

A regular meeting of the Town Board of the Town of Moreau was held on March 28, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:00 p.m.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also present:** Lisa Sperry, Deputy Town Clerk; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Brian Boric, Attorney for Riverview Galusha; Reed Antis, Planning Board Member & Senior Energy Advisor; Elizabeth Lanfear, Supervisor’s Confidential Secretary; Pete Corlew, Recreation Maintenance Supervisor; Tammy Daley, Deputy Town Clerk; Malcolm O’Hara, Town Attorney; Town Residents: Rich Morris, Bruce Flamer, Robin R., Kyle Noonan, Angela Wadsworth, James Campagnone, Carol Alden, John Hogan and Terry Clark; P.J. Motsiff, Resident of the Town of Queensbury and Director of Adirondack Lynx Soccer Program

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from March 15, 2017 were prepared and presented to the Board prior to the meeting for their review, comment, correction and approval.

There was a motion made by Councilman VanTassel and seconded by Councilwoman LeClair to approve the March 15, 2017 minutes as prepared.

Supervisor Congdon did not call for a vote to approve the minutes. He questioned whether or not an Executive Session or a Lawyer-Client privileged discussion took place and whether or not any decisions were made during that session. Supervisor Congdon stated a memo from the Town’s Attorney indicates a decision was made during the aforementioned discussion regarding the Town’s position in the ongoing Highway Garage Litigation. Councilman VanTassel advised no decisions were made during the Executive Session of March 15, 2017 and that the memo from the Attorney was a result of direction given from the Board during a prior Executive Session. Supervisor Congdon stated the Board never agreed to a settlement in the case and Councilman VanTassel agreed. Supervisor Congdon then read a portion of the confidential memo aloud to support his position. Councilman VanTassel reiterated that no formal resolution had been passed regarding the litigation, and that it was on the current agenda as part of the process. He stated that the Board had asked the Attorney to explore all possible avenues and that the current resolution on the table was a result of that. A discussion ensued regarding Executive Session guidelines and whether or not they were followed. Councilman VanTassel stated that Supervisor Congdon and he had a conversation about the memo when it was received and had agreed to discuss it at the next Board Meeting, which is why it is on the current agenda. He also stated that the Town should do whatever it can so as to not incur any more losses and recover as much money as possible.

Supervisor Congdon stated he would like to discuss things further and not wait until the end of the meeting.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel, to go into executive session for the purpose of discussing litigation.

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Supervisor Congdon and Councilman VanTassel asked that the Deputy Town Clerk stay during the executive session.

Councilman Prendergast asked that the Board first go through the agenda before Executive Session as there were many people in attendance that were there for other items on the agenda.

Councilman Kusnierz and Councilman VanTassel withdrew their motion to go into Executive Session.

No Executive Session took place.

Councilman Kusnierz made a motion and Councilwoman LeClair seconded it, to table the minutes until further discussion.

Asked if all in favor, the following responses were given:

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

#### **SET FUTURE MEETINGS AND WORKSHOPS**

It was noted that the upcoming May 2, 2017 meeting with the Fire Company was set by the Board and scheduled to take place at the Town Hall. A letter from the Fire Company states the meeting is to take place at Station 2 Firehouse located on Reynolds Rd. The Board questioned whether that was acceptable considering it was a public meeting including both the Town and the Village and that historically, this type of meeting is held at the Town Hall. It was the consensus of the Board to leave the meeting scheduled at 7:00 p.m. on May 2, 2017 at the Town Hall, as it was originally set at the February 28, 2017 Town Board Meeting.

The month-end meeting was confirmed to be at 6:30 p.m. prior to the Regular Town Board Meeting on April 25, 2017.

A special meeting was scheduled for 6:30 p.m. prior to the Regular Town Board Meeting on April 11, 2017 for the purpose of an Executive Session regarding the strategy for sale and the plans Bob Sears has for the old Town Hall building at 61 Hudson Street.

#### **PUBLIC COMMENT PERIOD** solely for comments and questions about items on the agenda

Town Resident Rich Morris approached the Board regarding the Water District 6 Easement agreement. He read from a copy of a Water District 6 Easement agreement stating the owner would not bear any costs associated with the connection to the public water supply and/or the separation from the existing water supply. He noted the document also states that I/we will be billed a user fee for the actual water that flows through the meter on my/our property. It was his understanding that they would only pay for water that flowed through their meter.

Mr. Morris questioned why people in the water district, who have water hooked up are being charged when they are not using the Town water. It does not mention in the document any debt service. It clearly states they would not incur any expenses except for water flow that went through the meter. Mr. Morris advised the agreement he had was for Reynolds Rd. Supervisor Congdon advised it was the same form used for Fortsville Road.

Supervisor Congdon stated he has written memos to the Board and to the Town Attorney looking for clarification on this agreement in question. He noted the agreement says the homeowner would not be charged if they hooked up to the Town water, only for water flowing through the meter, however, a year later those that opted out of using the water were being billed a minimum charge for water. He would like

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to hear from the Town's legal advisors as to whether this agreement has meaning. He stated he has only heard the opinion of Kevin Feuka, who was not even employed by the Town nor by the Town's Engineering firm, at the time this agreement was written.

Councilman VanTassel stated that they have already looked into this situation but did not have the document that was being presented at this time. He stated that those people on Fortsville Road were never billed for water use, they were billed for debt services. He feels in light of different interpretations of this document, the Board should revisit this. There was a discussion between the Supervisor and Councilman VanTassel as to whether the people on Fortsville Road were billed for water or debt service. Councilman VanTassel stated the Town Clerk had verified in a previous meeting that those involved were billed for debt service not water usage. The Board, at that time, agreed they did not like the wording on the water bills. Now that more information has become available to the Board, Councilman VanTassel suggested they revisit this issue. Councilman Van Tassel noted that this was the first time he had seen this document.

Mr. Morris stated he wanted these issues to be resolved as he feels that in the future when there may be new sewer or water districts, these questions will need to be answered regarding hook-up costs and debt service. He stated it was very clear back when Harry Gutheil was Supervisor, that if you didn't hook up you would not incur any costs.

Supervisor Congdon referenced a memo he sent regarding District 6. He stated there were people hooked up in Water 6 that have this same agreement and they have never been billed. He cited the Landmark Hotel as being one of these examples. Supervisor Congdon stated he has been trying to resolve this for a year now. Councilman VanTassel retorted that this information was new and that the Supervisor just recently made mention of the fact that there are people hooked up that have never been billed. The Board has been trying to do discovery on this issue and did not have the facts that Supervisor Congdon brought to them just this past week. Councilman VanTassel stated the Board was just notified on Monday of the situation at the Landmark. He also clarified that the Board did not have all this information a year ago, and now that this information has come to light, they have asked the Water Superintendent to gather more information on this. He stated some concern over the multiple water districts and a lack of consistency among them. Supervisor Congdon stated he would like to see this resolved during his term as Supervisor, noting he had only nine months. Councilman VanTassel asked what the plan was. Supervisor Congdon responded that his plan is to pay back the money that they have been made to pay erroneously. Councilman Kusnierz responded that Councilman VanTassel pointed out there are inconsistencies across the districts. He noted that he just learned that the Landmark had a private contractor run water lines to them after hours. He advised it is unclear as to whether those people complaining have water lines running up to the house or not, he feels the Board needs more information. He further stated when they have the facts, they will have a uniform policy adopted by the Board.

Water Superintendent, Jesse Fish, advised that the houses in question have to be entered and looked at to see what hook ups are inside the house.

Supervisor Congdon stated he would like to talk about the Landmark. He was told that the reason the Landmark was not hooked up was due to the size of the water main going into the hotel. Mr. Fish stated the Landmark has never been made to pay. He also noted the Water Department wasn't aware that the line was smaller until about four years ago. They were asked by the Landmark to look at the lines and were asked if they could separate the lines and run water into the hotel. They went into the Landmark to look things over for them, explained what they would need to do in order to hook up. They measured the lines and explained to them they had a 2" outside diameter and not a 2" inside diameter that is required. He stated he never heard back from the Landmark after that. He stated that (the hook up) was done with a special deal between Mr. Gutheil, Mr. Shaver and Batcon. He noted the contractor was the same contractor that the Town used for District 6, Batcon. Supervisor Congdon asked who paid for it, to which Mr. Fish replied he did not know as he was not working for the Town at that time. Supervisor Congdon asked if the prior Water Superintendent, Mr. Shaver, was available. Elizabeth Lanfear advised she had spoken to Mr. Shaver earlier that week and had emailed the board with information regarding that conversation. She stated Mr. Shaver advised her that the owner of the Landmark had contracted with the same contractor the Town used. She understood that it was done after

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hours so that it wasn't at the Town's expense. She advised if there were further questions, they should refer them to the prior Water Superintendent, Mr. Shaver. A conversation ensued regarding the water line specs in the hotel versus what was needed to hook up. Mr. Fish advised that as far as he knows, the line still sits in the hotel, unused.

Councilman VanTassel addressed the Supervisor, stating the Board needs to review all the information and resolve the matter regarding who is and who is not being charged. The Water Superintendent stated if someone gets him a list of everyone that is being charged that is not using water, he would be more than happy to do an inside inspection of each one to see exactly what equipment, if any, is in there and verify usage, if any. Supervisor Congdon stated this was requested two months ago. Mr. Fish responded that he was awaiting the ok from Supervisor Congdon as he was asked by the Supervisor to wait until he (the Supervisor) had a chance to speak with those people first. Supervisor Congdon stated that in the future, if anyone thinks they heard him give direction, they should get it in writing, with his name on it. Mr. Fish stated he would have the information for the next meeting for every home he can get into.

Councilman Kusnierz asked if there were any residents that have water hooked up but do not have a meter, to which Mr. Fish responded not to his knowledge. He stated if there was a meter hooked up, we would be getting readings when he does the meter readings. He is not getting any readings at this time. Councilman Kusnierz asked if it was Town Policy to bill periodically those with a meter hooked up. Mr. Fish responded that when the Town issues a meter, the Town bills them periodically. Councilman Kusnierz asked if there were people that have a meter saying they shouldn't be billed because they are not using the water. Mr. Fish advised there is a list of those hooked up that are paying a debt service. Councilman Kusnierz asked if there was a list of those that signed the agreement that are saying they shouldn't be paying. Mr. Fish asked the Supervisor for verification that everyone not using water, but are being charged, are the people to be inspected. The Supervisor responded there were several people, some pay under duress, some refuse to pay. He referred to a list from Water District 1 of those people hooked up but are not using Town Water. Mr. Fish asked for a copy of that list.

Supervisor Congdon then went back to the topic of the Landmark's status and inside diameter vs. outside diameter. He asked Mr. Fish if there was a difference in flow to which Mr. Fish responded he didn't think it would make any difference. The Supervisor then referred back to the list and noted there were check marks and notes "still not using water" and remarked that Mr. Fish checked these people already. Deputy Clerk, Tammy Daley, clarified the check marks were hers, that she updated the list last June. She advised that she checked each account and that she based her findings on the actual readings that came from the meter reader sheets. They discussed the complaints regarding minimum bills being charged. Mrs. Daley advised if they do not pay the bill, it is relieved onto their Town & County tax bill. Councilman Kusnierz referred to the initial install of the Water District. He stated that the Board had made it clear, or at least had thought it was made clear, it was the homeowner's option to hookup. The caveat to that was, if they didn't hook up and decided to in the future, they would bear the expense of that hook up and buy-in. Some chose to have the meter put in and hook up, but not use the water, to save that future expense. He stated that it wasn't a free ride though, they still had to pay for the access to that water. He feels there may be some confusion on the matter for the homeowners and a brief discussion continued.

Supervisor Congdon made mention of a resident that would like to add to the discussion. Ms. Angela Wadsworth stated she had a question for the Water Superintendent, Jesse Fish. She asked him what the normal amount of pounds of water pressure is, coming into a residence. Mr. Fish replied 50-70 pounds depending on your location. She stated she had a plumber come in to her home because she has had problems with a leaking faucet and toilet. The plumber did a pressure check and found the pressure coming into the home in the afternoon was 63 pounds and 70 pounds of pressure during the night. She explained she was going to have well water so her main unit is only accepting 40 pounds of pressure coming into the house. She asked if there is a pressure reducer valve. Mr. Fish advised she should have one on her line. Ms. Wadsworth replied she did not. There was further discussion about the water pressure in her home. Mr. Fish said if there is not a pressure reducer valve in place, the town needs to get one for her plumber and have him put it in.

### **FALL SOCCER PROGRAM**

A regular meeting of the Town Board of the Town of Moreau was held on March 28, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Mr. P.J. Motsiff presented to the board his report of how last year's soccer program went. He thanked the Board for allowing him to run the program last year. He reported there were 435 kids and 60 parent volunteers. It ran for six weeks. Registration went very smoothly with only a few sign ups needing his attention. They used Blue Sombrero for online registrations and for communication purposes. He spoke of a few changes he made this year including no longer using referees and adding music to the Rec. He reported these changes went over very well with everyone. Mr. Motsiff gave some details of how their season went and shared some of the feedback from an online survey he put together. Some items suggested in the survey were: Better jerseys, adding a gap between games to help with parking, adding a Port-a Potty, adding a girls-only 5<sup>th</sup>/6<sup>th</sup> grade team and to advertise earlier to help with registration. Mr. Motsiff thanked Mr. Pete Corlew and the Rec staff for their support and field maintenance. He also stated he would like to run the program again this fall. Councilman VanTassel thanked Mr. Motsiff on behalf of the Board and himself. He noted there has been lots of positive feedback and improvements to the program. He asked Mr. Motsiff if he was offering the same proposal as last year. Mr. Motsiff advised yes, the only change he would like to make is to improve the jerseys, which would increase the registration by about \$5. He would still give back to the town \$10 per child. He advised he would put something formal in writing for the Board. Councilman VanTassel asked what more would he like from the Town. Mr. Motsiff replied it would be nice if they could have some new goals, both large and small for different levels. He also talked to Mr. Corlew regarding planting some grass in some of the sandy areas of some of the fields. Councilman VanTassel asked that Mr. Motsiff put his proposal with his modifications in writing and the Board will review it for approval.

### **STEWART AND BOVEE-ZONING REQUEST**

Supervisor Congdon asked if anyone had any questions regarding the zoning request change from Stewart & Bovee. There were no questions or concerns reported.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept lead agency for the zoning change.

Asked if all in favor, the following responses were given:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair, and carried, to set the date for a public hearing for the Stewart and Bovee's request for a change in zoning at 6:45 p.m. on May 9, 2017.

Asked if all in favor, the following responses were given:

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

### **HIGHWAY REQUESTS**

Highway Superintendent, Paul Joseph presented a request to the Board to approve spring cleanup of limbs and branches so that he can start scheduling it.

A motion was made by Supervisor Congdon and seconded by Councilwoman LeClair, to approve the Highway Department's limb and branch pickup program from April 24-May 19, 2017 and approval to run ads in the Post-Star and The Chronicle.

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Asked if all in favor, the following responses were given:

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

A memo was presented to the Board from the Highway Superintendent, requesting permission to attend the 2017 Highway School at Ithaca College from June 12 – 14, 2017. The registration fee is \$110.00 and there are funds allocated for the registration fees, travel costs, lodging and meals in Account #A5010.401, which has a balance of \$1,800.00 as of March 1, 2017. His memo stated that these are all proper Town charges.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the Highway Superintendent's request to attend the Annual 2017 Highway School in Ithaca, NY from June 12-14, 2017. This Account has an \$1800 balance as of 3/1/17 and will be paid from account A5010.401.

When asked if all in favor, the following responses were given:

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

Supervisor Congdon asked the Highway Superintendent, Paul Joseph, the cost of a new Brush Chipper. Mr. Joseph replied \$50,000 - \$78,000. The Supervisor asked how many days a year the chipper is used and what the cost is to rent a chipper. Mr. Joseph responded they use it 3-4 times per week this time of year and the rental cost would be \$600/wk. or \$1800.00/mo. After some discussion Supervisor Congdon asked that they look into how often they need a chipper, the cost to rent one and then evaluate the expenditure. Councilman Kusnierz suggested they look into State Municipal Funding through our State Senator. The decision to purchase a new chipper was tabled until further information is available.

### **POINTE DRIVE ROAD DEDICATION**

Brian Boric, Attorney for Riverview Galusha spoke about the road dedication of Pointe Drive. There was some discussion regarding the paperwork having the former Town Engineer's signature referenced. It was noted he, Gary Robinson, was the Town Engineer when the work was completed and submitted to Town Council. There was some discussion regarding the Feeder Dam project, however, it was stated that was not related to this road dedication. Mr. Boric offered to amend the wording to show Mr. Robinson as the Former Town Engineer, thus having the authority to sign off on it.

The following resolution was read into the minutes by Councilman Kusnierz:

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**March 28, 2017**

**TOWN BOARD**

**TOWN OF MOREAU**

**SUBJECT: RESOLUTION ACCEPTING DEED TO POINTE DRIVE FOR DEDICATION**

WHEREAS, Riverview Galusha, LLC has offered a deed to the Town of Moreau to dedicate Pointe Drive, located in the Potter Road Subdivision Phase III, as more particularly described in a survey map prepared by Northeast Land Survey & Land Development Consultants, P.C., dated December 5, 2016, and

WHEREAS, the Highway Superintendent and the Engineer for the Town have recommended acceptance of Pointe Drive for dedication for highway purposes, and

WHEREAS, pursuant to Moreau Town Code §124-17, Riverview Galusha, LLC executed and delivered to the Attorney for the Town a Warranty Deed with Lien Covenant, dated March 13, 2017, conveying Pointe Drive to the Town; and

WHEREAS, pursuant to Moreau Town Code §124-17(1), Riverview Galusha, LLC also executed and delivered to the Completion Bond for Site Work Including Asphalt Top Coat, Fine Grading, Storm Structure Adjustment and Seeding Work in the amount projected by the Letter of Credit Estimate as well as an Affidavit affirming the installation of the top coat of Pointe Drive; and

WHEREAS, Pointe Drive has already been improved as a street or highway, in accordance with the standards and specifications for a town highway within the Town of Moreau, and in conformance with applicable regulations and requirements and provisions of state law pertinent thereto; and

WHEREAS, Riverview Galusha, LLC has complied with all submission of all of the required documents contained in Moreau Town Code §124-17, including the providing of a Title Insurance Policy naming the Town of Moreau as the insured party;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, on behalf of Town, does hereby consent to the order of the Highway Superintendent laying out the said street and does hereby accept the deed of dedication on the said road, to be known as Pointe Drive; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to execute any and all necessary documents to effectuate the dedication, and it is further

RESOLVED, that the Town Clerk is directed to record the deed in the Saratoga County Clerk's Office.

Subject to proof of payment of Town Recreation fees.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to accept the Pointe Drive road dedication contingent upon proof of payment of Town Rec Fees.

Roll call resulted as follows:

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

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Supervisor Congdon                      Yes

**RECREATION REQUEST-COLOR RUN**

Councilwoman Gina LeClair stated the information she received from the Rec Director, Sandy Mahoney via email, regarding the Color Run for 2017. The date she has requested is August 27, 2017. The Moreau Community Center has offered to do online registrations as they did last year, as we do not have the resources to do this. They will turn the funds over to the Town after the run is complete, as they did last year. Ms. Mahoney will collaborate with the Moreau Community Center and hopefully the Family Wellness Coalition. She will be looking for sponsors for the t-shirts and color packets. She believes she has the DJ secured along with the photo booth and will be looking for food donations. Ms. Mahoney noted in her email to please direct any questions we have to her.

Councilman VanTassel advised Ms. Mahoney is looking for the Board’s approval to move forward with this event, however, he would like to see her pull together more information on this. He indicated we made some money on this last year but also noted there was a significant donation last year. He would like to be sure the expenses will not exceed the amount they can count on receiving. He stated that he, along with Councilwoman LeClair, will work with Ms. Mahoney to get something more formal on this.

**PERSONNEL POLICIES**

**Sick Days**

Councilman Prendergast stated there was a situation that came up recently where an employee requested to use sick leave for a sick family member and wanted to see how the Board felt about that.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to allow non-represented employees to use their own sick time to care for a sick family member.

When asked if all in favor, the following responses were given:

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

**Pay for Fire Calls**

Councilman Prendergast stated we have a copy of the Town of Wilton’s Fire Call Policy. There was some discussion as to how many current employees respond to fire calls during work hours and how it has been handled in the past. It was indicated that there are a few employees in the Recreation and Highway Departments that have responded in the past to fire calls during work hours and were paid. Rec Director, Pete Corlew, who is a member of the Fire Department, stated it is difficult to know how serious the call is until they arrive on the scene. He also noted that the Fire Company is called when there is personal injury, otherwise the Fire Department doesn’t get a call. A brief discussion continued resulting in a vote to adopt a similar Fire Call Policy as the Town of Wilton has in place.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast, to adopt a policy for fire and emergency calls, similar to what the Town of Wilton has in place, for employees that are members of the Town of Moreau EMS and South Glens Falls Fire Company.

Roll call vote resulted as follows:

Councilman Prendergast                      Yes



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

The following policy is a modified version of the Town of Wilton's Fire and Emergency Call policy. It has been modified for use by the Town of Moreau.

POLICY: FIRE AND EMERGENCY CALLS  
ADOPTED: MARCH 28, 2017

In the event of a fire or emergency during the normal work day, requiring assistance of volunteer emergency responders who are also full time Town employees, these employees will be permitted to respond to the emergency without any reduction of their normal pay. This provision applies to emergency situations only and is not intended to apply to administrative or other duties that are able to be performed during the non-Town working hours. Additionally, the following conditions must also apply:

- The employee must be an active volunteer for either the Moreau Emergency Squad or the South Glens Falls Fire Department.
- During work hours, the employee must first notify their Department Head or the Town Supervisor before responding to the call.
- If there is no crucial need, as determined by the Department Head, his/her agent or the Town Supervisor, for the employee to remain at work, then the employee will be allowed to leave work to respond to the call as long as the call is not outside their own fire district.
- If the call occurs during non-work hours and the emergency extends into normal working hours, every effort should be made by the employee to notify their Department Head or Town Supervisor as soon as is reasonable.
- Once the emergency is over, the employee shall return to work during normal working hours.
- The Town of Moreau shall not be liable in any way for employees who respond to calls in accordance with this policy.
- Under no circumstances are fire radios allowed at work or in a Town vehicle. Fire beepers may be used.
- If the employee is a member of a fire company, other than the South Glens Falls Fire Department, and that fire company is called in for a fire in Moreau, the employee would be paid for the time missed at work.
- The following are emergency situations that the Volunteer Emergency Responded may respond to:
  - A working structure fire
  - A motor vehicle accident with entrapment
  - A natural disaster

**All situations not listed above will require Department Head approval and the employee must charge leave time.**

### **Town Hall Closed**

Supervisor Congdon stated recently the Town Hall was closed due to a snow storm and those that normally would have reported to work that day, will be paid unless time-off without pay was previously scheduled. If time off without pay was previously scheduled, that individual would not be paid for that day. The Board agreed with the Supervisor.

### **Highway Department**

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There was a discussion regarding the hourly and overtime rate for a Highway employee, Maureen Leerkes, who has a full-time Clerical position but sometimes, fills in as a Wingperson. Currently she is paid her Clerical wage rate for her everyday job and being paid the Wingperson over-time rate when filling in as such. Supervisor Congdon stated he had no problem with the way things are being handled now. Councilman Kusnierz advised we need to look at the State Labor Law in regards to what pay rate she should receive when filling in as a Wingperson, which is a lower hourly rate. He stated she should be paid overtime at her higher Clerical rate.

Councilman VanTassel suggested we validate the State Labor Law on this and if we are not doing it the right way, we will start doing it the right way. He asked Town Attorney, Malcolm O'Hara if he had an opinion on that. Mr. O'Hara responded he would have to check on that. It was asked if there would be a charge for that and Mr. O'Hara responded that type of question would be covered under their monthly retainer. Councilman VanTassel asked that we check with the Association of Towns to validate the State Labor Laws.

Councilman VanTassel asked if the 10-hour, 4-day work week applied to Ms. Leerkes. Supervisor Congdon and Councilman Prendergast stated they felt she should be working 5 days a week. Deputy Town Clerk, Tammy Daley asked the Board if Ms. Leerkes is included in the 10-hour, 4-day work week, would that apply to all Clerks. The Board responded that Ms. Leerkes is not included in that and it would also not apply to other Clerks.

### **Building Inspector**

Councilman Prendergast asked if the Building Inspector gets Comp or Flex time. Supervisor Congdon asked where that question came from. The Supervisor's Secretary, Elizabeth Lanfear, stated it came from her as she needs direction when processing payroll. Councilman VanTassel noted that during the Building Inspector's interview it was mentioned that there would be times he may be asked to go out early for an inspection and if so he would be allowed to come into the office a little late to make up for that. He asked for clarification if that was what Ms. Lanfear is referring to. Ms. Lanfear said it came up when doing payroll and noted sometimes he is not taking lunch and wanted some direction as to how to handle the payroll. Councilman VanTassel mentioned he was not in favor of employees not taking lunch. He reiterated that during the interview process the Board indicted they would be flexible for those times he was asked to go in early or stay late for inspections. Supervisor Congdon stated the Building Inspector position is a 35 hour work week. He does not think if he comes in at 7am for an inspection that he should be able to use flex time and leave at 2:00.

### **TRANSFER STATION**

#### **Waste Hauling Bids**

Councilman VanTassel asked the Supervisor if he had a recommendation, to which the Supervisor responded he did not. Ms. Lanfear stated Ted Monsour, Transfer Station Superintendent, would like the Town to stay with the current waste hauler, Waste Management, due to only a few dollars difference in the bids.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair, to stay with the current waste hauler, Waste Management of NY, LLC: 100 West Ransier Drive in West Seneca, NY.

When asked if all in favor, the following responses were given:

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

#### **Community Service**

A regular meeting of the Town Board of the Town of Moreau was held on March 28, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon stated our Transfer Station Superintendent, Ted Monsour, hired someone who had been sentenced to Community Service. Councilman VanTassel clarified that no one was hired. We were asked by the courts to allow it. Supervisor Congdon stated he wanted the Board to be aware. Councilman Kusnierz stated the Board needed to be more than just aware of it, the Board needed to approve it. Councilman VanTassel agreed.

Ms. Lanfear addressed Mr. O'Hara with a question regarding the Town's liability if he is hurt as a non-employee at the Transfer Station. Supervisor Congdon stated he was covered. Mr. Corlew advised the Board that in the past, when someone had been assigned Community Service in the Rec Department, Washington County Court had sent paperwork to him advising the individual would be covered. Ms. Lanfear stated this current individual was assigned Community Service via the Warren County Alternative Sentencing Program. Supervisor Congdon advised nobody is given permission to work unless it is approved by the Board. He addressed Mr. Corlew and stated it was a new rule, no one is allowed to work without Board approval. Mr. Corlew agreed to do so. Councilman VanTassel noted that he too had concerns about the Town's liability and asked if there would there be a Hold Harmless Agreement for the Town. He advised he would need a little bit more information.

Councilman Kusnierz asked what the individual would be doing for the Town. Ms. Lanfear advised he would be helping Mr. Monsour and has already been there a couple hours and it went well.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz, to give Mr. Monsour permission to utilize the individual listed on his request brought to the Town by Warren County Alternative Sentencing Program, pending the Supervisor's office obtaining verification of coverage from an insurance perspective.

When asked if all in favor, the following responses were given:

Councilman Kusnierz	Aye
Councilman VanTassel	Aye
Councilman Prendergast	Aye
Councilwoman LeClair	Nay
Supervisor Congdon	Aye

Councilwoman LeClair stated she had some concerns about taking on this risk.

### **OLD BUSINESS**

- **Attorney-Proposal from the Laberge Group for a Sewer Rate Analysis dated March 23, 2017.**

Supervisor Congdon addressed Mr. O'Hara asking him for his opinion of the charges in Water District 1. Mr. O'Hara stated he needed to look into the situation more, he is still gathering information.

Supervisor Congdon clarified that he was referring to the earlier conversation regarding Water District 1, and the legality of the document. Mr. O'Hara advised that was not what was being talked about at that time. The Supervisor expressed his disappointment in the lack of answers from the Town's Attorney. Mr. O'Hara remarked that Mr. Fish was given direction to gather further information on that topic.

Mr. Fish stated he was tired of hearing that Jesse is going to collect information. He clarified that the Supervisor was asking if, whether they are taking water or not taking water, was that a legal document? The document says they are not supposed to be charged, is that the way it's supposed to be whether they have a meter in there or not, are they supposed to be charged? He noted the document states they are not supposed to be charged unless the water is flowing through the meter. Mr. O'Hara responded, if that document is the only document relevant and if there is no other document that imposes a debt service to

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everyone in the water district, then he did not disagree with the Supervisor's interpretation and had told him so last week.

There was further discussion regarding the legality of the document in question and the lack of answers from the Town's Attorney.

Councilman Kusnierz would like to see the Map, Plan and Report from when Water District 1 & 6 were created.

Ms. Lanfear stated she had that information in her office and that no one had asked for them. Mr. O'Hara advised he would be in contact with her.

- **Attorney-Acceptance of block, faxed and electronic signatures on vouchers.**

Mr. O'Hara advised that Ms. Buettner was working on that. Ms. Lanfear stated she spoke with the State Auditor and was told original signatures were not required. Councilman Kusnierz asked if she had that in writing to which Ms. Lanfear responded she would have that the next day for him.

- **Recreation-Sandbar Beach**

Supervisor Congdon noted he did not approve of spending \$1800.00 to determine the high water mark on the Beach House building. Councilwoman LeClair suggested we get a new quote for it. The Supervisor also questioned the need for flood insurance on the building. Councilwoman LeClair stated she looked into whether it was necessary to have flood insurance and obtained quotes for the purpose of due diligence but felt they were high.

- **Engineering-Storm water Management Report Officer**

Supervisor Congdon asked if everyone understood there are two positions involved here. The Engineer, who does the year-end report, and the Town employee, who does the day-to-day reporting on activities. He asked the Highway Superintendent, Paul Joseph if he had a chance to speak with Ms. Leerkes about this. Mr. Joseph responded that Ms. Leerkes would like to sit down and discuss it between the three of them.

The Supervisor described the process of obtaining a driveway permit and building permit. He explained how it relates to storm water runoff. He feels the issues can be dealt with through communication between the Building Department and a Storm Water Management Officer and he feels the Storm Water Management Officer should be a Town employee. He feels Ms. Leerkes of the Highway Department should be the Storm Water Management Officer as most of the work is in the Highway Department. At the end of the year a final report is done, similar to an Audit, of the work Ms. Leerkes will do.

Mr. Joseph disagreed with the Supervisor and stated the storm water has mostly to do with the Building Department and not the work of the Highway Department.

The Supervisor asked if the Board was prepared to make Ms. Leerkes the Storm Water Management Officer, as that was why she was made full time. Councilman VanTassel stated that was not the reason she was made full time. He recalled it was due to additional responsibilities that the Board wanted her to take on to help support the Storm Water Management.

Councilman VanTassel stated the LaBerge proposal he was looking at had already been reviewed by the Board and that the Supervisor voted for it and had been authorized to sign it by the Board. He also noted that LaBerge had suggested this position should be someone in the Building Department and that the Supervisor had agreed to that.

There was further conversation as to which department should have the Storm Water Management Officer. It was then agreed to table the decision until the Board hears from Ms. Leerkes.

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- **Energy**

Supervisor Congdon thanked Mr. Antis, he stated he was doing an excellent job and thanked him for putting his Energy Report in writing.

- **Energy-Cost Control Associates Agreement**

Councilman Prendergast noted he had thought he made a motion giving the Supervisor authority to sign the agreement a couple of meetings back. The Board confirmed he did make that motion. Ms. Lanfear stated she has the agreement but she didn't think there was authorization to sign it. The Board agreed there was authorization to sign the agreement.

- **Energy-Smart Watt**

Councilman Prendergast stated Smart Watt should be intertwined with the budget process. The Town hadn't done so this past year during the budget process, however, he would like to do so this year for the 2018 budget process.

- **Town Hall-Curb Cut**

The Supervisor noted there was nothing new with the curb cut due to the weather.

- **Town Hall-Ongoing bird issue at the entrances**

Supervisor Congdon made a suggestion we put up paneling in the ceiling of the entrances. Councilwoman LeClair stated she spoke with Kevin Elms and Ms. Lanfear. Mr. Elms is willing to help and Ms. Lanfear would be able to borrow a lift from the school. Councilwoman LeClair noted it would be at a minimal cost.

- **Town Hall-Changeover of Email Server**

Councilman VanTassel advised the Board that J.R. Petteys came up with a proposal. He would like to come in and visit each of the sites and get a quick assessment or inventory of what we actually have in order to move to Office or host an exchange, which is the migration of the email. He stated that employees that have email, use Outlook. He noted that they have to be using a version that is 2010 or greater. This will impact the cost. Councilman VanTassel will advise J.R. that Leeann will be in her office on Monday, 4/1/17, and that he may come in to meet with her.

- **Town Hall-Insulation**

Councilman VanTassel stated it was his understanding that the Building Inspector, Matt Dreimiller, has met with Mr. Snyder. He stated that Mr. Snyder needs to come back to the Town Hall to do a walk-through of the attic and make sure everything is ok up there.

- **Town Hall-Legal Services Contract**

Supervisor Congdon expressed this topic was more than they could get through successfully that night, he would like to table it. Councilman Kusnierz asked the Board if the Deputy Supervisor had the authority to sign the contract. Mr. O'Hara stated there was a change to the contract regarding the Planning and Zoning Board meetings. He stated if they were asked to attend a meeting by a chairperson, the legal fees will be included in their monthly retainer. This change was made to clear up any ambiguity in the original contract. There was some discussion regarding the firm's rates. Mr. O'Hara stated they have removed any ambiguity in favor of the town. The Supervisor noted his concerns and advised he would like to see Mr. Klick's rate analysis in writing.

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Councilman VanTassel stated he understood the Supervisor needed to get comfortable with this but for the record, they had already voted on this.

The Supervisor expressed his opinion again and asked that they table it until another time.

Councilman Kusnierz noted he respected what the Supervisor has to say and what the other duly elected officials had to say as well, but would hope the Supervisor would respect the legislative process. We have gone through the legislative process and voted to retain this firm on a 4:1 vote. He noted some of the Supervisor's concerns were addressed in the revised contract. They already voted on it and would like him to sign it.

There was some discussion regarding the date in the caption area of the memo from the Town Attorney's office to the Town. Mr. O'Hara clarified the caption area of the memo was left unchanged from the original memo in error.

Councilman Kusnierz addressed Councilman VanTassel asking him what his position was with the contract. Councilman VanTassel stated he is still in agreement with the revised contract.

A motion was made by Councilman Kusnierz and it was seconded by Councilwoman LeClair, to engage the legal services of Bartlett, Pontiff and Rhodes as provided in the most recent draft contract that addresses the concerns of the Supervisor and to authorize and direct the Deputy Supervisor to sign the contract.

A roll call resulted as follows:

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

#### **WATER-BACK-FLOW PREVENTER INSPECTIONS**

Councilman Prendergast asked the Water Superintendent if he had received a call from Ms. Buettner, Mr. Fish replied no. He advised the Board that the Back-Flow Preventer Inspection letters went out. He stated there was no due date on the letters. Councilman Prendergast noted there were a few businesses in town that have not complied and notices have been sent.

- **Old Business: Industrial Park-Storing Gravel**

Councilwoman LeClair stated she needs to let National Grid know where to put the gravel. She already has Board approval to do it, she just needs Board approval to work with Paul to pick a lot in the Industrial Park. The Supervisor stated he was ok with Paul picking a lot. Councilman Kusnierz asked Mr. Joseph if he was ok with that, Mr. Joseph stated he has no room in the Highway Garage. There was further discussion on where to put the gravel that could not be heard due to multiple conversations happening at the same time.

There was no formal motion made to adjourn, however, Supervisor Congdon stated, "A motion is in order to adjourn", he repeated "A motion is in order to adjourn." He asked if he had a second or not. He stated there were two members asking for a motion to adjourn. He then asked if it could be respected please.

Councilman VanTassel said, "I'll second that."

Asked if all in favor, only the following listed responses were heard definitively:

A regular meeting of the Town Board of the Town of Moreau was held on March 28, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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

The Supervisor called the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Lisa Sperry  
Deputy 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](http://www.townofmoreau.org)