

A regular meeting of the Town Board of the Town of Moreau was held on August 8, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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

The Town Clerk called the roll.

Town Board Members Present

Alan VanTassel	Councilman/Deputy Supervisor
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman

Town Board Members Absent

Bob Prendergast	Councilman
Gardner Congdon	Supervisor

Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Peggy Jenkins, Town Assessor; Kathleen Moore, Post Star Reporter; Reed Antis, Planning Board Member and Town Resident; Town Residents: Kyle Noonan and Nathaniel Smythe; Village Residents: Michael Linehan and Karen Tarantino

The Deputy Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from June 27, 2017 (2 sets) and July 25, 2017 (2 sets) were presented to the Town Board in advance of the meeting for their review, comment, correction and approval. The minutes from the public hearing held on June 27, 2017 and the month-end meeting minutes from July 25, 2017 were held, as there weren't enough Board members present at this meeting to approve them.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to approve the minutes from the regular Town Board meeting held on June 27, 2017 as prepared.

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

Councilman Prendergast	Absent
Councilwoman LeClair	Aye
Councilman Kusnierz	Aye [Abstained from the portion that he wasn't present]
Councilman VanTassel	Aye
Supervisor Congdon	Absent

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to approve the minutes from the regular Town Board meeting held on July 25, 2017 as prepared.

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to correct the minutes of the month-end meeting, held on July 25, 2017, page 233, 2nd paragraph from the bottom, to read: approving payment of an invoice from Lewis and Greer in the amount of \$5,600.50, which included \$2,400.00 for the services of GM Bunk. This will be paid from account A1355-4.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

A workshop to discuss the Employee Handbook was scheduled for August 29, 2017, to follow after the month-end meeting.

Councilwoman LeClair also suggested that they might discuss the plan for the Force Main Payback. Councilman Kusnierz stated that certain actions need to occur for this year's budget and he mentioned that it might be past that point. Councilman VanTassel stated that they need to have a discussion in executive session first.

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

Reed Antis asked why the Force Main issue can't be discussed in open session. Councilwoman LeClair stated, that it was relayed to her from Counsel that it could result in litigation, depending on the decision. Mr. Antis thought that was silly and that it could be discussed in open session. Councilman VanTassel stated that they haven't had a chance to discuss in executive session because the Supervisor hasn't been prepared.

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of Diesel Fuel from Main Care Energy in the amount of \$20,000.00. This will be paid from account DB5142.460, which has a balance of \$42,566.59 as of August 1, 2017.

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

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

- Verizon Claim

Councilman VanTassel reported that a claim was made against the Town by Verizon and asked Attorney O'Hara how the Town should proceed. Attorney O'Hara stated that the Insurance Company would assign Defense Counsel. He stated that they would handle and consider counter claim. The Highway Superintendent stated that Verizon caused the damage to the culvert because they had bored through it.

RECREATION REQUESTS

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to hire Steven Vance as a Full-time seasonal laborer at the Recreation Park at a rate of \$12.00 per hour and subject to successful completion of a background check and physical.

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

Councilman Kusnierz	Aye
Councilman VanTassel	Aye
Councilman Prendergast	Absent

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Councilwoman LeClair	Aye
Supervisor Congdon	Absent

TRANSFER STATION

Councilman VanTassel stated that they had received only 2 quotes for brush grinding at the Transfer Station but believed that there was a valid attempt to get at least 3. The following quotes were received:

Galusha & Sons, LLC P.O. Box 4787 Queensbury, NY 12804	\$4,900.00
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Wood Waste Reduction Services P.O. Box 133 Glens Falls, NY 12801	\$5,500.00
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A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to contract with Galusha and Sons, LLC for the grinding of the brush at the Transfer Station, in the amount of \$4,900.00.

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

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

Councilman VanTassel asked if this is the same grinding that produces mulch that would be available to the public. The Highway Superintendent stated that it would be just wood chips, not mulch. Councilman VanTassel asked that the Recreation Department get what they need first. Councilman Kusnierz stated that if the Recreation Department feels that there might be extra, they should let the Town Board know.

HUDSON DRIVE/NORTH ROAD DRAINAGE

Councilman VanTassel stated that they need to rescind the resolution that was put forth at the last meeting. Councilman Kusnierz reported, that at the last Town Board meeting, a motion was made by Councilwoman LeClair and seconded by himself to transfer \$57,957.00 from the Nova Chip account to the Drainage account. He stated that those funds couldn't be transferred.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to rescind the motion of July 11, 2017, in which \$57,957.00 was to be transferred from account DB5112.493.4 Nova Chip – Paving and be transferred to B8540.4 Drainage – Contractual.

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

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

Councilman Kusnierz asked the Highway Superintendent if this was something that needed to be done this year, because if so, it would require them to take the money from fund balance and to amend the adopted budget. He stated that he's not opposed to the project but would prefer that it be part of the budget process. He asked the Highway Superintendent if the pricing would change. The Highway Superintendent stated that the price was good for 60 days and that they were almost at that now. His concern was that if they didn't do the work and someone's sump pump fails, would the Town be held

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responsible. Councilman Kusnierz stated that there has been a problem for several years now. Councilman VanTassel stated that there was quite a difference in the price quotes. The Highway Superintendent stated that the lowest price was given because they were already in the area doing another project. Councilman VanTassel asked the Highway Superintendent, if those factors don't apply next year, would the higher quotes be more realistic. The Highway Superintendent stated that they would be. Councilman VanTassel asked what would have to be done, should they decide to use the money from fund balance. Councilman Kusnierz stated that it would require an increase in appropriations.

There was a brief discussion relative to the work being done this year vs. next year.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to increase appropriations by \$57,957.00 to B8540.4 Town Outside Village – Drainage – Contractual To increase 2017 appropriations using unreserved fund balance to hire Galusha & Sons to repair the drainage system located on Hudson Drive and North Road.

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

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

Councilman Kusnierz stated that they could go ahead with the resolution to do the work but asked the Highway Superintendent to see if the price is still good.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to expend \$57,957.00 for the purpose of drainage on Hudson Drive and North Road, which will be paid from account B8540.4 Town Outside Village – Drainage – Contractual.

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

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

Councilwoman LeClair asked the Highway Superintendent if he would be able to save the money in the paving budget that couldn't be transferred and let it roll over into fund balance for next year. She stated that it would help the budget. Councilman Kusnierz stated that there were roads that were foregone in order to do the drainage project. He stated, because the money didn't get transferred out of his account, he would be able to do the jobs he budgeted for. He asked the Highway Superintendent to let the Board know, if he chooses to do the road.

MOREAU COMMUNITY CENTER – TURN THE TOWN TEAL

Councilwoman LeClair stated that the Moreau Community Center was looking to put up banners in support of "Turn the Town Teal" to raise awareness of ovarian cancer. She stated that there would be no cost to the Town.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to memorialize a vote allowing the Moreau Community Center to place banners, which would raise awareness of ovarian cancer.

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

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

INTER-MUNICIPAL WATER AGREEMENT WITH THE VILLAGE OF SOUTH GLENS FALLS

Councilman VanTassel asked the other Councilmembers if any of them had heard from the Village on this matter. The answers were all “no”. Councilman VanTassel stated that they would leave communications open and will discuss the matter with them, if they choose to.

ASSESSOR’S CLERK POSITION

The Assessor had interviewed a young lady and is requesting to hire Stacy Lavin on a Part-time basis at \$13.02 per hour pending successful completion of a background check and physical. Councilman VanTassel asked if any of the Board members had interviewed her. Councilwoman LeClair stated that the Assessor had called Councilwoman LeClair and Councilman Prendergast but they were unable to interview before this meeting. Councilman VanTassel was of the opinion that they should do a second round of interviews with the Board. Councilman Kusnierz asked the Assessor if Ms. Lavin was a Town of Moreau resident. Ms. Jenkins stated that she had interviewed 2 applicants from the Town and they both declined. She also stated that she had spoken with 30 applicants on the County list and none of them wanted part-time work. Councilman Kusnierz asked how many hours would be involved and the Assessor replied 17 ½. Councilwoman LeClair asked if they could meet tomorrow evening to interview Ms. Lavin. Councilman Kusnierz asked the Assessor to get in touch with Ms. Lavin to see if she would be available tomorrow evening at 6:00pm to interview with 2 Councilmembers. Councilman VanTassel stated that if they intend to hire her after the interview, they can poll the Board and then memorialize the vote at the next Town Board meeting. Councilman Kusnierz stated that they need to check with Fran to make sure that they can hire her prior to a resolution.

Karen Tarantino addressed the Board and asked for a synopsis about agenda item #10 and two items under “Old Business”. Councilwoman LeClair explained about how the force main came about and that the Supervisor wanted to get the general fund paid back for the loan that was taken to build it. She stated that there needs to be more discussion on the matter before anything can be done.

Councilwoman LeClair advised that the Highway Garage roof has a leak and they’re determining whether they can take the engineer or inspector to court. She stated that the other entities involved in the construction have gone out of business.

OLD BUSINESS

Councilman VanTassel stated that he doesn’t have anything new on the first three items.

- Town Hall – Curb Cut
- Town Hall – Ongoing bird issue
- Town Hall – Insulation

The Highway Superintendent stated that he’s waiting for the Town to hire a contractor before he can cut the curb. Councilman VanTassel stated that they should take this through the proper procurement policy and asked that the Supervisor’s office send out Requests for Proposals. He stated that once they come back, they can pass a resolution.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz authorizing the Supervisor’s office to send out Requests for Proposals for the cement work needed for the curb cut.

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

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

Councilman VanTassel stated that the insulation issue hasn't been an urgent matter. He stated that the Building Inspector needs to do a walk-through of the attic with the contractor who did the insulating, to validate that the requested scope of work was completed and is satisfactory. He stated that they've both been busy in the warm weather. He stated that they need to push the Building Inspector to get the contractor back in to do the inspection.

Councilman VanTassel stated that there needs to be further discussion of the force main in executive session.

SUPERVISOR'S ITEMS

Councilman VanTassel stated that he had nothing for this agenda item and stated that the Supervisor's brother had passed away, which is why he wasn't in attendance. He wished him and his family the best.

Reed Antis asked about Prentiss and Carlisle and asked if it would be discussed in executive session.

Ms. Tarantino asked for a brief description of the Prentiss and Carlisle matter. Councilman Kusnierz explained that about 2 years ago, the Town signed a contract with an entity that was doing business with the Town to do logging on three separate parcels. By agreement the Town didn't want this entity to move forward. He stated that the Company had paid the Town in advance for the timber and they want their money back.

PUBLIC COMMENT PERIOD

Kyle Noonan addressed the Board and asked about a zoning change that was brought to the Board a couple months ago. He stated that the public comment period was left open and asked if they had received any comments. Councilman VanTassel advised that the applicant withdrew his request for the zoning change and the Public Hearing has been closed.

Reed Antis asked about the sewer rate fee and if there was a conflict of interest with the firm that represents the Town because they represent Mr. Schermerhorn as well. Attorney O'Hara stated that there would be no conflict because they don't represent Mr. Schermerhorn on any matters that take place within the Town of Moreau. Mr. Antis stated that they do represent them and Attorney O'Hara stated "never in the Town of Moreau". Mr. Antis stated that when there was an issue on the Zoning Board of Appeals, his firm recused themselves because they represented both parties. There was a short discussion between Mr. Antis and Attorney O'Hara.

Peggy Jenkins reported that Ms. Lavin would be able to make the interview tomorrow evening at 6:00 p.m.

COMMITTEE REPORTS

Councilwoman LeClair reported that AIM Services has volunteered several times at the garden beds. She stated that with the Community Center not being able to use the beds this year and not having enough people reserving them, they've become full of weeds. They've volunteered and pulled weeds from about 15 garden beds. She stated that there are about 10 beds to go and asked if anyone likes physical labor to please join them.

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A motion was made by Councilman Kusnierz to adjourn to executive session to discuss Highway Garage Litigation, potential litigation with Prentiss and Carlisle and the work performance of an unnamed employee.

Councilwoman LeClair stated that she wanted to talk about the Principal Account Clerk position before executive session. Councilman Kusnierz rescinded his motion to go into executive session.

Councilwoman LeClair stated that she would like to bring someone on board that can shadow Fran for the next three months. She stated that Fran has vacation time and will be done the end of November. She thought it would be helpful for this person to sit through the budgetary process. Councilman VanTassel stated, that to get this moving, they need to advertise for the position.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to advertise for a Principal Account Clerk position in the Post Star Newspaper, the Chronicle and on the Town's website. Salary commensurate with experience.

Councilman VanTassel suggested putting the ad on some job service sites. The Town Clerk advised that the Post Star automatically puts their help wanted ads on Monster and a few other sites.

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

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn to executive session at 7:52 p.m. to discuss an unnamed employee's work performance, update on the Highway Garage litigation and potential litigation with Prentiss and Carlisle.

Councilman VanTassel asked if they would discuss the force main issue in executive session. Attorney O'Hara stated that at the end of the executive session, they could have an Attorney-Client conference on the force main.

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

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

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

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to adjourn the executive session and resume the regular session at 8:27 p.m.

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

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

There was no action taken in executive session.

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A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to engage the services of the Town Engineer to draw up bid specs for the repair of the New Highway Garage Roof and specs for the repair of the leaking Old Highway Garage Roof and provide the documentation in an either/or, or both, bid package.

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

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

Councilman Kusnierz stated that once they receive the bid specs, it's the Board's intent to put them out for RFP's, so they have real numbers to determine what it will take to repair the Highway Garage roofs.

Mr. Antis asked if there was litigation and Councilman Kusnierz stated that was a separate issue.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz directing Counsel to explore a settlement offer regarding the Prentiss and Carlisle situation.

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

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

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to close the meeting for the evening at 8:30 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

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