

A regular meeting of the Town Board of the Town of Moreau was held on April 25, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Before the regular meeting opened, Phil Kozial, P.E. from Laberge Group gave a brief presentation, which followed after the closing of the public hearing held prior to this regular Town Board Meeting. His presentation detailed how the MS4 program functions and the responsibilities of those in charge. He stated that the Town is required by State and Federal regulations to participate in the MS4 Program. He stated that the permit has 6 minimum control measures, which he listed. He stated that each year there is required reporting on the goals that were established and future goals. Mr. Kozial stated, following this short presentation, that he could continue with the education or come back at a later date. Councilman Prendergast asked how long the education process would take. Mr. Kozial replied that it would depend on what the responsibilities of the Board are. He explained that some education is done with webinars or some with presentations like this one. The Supervisor was of the opinion that he should meet with the person who will be doing the reporting, Maureen Leerkes, and stated that she was in attendance at this meeting. He stated that he could explain to her what her role will be. He also suggested an educational session for the Planning Board as well. The Supervisor stated that the program is a partnership between the County, the Town, the engineers and the Stormwater management official. Mr. Kozial concluded his presentation at 7:07 p.m. The Town Board thanked him for his time.

The Supervisor called the regular meeting to order at 7:09 p.m.

The Town Clerk called the roll.

### **Town Board Members Present**

Todd Kusnierz	Councilman [arrived at 7:35 p.m.]
Alan VanTassel	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Gardner Congdon	Supervisor

### **Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Chris Abrams, Highway Department; Maureen Leerkes, Highway Department Clerk; Malcolm O'Hara, Attorney for the Town; Jesse Fish, Water Superintendent; Reed Antis, Sr. Energy Advisor and Planning Board Member; Town Residents: Bruce Flayer, Virginia Livsey, Bob Vittengl, Tom Hutchins, Elizabeth Lanfear, Carrie Morrison-Baker, Kyle Noonan; Village Resident: Pete Lemery and Brigid Martin

The Supervisor led the Pledge of Allegiance.

### **APPROVAL OF MINUTES – March 15, 2017 and April 11, 2017 (3 Sets)**

The minutes of March 15, 2017 had been provided to the Town Board previously but the motions to approve them failed.

A motion was made by Councilman Prendergast to approve the minutes of March 15, 2017. The Town Clerk reminded the Councilman that he wasn't in attendance at that meeting. He rescinded his motion.

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

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

Councilman Prendergast	Abstain
Councilwoman LeClair	Aye
Councilman Kusnierz	Absent
Councilman VanTassel	Aye

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Supervisor Congdon                      Aye

The minutes from April 11, 2017 (3 sets) were prepared and presented to the Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to approve the minutes from April 11, 2017 (3 sets) as prepared.

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

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

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

Reed Antis stated that he was disappointed with the Highway Garage lawsuit and that he felt that Counsel had let the Town down. Supervisor Congdon stated that the law firm has made a recommendation but that the Board hadn't taken any action on the lawsuit yet.

Elizabeth Lanfear asked about the BOCES contract. She stated that she had read the agenda and the Board is to memorialize a vote but the contract wasn't available. She asked what the contract was for. Councilwoman LeClair explained that BOCES conducted a logging training session on Monday to reinforce safety procedures and that they'll be doing more work when the contract is signed.

Ms. Lanfear stated that she only saw one quote for the curb cut and asked the Supervisor if he would be getting additional quotes. The Supervisor stated that it would be up to the Board.

Ms. Lanfear stated that she noticed a pile of red clay dust at the recreation park and asked if there's only one place to get the dust. She saw that they were going to memorialize a vote tonight and wondered what the process is. The Supervisor stated, that he would expect that Mr. Corlew had called around to get the best price. She stated that the reason she's asking is because during basketball season, T-shirts were ordered, and the Board was presented with the information after the fact. There were more shirts ordered than there were players. If there were extras, they should have been used the following year but instead extra shirts were ordered the next year. She asked if the Board gets information on recreation purchases before they get approved. She asked where all the extra shirts are? She stated that it's the same with the clay dust and asked if the Board knew how much was spent, how much was actually purchased and how much was needed. Councilwoman LeClair stated that she would get an answer for her.

Councilwoman LeClair asked Ms. Lanfear who should be contacted in order to get the lift from the School. Ms. Lanfear told her that the Supervisor's office could handle it and that they could contact the maintenance department at the School. Maureen Leerkes told the Councilwoman that she should contact Ron, the maintenance facilitator.

**INSURANCE RENEWAL**

There was a brief discussion as to the renewal of the Town's Insurance Policy. Dave Meager had given a presentation at the last regular Town Board meeting and there were changes asked to be made. The Supervisor stated that they need to approve the renewal because the policy is due to renew May 1, 2017. He stated that the changes the revision included were the removal of coverage for the beach house, the removal of coverage for the garage at 61 Hudson Street, the salt shed and to remove the collision on the older Highway Department vehicles. Councilman Prendergast asked where they were at with the Water Towers. The Supervisor stated that he wanted to have more discussion with Dave Meager on the subject. Councilman Prendergast stated, that's the only thing he's nervous about. Councilman VanTassel wasn't comfortable authorizing the renewal without seeing it first. He also stated that he wasn't comfortable with

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memorializing votes. There was more discussion on how they would proceed with renewing the policy and the following was offered.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast authorizing the Supervisor to request that his office poll the Board, on the renewal of the Town's Insurance, on or before April 28, 2017, under the condition that the Supervisor's office will deliver to the Board the revised proposal for review before that date.

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

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

#### **HIGHWAY GARAGE ROOF SETTLEMENT**

Attorney O'Hara asked if the Board wanted to discuss this in open session or executive session. The Supervisor noted that it would be an executive session discussion.

#### **BOCES CONTRACT – MEMORIALIZE VOTE**

A motion was made by Councilwoman LeClair authorizing the Attorney for the Town to update the contract used in 2014, to allow BOCES to continue their program in the recreation park and authorizing the Supervisor to sign the contract.

Before there was a second to the motion, there was discussion as to how the Board wanted the contract amended. Either to just change the to and from dates or to amend the dates to be open ended. The Board was in agreement that he should just amend the to and from dates. Attorney O'Hara stated that each year they can do a new one.

The motion was seconded by Councilman Prendergast.

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

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

#### **RESIGNATION OF RICHARD KUBIS – ZONING BOARD**

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to accept the resignation of Richard Kubis from his position on the Town of Moreau Zoning Board of Appeals.

Roll call vote resulted as follows:

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

Councilman VanTassel stated that this leaves the Zoning Board without a Chairperson. He recited section 267 of Town Law, which states, in the absence of a Chairperson, the Board of Appeals may designate a

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member to be the acting Chairperson. Councilman VanTassel asked if they need a resolution and Attorney O'Hara stated that they would need a resolution if the Town Board appoints a permanent Chairperson. Reed Antis stated that this leaves them with a four member Board. Councilman Prendergast stated that they've advertised for these positions in the past and it hasn't produced names. The Supervisor stated that there should be a notice that there is a vacancy. Reed Antis stated that the Board should take a leadership role and make phone calls to people they know that are qualified, letting them know that there's a vacancy. The Supervisor asked Mr. Antis, since he had brought the subject up, if we would drop off a list of qualifications. There was a brief discussion between the Supervisor and Mr. Antis, with both talking over each other.

### **BACKFLOW PREVENTER INSPECTIONS**

The Supervisor asked Jesse Fish the status of this item. Mr. Fish replied that they were all set.

### **WATER TOWER LEASE AGREEMENT WITH AT&T/CINGULAR**

The Supervisor stated that there was a question as to extending the term of the lease. He stated that he didn't have an opinion, one way or the other. Councilwoman LeClair stated that she had spoken with Attorney Buettner and asked if they would consider a shorter amount of time and more than the 2%. She stated that Attorney Buettner would look into it. Councilman Kusnierz stated that he wasn't supportive to go out that far. The current leases are for 5 years and he didn't feel that they should tie their hands with a lease that lengthy. This item was tabled for further discussion at a future Town Board meeting.

### **HIGHWAY DEPARTMENT REQUEST**

- Tandem Roller

Chris Abrams, Working Foreman, was present to answer any questions in the absence of the Highway Superintendent. He stated, that what they have now is 25 years old and it would cost approximately \$5,000.00 to bring it up to specs, provided that they could find the parts. The Supervisor asked how soon they would need a new roller and Mr. Abrams replied that they're ready to start work now. The Supervisor stated that this was budgeted and asked the Board what they wanted to do. Councilman Kusnierz stated that he was concerned that the unit has no roll bar and that it's ~~happened~~ rolled over [amended 5/9/2017 lm] before. He stated that it's a liability issue. The cost to repair and the safety issues were brought up at budget time. He stated that he has no problem moving forward with a purchase that they budgeted for and to see if they can get some residual value out of the old roller [amended 5/9/2017 lm]. Mr. Abrams replied that the Highway Superintendent holds an auction every year.

There were 6 quotes received as follows:

Nortrax Equipment                      \$33,970.00  
14 The Crossings Blvd.  
Clifton Park, NY 12065

Milton Cat                                \$38,682.00  
500 Commerce Drive  
Clifton Park, NY 12065

Finke Equipment                        \$38,138.70  
1569 US-9W  
Selkirk, NY 12158

Stephenson Equipment, Inc.        \$34,349.00  
10 Industry Drive  
Waterford, NY 12188

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Vantage Equipment, LLC                   \$34,497.00  
17 Northway Lane  
Latham, NY 12110

Wallace Supply                               \$34,672.96  
1434 Route 9  
Fort Edward, NY 12828

The Highway Superintendent noted in his paperwork that he is recommending the purchase from Nortrax Equipment.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the purchase of a Small Tandem Roller from Nortrax Equipment in the amount of \$33,970.00 and to be paid from account DB5130.2, which has a balance of \$227,472.10 as of April 1, 2017.

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

**RECREATION REQUESTS**

- Red Clay Dust – Memorialize Vote

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair memorializing the vote to authorize the purchase of red clay dust for the Recreation Department in the amount of \$2,538.00, which was a budgeted item.

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

- Zero Turn Radius Lawnmower Purchase

The Recreation Department submitted 3 quotes for a Zero Turn Lawnmower as follows:

Emerich                                       \$4,475.51  
1369 Route 9  
South Glens Falls, NY 12803

Falls Farm & Garden                   \$4,346.32  
1115 Dix Avenue  
Hudson Falls, NY 12839

Emerich                                       \$4,399.20  
1369 Route 9  
South Glens Falls, NY 12803

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Their recommendation was to purchase the John Deer from Falls Farm & Garden. Councilman VanTassel stated that he had spoken with Pete Corlew and advised the Board that he wasn't asking for the John Deer as indicated on his request. Councilman Kusnierz stated that the 2 machines that are a little more expensive are offered locally, in Saratoga County. He stated that there's only \$23.00 difference between the lowest bid and the middle bid. He thought that the question is, do they go with the highest or second highest quote. He stated that both of those machines are larger and commercial grade. He stated that the lowest price unit is for residential use and that the equipment used by the Recreation Department gets a lot more use. He also stated that the lowest price mower has a 4 year/300 hour warranty and the 2 highest price mowers have a 4 year/500 hour warranty.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the purchase of a Zero Turn Mower from Emerich's at a cost of \$4,475.51 and to be paid from account A7140.2, with a balance of \$8,987.00 as of April 21, 2017.

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

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

Attorney O'Hara stated that there was an item for discussion that wasn't on the agenda. He stated that he was asked to prepare contracts for South Glens Falls Baseball and South Glens Falls Girls Softball. He stated that he would need a Board resolution to execute.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the Supervisor to sign contracts for both South Glens Falls Girls Softball and South Glens Falls Youth Baseball as presented by the Attorney for the Town.

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

### **OLD BUSINESS**

The Supervisor suggested they start at the bottom of Old Business and work their way up.

- Transfer Station – Memorialize Vote to approve 21 month contract with Waste Management

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to memorialize the vote of a contract with Waste Management for a 21 month term.

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

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

- Town Hall – Force Main Payback

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The Supervisor stated that he has a letter from Laberge Group regarding the methodology, from an engineering standpoint as to recapturing the funds. He stated that there's legal work that needs to be done and he expected that the Attorney would want to discuss the matter in executive session. Attorney O'Hara stated that he hadn't seen the response yet. The Supervisor stated that he was referring to the legal work necessary to change the use of the force main and how to move forward. Attorney O'Hara stated that he had given the Supervisor letters on the subject. Attorney O'Hara stated that if he would like to discuss in executive session, they can. The Supervisor stated that it was in the budget and there will be a shortfall if it's not taken care of. Councilman VanTassel stated that they authorized Laberge Group to do the sewer analysis and asked when the Town would see the results. The Supervisor stated that he would talk to them tomorrow and will make sure he gets a copy. He stated that there's engineering work involved and there's legal work involved. He stated that somebody needs to get this done, otherwise at the end of the year, the Town will be short a lot of money. Councilman Kusnierz asked if a letter had been received from the engineer. The Supervisor stated that he did receive a letter and thought that the Board had been copied. He stated that he would look into the matter. Councilman VanTassel stated that they would look for the results from Laberge and suggested they talk to Counsel in executive session to get things moving.

- Town Hall – Personnel Policies

The Supervisor stated that he had copied the Board on a memo that had been sent out regarding some changes in time slips and such. He asked if the Board was in agreement. Councilman Kusnierz stated that he didn't recall seeing the memo and asked for a copy.

~~Councilman Kusnierz reported that he did have the sewer analysis from Laberge. [amended 5/9/2017 lm]~~

- Town Hall – On Call Building Inspector

The Supervisor stated that he had nothing to add and that everything is running smoothly. He stated that he's had no complaints, except one.

- Town Hall – Insulation

The Supervisor had nothing to add on this agenda item. He stated that they haven't been paid yet.

- Town Hall – Changeover Email Server

Councilman VanTassel stated that PS Technical Service had done a site assessment and provided the Town with a new proposal. He asked the Board if they had seen the proposal. The Supervisor stated that he would rely on Councilman VanTassel's expertise. Councilman VanTassel explained that the Town's current email is being serviced through Mannix Marketing. They've given the Town notice that they are going to be shutting that down and we'll have to move to a new email platform. He stated that there are also State regulations for security of email. He stated that the Town should strongly consider an enterprise type solution for email. He stated that it would be costly to bring in our own server to host our own email. He suggested migrating to a Microsoft Office hosted exchange or Microsoft Office 365. He stated that there are two problems that the Town is dealing with, the Town's current version of Microsoft Office Suite is a mix of 2003 through 2007 with a 2016 version of email. He stated that the Town can buy new versions of Microsoft Office and when new versions come out, they will have to buy the newer versions or we can move over to a subscription model (pay as you go). The recommendation of PS Technical Services for 20 users with email and Office and 4 existing Board members who have email only for a cost of \$12.50 per month per user for email and office and \$5.00 per month per user for just email. The Supervisor asked what his recommendation was and Councilman VanTassel stated that the Town should consider the proposal from PS Technical Services. He also stated that there is a lot of work to get done. The estimate is for \$6,500.00. It won't be more than that but it could be less. He stated that everyone who has email will probably have old emails, files and junk that can be deleted. By deleting, it would cut the migration time down and might cut the cost of the project down below the \$6,500.00. Councilman Prendergast asked what Councilman VanTassel was recommending for Microsoft Office, to buy a new version or to buy a subscription. Councilman VanTassel replied that he would recommend the subscription because you're

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always assured of having the most current version. It would always have the newest levels of security. He stated that in a long period of time, the costs would end up the same. He stated that the Town was reminded recently, by Mark Mannix, that they would like us to get moving. Councilman VanTassel stated that the total estimate which includes the annual fee is \$9,740.00. Councilman Prendergast asked where this would come from out of the budget. Councilman Kusnierz suggested breaking it down by account users. Councilman VanTassel stated that the annual cost per year after the initial set up will be around \$3,000.00 per year. Councilman Kusnierz stated that he was supportive of the plan but wants to see the account codes broken out before he votes on it. Councilman VanTassel stated that he would ask PS Technical Services to provide in writing to Fran with the analysis so she can break out the charges by departments. He asked if the Board desired to try and get the cost down or go with a cost not to exceed. Councilman VanTassel thought the Town would be safer with a flat rate. He stated that this should be ready to vote on by the next regular Town Board meeting.

- Town Hall – Ongoing Bird Issue

The Supervisor stated that he would recommend putting up paneling. It would look better and solve the problem. Councilwoman LeClair stated that Kevin Elms is still willing to help at no cost to the Town. She stated that she would call the school to look into borrowing their lift truck. Councilman Kusnierz stated, that after the article ran in the Post Star, he had several contractors call him and tell him that fishing line does work. He was of the opinion that they should try the wire first before they panel it. Maureen Leerkes stated that the School had let the Highway Department use their lift when they needed to change light bulbs. Councilman Kusnierz asked if she would be willing to contact them for the use of the lift for the birds. Maureen stated that she would contact them tomorrow and find out what their availability is.

- Town Hall – Curb Cut

The Supervisor stated that the curb should be cut on a Friday so that it can be poured over the weekend so that the building can be open on a Monday. He also stated that the Highway Department doesn't work on Fridays. Maureen stated that there are two men on call on Fridays. The Supervisor asked if that would create overtime and Maureen replied that it would. Councilwoman LeClair asked who the contractor was that they're dealing with. The Supervisor replied that he wanted \$1,800.00 for the job. Elizabeth Lanfear stated, that was what she asked earlier in the meeting. She wanted to know if the Board was going to get three quotes. Councilman Kusnierz stated that the cut can be done and then roped off. He asked the Supervisor if his office can reach out and get 3 prices. The Supervisor stated that he would. Ms. Lanfear stated that Paul Joseph had wanted to talk to the contractor before he cut anything. Councilman Kusnierz stated that there must be standards that the Building Department would have.

- Town Hall – Constellation/Solar City

Mr. Antis stated that the Constellation agreement is a Power Purchase Agreement. He stated that he believed the program ended on December 29, 2016. He stated that if you sign a new agreement with Constellation, the Town would have 2 Power Purchase Agreements. He stated that the Town already has one with Solar City. He stated that once Solar City is up and running, you can't have 2 competing Power Purchase Agreements. He mentioned that he has monitored the bills from National Grid and Constellation and the Town hasn't been charged recently for the supply. He thought that after the contract is signed, they may bill for those charges. He stated that once Solar City is operational, the Town will want to drop Constellation but they need to make sure that there won't be any penalties. Mr. Antis explained again that that the renewal from Constellation will be the third renewal and that they provide the supply for energy services. He stated that the Town also has on the table, a deal from Solar City to buy power from the solar array to be built. He stated that you can't have two Power Purchase Agreements at the same time on the same meters. Councilman Prendergast asked if the Town needs to sign an agreement with Constellation for a short period of time. Mr. Antis thought that a year was the minimum. Councilman Prendergast asked how long it will take Solar City to be up and running. Mr. Antis stated that as soon as they get it done, they get their incentive money from the State, so they're going to go as quick as possible. He stated that it's at a standstill until the Supervisor signs the agreement. He stated that the Town was waiting to make sure that the cash credits could be used toward the lighting districts. He also stated that



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the biggest bill is for the Highway Bridge lighting. Mr. Antis recommended signing the Solar City agreement and then check with the attorney to see if the Constellation can be continued until Solar City is ready and to be able to cancel without penalty once it's up and running. Councilman Prendergast clarified that it would be beneficial to use Constellation until Solar City is up and running. Mr. Antis replied "yes" as long as there are no penalties for cancellation. Councilman Prendergast asked Mr. Antis to see if he could get a contract for a 6 month period from Constellation. Mr. Antis stated that he would and also would check to see if there are any penalties if cancelation occurs before the end of the contract.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast authorizing the Supervisor to sign the Solar City agreement pending Counsel's review.

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

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

Councilman Kusnierz stated that he had voted no because he hadn't read the contract.

The Supervisor thanked Mr. Antis for all the work he did on the street lighting.

- Engineering – Stormwater Management Officer

The Supervisor stated that he wasn't sure if it had been formalized but it's understood that Maureen Leerkes is the Town's Stormwater Management Officer and would like to recognize her as the person to be in touch with Phil Kozial, P.E. Ms. Leerkes stated that there was a letter from Laberge that recommended she be the Stormwater Management Coordinator and that all inspections and on-site will be done by the Building Department. The Building Department would in turn forward their reports to her. Ms. Leerkes asked, with the Board's approval, she would like to start attending the County Stormwater meetings. She stated that there's one in May. Councilman Kusnierz asked if there is a fee involved and Ms. Leerkes replied that she didn't believe so.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast appointing Maureen Leerkes to the position of Stormwater Management Coordinator.

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

- Recreation – Color Run

Councilman VanTassel stated that there's no authorization to spend money and that Sandy Mahoney will provide it in writing if there are any planned expenses.

- Recreation – Sand Bar Beach

The Supervisor stated that he had nothing new on this subject. Councilman Prendergast stated that he's concerned & nervous and asked if anything is happening. He stated that it's the families in the Town that will suffer. He stated that he asked for something in writing from Jim Martin as to what needs to be done,

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as far as moving forward on the building. Councilman Prendergast read the memo from Mr. Martin. It was stated, that according to FEMA, the existing bathhouse is located in the flood hazard area and also within 100 feet of DEC classified wetlands. Construction of a bathhouse in this existing location could be impacted by these conditions. His memo recommended that a site specific survey be prepared by a qualified licensed surveyor to confirm the specific location of the flood hazard area and the wetland buffer. Also, as the property is in the Village of South Glens Falls and under the ownership of the Village, he further recommends that these circumstances be confirmed with the Village officials, as they would have jurisdiction over the applicability of these and relevant codes. With this in mind, Councilman Prendergast asked if they were going to put the new building in the same footprint and if so, it appears from Mr. Martin's letter, survey work should be done. Councilman Prendergast stated that they need to act. Councilman VanTassel stated, that as a courtesy, Laberge Group went down to the beach and looked at the beach house. They recommended moving it to the back and to the left by the fence. The Supervisor stated that he would like to contact whomever has the say in the matter. He stated that the building has been there for at least 60 years. He suggested getting a waiver from the restrictions. He was opposed to having to spend money on something that will tell us the obvious. Councilman VanTassel stated that there is a Board member trying to move this thing forward. He asked the Supervisor if he would do what he suggested. Councilwoman LeClair stated that the bad news is that the Town can decide what they want to do but any money the Town wants to spend on this project has to come out of the Townwide Recreation Reserve Fund, which has a 30 day permissive referendum. Anything they do has to have a dollars and cents attached and then a 30 day permissive referendum before they can spend a dollar. If they had a dollar amount in place within the next two Board meetings, that would put them to the end of June before they could spend the money. Councilman VanTassel stated that realistically, nothing will happen this year. He also stated that nothing will happen if they don't do something. He recommends the Supervisor do what he said he would do and find out who's mandating that. He stated that they had this to a point and the Supervisor wasn't comfortable. He was going to take it over and do what he stated needs to be done tonight. He asked him to go do that and report back to the Board at the next Board meeting and they'll decide which direction to move. The Supervisor stated that he would have information before the next meeting. Councilman Prendergast stated that he was concerned because the discussion they're having tonight is the same discussion they had 4 months ago. He stated that they're waiting to hear where the Supervisor is at before they move forward. He stated that the Board is willing to give him a chance to talk to DEC and it hasn't happened. He asked the Supervisor to get this done and report back to the Board and they can then decide what they want to do. Councilwoman LeClair stated that they've gone round and round with this building for some time now and thought maybe they should revisit the large buildings that are set on gravel. The Town would own the building and it could be used for storage or shade. She recollected the price range was \$6,000 - \$8,000. She stated that these would be portable and the Town could get rid of the beach house and just keep the bathrooms.

- Attorney – Acceptance of block, faxed and electronic signatures.

Councilman VanTassel stated that the Special Project Aide was uncomfortable with the resolution passed, which accepted faxed and scanned signatures on vouchers. It didn't include block signatures and therefore he was asking to have the resolution amended.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to amend the previous resolution to accept faxed, scanned, block and electronic signatures from vendors on vouchers for payment.

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

#### **HIRING BRIANNA HARRINGTON AT 1<sup>ST</sup> YEAR LIFEGUARD**

A regular meeting of the Town Board of the Town of Moreau was held on April 25, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to hire Brianna Harrington as a 1<sup>st</sup> year Lifeguard with a rate of pay as established at the Organizational Meeting, subject to successful completion of a physical and background check.

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

**RESOLUTION – UPDATE E-CODE ON LINE**

The following resolution was prepared in advance of the meeting, to address the change in the Town Code relative to Highway Construction and Design drawings and was read aloud by the Town Clerk.

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

**SUBJECT: TYPICAL DESIGN DRAWINGS FOR ROAD CONSTRUCTION IMPLEMENTATION**

WHEREAS, by resolution dated September 27, 2011, the Town Board directed the Building Department to instruct all contractors or developers with pending and future subdivision road development projects within the Town that the road construction details to be followed were revised; and

WHEREAS, by the same resolution, the Town Board was authorized to cause the removal of attachments 2 through 6 of Chapter 124 of the Town Code and incorporate the new attachments through local law amendment or by resolution as may be determined by the Town Board at that time, and

WHEREAS, the Town Board desires to incorporate the new attachments by this resolution,

NOW, THEREFORE BE IT HEREBY

RESOLVED, that the attachments 2 through 6 of Chapter 124 of the Town Code in effect prior to September 27, 2011 be removed from the Town Code, both in physical and electronic format and be it further

RESOLVED, that the attachments 2 through 6 of Chapter 124 of the Town Code attached to and incorporated in the resolution dated September 27, 2011, be substituted in and described as attachments 2 through 6 of Chapter 124 of the current Town Code, both in physical and electronic format, and be it further

RESOLVED, that the Building Department and/or Town Clerk are hereby authorized to take such actions necessary to implement the purposes and intent of this Resolution.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to approve the resolution as read by the Town Clerk.

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

A regular meeting of the Town Board of the Town of Moreau was held on April 25, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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

### **SUPERVISOR'S ITEMS**

The Supervisor asked Bruce Flayer if he wanted to speak to the Board. Mr. Flayer explained that he was requesting a waiver of the Town's fence requirements. The Supervisor had met with Mr. Flayer earlier in the day and explained that his house is 130' from the road. During the winter months, with snow, his dog is able to walk over the 4' fence, which is required by Town Code. He stated that this isn't an adequate restraint and therefore doesn't meet the requirements of the Town's Dog Control Law of restraint. Mr. Flayer is asking for a waiver to install a 6' chain link fence, with a portion under the ground, so that the actual height would be 5 1/2'.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast approving a waiver for Bruce Flayer of 289 Burt Road to install a fence as shown on drawings submitted to the Building Inspectors, at a height of 5 1/2'.

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

Councilman Kusnierz stated that the reason the Board had to take action on the above request is because the Zoning Board does not have the authority to issue variances on fences and therefore has to come before the Town Board.

### **PUBLIC COMMENT PERIOD**

Reed Antis asked for an update on the 61 Hudson Street property. The Supervisor stated that there is a listing agreement that they will act on within 30 days.

Mr. Antis asked if there is any progress on Sewers. He stated that he read in the Saratogian, the Town of Malta did a survey with their residents to see what their needs are with regard to water and suggested that the Town send out something similar for sewer. He stated that this would get the ball rolling.

Elizabeth Lanfear stated that the Post Star had quoted the Supervisor as saying that the Town has commenced litigation for the fire suppression system and asked if the Town was suing to get it fixed. The Supervisor stated that was an executive session item and thanked her for bringing it up. Ms. Lanfear again stated that the Supervisor was quoted as saying that the Town is suing the plumbers and asked again if the Town sued someone. The Supervisor again stated that the discussion is for executive session.

Ms. Lanfear stated that at the last Town Board meeting, there was no action taken to set the salary of the Supervisor's new Confidential Secretary. She stated that this is a payroll week and asked if the Secretary is getting paid or if the salary had been set. The Supervisor stated that he answered the question at the last meeting. He stated that the salary was set at the organizational meeting. Councilwoman LeClair stated that the salary isn't set. The Supervisor stated that if the Councilwoman doesn't agree with him, she can take him to court. Councilwoman LeClair stated that the salary was set for a person not a position. The Supervisor strongly disagreed with her and stated that the salary is set for the position.

A motion was made by Councilwoman LeClair to establish the rate of pay for Robin Renaud at the same rate of pay as the Deputy Clerk in the amount of \$26,520.00.

A regular meeting of the Town Board of the Town of Moreau was held on April 25, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilwoman LeClair stated that the Deputy Clerk is highly skilled and that's what they started her at. She also stated that she knew when Elizabeth came in, what her capabilities were. She knew what her strengths were and she was a quick learner. She didn't feel the same about his new hire. The Supervisor questioned the Councilwoman discussing employee merits in an open meeting. He stated that he wouldn't discuss it out of respect for everyone present. He stated that the salary will stand and if she has issue with it, he suggested she go to a higher level. The Supervisor asked if there was anything else for discussion. The Town Clerk stated that the Councilwoman had made a motion and asked if there was a second. Being no second, the motion failed.

Elizabeth Lanfear asked if that is the Supervisor's case, then why isn't the Building Inspector making what his predecessor made, which salary was set in 2016. The Supervisor stated that he didn't want to discuss personnel matters. Ms. Lanfear stated that it isn't personnel, its money. The Supervisor didn't respond to her question.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to adjourn to executive session to discuss Highway Garage Litigation at 9:00 p.m.

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

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

The Board returned from executive session at 9:42 p.m.

There was no action taken in the executive session.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to close the meeting for the evening at 9:42 p.m.

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

Councilwoman LeClair	Aye
Councilman Kusnierz	Aye
Councilman VanTassel	Aye
Councilman Prendergast	Aye
Supervisor Congdon	Absent [the Supervisor left the meeting just before the vote]

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

The above minutes are not intended to be a complete transcript, only a summary. To hear the full audio of the meeting, please visit the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)