

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:15 p.m.

The Supervisor led the Pledge of Allegiance.

The Town Clerk called the roll.

Town Board Members Present

| | |
|-----------------|--------------|
| Alan VanTassel | Councilman |
| Gina LeClair | Councilwoman |
| Todd Kusnierz | Councilman |
| Gardner Congdon | Supervisor |

Town Board Members Absent

| | |
|-----------------|------------|
| Bob Prendergast | Councilman |
|-----------------|------------|

Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Jim Mitchell, Zoning Administrator; Jesse Fish, Water Superintendent; Pete Corlew, Recreation Maintenance Director; Jeff McCabe, Town Justice; Sandy Mahoney, Recreation Program Director; Reed Antis, Planning Board Member and Town resident; Kathleen Moore, Post Star Reporter; Town Residents: Kyle Noonan, Richard Hughes, Ronald Kowalski, Preston Jenkins, Angela Wadsworth, John Hogan, Ed Petrush, Virginia Livsey, Bruce Flayer, Sam Wahnon, Terry Clark; Village Residents: Cheryl Lawyer, Brigid Martin; Sherry Rivers, Lamplighter Mobile Home Park Representative; John Cannone, Bluebird Terrace MHP; Rob Forcey, Post Star Publisher

APPROVAL OF MINUTES

The minutes from May 23, 2017 (2 sets) were presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

Councilman Kusnierz reported that on page 170 of the regular meeting, 1st paragraph, 3rd line from the bottom, the word **it** should be added in between supports and too.

The Supervisor made comments with regard to page 171 on the tree cutting at Rice Cemetery. He expressed his disagreement with Mr. Antis on how many trees should be cut. He also stated that in Reynolds Cemetery there was a 20' grave marker that is tipping and would like to know what can be done. Mr. Antis stated that there are grant funds available for repairs. Councilman Kusnierz asked Mr. Antis if he would get information on the grant and bring it back to the Board.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to approve the minutes from May 23, 2017 (2 sets) with the above noted correction.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to set a continuation of the Public Hearing on Local Law 1 of 2017 for June 27, 2017 at 6:00 p.m.

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 June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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

PUBLIC COMMENT PERIOD Solely for comments and questions related to agenda items

Richard Hughes asked how much the grant for Bluebird Terrace MHP was. Councilman Kusnierz replied that there has been a request for the Town to spend \$16,000.00 to apply for a grant.

TOWN JUSTICE REQUESTS

Judge McCabe requested authorization from the Town Board to advertise for a Part-time Court Clerk. He explained the need for a Part-time Clerk and the methods used to advertise in the past.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the publication of an advertisement for a Part-time Court Clerk position through the usual means in which the Town advertises.

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

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

Judge McCabe also had prices for the Court Clerk's and Magistrates conferences. He asked for Board authorization for he and his staff to attend. He also stated that he hadn't spoken with Judge Alden yet, so he wasn't sure if he would be attending the conference. He stated that the cost wouldn't be any more than \$3,150.00, which excludes the cost for Judge Alden, should he wish to attend.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing an expenditure, not to exceed \$3,150.00, for the Court Clerk's and Town Justices to attend the NYS Magistrates Association and NYS Court Clerk's Association annual conferences.

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

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

***HIGHWAY GARAGE ROOF SETTLEMENT**

The Supervisor stated that this would be an item for executive session. He stated that he would be remiss if he didn't point out a review of the matter. He stated that it's hit or miss on the understanding of executive session. He stated that if the Board takes action, whether by resolution, agreement or consensus, minutes need to be taken. He stated that it doesn't mean that the minutes would be subject to FOIL. The Supervisor asked that for the next six months, they follow the law and if they're going to take action, they have minutes taken, so that there's accountability for their actions. The Supervisor proceeded to read sections of several sets of minutes that reflected the Board having discussion of the Highway Garage Roof, some with mention that no actions were taken. This took approximately 40 minutes and at one point Councilman Kusnierz commented that the Supervisor inferred things are being done illegally

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

and stated that since he's been elected he hasn't done anything illegal. There was heated discussion throughout the reading of these minutes. In conclusion, the Supervisor expressed his concern over the importance that minutes should be taken in executive session, to protect the Town tax payer. He also expressed his opinion that he didn't feel the Town is being represented "handsomely". Councilman Kusnierz stated that he was only pointing out the bad and asked why not point out the good. He stated that just recently the Town had won its court case with Home of the Good Shepherd over their taxable status. He also stated that the case was won with representation of the Town's current law firm. The Supervisor stated that the only reason we won the case is because we joined with Wilton and Malta, who both started the case.

Ed Petrush asked if this item was on the agenda and a brief heated discussion ensued between himself and the Supervisor. Councilman VanTassel interrupted and asked if they could move on to agenda item #5.

***INTER-MUNICIPAL WATER AGREEMENT WITH THE VILLAGE**

The Supervisor stated that Councilman Prendergast had a problem with charging the Village less than what we charge our own residents. He then quoted a figure of \$2.75 for an industrial rate, which is \$0.30 less than what they were intending to charge the Village. Councilman VanTassel stated that it was the same rate that the Village wanted to charge the Town. Councilwoman LeClair stated that the Town has 6 different water districts with different rates. Councilman VanTassel stated that last year a rate of \$3.25 was given to the Village and also stated that he wasn't interested in further discussion unless the Village was present to give their recommendation or offer.

***LABERGE-BLUEBIRD TERRACE MHP GRANT WRITING PROPOSAL**

Councilman VanTassel stated that he has no strong desire to write a grant for Bluebird Terrace alone but would be willing to explore a grant that would serve more people in that corridor. He stated that they need to take stronger consideration for Laberge to get moving on assessment discovery. The Supervisor stated that he had spoken with the owner of the park and he was looking for the details of the grant and had stated to him that he would be willing to put the money into an escrow account. Mr. Cannone, owner of Bluebird Terrace, was present and explained to the Town Board, that his park isn't as desperate as the newspaper made it out to be. He stated that he would be interested in spending \$16,000.00 to get the mobile home park hooked up to sewer but would like to know the details of the grant to see if it's feasible. The Supervisor stated that the Town Engineer is not at liberty to have discussion with Mr. Cannone until the Town Board approves him to.

Councilman VanTassel stated that he understands it's not on the agenda but at some point they'll have to have discussion on the proposal that Laberge Group had given the Town to do the Sewer study. He asked the Supervisor if he would meet with Don Rhodes (Laberge Group) and discuss the proposal so that it can be put on the agenda for the next meeting, to see if they can get this moving.

Councilman Kusnierz stated that there are two issues. The first being Bluebird Terrace Mobile Home Park and the second being the proposal from the Town Engineer submitted back in February for Sanitary Sewer Engineering Services. He stated that if there is a willingness of the Board to move forward on the proposal, they should. The Supervisor asked if they weren't going to do anything with Bluebird Terrace. Councilman Kusnierz asked Mr. Cannone, why he believes the Town should expend money to help a private owner. Mr. Cannone stated that he was approached by Mr. Patricke several years ago stating that they were looking into sewer. He also stated that there is still pending litigation with the mobile home park. He stated that before he bought the park, he had it inspected and that it doesn't look good for the future. He stated that he sat on a Town Board for a while and gave the opinion that, that's what Towns do. They help people. Councilman Kusnierz stated that he needs to be able to justify the cost benefit and won't take any action that would hinder anything moving forward. Councilman VanTassel stated that he had spoken with Don Rhodes and he stated that it was in the Town's best interest to proceed with his proposal first and to dog tail in what they can do with Bluebird Terrace. Councilman Kusnierz stated that it wasn't on the agenda but that maybe it's time to deal with it. Councilman VanTassel asked the Supervisor, after speaking with Don Rhodes, was he comfortable moving forward with the proposal. The Supervisor stated that there's money available right now, which is relatively easy to get for the Bluebird Terrace project.

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman VanTassel asked him if he would put the other proposal on the agenda for the next regular Town Board meeting. The Supervisor stated that he didn't feel the need from the existing business on Route 9 would score high enough to get the grant for sewer and also felt that it's just another \$24,000.00, that won't go anywhere. Councilman VanTassel stated that he believed there's a majority of the Board that wants to move forward on this and asked what they needed to do so that he was comfortable moving forward.

Councilman Kusnierz stated that he was going to make a motion on something that would benefit the community. Mr. Petrush commented that he owns 33 acres of commercial property that he can't put anything C1 on because there isn't any sewer. Councilman VanTassel stated that he respected Mr. Petrush's comment and asked him to give the Board a minute to move in a direction he felt would be favorable to him.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to engage the services of Laberge Group based on the proposal that was submitted on February 13, 2017 for the purposes of Sanitary Sewer Services for the Town of Moreau not to exceed \$24,500.00.

Councilman Kusnierz read the highlights of the proposal.

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

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

Councilman VanTassel stated that he would like to move past the Bluebird Terrace proposal for now. He would like to speak with Don Rhodes first to see if they can run the two proposals in parallel. He stated that they could be two different things or they could come together. The Board was in agreement to move past this agenda item.

LABERGE – MS4 POTENTIAL GRANT FUNDING

A proposal was received from Laberge Group to prepare and file a grant application for WQIP Grant Funding to Map MS4s Outfall Watersheds in the amount of \$3,500.00. The grant, if awarded, provides a reimbursement for MS4s projects up to 75 % of the project cost. Councilman VanTassel described the purpose of the grant and stated that he was in support of Laberge writing the grant.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to accept the proposal and authorize the Supervisor to sign the agreement presented by Laberge Group regarding the WQIP Funding to Map MS4s Outfall Watersheds. The Town's share of the cost sharing with the State would be \$6,250.00.

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

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

MOREAU COMMUNITY CENTER – BINGO LICENSE RENEWAL

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the Supervisor to sign the Bingo License Renewal for the Moreau Community Center, based on the answers provided to the Board.

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 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 Prendergast | Absent |
| Councilwoman LeClair | Aye |
| Councilman Kusnierz | No |
| Councilman VanTassel | Aye |
| Supervisor Congdon | Aye |

Councilman Kusnierz stated that he has always opposed this application and voted No again, not because he thinks it's not a good cause but because the first question asks if all members are of good moral character and have never been convicted of a crime. He stated that he is not aware of any background that has been done on the individuals and therefore can't support the application. He stated that the State has been asked to change the question because there are many municipalities across the State that will not sign it.

***BEACH BUILDING GRANT**

Councilwoman LeClair stated that they can take care of agenda items #9 and #10 together.

RIVERFRONT DISCUSSION

Councilwoman LeClair stated that it was brought to the Town Board's attention by Jim Martin of the LA Group that there is grant money available for up to 75% of costs associated with Local Waterfront Revitalization Programs through the NYS Consolidated Funding Application Program. She stated that they had looked into the Beach Building and the Riverfront program. She suggested that they not move forward with the Riverfront program because they would need to have easements in place and National Grid won't grant these right now. She also stated that she had met with Mayor Gutheil and Trustee Girard from the Village of South Glens Falls to discuss the Beach Building. The grant would have to be filed by July 28, 2017 and in order to do so, they would need to agree on a project cost to put into the grant application and the Town doesn't have that preliminary information to move forward. She thought it would be more practical to apply for a Beach Building grant next year. She stated that Jim Martin, Bob Vittengl and herself, walked the Nolan Road property, in which Alta Planning proposed a plan for the Town. She stated that there's a parking area, boat launch and a walking trail already established and the Town owns all of the property, so easements wouldn't be an issue. She stated that the Town at one point was looking to purchase a piece of riverfront property from Finch Pruyn and the price went up and down and the Town stepped out of negotiations. She stated that Attorney Buettner is looking into this again to see if the property is still available. The County, at one point, had stated that they would give matching funds and if they had come to a price of about \$40,000.00 the County would give the Town \$20,000.00 and the State, if they receive the grant, would cover the cost of 75% of the Town's portion of \$20,000.00. She would like to move forward in trying to make the Nolan Road Riverfront access more accessible and nicer for the community. She asked that they clear the pathway and make it so that you can walk down there.

Supervisor Congdon stated that he would like to see the record cleared up and would be happy to support this but feels it's necessary to deal appropriately with the events that have happened in the past. He stated that until this is settled, he wouldn't support this plan.

Councilwoman LeClair stated that they also have the pump house that needs to come down at a cost of \$10,000-\$20,000. The grant, if received would give the Town 75% of that cost as well.

Mr. Martin explained the Hudson River and Champlain Feeder Canal Waterfront Plan that was done in July 2008. He stated that it was a multi community plan with Moreau, Fort Edward, Queensbury, Glens Falls, South Glens Falls, Hudson Falls and Kingsbury. He stated that this is the segway into the improvements that Councilwoman LeClair spoke of. He stated that this improvement is specifically outlined in the plan. He stated that the Local Waterfront Revitalization Program funded this plan. He mentioned that the plan is usually a 50% - 50% match and this year the State changed the allocations to

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

75% (State)-25% (Local). This project was the result of the Town of Moreau Hudson River Trail Study done by Alta Planning and also by a student group from University of Albany. There was a lot of work done on trail routing and some concepts. He stated that all of this information can be pulled together to support the grant application. He stated that it helps to be looking for improvements that are all on Town property. He stated that there is a small rectangular piece owned by a holding company of Finch Pruyn, which may have some existing easements, and if not, they can plan around the parcel. He stated that there is power, parking and a roadway already available. He also stated that this piece does connect to the Betar Bi-way that goes into the Village. The County also owns lands, which they might be interested in developing as well and that would all connect into the Moreau State Park. He stated that these are all positive aspects of how the grant application would read. Mr. Martin stated that to file the application, LA Group would receive \$5,000.00. He also felt that this would be a strong application. Councilman VanTassel asked what kind of money is available. Mr. Martin stated that it would be a capital project and depending on what the cost estimate is, which would be done as part of their fee, could be in the range of \$200,000 - \$300,000. Councilman VanTassel asked if that would be the 75% and Mr. Martin replied yes. Mr. Martin also stated that the 25% could be in-kind services, with BOCES programs brought into play. He stated that any Town equipment can be used as in-kind service as well as any cost to rent equipment. Councilwoman LeClair mentioned the gravel that the Town just received from National Grid and that it can be put towards the in-kind service as well. She stated that she had spoken with Fran and at present the Town-Wide Rec Reserve Fund has over \$200,000.00, which has nothing to do with playground equipment, so they have the funds available for the project. Mr. Martin stated that the fee of \$5,000.00 would include the determination of the cost of the project. Councilman VanTassel asked if the Town could come up with the 25% in all in-kind service. Mr. Martin believed that was the case but stated he would confirm that. Councilwoman LeClair stated that the Town has a 30 day permissive referendum on that fund. In order for Mr. Martin to be paid from this fund, the Town would need to pass a resolution and then wait the 30 days.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to hire Jim Martin of the LA Group to apply for a grant for the Town to make improvements to the Nolan Road property that the Town owns, with the funds coming from the Town-Wide Recreation Capital Projects Fund.

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

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

Mr. Martin stated that he had another item to discuss that wasn't on the agenda. He stated that he had spoken with the Supervisor regarding Rachel Czub. He stated that he had sent the Town Board an email with her proposal. Mr. Martin stated that this was regarding the West Wind Farm on West River Road. They are proposing a farming activity for the growing of grain and barley in support of the micro-breweries in the eastern half of New York State. He stated that this is part of a larger project that they are envisioning. He stated that the 2nd and 3rd phase to the project would increase the production of grain and barley with a facility on site to sell to the breweries on a production level scale. Also, with a tasting facility and brewery on site and possibly a cafe. They would like to make this a destination. He stated that on a Zoning aspect, he feels that this is crossing out of an R5 for agriculture and into things that would constitute a PUD and he recommended to them that this is a better way to go, in terms of the zoning. She asked if the Town would support this project from an economic standpoint and also look to the CFA for the Business Assistance program and sponsor an application looking for the funding. He stated that the phase 1 cost is \$1.2 million. The Assistance to Business Program provides funding up to 20% of that amount. Mr. Martin stated that he had conversations with the State and they are hugely supporting these projects. Laws have been put into place that say these craft brewers in New York State have to start meeting certain bench marks for obtaining grains and barley for their brewing from in-State agriculture providers. He stated that she's looking to fill that void for the brewers and also stated that it's a step process. Mr. Martin wanted the Board to be aware of the project and being a potential sponsor of the application. He would recommend that this be a 50-50 sharing cost for the application process. As there

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

was discussion earlier in the meeting regarding Bluebird Terrace, he mentioned that this would be to the benefit of a sole applicant. He asked what the Board's thoughts were on the application and sponsorship and also commented that the deadline for the application would be July 28th, so this is time sensitive. He stated that this is a very intriguing project and could be a sizeable employment opportunity. Councilman VanTassel asked if the applicant was asking the Board to help fund the application process. Mr. Martin stated that she's trying to put her finances in a plan and would prefer to make this a part of it. The application does require sponsorship from a municipality. He commented that she has been in discussion with her prosperity partnership. Councilwoman LeClair loved the proposed plan. Councilman Kusnierz stated that he has the opportunity of meeting with craft brewers on a regular basis and stated that this is a relatively new industry in the agricultural sector. In 2013 there were only 200 craft brewers across the State. The impact on the State's economy at that time was \$3.5 billion. Councilman Kusnierz stated that he supports the idea. Mr. Martin stated that he would be back before the Board as this evolves. If they have to file an application, they would have to move quickly on it.

CHRIS SCARINCIO – RAIN OUT REFUNDS

The Supervisor stated that Chris Scarincio asked about refunds if tournaments are rained out. Councilman VanTassel stated that he is in favor of refunds if there are rainouts. He stated that the intent by the Town to take money is to cover the additional expense they are incurring. If the games get rained out and the Town sends people home, there is no additional expense. He also stated that there needs to be a policy in writing, with good verbiage. He also stated that the refund would only be if the Town cancels not if the teams cancel. Councilman Kusnierz suggested that the staff come up with the proper verbiage and bring it back to the Board to vote on. Pete Corlew suggested that the fees for the use of the concession stand be refunded as well. The Town Clerk stated that Mr. Scarincio had asked for something in writing before he pays for his tournament, which is scheduled for this weekend. Councilman Kusnierz stated that if the games get rained out, he can bring that before the Board. Councilman VanTassel stated that there was no policy in the past so there's nothing they can do with this right now. He did state that they would work on this quickly.

TOWN HALL PARKING LOT USE

The Town Clerk received a request from Deann Paddock to use the Town Hall's parking lot on July 29, 2017 from the hours of 3:00 pm to 8:00 pm. They live approximately 5 house away and will be having a graduation party for their son. They would prefer to keep cars off of the busy road if possible.

The Town Board had no objection to the request. The Town Clerk asked Counsel, if since the Town has a lease with a party for the Annex building, should they be advised that they can only use the Town Hall parking lot and not the Annex building parking. Attorney O'Hara stated that was correct. He also asked the Town Clerk to advise the Insurance Carrier that the parking lot will be used on that date.

GRISWOLD CEMETERY – SWEET EMAIL REQUEST

The Town Clerk's office received a request from Mark Sweet asking the Town for permission for his parents to be interred in Griswold Cemetery in the Sweet family plot. There were no objections from the Board.

HIGHWAY DEPARTMENT REQUESTS

- Hudson Drive/North Road Drainage Replacement

The Highway Superintendent supplied the Town Board with proposals for the drainage system located in the Hudson Drive/North Road area as follows:

| | |
|-----------------------|-----------|
| Galusha & Cons, LLC | \$57,957 |
| TKC | \$69,800 |
| hma Contracting Corp. | \$111,300 |

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Ms. Mahoney started that she hopes to open the Beach this coming weekend, provided that the ropes are in on time. Councilman VanTassel asked if Ms. Mahoney has been cleared by the Health Department. She replied yes and that it was dated June 17th, so they can open any day after that. She stated that she hopes to have the Beach open from 9:30am to 7:00pm most of the week.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the new hiring of: Aiden Deluke, Sabrena Quintois McKinney, Zachary Smatko and Dylan Basher for lifeguard positions at a rate of \$12.00/hour each, pending successful completion of background checks, physicals and lifeguard courses.

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

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

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the re-hire of: Katelyn Hanson, Kyle Hanson, Ashley Smatko, Jarrod Fisher and Michaela Cahill for lifeguard positions at the rate of pay noted in the 2017 budget, pending successful completion of background checks and physicals.

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

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

- Summer Programs

Ms. Mahoney stated that she had provided the Town Board with a proposed flyer for Fall Flag Football that will need to be approved. She would like to get the flyers out by the end of school. She stated that the packet also includes a Color Run flyer and a Science Camp flyer. Ms. Mahoney stated that there is a Kindergarten teacher at South Glens Falls CSD that will be conducting the Science Camp as well as the Arts and Crafts. The Science Camp will take place at the Recreation Park under pavilions and will be for 12 sessions at a cost of \$10.00 per session. She stated that this will cover the cost of the supplies. Ms. Mahoney also stated that if there are more than 10 children signed up she'll have a second class following the first one. There will be a cost of \$150.00 for staff for the arts and crafts and \$250.00 for supplies. Ms. Mahoney stated that some of that money would come from the County.

Ms. Mahoney stated that Bob Bogdan will be conducting a 2 week baseball camp again this year and asked that the Town purchase baseballs. She reported that there will be a free Lacrosse program to be held on Wednesday night's in the park. She reported that PJ Mostsiff is offering a Summer Soccer Camp in August and that he's willing to give the Town half of whatever he brings in. She stated that she had already given the Board the Fall Soccer proposal, which he would give back \$10.00 per child.

Ms. Mahoney reported that the Color Run will be August 27, 2017. She also reported that they will be having a meeting of the playground committee soon. She stated that people are anxious to see something built at the park. Councilwoman LeClair stated that if we didn't have the money from the sponsors at last year's Color Run (Coalition), we would have been short \$1,500 to \$2,000. She stated that we need to know if we have sponsors or not so that we can decide if the Color Run would be profitable. She stated that we need to know the expense vs. the money to be made before it's publicized. Councilman VanTassel agreed that it shouldn't be advertised until they know. Ms. Mahoney stated that there would be no

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

expense to the Town. Councilman VanTassel asked that the notice not be publicized until they know who the sponsors are and the expenses.

Ms. Mahoney asked if she could have authorization to proceed with the Science Camp. She stated that if there are less than 3 people signed up, they won't have the camp on those days. Councilman VanTassel asked what the expenses were for the Science Camp and Ms. Mahoney replied that there would be no expense, just the cost of the instructor and the supplies. Councilman VanTassel asked if there was a number that she would be paid or if it's based on the number of children. Ms. Mahoney stated that it is per child. She stated that the \$10.00 per child takes care of her instruction and any supplies she may need to purchase. Councilwoman LeClair stated that the \$150.00 for Arts and Crafts will cover her instruction fee and \$250.00 will cover supplies.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to pay \$150.00 for staff and \$250.00 for Arts and Crafts fees. The sessions are to be held at the Beach and the Town will apply to the County for reimbursement. Authorization is also given for a Science Camp, with a minimum participation of 3 children per class and at a cost of \$10.00 per child per session, with the fee going back to the instructor to cover her expenses and for a small amount of pay for each session.

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

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

Ms. Mahoney reported that she had received a Fall Soccer proposal from PJ Motsiff and that there have been no others received. She asked the Board to review.

Councilwoman LeClair stated that she had spoken with the Town Clerk and it was reported that there are still contracts out there that haven't been signed. There are also people on the fields that haven't paid and haven't submitted insurance certificates. She stated that it's tough coming up with a solution because there are a ton of activities. She stated that she had spoken with Fran and suggested having someone in house take care of getting signatures. She spoke with Rudy Klick to see if he would be interested and if so, he would be responsible for getting signatures and insurance for field use and contracts. She stated that several people will need to meet to go over the paperwork process. She stated that Mr. Klick is willing to do this and reported that there is \$4,000.00 that has been budgeted for this purpose. Ms. Mahoney stated that some of that money was supposed to be helping with her paperwork. There was a brief discussion between Councilwoman LeClair and Ms. Mahoney on the process of how contracts are signed. Councilwoman LeClair stated that she is trying to streamline the process. Ms. Mahoney asked the Town Clerk what her involvement is with contracts and field use. The Town Clerk replied that she isn't supposed to have any involvement at all, except to take the money and file the contracts but things aren't getting done. There was discussion on contracts that haven't been signed yet. Ms. Mahoney asked if this would be a part-time job for Mr. Klick and when Councilwoman LeClair replied that it was, she made the comment that he could go ahead and take it. There was conversation regarding the fact that some organizations have been using the park even though they haven't signed contracts or paid. Councilman VanTassel wanted to go on record by saying "he's done, sign the contract and pay the money or he's about ready to tell them to get off the fields". He stated that if it wasn't for the kids being affected, he would be saying it already. He asked where the contracts were and then asked why the representatives from those organizations weren't her as they were told to be here. The Town Clerk suggested that there be one person in charge of contracts from beginning to end. Ms. Mahoney suggested that those involved meet to go over the process. Councilman VanTassel stated that he won't meet with the organizations again and commented that they can come before the Board.

Councilwoman LeClair stated that she wanted to discuss Bounce Houses. Attorney O'Hara stated that he was asked to address the language in the Park Use Request Form and had made suggestions that only professionally installed bounce houses be allowed and to have insurance that names the Town as an

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

additional insured. He stated that even if they have the language and insurance is provided, the Town can still be sued if something were to happen. Councilwoman LeClair stated that there is an issue of “who’s watching”. She made mention of Fun Days and the lack of supervision of the Bounce Houses. Councilman VanTassel agreed with what Councilwoman LeClair had stated; the Bounce Houses are set up by professionals but they leave after the set up, so there isn’t a representative present to monitor them. Councilman Kusnierz stated that, due to the fact that there have been some high profile horrific accidents recently, even though we have their insurance and with the lack of supervision, the reality is that if something goes wrong and it’s on Town property, the Town would be part of any named lawsuit. He stated that he would prefer the Town not allow them at all. Councilman VanTassel was supportive of not allowing Bounce Houses. The Board seemed to be in agreement. Councilman VanTassel asked if a resolution was needed and Councilman Kusnierz replied that it wasn’t and that we just don’t approve them. The Town Clerk stated that she would change the wording on the Park Use Request form, making it clear that Bounce Houses aren’t allowed in the Park.

Pete Corlew stated that he was supposed to have a new hire on the agenda and mentioned Sadie Williams. Councilwoman LeClair stated that this person had been interviewed and Mr. Corlew stated that the background check had been done.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel authorizing the hiring of Sadie Williams at the rate of \$12.00 per hour as a Full-time Seasonal employee at the Recreation Park pending successful completion of a background check and physical.

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

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

Councilman Kusnierz stated that it was reported in the newspaper that the Park was closed during the State Softball Tournament. He asked if they normally close the Park and also asked if the Board was ok with that. Councilman VanTassel stated that over the past 4 years, for this event, when they have 2,000 to 2,500 vehicles, they have to close it for parking. Pete Corlew stated that the Park is open and the spectators don’t have to pay until they enter the quads. Mr. Corlew stated that there are no sports allowed in the Park during that weekend. He stated that the rest of the Park is opened if people want to come in. Councilman Kusnierz asked what the Town received from the Tournament and Mr. Corlew replied \$1,600.00 for 9 hours. He also stated that there were less than 2,000 vehicles this year. Councilman Kusnierz stated that the Town is getting a small percentage. The Supervisor stated that they use the concession stand as well and Mr. Corlew commented that the local softball runs the concession. Councilman VanTassel asked for clarification in that the Tournament is competitively bid. Mr. Corlew stated that it was and bid on every 3 years. Mr. Corlew stated that this year was the first of a three year contract. Councilman Kusnierz stated that he had a concern for the residents when he heard the Park was closed.

OLD BUSINESS

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

The Supervisor reported that the most recent memo from Counsel asked if the bills from the Fortsville Road residents were paid in protest. The Supervisor asked Attorney O’Hara what the definition of “Paid in Protest” is. Attorney O’Hara stated that there are several ways to protest. He stated that you can protest the bill and not pay it, in which case the Town can refund the amounts billed. The Supervisor is of the opinion that these people should be refunded because of the contract that was signed, which stated that they would only pay for water that goes through the meter. Councilman VanTassel asked if this would be for those who have meters and the Supervisor replied that none of them have meters. Councilman

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

VanTassel stated that his statement wasn't true because there are some with meters and some with meters on the floor. There was a discussion as to what the definition of hooked-up is. Councilman VanTassel stated that at a previous meeting, the definition of hooked-up is when the water is turned on. The Supervisor stated that they're talking about no water running through the meter. Councilman VanTassel asked what we would do with the meters. The Supervisor reiterated that the contract states they will only pay for the water that goes through the meter and asked why they were having to pay a minimum bill. Councilwoman LeClair stated that it was for the infrastructure and the Supervisor replied that it didn't mention that in the contract. The Supervisor stated that there could have been an ad valorem tax placed on those within the district, which would have paid the debt for the infrastructure and this wasn't done. The Supervisor stated that the former Supervisor by way of the Water Superintendent stated that these people should be charged. The Town Clerk noted that the list in question is being misinterpreted and that Jesse simply gave the list of people not using the water. He wouldn't have told us not to charge anyone. She stated that direction came from the former Supervisor and that it was in the minutes. The Supervisor stated that the minutes the Town Clerk was referring to stated that they would only have to pay for the water that goes through the meter. The Town Clerk stated that she didn't recall that and the Supervisor asked her to check the minutes. The Water Superintendent stated that even though there are meters, it will only register if the water runs through it. Councilman Kusnierz asked if all of the people on the list are protesting the minimum bill and the Supervisor replied that only 7 of those on the list are protesting. Councilman Kusnierz stated that he was ok not having those 7 people pay minimum bills but it would be contingent on them signing an agreement stating that if they want water in the future, they would have to pay the \$1,700.00 buy in fee. Councilman VanTassel stated that this is where they left off before and stated that a letter needs to be drafted by the Supervisor's office that states they won't be charged now but will have to pay to hook up later. The Water Superintendent offered that if they haven't used the water and choose to do so in the future, the amount they've already paid should be deducted from the fee for the \$1,700.00 buy in. Councilman Kusnierz thought that would be complicated and Councilman VanTassel stated that it would be hard to track. The Town Clerk asked if they were going to refund all the minimums that were paid. The Supervisor was of the opinion that they should be refunded. There was discussion as to the minimums that should or shouldn't have been paid and whether or not they should be refunded. Councilman VanTassel stated that he wasn't opposed to refunds if we shouldn't have been collecting it. He stated that the Supervisor's office needs to draft a letter and present it to the Board, which asks people to sign a document agreeing that they will pay a buy in fee in the future, should they want to hook up to the water. There was another brief discussion and Attorney O'Hara mentioned that he could help draft the letter. Councilman Kusnierz asked the Supervisor if he will be drafting the letter and he replied that he would.

- Town Hall – Curb Cut

The Supervisor commented that the best price he has for someone to pour the cement is \$1,800.00 and suggested that the Board take it or leave it. He stated that he doesn't like it and would also like the Highway Superintendent to cooperate but mentioned that there was a lack of cooperation. He stated that he's tried to meet with him and he's always unavailable. He stated that he had left a message asking the Highway Superintendent to get in touch with him so he could show him where to cut the curb. The Supervisor stated that you can't make people do things that they don't want to do. He stated that other than that, they can hire a contractor.

- Ongoing Bird Issue at the Entrance

The Supervisor stated that he had been getting prices to close in the entrances and has come up with a price of about \$1,800.00. He stated that it would be for 6" V-Grove, stained. Councilman VanTassel asked who the contractor was and the Supervisor replied that he didn't have a contractor, he had simply estimated the cost. Councilman VanTassel asked who would do the work and the Supervisor replied "whoever you get to do it". He asked for authorization to get it done at a cost not to exceed \$1,800.00. There was a brief discussion and in closing, Councilman VanTassel stated that he would speak to the Board members.

- Town Hall – Changeover of Email Server

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman VanTassel stated that he has asked PS Technical Services for a revised proposal based on information that has been provided to him. He was asked by PS Technical if he needed the proposal by the end of the week and Councilman VanTassel replied to them that today would be good. He reported that as of today he didn't have the proposal but thought that the original proposal of \$6,000.00 will go down substantially.

- Town Hall – Insulation

The Supervisor stated that there's nothing new. They haven't been paid and there has been no contact. He also stated that there are no problems right now and no chance of freezing up.

- Town Hall – Force Main Payback

The Supervisor told Attorney O'Hara that they still need legal direction. He replied that a memo had been provided to the Town Board prior to the last meeting.

Councilman Kusnierz reported that the Agenda had a typographical error. The date at the top read 2016 instead of 2017. He also stated that it read the same on the website. The Town Clerk reported that the Supervisor's secretary types the agenda and then she puts it on the website. He asked if she would have it corrected.

SUPERVISOR'S ITEMS

None

PUBLIC COMMENT PERIOD

Angela Wadsworth presented to the Board and read a portion of the easement agreement pertaining to the charges for water in District 1. Particularly, where it states that residents will only pay for the water that goes through the meter. She agreed with the Supervisor that if it doesn't go through the meter, they shouldn't be charged.

Ms. Wadsworth also stated that there has been a lot of rain lately and she's flooded again. She expressed her displeasure with the debris that gets washed onto her property from the road. She stated that she didn't feel she should have to go out and clean it up and that it has been overwhelming for her.

Ms. Wadsworth reported that she had submitted a FOIL request for copies of all the tax maps for her neighbors property from 1990 to present and expressed her concern that the boundary footage didn't match the deeds and changed from year to year. The Supervisor stated that he would look into the matter.

Rob Forcey, Publisher from the Post Star Newspaper, was present to discuss their launching of a new publication to the citizens in Town. The Supervisor stated that they're tossing them onto people's properties and it needs to stop. He also commented that some of these people are elderly and can't bend over to pick the paper up. Mr. Forcey stated that it is reported in the paid subscription, the free paper, the Chronicle and on the news, the number to call if people don't want the free paper. Mr. Forcey stated that there has been discussion of this being littering. He stated that with over 43,000 free copies, they've only had about 300 people cancel. The Supervisor commented that there have been a number of irate people who have called about the paper. He stated that he had called the Post Star himself and was taken aback when he was told to call circulation.

Councilman Kusnierz thanked Mr. Forcey for coming and introducing himself. He stated that there was a woman in the audience who he had spoken with a few weeks ago and who is very irate of this process. He stated that he had called the Post Star and had the same result the Supervisor did. He stated that whomever the Post Star is using for a carrier is doing a great job. He stated that by 8:00 am, everyone on Gansevoort Road had a paper in their driveway. Councilman Kusnierz asked if they have record of those who have Post Star boxes and asked if maybe they could put the papers in those boxes. Mr. Forcey stated

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

that this is a free paper for non-subscribers. Mr. Forcey stated that if anyone doesn't want the paper, it's in the Post Star's best interest not to deliver it, otherwise, it will just get picked up and thrown away. He also stated that this is a way to expand their audience. He stated that they're not trying to be ecologically irresponsible, which is a complaint that was made on Facebook. Mr. Forcey stated that he had spoken with the 3 District Attorney's from Warren, Washington and Saratoga Counties and asked them if there was anything he needed to worry about moving forward with this. He stated that they're more than happy to stop the delivery if they're asked to stop. Councilman Kusnierz stated that he didn't want to be critical of the content but rather that it's being placed on someone's property who didn't ask for it and now they have the extra step of having to cancel it. He stated that it shouldn't work that way. He suggested mailers to go out asking if people want the free subscription and if they do, then they can deliver it to them. Councilman Kusnierz reiterated what the Supervisor had stated earlier, that it's problematic for some people to pick these up, whether they want to read it or not. Councilman Kusnierz stated that he knows you can't put anything other than mail in a mailbox but thought maybe the papers could be hung from the outside of the box. Mr. Forcey stated that they could look into that and also stated that they're doing this in an effort to keep people employed, who live in this community and other communities in the area. Councilman Kusnierz stated that he didn't want to bring up a competitor but the Chronicle doesn't deliver, they simply put their paper out in public places. Mr. Forcey stated that the Chronicle is a different product and a different publication. To put the Post Star's paper next to theirs would make it look like they're going after them. Mr. Forcey stated that he feels they're providing a valuable service to the community. He didn't think it was too much to ask of people to spend 2 seconds to call and let them know if they don't want the paper. Councilman VanTassel asked if the instruction is clear for people and Mr. Forcey replied that it is. Councilman VanTassel asked if it was on the bag or on the front page and Mr. Forcey replied that it was on the front page. He also stated that the Chronicle had done an article on the subject and the number to cancel was also on Channel 8. Councilman Kusnierz asked if they might put the number on the outside of the bags. Councilman VanTassel agreed that it should be on the outside of the bag. Mr. Forcey stated that's what they intend to do. The Board thanked Mr. Forcey for coming.

Reed Antis asked what was happening with 61 Hudson Street. He asked if there was a value put on it to be sold. The Supervisor stated that he had spoken with the Village Mayor and that he's interested once he has time to look into the matter.

Mr. Antis asked if there was any news on the VanBuren Street meter that was to be installed. The Supervisor told him to ask the Water Superintendent and Mr. Antis replied that he is only supposed to address the Board. The Supervisor told him he didn't have anything new on the subject and asked Mr. Fish what he knew. Mr. Fish stated that the meter was part of the project that was voted down. Councilman VanTassel asked if he was referring to the meter that was part of a joint County initiative. Mr. Antis replied "yes" and Councilman VanTassel stated that the Town paid money for this initiative. The Supervisor stated that he would follow up on this. Mr. Antis asked why it wasn't in yet and Councilman VanTassel replied that the Town has no control of putting this in. There was a brief discussion of the meter between Councilman VanTassel and Mr. Antis and in closing, Councilman VanTassel stated that he would get an answer for him.

Mr. Antis stated that if he understood correctly, with regard to recreation contracts, because the Town won't deny children the right to play, they're letting the contracts slide. He asked if the problem exists because the Town doesn't have a department head for that department. The Supervisor stated that the Board members have let their displeasure be known about the matter. There was another brief session of comments relating to Mr. Antis' questions and in closing, Councilwoman LeClair stated that they're trying to work on this and mentioned that it's not a perfect process and they're doing the best they can.

COMMITTEE REPORTS

There was nothing presented by the Board.

The Supervisor commented that there is a motion in order to discuss litigation. He made a request to have minutes taken during executive session. Councilman Kusnierz stated, that as long as the minutes aren't available to the public. The Supervisor stated that he had gone over this before and they don't have to be made available right away.

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to adjourn to executive session at 11:13 p.m. for the purpose of discussing a litigation matter and for the Town Clerk to be invited in to take minutes of any action.

The Supervisor expressed his displeasure and Councilman VanTassel stated that he has read the law. The Supervisor stated that there is a consequence when minutes aren't taken and they're dealing with one right now. There was a lengthy discussion determining whether or not minutes should be taken with the Supervisor being interrupted and told that they weren't in executive session yet. The Supervisor stated that if minutes of the discussion aren't taken, he wouldn't participate in executive session. The Town Clerk stated that her minutes don't have to be entire discussions and that she only needs to record actions and resolutions. She stated that she wouldn't take notes of all discussion that takes place. The Supervisor asked if she is supposed to put in opposing viewpoints and she reiterated that she only needs to record any action or resolution that is taken. The discussion continued with the Supervisor commenting that actions are taken in executive session and there are no minutes.

Councilman VanTassel revised his motion and it was seconded by Councilman Kusnierz that they adjourn to executive session at 11:15 p.m. for the purpose of discussing litigation and that the Town Clerk will be present to take notes of any action that is taken.

A heated discussion continued regarding the recording of executive session. Councilman VanTassel stated that there was a motion to go into executive session and asked for a vote.

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

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

The Town Clerk was invited into the executive session to take notes if any action is taken.

The Town Board returned from executive session at 11:28 p.m.

Councilman VanTassel reported that action was taken by the Board to continue the litigation of the Highway Garage Roof.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to close the meeting for the evening at 11:28 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on June 13, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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