

A regular meeting of the Town Board of the Town of Moreau was held on October 10, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York 12828.

The Supervisor opened the meeting at 7:03 p.m.

The Town Clerk called the roll.

Town Board Members Present

Alan VanTassel	Councilman [arrived at 7:05 p.m.]
Bob Prendergast	Councilman
Gina LeClair	Councilwoman [arrived at 7:04 p.m.]
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Sandy Mahoney, Recreation Program Director; Reed Antis, Planning Board member and Town Resident; Town Residents: Vince Sporrer, Bruce Lant, Kyle Noonan, Nathaniel Smythe, Debbie & Floyd Smith, John Hogan; Village Resident: Brigid Martin.

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from September 26, 2017 (2 sets) 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 to approve the minutes from the September 26, 2017 Month-end meeting as prepared.

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to approve the minutes from the September 26, 2017, Regular Town Board meeting as prepared.

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

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

The motion failed and therefore, the minutes will be addressed at the next regular Town Board meeting to be held on October 24, 2017.

SET FUTURE MEETINGS AND WORKSHOPS

None scheduled.

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PUBLIC COMMENT PERIOD solely for comments relating to agenda items

No comments were made.

JIM MARTIN – RECREATION FEES

Mr. Martin wasn't present and therefore this agenda item was skipped over.

LANDING ZONE PAD – BRUCE LANT

There was a very lengthy discussion regarding the placement of the landing zone and whether or not it should be moved so that it's all on Town property. Councilwoman LeClair suggested, after speaking with the L.A. Group, that they should follow the proper procedures, which was to go before the Planning Board. Mr. Lant stated that he would need specs in order to go before the Planning Board and asked if the Town is willing to foot the bill. Councilwoman LeClair stated that she wants to make sure the project is done properly. The Supervisor suggested that if it should go before the Planning Board, they could encourage them to move forward with haste. Councilman Kusnierz stated that there were several questions brought up at the last meeting and they asked Counsel to review. Attorney O'Hara stated that the project is permissible in the zone if it's for a public interest. It's also subject to site plan review before the Planning Board and a public hearing would have to be held. He also stated that Jim Martin was advised by NYS DOT that a registration would be required, which requires an air space analysis to be completed and an inspection by NYS DOT. Councilman Prendergast asked Attorney O'Hara, what would happen if the project weren't designated as an official landing pad and the Town just built it. Attorney O'Hara stated that if it's built and it's used, it becomes a Helicopter Landing Pad. Mr. Lant commented that if this were to go before the Planning Board, there would be a substantial cost involved, which he doesn't have. Councilman Kusnierz asked what the costs would be for and Mr. Lant replied that detailed drawings would need to be done. Councilman Kusnierz also stated that the plan calls for a portion of the landing area to be on Fire Company property and asked Mr. Lant if he knew how much. Mr. Lant replied that he believed it to be about ¾ on Town property. The Supervisor agreed with Councilman Prendergast in that if a portion is paved, they can just use it and not make an official landing zone. Mr. Lant stated that Emergency Services will be at the Fire House on Thursday for Fire Prevention Week and they've scheduled to have the helicopter come here as part of their presentation. Councilman Kusnierz asked why we can't just add on to the Town's parking lot. He stated that it would all be on Town property and they wouldn't need a survey. Mr. Lant stated that the few times the helicopter has landed in the Fire Company's parking lot, it has sand blasted the fire trucks. He stated, that's why they tried to get it out of the parking lot and onto a separate pad. Councilman Kusnierz stated that the most cost effective way to get the landing pad is to put it all on Town property. They wouldn't need a survey and wouldn't need it to go before the Planning Board. Mr. Lant stated that he had spoken with the Town's Maintenance Supervisor and he was advised as far as runoff, snowbanks and drainage, where a pad should be placed. Councilman Kusnierz stated, that in his experience with Medivac, they circle until they find a zone and then they land. He didn't know why that would be any different here on Town property. He thought that there would be a simple way to accomplish what they need, without having to jump through hoops. Councilman Kusnierz stated that it wouldn't be considered an official landing zone and felt that was the way to proceed. Mr. Lant asked if they would be using the Town's parking lot. Councilman VanTassel stated that he believed they were talking about expanding the Town parking lot to accommodate the landing zone. The Highway Superintendent intervened and stated that there are problems if they put the pad at either end of the parking lot. One end will have drainage problems and the other end has all the septic and leach fields. Mr. Joseph stated that the only area, that would be easily accessible, would be right out back. Councilman Prendergast stated that they run into difficulties when the pad has that official designation. He stated that other than that, they can just clear an area and prepare it. Mr. Lant stated that a minimum requirement would be low level lighting posts and a lighted wind sock. Councilman Kusnierz stated that he could go either way. He stated that he would be happy to send this to the Planning Board, which would require a survey, due to the fact that it involves two different tax parcels. He also stated that he thought it would be easier to go the other route as it would just be an extension to the Town parking lot. He thought that they might run into a problem once lights and windsocks are put in, because it would then be designated as an official landing zone. Councilman Kusnierz stated that there's a path to get this done, it just depends on which way Mr. Lant wants to go with it. Mr. Lant stated that he didn't care which

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way it got done as long as it gets done. He didn't care if it was all on Town property or Fire Company property. Councilman Kusnierz suggested, that to put a pad out behind the Town Hall would be the most practical, to keep it away from the Fire House and away from the Head Start building. Mr. Lant was asked what his preference would be and he replied, to move the staked area and put the 50 x 50 pad all on Town property. Paul Joseph stated that there would be an issue with the drainage and getting to the pad. Councilman VanTassel asked Mr. Joseph what his thoughts were to put it out back. He stated that it's the best open option right now, if they want it all on Town property.

Reed Antis stated that the key is to have an engineered drawing and speak to the Town Engineer for safety reasons. He stated that there are grants out there that can be applied for. He stated that plans should be done in a thoughtful manner.

The Supervisor stated, after reading Jim Martin's memo, that the Planning Board could be taken out of the process. Councilman Kusnierz stated, only if it's all on Town property. He stated that if it's placed anywhere other than Town property, it's subject to Planning Board review.

Councilman Kusnierz asked the Board if they were looking for it to be an official landing zone. Councilman VanTassel stated that three professionals gave their advice. All had concerns with putting the landing zone out front and they all agreed that it should go before the Planning Board. Councilman VanTassel stated that he agreed with Councilman Prendergast's suggestion and that they try to find a way around it. He stated that it will be complicated to go in the other direction. He understood Mr. Lant to say that it wouldn't be subject to FAA or DOT but that's not how he interpreted the letter from Mr. Martin.

Paul Joseph asked Mr. Lant if his original drawings came from Emergency Services and he replied that it came from Life Net.

Councilman VanTassel stated, now that the building out front is a day care, it's added a different level of concern, with the children in the playground outside. He stated that there are reasons to go through the Planning phase. He stated that if they move it out back or make it without being an official landing zone, there might be a creative way to get it done and do the right thing. Councilwoman LeClair mentioned that she was told the appropriate size for the landing zone would be 55 x 55 and not 50 x 50. Councilman VanTassel stated that someone from the Board should go out and walk the property with the Highway Superintendent to see if they can find a creative location for the landing zone. He stated that he's not comfortable asking Mr. Lant to keep coming back or to send him off in another direction. Councilman Kusnierz stated that if Mr. Lant wants to keep the pad partially on Fire Company property, it would allow for the public to make comment on the project. He stated that you can never go wrong when allowing public comment. Mr. Lant stated that he had no problem with public comment. Councilman Kusnierz asked if the Planning Board would require a survey and Attorney O'Hara stated that they would. The Supervisor stated that he hoped there would have been a survey when the Town Hall was built. Councilman Kusnierz thought that someone was supposed to look at the surveys after the last Town Board meeting and asked if that was done. It was mentioned that Jim Martin was going to pull out the survey maps, so there would be a reference point to go from. He also stated that if they go through the Planning Board, it will get them to how they wanted it done in the first place. Councilman VanTassel asked who moves the process and asked if they needed a motion.

Councilman Kusnierz made a motion to refer the project to the Town Planning Board for site plan review. There was no second to his motion.

Councilman Prendergast asked Mr. Lant if he stated that Emergency Services were going to be here Thursday and he replied "he wouldn't be surprised if they were here". Councilman Prendergast asked Mr. Lant if he would find out what time they would be there and see if he could set up a meeting with Paul Joseph and Jim Martin and look at the property to decide where they might be able to place the landing pad so that it would be all on Town property. Mr. Lant stated that he would be going out of Town but would try to set something up. Councilman Prendergast stated that they will have Jim Martin, Paul Joseph and anyone else who can make it, come out here. He stated that by then Mr. Martin should have the drawings so they can see where it could go and then get the input from Emergency Services as to an area that might look good to them. Councilman Prendergast stated that if it's all on Town property, they

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can administratively do it. Councilman Prendergast asked Mr. Lant to let the Town know what time Emergency Services is available to come over. Mr. Lant agreed to the request.

PUMP HOUSE RFP'S

The Supervisor commented about the RFP's. He stated that four requests were sent out and only one responded by the deadline. One other was received after the deadline and it was much less. He stated that most of the cost is for the transportation of the debris to Buffalo. He mentioned at the last meeting that it can now be brought to the Saratoga landfill, which makes a big difference in the price. He suggested that all bids be rejected and that they start over. He stated that the pump house is a dangerous situation.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to reject all bids that were received.

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

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

HIGHWAY REQUESTS

- Guide Rail Replacement

There was a brief discussion as to the replacement of Guide Rail on the south side of Old West Road near the I-87 crossing. The Highway Superintendent stated that there was \$15,000 budgeted for this year and the Guide Rail will cost a little more. He stated that they would need to transfer \$500.00 in order to make the purchase.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the transfer of \$500.00 from DB5110.493 to DB5110.494.

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the procurement of Guide Rail under Saratoga County Contract #17-PWUGR-36R from Town & County Bridge and Rail at a cost of \$15,452.16 and to be paid from account DB5110.494, with a balance of \$15,500.00 after the above transfer.

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

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

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RECREATION REQUESTS

- Approve Refs for Basketball – 1 to 2 per game; \$1--\$15 budget permitted

Councilman VanTassel stated that Basketball is coming up fast and that they need to approve the hiring of the referees. He stated that the Refs fees would come out of the cost of the program. He stated that are 8-9 weeks of Basketball and they will need Refs for 10-12 games on Saturdays for the number of weeks played. They are waiting on final numbers from the Recreation Program Director to see how many students are enrolled. Councilman VanTassel stated that he didn't think they needed a resolution tonight, he just wants the Recreation Director to be able to start lining up Refs. Councilwoman LeClair thought that 1 Ref per game at the elementary level would be enough. Councilman Prendergast stated that 1 Ref would be a change from last year. Councilman VanTassel asked Councilman Prendergast if he felt that they needed 2 Refs and he replied yes. The Board was in agreement that Ms. Mahoney could start lining up Refs with the understanding that she will provide the Town Board with final numbers as soon as she has them.

FOLDING MACHINE – TOWN CLERK'S OFFICE

The Town Clerk had sent a memo to the Town Board stating that the cost of the repair of the folding machine had gone over the approved amount and that an additional \$143.00 needed to be approved. She also stated in her memo that the machine had broken down again and is asking the Board if they would like her to call on Pitney Bowes for another repair. She stated that all of the big folding jobs are done for the year and that a repair or purchase could wait until after the first of the year. There was a brief discussion relating to the use of the folding machine and other possible options for folding and inserting. It was agreed that they should discuss the repair, purchase or the possibility of using and outside source during the 2018 budget process.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast authorizing an additional \$143.00 for the repair of the Pitney Bowes folding machine.

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

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

HIGHWAY REQUEST

Councilman Kusnierz stated that there was a request from the Highway Superintendent for Winter Sand.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Highway Superintendent to spend up to \$9,000.00 for the purchase of Winter Sand from Town of Ballston Spa Highway Department at a rate of \$3.00 per yard. This is a 2017 budgeted item in account DB5142.491, which has a balance of \$13,000 as of 10/2/17.

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

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

EMPLOYEE HEALTH INSURANCE

A regular meeting of the Town Board of the Town of Moreau was held on October 10, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York 12828.

The Supervisor stated that the Town Board had received a memo from the Union and that they were upset about the Health Insurance. He stated that the Principal Account Clerk is prepared to explain the Insurance to the Union and that it's not as bad as they've made it out to be. Councilman Kusnierz stated that it's his understanding, it will be the same plan as last year. It was agreed that they would wait on a report from the Principal Account Clerk.

OLD BUSINESS

- Town Hall – Curb Cut
- Town Hall – Insulation

The Supervisor stated that he had nothing new to report. He stated that they've reached out to the contractor who did the insulation and haven't heard back from him.

There was a brief discussion relating to the curb cut. The Supervisor stated that he had received a price of \$1,800.00 several months ago to do the work and commented that the price wasn't that bad. Councilman VanTassel asked if the Supervisor would forward the quote to the Board members as he hadn't seen it yet. He wanted to know what it included and asked if the price was for the entire project. The Supervisor stated that it's a deep cut that needs to be made to the curb. Councilman Prendergast asked if the price is still good and the Supervisor replied that it was, as far as he knows. The Town Clerk provided a copy of the quote to Councilman VanTassel and he stated to the Board that it doesn't indicate that he will be cutting out the old curb. He asked the Supervisor if the Board is to assume that the cut would be included. The Highway Superintendent stated that he was supposed to cut the curb after meeting with the person who the Board hires to do the work. The Supervisor commented that if it doesn't include the cut, then the cost is too much and suggested that he would speak with the contractor again. The Town Clerk was asked to make a copy of the quote for the Supervisor.

SUPERVISOR'S ITEMS

The Supervisor asked if anyone knew what was going on with the tax certioraris. He mentioned that something had been received just today and that they will need to be making a decision to hire someone. The Supervisor commented on information received from the Attorney for the Town, on a certain process that couldn't be used for the assessment and appraisal. He mentioned a proposal that had come in too late to act on. He also stated that it was a proposal for work that isn't allowed by the Court. The Supervisor stated that he has no faith in what's going on with the certiorari proceedings. The Supervisor stated that he didn't receive the memo in question and asked Councilwoman LeClair what time she received hers. She replied that she received it at 2:31 p.m. The Supervisor asked Councilwoman LeClair if he could see her copy of the email and she stated that he could see it if he didn't read it publicly. There was a brief conversation between the Supervisor and Councilwoman LeClair over the confidential material in the email. The Supervisor stated that the Board was asked to make a decision on an erroneous conclusion, which was the opposite of a document that was read to the Board. He stated that he doesn't know how the Board can make decisions with partial or no information. Councilwoman LeClair stated that they can argue about this in executive session and the Supervisor replied that he wanted to talk about it now and that the public has the right to know. Councilwoman LeClair stated that she's not going to listen to the Supervisor bash people and the Supervisor replied that he wanted to point out the facts. He went on to state that there are people suing the Town for being over assessed. The Supervisor listed those suing the Town: Sisson Reserve, Erie Boulevard, SCA Tissue and various individuals that have not received satisfaction from the Town. He stated that the Board isn't getting the full truth to make decisions. The Supervisor reported receiving a memo from the Assessor stating that they were too late for the last proposal but that now there is another one. He commented that it was stated, no one wants to work for the Town but then a bid shows up. He stated that they're looking to hire someone for \$44,000.00, and they know nothing about the person. He stated that they haven't even met him. Councilman VanTassel stated, that the night a comment was made about what the Supervisor is referring to, is the same night they were told that there would be a proposal coming from this particular individual and that it's the same person they used on the Erie Boulevard case. Councilman VanTassel stated that he didn't know about the long list of people suing the Town and asked that the Supervisor share the information with the Board.

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The Supervisor stated that there are three major suits. He stated that one of them, Councilman VanTassel and Councilman Prendergast agreed to settle. The Supervisor stated that he had agreed with them after the fact and it was never reported to the Attorneys. He also stated that it was in writing. Councilwoman LeClair stated that she felt the conversation was misleading to the public. There were some inaudible comments made and she left the meeting.

PUBLIC COMMENT PERIOD

Reed Antis stated that there is a tentative budget and the Board has had a budget workshop. He asked if there is going to be a \$148,000 shortfall. Councilman VanTassel stated that they weren't through the budget process yet. He also commented that in the short session they had, they've found several line items where they can save some money. Mr. Antis asked why the Board allowed the \$148,000 fee to be placed onto the 2017 budget and then not be transparent enough to tell the public that they shouldn't have done it in the first place. There was a brief exchange between Councilman VanTassel and Mr. Antis. The Supervisor stated that this question has been brought up before and the issue is that the Town General Fund is owed \$1,300,000 under existing law. The Supervisor stated that he's asked for two years, the legal opinion of how this occurred. He stated that there has been no work done of any consequence to recapture that money to the Town.

Mr. Antis asked when Sisson Reserve filed their Article 7. The Supervisor replied that it was filed on July 20, 2017.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn to executive session at 8:44 p.m. to get an update on the SCA Tissue Tax Certiorari case.

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

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

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

The Supervisor left the executive session before 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 9:24 p.m.

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

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

There was no action taken in executive session.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz authorizing Counsel to make a counter proposal to settle litigation and to authorize the hiring of an appraiser to assist in litigation.

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

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

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to close the meeting for the evening at 9:25 p.m.

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

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