

A regular meeting of the Town Board of the Town of Moreau was held on September 26, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Congdon called the meeting to order at 7:05 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also present:** Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Jim Martin, Zoning Administrator; Sandy Mahoney, Recreation Program Director; Robin Renaud, Supervisor’s Confidential Secretary; Peggy Jenkins, Assessor; Reed Antis, Planning Board member and Town Resident; Kathleen Moore, Post Star Reporter; Town Residents: Kyle Noonan, Bruce Lant, Vince Spoorer, Carrie Morrison-Baker, John Hogan; Village Residents: Brigid Martin, Matthew Manning and Mike Linehan

The Supervisor led the Pledge of Allegiance.

The Supervisor reported a tragic accident on Route 9, which happened the night before this meeting. A gentleman had been struck and didn’t survive the accident. He mentioned that the State is doing work on the road and there were no orange cones or markers. He also mentioned the need for a speed reduction from 55 mph. The Supervisor mentioned that speed limits get asked for and they’re told “that’s how fast people drive, so it must be ok”. He stated that he had been told the average speed limit on Reynolds Road is just under 60 mph and therefore, 55 mph is ok. Bruce Lant stated that the temporary markings aren’t as bright as the permanent markings.

The Supervisor suggested a warning to parents that their children shouldn’t be wearing dark clothing after sun down as it’s very difficult for drivers to see them. He also mentioned the need for bicycles to have reflectors.

Brigid Martin commented that the Supervisor was correct. She stated that there have been several deaths of pedestrians not being recognized by cars. She commented that the Sheriff’s Department needs to be contacted and asked to step up patrols and enforce the laws. She stated, that it seems, the Sheriff’s Department writes police reports but they never pro-actively try to stop the problems before people die.

**APPROVAL OF MINUTES**

The minutes from August 29, 2017 (3) sets and September 12, 2017 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz approving the minutes from August 29, 2017 (3) sets, 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	Aye

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A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel approving the minutes from September 12, 2017 as prepared.

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

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

A budget workshop was scheduled for October 4, 2017 at 5:30 p.m.

The Town Clerk asked if the Town Board wanted to change the date for the October month-end meeting. She stated that it is presently scheduled for October 24<sup>th</sup>. The Town Board agreed that the meeting should remain on the 24<sup>th</sup> of October.

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

No comments were made.

### **JIM MARTIN – REC FEES FOR PROPERTIES**

Jim Martin, Zoning Administrator, presented to the Town Board a need for possible clarification on subdivision rec fees. The Supervisor had a recent subdivision and was opposed to the fees associated with it. Mr. Martin stated that he had a reasonable question and then explained in detail how fees are paid. He stated that if a resident builds on 1 lot, there are no recreation fees paid. However, if that lot is subdivided, recreation fees are paid for the number of subdivided lots. He gave an example that if the lots are then subdivided again, the owners would have to pay again for the number of lots in the subdivision. It was the opinion of the Supervisor that if an original lot, that isn't subdivided, doesn't have to pay for recreation fees, a subdivided lot shouldn't have to pay for the 1st lot and also going forward, if the lots are subdivided again, the original lot shouldn't have to pay the recreation fees. At present, if a lot is subdivided once, fees are then paid twice for the original lot and if subdivided again, the fees are now paid 3 times for the original lot. Mr. Martin stated that he has no authority to change the fee structure, which is why the question has been brought before the Town Board. Councilman Kusnierz stated, that since 1990 a lot of individuals have paid these fees. He stated that previous Boards have increased these fees to provide adequate recreation for residents. He commented that there is only so much development that can be done and that at some point it will stop. Councilman Kusnierz stated that he was reluctant to reduce fees for recreation. Mr. Martin stated that he respected the rationale of the recreation fees and wasn't recommending to do away with them. The Supervisor stated that he had brought this to the attention of the Building Inspector back in 2015 as well. Mr. Martin stated that if he can't answer a question, he brings it to the body that can answer the question. In this case, the question happened to come from the Supervisor. Mr. Martin stated that he would have brought this question to the Town Board regardless of who questioned the fee. Councilman VanTassel asked Mr. Martin if he was looking for an answer at tonight's meeting and Mr. Martin replied that he was. Councilman VanTassel stated that he would like to review the information a bit longer. There was no decision made at this time.

### **COURT – SR COURT CLERK PAY**

The Town Justices had presented a request for an increase in pay for Jennifer Miller now that she is their Senior Court Clerk. Councilwoman LeClair stated that it's close to budget time and asked the Town Board if they should wait and discuss during budget discussions. Councilman VanTassel agreed and asked that this item be discussed at budget time. The Town Board was in agreement.

### **HIGHWAY REQUESTS**

A regular meeting of the Town Board of the Town of Moreau was held on September 26, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

- Brush Chipper

Councilwoman LeClair stated that this request was initially brought before the Town Board on March 28<sup>th</sup>. She asked what they would do with the old one, if a new one is purchased. The Highway Superintendent stated that it would be auctioned off. He thought they might get around \$6,000.00. Councilman Kusnierz thanked the Highway Superintendent for providing the additional information that was requested of him.

The following quotes were received from the Highway Superintendent:

Abele Tractor & Equipment Co. 72 Everett Road Albany, NY 12205	\$50,988.35
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Vermeer Northeast 1235 Route 9 Castleton, NY 12033	\$72,767.00
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Robert H. Finkle & Sons Inc. 1569 US route 9W Selkirk, NY 12158	\$51,781.20
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A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel approving the purchase of a Brush Chipper from Abele Tractor & Equipment Co. in the amount of \$50,988.35 and to be paid from account DB5130.2, with a balance of \$78,822.57 as of September 1, 2017.

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

- Gasoline

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel authorizing the purchase of Gasoline from the 2017 budget year from Global Montello Group, under State Contract #PC66690 and in the amount of \$5,000.00. This expense will be paid from account DB5142.460, with a balance of \$24,326.58 as of September 1, 2017.

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

### **RECREATION REQUESTS**

- Memorialize vote to repair 2002 Pickup truck

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to memorialize a vote that authorized the repair of the 2002 Pickup truck, at a cost not to exceed \$850.00.

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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

- Rec Basketball

Attorney Buettner stated that she had received an email from the Recreation Program Director requesting that she look at the verbiage on the sign-up forms for recreational programs. She stated that she had emailed the Director back with a change to some of the wording. Attorney Buettner also suggested wording on the applications, that states, just because someone is signing up to be a volunteer doesn't mean that the position will be available. Councilman VanTassel agreed with her suggestion.

### **LANDING ZONE**

Mr. Lant came before the Town Board to see where they were at with their decision on the Helicopter Landing Zone, which he had proposed some time ago. He provided additional information that had been requested regarding the lighting. Mr. Lant had a conversation with the Town's Zoning Administrator and is now looking for approval of the plan. There was a lengthy discussion that took place over the zoning for the landing zone. Mr. Martin stated that if the entire project was on Town property, the Town wouldn't have to abide by their own zoning regulations. He stated that if anyone else had come before the Town, they would have to go through site plan review. The question was asked, that if the landing zone is on Town property, why would it have to follow zoning regulations and it was replied that not all of the landing zone is on Town property. Mr. Martin stated, that if the entire landing zone is on Town property and it's being built for a government function, the Town would be exempt from its zoning regulations. Mr. Lant stated that it was initially all on Town property but there was a drainage issue. Mr. Martin stated that the drainage could work but that the Town would also need to think about upkeep and insurance. Attorney Buettner stated that, even if it were all on Town property, it would be wise to go through site plan review in order to protect the Town. Mr. Martin stated that the Planning Board is more skilled to deal with drainage issues. He recommended going through the Planning Board as well. He also stated that he didn't want to hold up the project but felt that it was prudent to have the project reviewed. Councilman Kusnierz asked who makes the determination as to whether this is a governmental function or not. Mr. Martin stated that if the project is on Town property, he will make the determination as to whether it's a governmental function or not. Attorney Buettner stated that if any portion of the project is on Fire Company property, it wouldn't be exempt. Councilman Kusnierz asked Mr. Martin if he would pull the maps of the Town property and the Fire Company property to see if the project can be all on Town property. Mr. Martin stated that he would have a formal decision on the matter before the next Town Board meeting and Councilman VanTassel stated that he would speak with the Town's insurance agent.

### **WATER DISTRICT 6 BILLING QUESTION**

The Town Clerk posed a question to the Town Board regarding a water customer who has an account for a building that is just a shell and has no meter attached. The Town Board was of the opinion, that if the customer hasn't made a formal complaint of their bill, they weren't inclined to change anything. The Town Clerk stated that she would bill the customer as they have been billed.

### **FAMILY MEDICAL LEAVE ACT**

The Supervisor asked the Board if they had anything that they would like to add to the discussion. There were no comments made. The Supervisor commented that they have all the information they need. There was no action taken.

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### **PUMP HOUSE RFP'S**

The Supervisor reported that there are new regulations in Northumberland with their ability to accept asbestos and that he's getting details on the regulations. He also stated that a lot of the cost to remove asbestos is due to the transportation of it, out of the area. Councilwoman LeClair reported that there were four RFP's sent out and only one response came back. She also stated that another proposal had been received for approximately \$25,000.00. The Town Clerk mentioned that the proposal came in after the deadline to accept the proposals. Councilwoman LeClair stated that she would get more information before the next regular meeting.

### **OLD BUSINESS**

- Curb Cut
- Insulation

The Supervisor stated that he had nothing new on the subjects. He had received one price of \$1,800.00 for the curb cut.

Councilman VanTassel asked the Supervisor if he would instruct the Building Inspector to call the vendor who did the insulation in the attic and have it inspected before the end of October. The Supervisor stated that he would be happy to.

### **SUPERVISOR'S ITEMS**

The Supervisor asked Ms. Moore, from the Post Star, if there was some way she could communicate better with her editor, to get some of the facts correct. Ms. Moore asked what was wrong and the Supervisor commented that her facts and amounts are wrong. Ms. Moore stated that she had made a typo and it will be corrected.

### **PUBLIC COMMENT PERIOD**

Brigid Martin asked if the curb cut is for people to access the building who are handicapped. She then asked when the Town is going to get this done. Councilman VanTassel stated that there is access at present but an additional curb cut would make it easier for people, so that it's closer to the other entry. He stated that they will continue to work on it. She asked if it would be done by the end of the year and Councilman VanTassel stated that he couldn't make any promises. The Supervisor stated that RFP's were put out and the Town only received one price.

Reed Antis asked which individuals would be present for the October 4<sup>th</sup> budget workshop. Councilwoman LeClair stated that the Supervisor's Secretary would be setting up appointments with department heads. Mr. Antis asked if everyone would be at that meeting and Councilwoman LeClair stated "no". She stated that they would split the meetings up.

Mr. Antis also commented that if the Town had come to the Planning Board with the Landing Zone request, they could have helped out and it might be done by now. He commented that doing it "old school way" might create problems. He recommended more oversight, other than using aerial pictures, to make sure everything is done correctly and fits the right specs. He stated that if they are going to do this, do it right the first time. Mr. Antis also commented that the Town Hall building was never brought before the Planning Board and if it had, they might have suggested a better curb cut for the handicapped and they wouldn't be having these discussions. He stated that the Planning Board does have good suggestions and should be used for oversight before they go forward with the process.

The Supervisor asked Mr. Antis if he had come up with the number of trailers on the corner of Nolan Road. Mr. Antis stated that he had told the Supervisor that he needed to go to the Building Department. There was a brief discussion as to what records each Planning Board member keeps. Mr. Antis stated that

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once a case has been completed, he doesn't keep the paperwork. He did say that the paperwork is all recorded in the Building Department. Mr. Antis stated that the mobile homes in question are compliant.

### **COMMITTEE REPORTS**

Councilman VanTassel commented that Matt Manning had applied for a position on the Zoning Board and was interviewed this evening.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to appoint Matthew Manning as a member to the Zoning Board of Appeals and to fill the unexpired term of the vacancy left by Richard Kubis, which will end December 31, 2019.

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

Councilwoman LeClair stated that the Personnel Committee and the Town Board have conducted several interviews for the position of Principal Account Clerk. She commented that Fran Thibodeau, the current Principal Account Clerk will be leaving by the end of the year. She commented that her experience is invaluable. She stated that they've worked hard over the past several weeks to find an applicant to fill that position. Councilman VanTassel stated that they will be sad to see Fran go but are happy for her retirement. He stated that they found an applicant who has a lot of certifications as well as a BS degree in accounting with a concentration in internal auditing. He stated that he's very knowledgeable in all aspects of the job description. Councilman Kusnierz stated that the timing of this is perfect. They scheduled a budget workshop tonight, so this will be a good time to bring someone on.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to provisionally appoint Jeffrey Cruz to the position of Principal Account Clerk for the Town, at a starting salary of \$45,000.00, for a six month probationary period and subject to completion of a successful pre-employment physical, effective immediately.

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

Councilman Kusnierz asked the Supervisor's office to extend a note to the other candidates who took the time to interview with the Town Board members and advise them that the Town has filled the position.

Councilman VanTassel stated that there will be some additional requirements and that they've been cleared through the County. He stated that Mr. Cruz will have to take a civil service exam and finish within the top three. He also commented that the test will be open to a large population.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn to executive session at 8:45 p.m. to discuss two (2) article 7 proceedings.

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

Councilwoman LeClair	Aye
Councilman Kusnierz	Aye

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Councilman VanTassel	Aye
Councilman Prendergast	Absent
Supervisor Congdon	Aye

The Town Assessor was invited into the executive session.

The Town Clerk did not sit in on the session.

The Supervisor left the executive session prior to its completion.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to adjourn the executive session and resume the regular meeting at 9:45 p.m., with no action taken in executive 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	Absent

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to close the meeting for the evening at 9:45 p.m.

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk