

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:25 p.m. and led the Pledge of Allegiance.

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

Alan VanTassel	Councilman
----------------	------------

Also present: Leeann McCabe, Town Clerk; John Wright, Attorney for the Town; Malcolm O’Hara, Attorney for the Town [arrived at 8:30 p.m.]; Robin Renaud, Supervisor’s Confidential Secretary; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Reed Antis, Planning Board Member and Town Resident; Village Mayor, Harry Gutheil; Village Trustee, Tony Girard; Town Residents: Kyle Noonan, Rich Morris, Terry Clark, Bruce Flayer, Virginia Livsey; Village Resident: Brigid Martin; Dave Rogge, Business owner.

APPROVAL OF MINUTES

The minutes from April 25, 2017 (3 sets) were prepared and presented to the Town Board in advance of the meeting, for their review, comment, correction and approval.

Councilman Kusnierz asked for a few corrections to the minutes from the regular meeting as follows:
Page 131 – under Highway Department Request – 6th line – the word “happened” should be replaced with “rolled over”.
Page 131 – under Highway Department Request – 9th line – after the word old – insert the word roller.
Page 134 – under Town Hall – Personnel Policies – second paragraph – The Councilman stated that after opening his email, he realized that he hadn’t received the sewer analysis report.

Councilman Kusnierz also asked for a correction to the minutes of May 2, 2017, which weren’t scheduled to be approved at this meeting. Page 143 – Under Councilman Kusnierz comments – 6th line – the word “roll” should be spelled “role”.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes of April 25, 2017 (3 sets) with the above noted corrections.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

The Town Clerk asked if the Board wanted to change the date for the month-end meeting as it was currently scheduled for May 23, 2017. Councilman Prendergast asked, if held on the 23rd, would it give everyone enough time to prepare for the meeting. The Town Clerk responded by stating she doesn’t do the preparation but thought the 23rd was early. There was no direction to change the month-end meeting.

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

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

There were no comments or questions from the public.

HIGHWAY GARAGE ROOF SETTLEMENT

Attorney Wright stated that this was a matter for executive session.

RAGNAR RELAY ADK 2017 – SEPTEMBER 22, 2017

The Supervisor reported that the Ragnar Relay will be held on September 22, 2017.

HARRY GUTHEIL – SCA SETTLEMENT & INTER-MUNICIPAL AGREEMENT FOR WATER

The Supervisor stated that DOH would like them to have a longer term to buy water. He stated that there's a question of whether or not the Town can fill the Village tank. He stated that the Village is looking for a longer agreement and one that's closer to cost. He stated that they have mutual consent and would like to work with the Town Board in case the Town ever needs water from the Village. He stated that this will be a financial decision of their Board as they are looking at a cost of \$130,000.00 to add a well with an air stripper to get rid of a percentage of the sulfur. Supervisor Congdon stated that he didn't see any reason why they couldn't discuss numbers at this meeting. He asked the Mayor what his understanding of the agreement was right now and what they want to pay for water, should they need it. The Mayor stated that he understands the rate is \$3.25/1,000 gallons right now and at that rate they would be more than likely to put in the air stripper. The Supervisor asked the Mayor if he felt \$3.25 is more than they should be paying. The Mayor stated that he would like to see the two communities work together and come closer to cost. The Supervisor asked if he was looking to pay what the Town pays Queensbury plus a little extra. The Mayor stated that he understands the Town has to pay for capacity. The Supervisor stated that a rate would reflect the Town's cost, which would include operation. The Mayor stated that he would be interested and that it would be something they could entertain. The Supervisor stated that if the Village is of the opinion that they are paying too much, he would like to resolve this right away. The Mayor asked that a draft contract be drawn up and he can present it to the Village Board. The Supervisor thought it would just be a simple wording change and mentioned that it could state that the Town would charge the Village what the Town has to pay the Town of Queensbury plus any costs associated with the transmission. He also stated that the amount could theoretically change from Queensbury. The Mayor thought that the Town pays Queensbury \$0.05/1,000 gallons for transmission and the Supervisor stated that could change. The Mayor stated that they exceeded their yield only twice last year and they were on a ban. He also stated that the Michael's Group subdivision is only 1/2 built and when adding the Schermerhorn project, when full, will increase their demand. He stated that they have wells for storage but they have sulfur and would require an air stripper to reduce it. They need to decide if they want to spend money to build an air stripper or do they want to buy water. Councilman Prendergast asked the Mayor if he had a figure that the Village would charge the Town. The Mayor suggested doing something similar with what the Town would charge. Councilwoman LeClair stated that they should factor in the cost of what the Town has to pay for Saratoga County Water Authority water. She stated that the Village isn't just getting the water from Queensbury, they're getting it from Saratoga County Water Authority as well. Councilman Prendergast stated that there were several factors involved when they offered a price. The Town wanted to meet with the Village Board because the price they were charging the Town was higher. Mayor Gutheil stated that two wrongs don't make a right. Councilman Prendergast stated that the Town doesn't believe that two wrongs make a right either and that the Town approached the Village. They thought that \$3.80 was too much and offered a lower rate of \$3.25/1,000 gallons. Councilman Prendergast stated that they have other facts to consider as well. He stated that one is the Saratoga County Water and the other is that the Town has 6 different water districts with different rates. Some have debt and some do not. He stated that years ago, the water rate they charged the Village was lower and residents wanted to know why the Town was charging someone outside the district less than what the Town was charging them. The Mayor stated that they want to work with the Town and that they won't be buying water year round. Councilman Prendergast stated that they've already demonstrated that they want to work with the Village. The Mayor stated that he appreciates that and wants to get some dialogue started to see where the Town wants to go with it.

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Mayor also wanted to discuss SCA and noted that the agenda mentioned a settlement. He didn't want to imply that he thought there was a settlement. He stated that the Deputy Mayor was present along with himself and asked if the Town Board would give them the status of the litigation or invite them into an executive session. He stated that this has a huge impact on the Village tax base. The Supervisor asked if he had conversation with the Town Assessor and the Mayor replied that he had briefly spoken with her and felt that he needed to get direction from the Town Board. The Mayor asked if the Assessor was present at this meeting and Councilwoman LeClair replied that the Assessor wasn't able to be here. The Supervisor stated that he can't answer any of their questions and asked if any of the other Board members could. Councilman Prendergast stated that both the Mayor and the Deputy Mayor should be invited into an executive session. Councilman Kusnierz asked if the Village wanted to join the Town as a party in the case. Mayor Gutheil stated that they need to consider their options and may have to consult with the Village attorney. He wasn't sure if the Village would have intervenor status. He did say that the numbers are significant enough that it would have an enormous effect on the Village budget. He stated that he didn't know if appraisals had been exchanged or if a court date has been set. The Mayor thanked the Board.

The Town Clerk asked if the Board could go back to the previous agenda item and explained that her paperwork she had on the Ragnar Relay asked for either a resolution or for the Supervisor to sign a permission letter. Councilman Kusnierz stated that they need either the resolution or the signed permission in order for them to obtain the necessary DOT permits.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast in support of the Ragnar Relay to be held on September 22, 2017 in the Town of Moreau and also authorizing the Supervisor to sign the letter of permission.

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

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

JCAP GRANT

A motion was made by Supervisor Congdon and seconded by Councilwoman LeClair authorizing the Court's purchase of 2 Bookshelves and 1 Fireproof file cabinet from WB Mason at a cost of \$1,480.52. The purchase is being made with JCAP Grant funds.

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

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

LABERGE GROUP – BLUEBIRD TERRACE MOBILE HOME PARK – GRANT WRITING PROPOSAL

The Town was provided with a proposal from the Laberge Group to provide grant writing services to obtain grant money to assist with the installation of sewers in income qualified areas. Bluebird Terrace Mobile Home Park may be eligible for these funds through the Community Development Block Grant program (CDBG) administered by the NYS Office of Community Renewal (OCR). The block grant provides up to \$750,000 and possibly \$1,000,000 if there are co-funding opportunities. The mobile home park can't apply for the grant directly and therefore, the Town would have to be the applicant. Before an application can be filed an income survey of the mobile home park would be required to prove eligibility. The proposal suggests that the owner of the mobile home park should be asked to pay the initial

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

application, income survey and engineering fees since they are the beneficiary of the grant if awarded. The proposed cost for the Grant Application is \$6,800.00 plus expenses; \$8,000.00 plus reimbursable expenses for an Engineering Report/District Formation; \$1,500.00 for an income survey of the Mobile Home Park. Councilman Kusnierz asked, if because they were part of the plan submitted to EFC and if this is taken care of, would that have an impact on the Town's ranking for EFC funding. The Supervisor stated that he couldn't answer the question. Councilman Kusnierz stated that the Town was on the last level of the threshold for an award. He stated that the Town would still be eligible for the money but they might not get the low interest rate. The Supervisor stated that they should check into that. He also stated that he had requested a report from NYS DOH, as they were the ones who inspected the park and he received notice that they won't have the report until June. Councilman Kusnierz recited the proposed costs involved and asked if the Town is paying for a grant to help a private land owner. The Supervisor answered yes. Councilman Kusnierz stated that the Town would be spending this money and have a potential to cost the Town more money down the road if they want to take advantage of the EFC funding. The Supervisor was of the opinion that there's a responsibility on the Town's part and thought it would be normal for the government to provide assistance. Councilman Kusnierz gave an example of someone who might be in the Ag district with heavy soils that might need a mound system and asked if the Town would help them. The Supervisor stated that it's different because the MHP has been in existence for over 50 years. Councilwoman LeClair asked how this was any different from any other park in the Town. She referenced Lamplighter and stated that he has some issues of his own. The Supervisor stated that Mr. Rogge (Lamplighter) doesn't have any problems and Mr. Rogge replied, that's because he manages the property. Councilwoman LeClair stated that Mr. Rogge has made investments into his business. The Supervisor commented that this is a means to solve a problem with a situation that exists and is very close to the force main. Councilwoman LeClair didn't think that the money should be spent until they know what they want to do with sewer. She also stated that this property has been there for 50 years and hasn't been taken care of and asked the Supervisor if he is now looking to have the tax payers pay to have it fixed. Reed Antis thought that there was a bond on the new owner and that it was released once he became compliant with the violations. The Supervisor stated that the MHP can't apply for the grant themselves and also stated that it was the recommendation of Laberge to have them pay for the services up front. He stated that they could meet with the MHP owner and advise them of the costs. Councilman Kusnierz didn't have a problem with that but asked that the money be put into a trust and agency account. Rich Morris stated that the funds could be reimbursed by the extension once it's created. Councilman Kusnierz stated that they're talking about an application for a grant and that the funds aren't guaranteed. He also stated that this money would have to come out of this year's budget. He asked how they would approve that and have a balanced budget. The Supervisor read the last paragraph of the proposal, which explained how the money should be paid by the property owner up-front and put into escrow. He then stated that a resolution could be made with that language so that they can move forward. He thought that the owner would be acceptable to that. Councilwoman LeClair stated that Reed Antis was correct in that there was a new owner and they were to take care of the issues. The Supervisor stated that for 2 years, the owner thought the problem would be taken care of through the proposed sewer districts and that didn't happen. Councilwoman LeClair stated that it could happen as long as he's willing to pay for it. Councilman Prendergast asked if the resolution would be worded to as such and the Supervisor replied that it would. Councilwoman LeClair stated that they would also need to involve the attorney to draw up some kind of contract with the land owner.

Dave Rogge asked if they lose the 2,000 and take care of Bluebird Terrace, what would that do for grant possibilities for Route 9. He stated that they've had discussion for several months and nothing has happened. The Supervisor stated that they have failed systems. He stated that by including them and waiting for sewer to come down Route 9 would be holding them hostage. He stated that he would like to take care of what they can do, to benefit those who need help, rather than a "pie in the sky" attempt. Mr. Rogge stated that when that park was for sale, he had looked at it to buy but there was no way to bring it up to standard with the septic that were there. There was a brief discussion between the Supervisor and Mr. Rogge over the possibilities of grants. Mr. Rogge asked the Supervisor if he had asked Laberge if there were grants available for the Route 9 project. The Supervisor replied that he had and it was stated that there was one and he wanted to move forward with it. Mayor Gutheil stated that he had been at the conference of Mayor's over the past three days and reported that in a few years, there will be more funding available. He advised that grants are awarded on a point system and you need to look at the competitive

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

grants to see there you score. He suggested that the Town consult with the engineers to look at the big picture and decide which direction they want to go.

Brigid Martin thanked the Supervisor for finding the solution for the grant for Bluebird Terrace. She went on to say that after the failed vote this winter, she thought that the Town was going to take a look at the overall solution, decide what they wanted to do and then look for the grants that are available. She thought that the Town would have more trust if a plan were in place even if it were a 5 to 10 year plan.

Reed Antis stated that if Bluebird Terrace is taken care of, the Town would lose points. He stated that EFC funding was based on environmental issues not economic issues and if Bluebird Terrace is taken care of, you would lose the environmental points with the Town. Mr. Antis also stated that there was supposed to be a committee formed to work on the sewer. He stated that it's been over 3 months and nothing has been done. He stated that he was disappointed. The Supervisor asked Mr. Antis if he was hearing that he's willing to trade points for the health of those in Bluebird Terrace.

Councilman Prendergast stated that it's easy for those of us, who are fortunate enough, to live in a standard of what we like. He stated that the people who live in Bluebird Terrace have to live in a sub-standard level at points in time. He stated that he's been with the Town long enough to know, that if they say they want to hold off until they look at the bigger picture, these people will continue to live in sub-standard conditions. He stated that it's a separate issue and the Town can actually help these people. He stated that he's ready to move forward. He suggested a resolution what would allow Laberge to apply for the grant and with the owner of Bluebird Terrace placing money in escrow prior to the Town commencing the work. Councilwoman LeClair wasn't ready to move forward on this tonight.

The Supervisor made a comment in the direction of Councilman Kusnierz asking if he wanted to hold it up as well.

Councilman Kusnierz stated that he was offended and that he has no unilateral authority to move things through the Board. He stated that it's a Board decision by a majority vote. He stated that Bluebird Terrace is a private business and he has no problem helping a private business, if the Town can afford to do it and they get something in return. He stated that he was concerned, that in an effort to help private business with a significant health violation/code violation, at the expense of the tax payers. He asked how it will impact the rest of the Town. He suggested that the Town consult with the engineer to see what the ramifications would be, should they remove this issue from the overall goal of the Town to increase our infrastructure. He asked if it would cost the Town down the road, will it exclude us from having access to certain grants. He stated that he doesn't know the answer but that he thought the engineers would have an idea. He would like to know what the impact is before they move forward.

The Supervisor stated that they've been holding those people, who live in a sub-standard situation, for years. He stated that he sees this in government and it disturbs him that the dollar is in the best interest of the public. He would like to see this move forward and didn't think that there would be an impact on chances for funding down the road. He was of the opinion that it would make the Town look good because they did something good for people that needed the help. Councilman Kusnierz stated that if the Park had the financial means, they could do this on their own. He didn't think that it was the Town's responsibility to take care of every private business that's having financial difficulty. He stated that we all want them to be successful. He stated that he thought the MHP issue provided the Town with approximately 25 points. He stated that if a community is the last one on the score and they have to remove 25 points, it will take them out of the running for low interest loans. He stated that if the Town is successful, down the road, growing their infrastructure, who's going to pay for the decision they make today. He stated that it would be those in the district that would pay the extra cost per EDU.

The Supervisor stated, that in 1995, the Town took on a grant and a bond to put in a force main in the Industrial Park for private enterprise. The cost of the project was put on the tax payers of the Town. He asked who that has benefitted. He stated that Spurlock is the only one so far and the Town still owns 5 or 6 lots that nobody wants to buy. He stated that it cost \$1,300,000.00 and he's been trying for a year to get the attorney to find the legal way for the tax payers to get this money back. Councilwoman LeClair thought that the force main project went out to vote by the public and the Supervisor told her that it didn't. He

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

stated that it was agreed upon with the understanding that the money would be paid back by the sale of the lots. The Supervisor again stated that the Town is going to be short \$150,000.00 at the end of the year, unless they come up with a legal mechanism to recapture the money that is owed to the Town.

Brigid Martin asked, if it's so bad in Bluebird Terrace, why isn't it shut down.

The Supervisor stated that he's hearing, that they don't want to help those in Bluebird Terrace, who are living in substandard conditions because it might impact the Town's chances for grant money down the road.

Dave Rogge suggested that the Board table this agenda item for 2 weeks, so they can get the information that the public is asking for. He asked that they get Laberge her and find out if the points would be lowered or not. The Supervisor stated that was a hypothetical question and that no one would know the answer to that for sure. Mr. Rogge stated that Bluebird Terrace was supposed to be closed before it was sold and the gentleman who bought it was supposed to bring it up to standard. Mr. Rogge was of the opinion that they should pursue grants that could include Bluebird Terrace and not a grant that would solely take care of that one problem. Councilman Prendergast stated that if they go that route, those people will be in those conditions for a long time.

The Supervisor asked Mr. Rogge, if the MHP were to close, is he prepared to take on 60 of the mobile homes into his park. Mr. Rogge stated that, unfortunately, the Town Code doesn't allow for those homes to be moved anywhere because they're too old. The Supervisor stated that it puts a burden on the people that live there.

There was no action taken on this agenda item.

Councilman Kusnierz stated that while they were on the subject of sewer, he was looking at a draft Sewer Rate Analysis from April 17, 2017 and asked why the Board didn't get a copy. The Supervisor stated that the Board should have a copy and asked where the copy he was looking at came from. He stated that Counsel has it. Councilman Kusnierz stated that he would appreciate it if the Supervisor's office would copy the Town Board on the report. He stated that some of the information provided in the report would have been helpful to the discussion they were having tonight.

GRANT COTTAGE DONATION

A request was received for a donation from the Town in the amount of \$5,000.00 toward Grant Cottage. The Supervisor didn't see a need for this to be done. Councilman Kusnierz thought that the Town had budgeted for this expense. He also stated that when they had the request in the past, the Town had asked a representative from Grant Cottage to be present and outline what they would be using the money for. He asked the Supervisor to invite the representative to come to the next Board meeting and give a presentation.

ADIRONDACK AQUATIC CENTER - AKSING FOR SUPPORT

A request was received from the Clerk of the Board of Supervisor's relaying a request for support of the Adirondack Aquatic Center, which would be located on State Route 67 at exit 12 of the Northway.

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

A RESOLUTION EXPRESSING SUPPORT FOR THE ADIRONDACK AQUATIC CENTER

WHEREAS the Adirondack Aquatic Center (AAC), a 501(c)(3) corporation formed in 2014, envisions an aquatic center with a location at the heart of Saratoga County near the I87 Exit 12 interchange, providing convenient access to residents of Saratoga County; and

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

WHEREAS the Town Board of the Town of Moreau recognizes that aquatic sports and pool activities are enjoyed by people of all ages and abilities on a year-round basis; and

WHEREAS activities envisioned by AAC include learning to swim, aquatic exercise, aquatic therapy and aquatic competition; and

WHEREAS the Town of Moreau finds that the addition of this new recreational opportunity enriches the County and the region; now, therefore, it is

RESOLVED that the Town of Moreau fully supports the Adirondack Aquatic Center in its endeavors.

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

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

Councilman Prendergast stated that the Town's support will assist their Board in obtaining grants for funding through private investors.

MEMORIALIZE VOTE FOR TOWN HALL LAWN MOWING

A motion was made by Councilwoman LeClair to memorialize a vote, which authorized the Recreation Department to do the lawn mowing, grub control and fertilization on the lawn at the Town Hall Municipal building, to bring it up to standard.

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

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

JANE & KEVIN CRAWFORD – TEMPORARY RESIDENCE

A letter requesting to place a trailer on property located at 2 Palmer Road was sent to the Town Building Inspector and forwarded to the Town Board for consideration. The intent of the owner's is to complete a new house in under 1 year.

Supervisor Congdon stated that the Code doesn't allow for this but it has been done in the past. Jim Martin stated that the request is at the discretion of the Town Board. He stated that by Town Code, mobile homes aren't allowed outside of mobile home parks but exceptions can be made. Mr. Martin recommended, that if the Board does approve the request, they have very clear restrictions as to the time frame of removal. They should also have steady progress on the building of the home. Councilman Kusnierz asked if they had a building permit yet and Mr. Martin replied that they did. Councilman Kusnierz asked if this would require a local law. Mr. Martin was of the understanding that it could simply be approved by the Town Board by a waiver on a temporary basis. Councilwoman LeClair asked what kind of a trailer they would be placing. Supervisor Congdon stated that he wished they were here so they had more answers. The Supervisor stated that they could table this for 2 weeks so they can get more information. Councilman Kusnierz asked if someone would invite the owners to speak to the Town Board. Mr. Martin stated that he would email the Building Inspector tomorrow and speak to him on Thursday.

EXIT 17 ZONING CHANGE

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The public hearing related to this agenda item was left open and therefore no action was to be taken at this time.

CONSTELLATION VS. NATIONAL GRID

Reed Antis informed the Town Board that the Power Purchase Agreement with Constellation had ended on December 29, 2016. He stated that the Town is paying less to National Grid and suggested that the Town cancel services with Constellation and go back to National Grid. Once Solar City comes on board, they'll see the credits.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the Supervisor to send a letter to National Grid stating that the Town is done with Constellation.

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

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

BEACH BUILDING (NEW)

Councilwoman LeClair reported that there is grant money available and had Jim Martin explain. He stated that the Consolidated Funding Application Program is active and due by July 28, 2017. The Town, by virtue of a past Local Waterfront Revitalization Program that the Town participated in, is in the program. The program qualifies for the capital side of the program for improvements. He stated that the program, traditionally, over the years has been a 50/50 matching grant. This year they changed it and bumped up the State allocations to a 75% match and with 25% being local share. He stated that the Town has several options available to them. The Town could pass on submitting an application, the Hudson River Park could be acted on, there's a trail along the river that's been discussed that could be acted on, and the Village may want to pursue the grant money for the Beach House. The Supervisor asked what the Town needs to do. Mr. Martin stated that the Beach House is owned by the Village and the Town utilizes it. He stated that one option would be for the Village to apply for the grant from the LWRP for the Beach House. It would be a matching grant, which can be in-kind service. If that option is taken, the Town would be able to apply for grant money themselves for projects such as the Hudson River Park. He stated that the Town shouldn't apply for more than one grant because you would be competing against yourselves. He stated that in an ideal world, the Village would sponsor the beach project and the Town would pursue one of the other two projects. Councilwoman LeClair asked if the Town could provide the in-kind service if the grant were awarded for the Beach project. Mr. Martin replied that they could but that they would have to wait until after the award. Mr. Martin stated that the applications are due in July and the announcements would be made in December. The grants would be awarded in January or February and there should be access to funds by next spring. He stated that the Town would be a year away from getting funds.

Brigid Martin asked if since the Village contributes to the Recreation Fund money, would they be able to use the money if the Village pursues the grant. It was replied that the Village doesn't contribute to the Recreation Fund. Councilman Kusnierz stated that only developers outside the Village contribute. Mr. Martin stated that the match can be cash or in-kind or a combination of the two.

Councilwoman LeClair stated that BOCES has been working at the Recreation Park and she has spoken with them regarding the trail project. She stated that they would be willing to help out. Mr. Martin stated, things like that make the application more attractive. Councilwoman LeClair asked what they need to do, should the Board want to proceed with the grant application. Mr. Martin stated that he would write the grant personally. He would provide a proposal for the Village. The applications would be due in July, he would need to work on the budget and the in-kind services. He stated that the Hudson River Park project

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

is the most ready and the Town also has information on the Hudson River Trail as well. He stated that the Beach House has had some studies done but they would need to have a little more information for the grant application. The Supervisor asked what needed to be done tonight. Mr. Martin replied that the two communities need to decide how they want to proceed. He needs to know if the Village is going to be interested in applying for the CFA grant for the Beach and then the Town could look at one of the other two projects. The Supervisor asked Mayor Gutheil if he had any thoughts on the grant. The Mayor stated that this is the first he had heard of it. Mr. Martin stated that there is added cost to the project due to the challenges of the flood plain and wetland areas. Mayor Gutheil stated that he's all for inter-municipal cooperation. Mr. Martin stated that he has information regarding the plans and will get it off to the Village, the Town and also Councilwoman LeClair. Councilwoman LeClair asked the Mayor if he had interest in the grant and he replied that he did have interest and will bring it before the Village Board. He suggested that they could also have a joint meeting between the Village and the Town. Mr. Martin stated that he would prepare a joint letter for the Supervisor and the Mayor and then they can see where their Boards want to go with it.

WATER TOWER LEASE AGREEMENT with AT&T/CINGULAR

There was a brief discussion with regard to the term of the lease agreement. At a previous Town Board meeting it was agreed that they would like a shorter term for the agreement. Councilwoman LeClair had spoken with Attorney Buettner and she was going to speak with the Company to see if the term of the lease could be reduced. She hadn't heard back from her yet. Councilman Kusnierz commented that he had no problem with the original agreement that had 5 year extensions. He stated that this new agreement presented to the Board was for 20 years. This agenda item was tabled until they have an answer from Attorney Buettner.

HIGHWAY REQUESTS

The Town Board received a request from the Highway Superintendent and he was present to explain how the drain line and culvert on Hudson Drive is 90% blocked with roots and the culvert is partially collapsed. He's requesting that RFP's be sent out for the repair or replacement of 620' of pipeline. He stated that he didn't have money budgeted for this expense but stated that at budget time the Board had concerns of him spending money for the paving of Farnan Road and suggested that he could use the money from that paving project for the repair or replacement of the Hudson Drive pipeline. This would help the many homes in the Hudson drive drainage system from experiencing flooding situations. Councilman Kusnierz stated that he was ok with sending out RFP's. The Supervisor stated that they can't move forward tonight and that they will need more information.

A request for an increase in appropriations was requested by the Principal Account Clerk to re-appropriate 2016 unspent funds for the Feeder Dam and Reservoir Roads grant funds in the amount of \$62,800.00. There was discussion as to moving the funds. Councilman Prendergast stated that in March of 2016 the funds were Re-appropriated as well.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to increase appropriations by \$62,800.00 to DB5112.493.4 Highway-Improvements-Blacktop/Novachip/Novac, to increase 2017 Appropriations by Re-appropriating 2016 unspent funds for the Feeder Dam and Reservoir Roads grant funds.

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Highway Superintendent to spend \$66,805.00 for "Cold-In-Place Recycling" for Harrison Avenue

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Extension – Sisson to Bluebird. Saratoga County Contract #15-PWPR-28R, section 5.0. This will be paid from Account #DB5112.493.3 with a balance of \$66,805 as of 5/1/2017.

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Highway Superintendent to spend \$357,050.00 for projects covered by Saratoga County Contract #17-PWAC-3R. The account balance for DB5112.493.4 is \$426,050 as of 5/1/2017. Blacktop/nova chip projects that are proposed at this time are: Clark Road, Columbine Road, Daffodil Drive, Dogwood Drive, Harrison Avenue, Cashmere Drive, Christie Lane and Coriander Drive. Shimming will be done on Briarhurst and Lafond.

The Supervisor asked what part of Clark Road was being done and the Highway Superintendent replied from Selfridge Road to Route 32.

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

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

The Supervisor stated that he was told by the Highway Superintendent, that it's Town policy, if someone drops something off that bounces off the 50' right-of-way onto private property, the Town won't pick it up. The Supervisor stated that the same day he was told that the Town wouldn't pick up debris that has been tossed, the Highway Department was out picking up fallen branches and limbs placed on the right-of-way. He stated that he has two heavy chairs that were dumped and have landed about 5 feet from the right-of-way. He couldn't lift them and was told by the Highway Superintendent that it was the policy of the Town that he couldn't pick them up. He was told by the Highway Superintendent that the State doesn't pick up debris either. The Supervisor stated that the State does pick up debris and they even mow private property. He stated that we send people out with sticks to pick up debris and asked if a cup is just over the right-of-way line, do you think they wouldn't take their stick and pick it up. He stated that "of course they do". He stated that the next day after his conversation, someone dropped off a bag of garbage and its broken open. He stated that he wouldn't do it but his brother went down and picked it up. He mentioned that they found a name in with the garbage. The Supervisor asked if it's Town policy to not pick up debris that's right next to the right-of-way. He wanted to know what policy states that the Highway Department, while doing spring pick up, would drive right by a chair that had been tossed out and make a landowner responsible to pick it up themselves. Councilwoman LeClair stated that the Town's policy is to pick up if it's in the right-of-way. There was a brief exchange between the Supervisor and the Highway Superintendent and the Supervisor asked again, to the Board, if this was a Town policy. Councilman Kusnierz stated that he had answered the Supervisor in writing and he didn't like his answer. He told the Supervisor that on State highways, they have tires, hubcaps etc. and the State doesn't pick them up if they're on private property. He also stated that when they mow, they mow right over the debris. The Supervisor stated that he expects to be treated equal to anyone else who is provided a service. He stated that he's never put brush out for pick up and doesn't complain about the Town picking it up for other people at a cost to the Town. The Highway Superintendent stated that the brush pick-up was set up by the Town Board. He also stated that if he starts picking up things from his property, he'll have to pick it up from everyone's property. Nothing will stop people from putting things out for pick-up. He stated that they do it now. He has to pick up at the boat launch and at the Industrial Park, which are both Town properties. He stated that he picked up 5 TV's from the Industrial Park.

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

Councilman Kusnierz pointed out that the Highway Superintendent is a separately elected official of the Town. He has the right under Town Highway Law to direct his men as he sees fit. The Supervisor responded by saying “maybe they need a new Highway Superintendent”. Councilman Kusnierz stated that it looked like he was looking for special treatment and he didn’t think that was fair. Councilwoman LeClair stated that the County won’t pick up from private property either. She stated that people call dispatch and state that they have dead deer on their property and the County won’t pick them up. The Supervisor stated that it wasn’t the same as someone throwing things on private property. In conclusion, the Supervisor told the Highway Superintendent, if that’s the way he wants to run his department, to go right ahead.

RECREATION REQUESTS

None

OLD BUSINESS

- Attorney – Charges in Water District 1 (Fortsville Road)

The Supervisor reported that he had spoken with one of the residents on Fortsville Road. They told him it was either right or wrong what the Town is charging and they wouldn’t accept the proposal that was offered.

- Town Hall – Curb Cut

The Supervisor stated that someone else would have to take this over because he can’t work within the Highway Department’s schedule. Councilman Kusnierz stated that at the last Town Board meeting it was discussed that the Supervisor was going to meet with the Building Department to see what the Building Standards were. He was also supposed to get two more quotes, which is Town policy. The Supervisor stated that there are no particular standards for the curb cut. There was a brief discussion as to what the Building Codes were for curb cuts. The Supervisor concluded by stating that someone else would have to take this project over.

- Town Hall – Bird Issue

Councilwoman LeClair reported that Kevin Elms would be coming this weekend. Maureen Leerkes has arranged to have the School’s lift truck delivered. They’ll be delivering it on Friday and asked that it be stored inside. She stated that she had spoken with Pete Corlew and that either he or Bruce would be available to unlock Town Hall on Saturday morning. She was hoping that someone from the Recreation Department would be available to assist Kevin but if they can’t, she asked if the Board was ok with her asking someone from the Transfer Station to help. She stated that all of the plastic spikes need to be taken down. There were no objections to her request.

Councilwoman LeClair reported that the Clerk’s department has been receiving Garden Bed applications and some want more than one bed. They needed to know if the \$20.00 fee was for each bed that is rented. Councilman Kusnierz stated that when this program started they had limited funding for the materials and which grew into Recreation employees helping out. Councilwoman LeClair stated that the original beds were built by volunteers and the Recreation Department brought over some compost to help with that portion of it. She stated that those who used the beds last year were provided with a little fertilizer. She also stated that the Community Center will no longer be using the beds for the school children. She stated that last year some beds were left a mess and that’s why the Board agreed to have a fee with a deposit. She’s hoping to buy lumber from the fees that are paid to repair some of the beds. Councilwoman LeClair’s recommendation is to charge \$20.00 per bed.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz that there be a \$20.00 Garden Bed fee, per bed, with a \$10.00 refund at the end of the season, provided that the bed is cleared by the end of the year.

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

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

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

- Town Hall – Changeover E-mail Server

The Supervisor stated that Councilman VanTassel isn't present and therefore this agenda item was tabled.

- Town Hall – Insulation

The Supervisor had nothing to report.

- Town Hall – Force Main Payback

The Supervisor asked Attorney O'Hara if any work has been done on the force main payback. Attorney O'Hara stated that he had a draft from the engineer, outlining appropriate charges and different manners in which the fees can be set up. He stated that he had received it on Wednesday and he called the engineer on Thursday. The engineer got back to him yesterday and they discussed the situation. He stated that he has done some research and will get a memo off to the Board as soon as he can, highlighting the options.

SUPERVISOR'S ITEMS

The Supervisor had nothing for this agenda item.

PUBLIC COMMENT PERIOD

This agenda item was passed over.

The Supervisor asked for a motion to go into executive session. He then asked Counsel, since there is no litigation on the Highway Garage Roof, what would be the problem with having discussion in public. Attorney O'Hara stated that it is still in litigation and that there's a pending lawsuit. The Supervisor asked what the harm would be to the public, if they discussed how they got to where they got. Attorney O'Hara stated that if the Board doesn't agree to the settlement, he would be prejudiced by having discussion in a public forum if he has to continue litigation. If the Board agrees to the settlement and wishes to disclose the terms of the settlement after the case is settled.... he was interrupted by the Supervisor, who asked if Counsel if he had said that this was still in litigation and Attorney O'Hara replied that it was. Attorney O'Hara stated that he has a Court conference on May 16th. He stated that he needs to know if he is settling the case before that conference. The Supervisor asked who the litigation involved and Attorney O'Hara stated, it was against all the parties that remain in litigation: the Engineer, the General Contractor and the Sub-Contractor.

Mayor Gutheil asked if the motion will include discussion on SCA. The Supervisor had nothing to add for this discussion and Councilman Prendergast stated that the Assessor would need to be here. The Supervisor stated that the Board has no more information that what the Village has. The Mayor asked if the Board and Counsel both have nothing. The Supervisor had no further information. Mayor Gutheil asked if anyone knew if this was in a discovery phase. The Supervisor stated that there was a date set for a hearing but was told verbally that it wouldn't happen. Councilman Prendergast asked the Mayor if he had contacted the Assessor and he replied that he did but didn't get any meaningful answers. Councilwoman LeClair stated that she had spoken with the Assessor and was told that everything the Town Board knows, the Village already knows. She stated that there's nothing more. The Mayor asked who was handling the

A regular meeting of the Town Board of the Town of Moreau was held on May 9, 2017 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

case and Attorney O'Hara replied that outside Counsel was handling the case but that Attorney Buettner was monitoring it. Mayor Gutheil asked who Special Counsel was and no one had an answer for him.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn to executive session to discuss Highway Garage Litigation at 10:00 p.m.

Councilman Kusnierz asked Mr. Antis to please remove his recording device.

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

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

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

The Board returned from executive session at 10:30 p.m.

There was no action taken in executive session.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn the meeting for the evening at 10:30 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

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