brian Chesney asked the Board if they would postpone the vote. Councilman Kusnierz replied that there was no ability to postpone. Councilwoman LeClair stated that there is misinformation getting around and encourage people to ask the Town if they have questions and visit the Town's website.

Councilman VanTassel stated that there is a dedicated page off the front page of the Town's website for more information. He encouraged those to get their questions to the Town Clerk and that they will have them answered by either the engineer or the Town Attorney. He stated that the Town is trying to give those who vote the most factual information possible.

Richard Hildebrand, a resident of Lamplighter Mobile Home Park and a military veteran, asked the Board how many of them were Veterans and would be voting for him or against him. He asked for a show of hands. The Supervisor was the only member of the Board who raised his hand. Councilman VanTassel asked what vote he was asking about and the gentleman replied the Lamplighter sewer vote. Councilman VanTassel asked if he meant whether or not those 91 people in Lamplighter would have the right to vote. Mr. Hildebrand replied "that's correct". He then stated that Veteran's served all those in attendance of the meeting. He stated that they risked their lives to serve and that they deserve something, a little more than what his next door neighbor receives. He asked that the Board respect United States Veterans and what they fought for.

Councilman Kusnierz thanked him for his service. He stated that not all communities provide RPT credits, it has to be done by a vote of the local governing body. He stated that this Town took the approach to make it happen. He told Mr. Hildebrand that they do support him and all veterans with that credit. He further stated that when a veteran gets a tax bill with a credit on it, the community has to offset it in what they pay. In conclusion, Councilman Kusnierz stated that they do support veterans. Mr. Hildebrand stated that he understood that.

Mr. Rogge asked if someone who owns a vacant lot decides to build, would it cause the rate to go down and the answer was yes. He asked if the user rate and the debt both go down. Supervisor Congdon stated the user rate wouldn't go down so much but the debt rate would.

Mr. Petrush stated that his property is zoned C1 and that he can't put anything on it without sewer. He stated that you can change the zoning but that would bring in more homes, apartments and PUD's, which don't help the taxes. He stated again that the Town needs the sewer.

OLD BUSINESS

There were two items on the list of old business. The first being Public Comment at Meetings. The Supervisor asked that this be tabled until the next regular Town Board meeting.

The next item was for compensation of Town employees to attend Town Board meetings. A draft policy had been drafted and presented to the Board at prior meetings. There was discussion over the language of the policy. The last paragraph of the proposed policy referred to duties of the Town Board. Councilman Prendergast asked that the first bullet in the last paragraph be removed. Councilman Kusnierz agreed that

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it should be removed as well. The Supervisor wanted to table this for discussion at the next regular Town Board meeting. Councilman VanTassel thought that the matter could be closed.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to approve the following Draft Policy: Compensation for Town Employees Attending Town Board Meetings with the deletion of the first bullet in the last paragraph:

After discussion, it was agreed that the last paragraph should be deleted in its entirety even though the practice would be followed. Councilman VanTassel rescinded his motion.

A new motion was made by Councilman VanTassel and seconded by Councilman Prendergast to approve the following Draft Policy: Compensation for Town Employees Attending Town Board Meetings with the deletion of the last paragraph in its entirety.

Town employees who are paid hourly will receive pay to attend Town Board meetings/workshops if their attendance is specifically requested for that meeting/workshop by a member of the Town Board.

Salaried Town Employees, who are not Department Heads, as well as Deputy Clerks will receive comp time to attend Town Board meetings/workshops if their attendance is specifically requested for that meeting/workshop by a Town Board member or Town Clerk, respectively.

Department Heads who are requested to attend meetings/workshops will neither receive additional pay nor comp time.

Hourly Town Employees whose attendance is requested will:

- Adjust their weekly schedule to allow for attendance at the meeting/workshop and to avoid overtime.
- Be paid from the time the meeting starts, until the time their item on the agenda, or at the workshop, is completed.

Salaried Town Employees whose attendance is requested will:

- Receive comp time from the time the meeting starts, until one of the following:
 - The time their item on the agenda or at the workshop is complete.
 - The meeting is over and duties completed for Deputy Clerks taking minutes and the Principal Account Clerk during budget workshops.

~~The Board member who requested the presence of an employee will:~~

- ~~• Use good judgement when requesting the presence of an employee.~~
- ~~• Plan in advance and make a timely request, so the employee is able to adjust their schedule.~~
- ~~• Notify the Supervisor's Secretary, when necessary, so the item can be placed as early on the agenda as possible.~~
- ~~• Note (via email or in writing) the attendance time of said employee and relay that information to the Supervisor's Secretary, after the meeting, to be attached to the time sheet/card.~~

Roll call vote resulted as follows:

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

RESOLUTION TO ACCEPT THE TOWN CLERK'S DECEMBER 2016 REPORT

A regular meeting of the Town Board of the Town of Moreau was held on January 10, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to accept the Town Clerk's December 2016 Monthly Report.

Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to accept the Highway Superintendent's December 2016 Monthly Report.

Roll call vote resulted as follows:

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

There was a memo received from the Highway Superintendent's Clerk whose Part-Time position was made Full-Time effective January 1, 2017. She asked about converting her unused sick time, personal time and vacation time to a Full-Time equivalent. There was a lengthy discussion and in closing it was decided that this agenda item be tabled until the next regular Town Board meeting at which time, they should have more information relating to her accrued time.

TRANSFER STATION

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire Richard Ward as a Transfer Station Laborer and Robert Sentz as a Transfer Station Booth Attendant both at a rate of \$12.00 per hour, subject to successful completion of pre-employment physicals and background checks.

Roll call vote resulted as follows:

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

BUILDING DEPARTMENT – TRUST & AGENCY QUESTIONS

It was reported that the Town was in receipt of funds from Cerrone Construction for a building project under the previous administration. In the November warrant the Board approved to return the unexpended funds, in the amount of \$21,762.81, to Cerrone Construction. In the time since, the Town has received a bill from the Town's attorney for services related to this Cerrone Trust and Agency check. It was the thought of the Supervisor's office staff that the General Fund taxpayers should not have to pay for a private builders Trust and Agency billing. The Supervisor stated that he would send Cerrone Construction a letter requesting the funds.

The following suggestions were presented to the Board for a future Trust and Agency Plan:

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- Building Inspector works with the Town's engineer to come up with an estimate, based on the schedule of fees, for the inspections and work to be done, per the Town Code and Planning Board.
- The Building Department sends a letter to the developer, detailing the estimated cost and requesting a check.
- The check would be received by the Building Department and be given to Fran, with a copy of the letter which had been sent to the builder.
- When the Town receives an invoice/voucher for work, the Building Department would code the voucher, so the Supervisor's office knows where to appropriately draw the funds.
- When the project is complete, per the Building/Highway Departments, if there are Trust and Agency funds remaining in the Town's possession, a balance refund would be requested, in writing. A voucher would be submitted from the developer and Building Inspector in order to close out that project.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adopt the foregoing Trust and Agency Plan as presented to the Town Board.

Roll call vote resulted as follows:

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

RE-APPOINTMENTS

There was a brief discussion as to the re-appointment of Andrew Husarik, Scott Fitzsimmons and Charlene Endal. The Supervisor had a concern over Charlene Endal being gone for several months out of the year. The Town Clerk stated that the Ethics Advisory Board only meets once a year, unless they are asked to and that Ms. Endal is always back in Town for this meeting.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to re-appoint Andrew Husarik as a member of the Board of Assessment Review for another 5 year term which will expire September 30, 2021.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to re-appoint Scott Fitzsimmons as a member of the Zoning Board of Appeals for another 5 year term which will expire December 31, 2021.

Roll call vote resulted as follows:

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

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A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to re-appoint Charlene Endal as a member of the Ethics Advisory Board for another 4 year term which will expire December 31, 2020.

Roll call vote resulted as follows:

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

SOLAR CITY

Reed Antis asked that agenda item #13 be combined with this agenda item as both are related to energy. The Board was in agreement. Mr. Antis stated that he had reviewed the supporting documents before the Board meeting and wasn't quite sure what Solar City is asking the Board to do. He stated that a contract had been signed with Solar City back in December of 2015 and that they had some bumps because they couldn't come to an agreement with National Grid. Their challenge to the Public Service Commission on National Grid's Interconnection costs was successful. The total cost reduction was \$484,720, with a new cost of \$54,222 which is within the original project budget. Mr. Antis gave an overview of his energy findings. The Supervisor stated that he had asked Mr. Antis to put all of this in writing. Mr. Antis gave a recommendation to the Board that they should renew the contract with Constellation but cautioned that because the previous contract ended on December 29, 2016 and the new contract doesn't take effect until February 1, 2017, they should monitor their bills to be sure that the Town isn't being charged improperly. Mr. Antis explained the charges and the usage. Bob Vittengl was present and also explained how the solar field will work in regards to the charges. He stated that the Town would be using less energy than what they would be producing and at the end of the year would receive a credit from National Grid. Councilwoman LeClair praised Mr. Antis and Mr. Vittengl for their knowledge on the matter and stated that at some point the Board is going to have to rely on someone for advice.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair appointing Reed Antis as a Senior Energy Advisor to the Moreau Town Board for the year 2017 with it being an unpaid position.

Councilman VanTassel stated that he already sits on a Board and asked if this is a conflict. Councilman Kusnierz stated that there is a conflict in that Mr. Antis serves as a member of the Planning Board. Mr. Antis stated that he would rather serve on the Planning Board. Councilman Prendergast asked, what if they just make him an advisor. Attorney O'Hara stated that it wouldn't be a conflict. The Board was in agreement. Councilman Prendergast withdrew his original motion.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair appointing Reed Antis as a Senior Energy Advisor to the Moreau Town Board for the year 2017 with it being an unpaid position.

Roll call vote resulted as follows:

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

Reed Antis, as Senior Energy Advisor, stated again that the Board should renew their contract with Constellation with the understanding, that at any given time they might not have to purchase power from them, when Solar City comes on board. Mr. Antis stated that there was an email from Constellation stating that there is no minimum purchase required.

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A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Board to move forward with the Constellation renewal contract and authorizing the Supervisor to sign.

Roll call vote resulted as follows:

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

Mr. Antis addressed the Attorney for the Town and stated that there was a contract with Monolith and after the first year the rate was supposed to change. He stated that it didn't and he asked if the Town would be responsible for the back charges if they failed to change their billing. He thought that after a year the rate would go up \$0.18. Attorney O'Hara stated that he would review the contract. Councilman VanTassel asked Mr. Antis if it was defined or if they had the right to change the price. Mr. Antis stated that it was defined.

Elizabeth Lanfear stated that she had received an email from Solar City and they asked if the Town still wanted to move forward. It was stated that the Town already had a contract with them. Councilman VanTassel recalled that Solar City was put on hold while they were working out problems with National Grid. There was a long discussion over how or if they should proceed. Councilman Prendergast asked if they need to send Solar City a letter. Elizabeth Lanfear stated that the representative would be calling the office tomorrow to see what the Town wanted to do. The Supervisor asked his Secretary to send them a letter stating that the Board wishes to move ahead and ask them where they stand. Councilwoman LeClair thanked Bob Vittengl and Reed Antis for their perseverance and all the times that they have repeatedly tried explaining as well as the research and time they've put into this project.

The Supervisor stated that he wasn't at the Organizational Meeting and the position of Deputy Supervisor hadn't been filled. He named Councilman Alan VanTassel as Deputy Supervisor.

CT MALE – 2017 LANDFILL MONITORING CONTRACT

At the Supervisor's request, this agenda item was tabled until the next regular Town Board meeting.

SUPERVISOR'S ITEMS

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Kevin Elms to attend the 2017 Saratoga County Planning & Zoning Conference on January 25, 2017 and for the registration fee of \$60.00 to be a proper Town charge.

Roll call vote resulted as follows:

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

The Supervisor stated that a proposal had been received from Laberge Group for engineering services and he stated that he would like the entire Board to meet with them. The Supervisor made mention of the Storm Water Management Report and the DEC findings.

An item on the Supervisor's agenda was for discussion on a policy which would require employees to repay the cost of the JPA and Pre-employment physicals, should they leave their employment with the

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Town within a certain amount of time. Attorney O'Hara asked to review the information before they act on this.

COMMITTEE REPORTS

Councilwoman LeClair asked if she could move forward and get advice from Alton Knapp, who is a National Flood Insurance specialist, in getting their DEC permits for proposed beach building. Councilwoman LeClair stated that Mr. Knapp is willing to meet with the Board as well as the person who designed the building. She stated that they can't move forward without the DEC permits. The permits are required because the building is within the flood plain. Councilman VanTassel stated that there is no cost for the gentleman to tell the Town what they can do. Councilwoman LeClair stated that if they are going to get this project done this year, they need to make some decisions. The Supervisor stated that he would make a call to DEC to see exactly what the problems are and asked that this be on the agenda for the next Town Board meeting.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to adjourn to executive session at 9:55 p.m. for the purpose of discussing a litigation matter with the Assessor being invited into the session.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to return from executive session and re-open the regular meeting at approximately 10:10 p.m.

Roll call vote resulted as follows:

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

No action was taken in executive session.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel that the Town Board authorize Lou Lewis as Counsel to hire an expert to provide information on a tax certiorari.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to adjourn the meeting for the evening at approximately 10:15 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

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