

A regular meeting of the Town Board of the Town of Moreau was held on November 14, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Reed Antis, Planning Board member and Town Resident; Kathleen Moore, Post Star Reporter; Dave Rogge, Lamplighter MHP; Town Residents: Kyle Noonan, John Hogan, Nathaniel Smythe, Vince Sporrer, Bruce Flayer, Charlene & Gerhard Endal, Vicky Barrett, Terry Clark; Village Residents: Brigid Martin, Mayor Harry Gutheil, Trustee Tony Girard

The Supervisor led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

The minutes from October 11, 2017, October 18, 2017, October 24, 2017 (2 sets), October 25, 2017, October 26, 2017 and November 2, 2017 were prepared and presented to the Town Board prior to the meeting, for their review, comment, correction and approval.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to approve the minutes from October 11, 2017 as prepared.

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes from October 18, 2017 and October 24, 2017.

Councilman Kusnierz asked that any portion of the minutes from October 18, 2017, where he mentioned Fire District, should be amended to show in brackets Fire [Protection] District.

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from October 24, 2017 as prepared.

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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 Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from October 25, 2017 and November 2, 2017 as prepared.

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

Councilman VanTassel	Aye
Councilman Prendergast	Abstain
Councilwoman LeClair	Aye
Councilman Kusnierz	Aye
Supervisor Congdon	Abstain from October 25, 2017 and Aye to November 2, 2017

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from October 26, 2017 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	Aye

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

Councilwoman LeClair reported receiving a notice from Blue Neils (Saratoga County – Intermunicipal Stormwater Management Program Coordinator) stating that one of the items indicated by his internal and NYSDEC permit compliance audits, is the need for fundamental training regarding stormwater and Pollution Prevention (P2) operational BMP's (Best Management Practices). He's proposing that the Town set a date for a 90-120 minute training session for Town Board members, Planning and Zoning Board members, Water Department personnel, Recreation Department personnel, Highway Department personnel, 3<sup>rd</sup> party Contractors, Consultants, and/or vendors of service related to stormwater management, pollution prevention or the interpretation and/or enforcement of Town laws and any other staff or officials the Town thinks would be appropriate. It was suggested that the newly elected officials attend as well. A tentative date was set for December 6, 2017 from 3:00 p.m. to 5:00 p.m. Councilwoman LeClair stated that she would check with Mr. Neils to see if this date and time was acceptable to him.

**PUBLIC COMMENT PERIOD** solely for comment on listed agenda items

No comments.

### **RFP'S SPRINKLER SUPPRESSION SYSTEM**

There was a brief discussion as to how the Town would advertise an RFP for the replacement of the sprinkler system. The Town Board wasn't sure of how the RFP should read and it was decided that Don Laberge would be contacted for his opinion.

### **BUILDING DEPARTMENT – REC FEES**

A regular meeting of the Town Board of the Town of Moreau was held on November 14, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

It was unclear as to why this agenda item was listed. There was no one present that had any knowledge of this item and therefore it was tabled.

### **HIGHWAY REQUESTS**

A request was received from the Highway Superintendent to advertise for Wing people and to place a legal ad for the Winter Parking Notice.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Highway Superintendent to place the Winter Parking Notice legal ad in the Post Star Newspaper (\$35.18 for one day) and the Chronicle Newspaper (\$45.00 for one issue). This will be paid from account A5010.406, with a balance of \$108.31 as of October 3, 2017.

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

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the Highway Superintendent to advertise for Wing people in the Chronicle Newspaper (\$15.00 for one issue) and on the Town's website. This will be paid from account A5010.406, with a balance of \$108.31 as of October 3, 2017.

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

Councilwoman LeClair also suggested that maybe a sign could be put out advertising the positions.

### **RECREATION REQUESTS**

Councilman VanTassel stated that there are 200 participants in the Basketball program at \$20.00 each, for a total of \$4,000.00. There are 24 teams and with 2 Coaches per team it would require 248 T-shirts. The lowest price per T-shirt was \$6.25 delivered for a total expense of \$1,550.00. He estimated the referees at the maximum possible of 8-9 weeks @ 14 games per week. This calculated out to 126 games at 1 referee per game for a total expense of \$1,260.00. He stated that the Recreation Program Director is looking for authorization to purchase T-shirts and to commit to pay the referees \$10.00 per game for 126 games.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Recreation Program Director to purchase 248 T-Shirts at a cost of \$6.25 per shirt for a total of \$1,550.00 and allowing her to commit to the referees, that they would be paid \$10.00 per game for a total of 126 games.

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

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

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Supervisor Congdon                      Aye

**WATER DEPARTMENT REQUESTS**

- Leak Detector

The following quotes were received for the purchase of an Aqua-scope Leak Detector:

Pollard Water                      \$2,499.00

USA Bluebook                      \$2,549.95  
PO Box 9004  
Gumee, Il.

Ferguson Waterworks    \$2,199.99  
Clifton Park, NY

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of an Aqua-scope Leak Detector from Ferguson Waterworks at a cost of \$2,199.00. This will be paid from all water accounts 8310.2, with a balance of \$50,243.00.

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

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

- Valve Wrench Exerciser

The following quotes were received for the purchase of a Reed Valve Exercise Wrench:

USA Blue Book                      \$2,599.95  
PO Box 9004  
Gumee, Il.

Slim & Jim's Tools                      \$2,812.50

Ferguson Waterworks    \$2,279.58  
Clifton Park, NY

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a Reed Valve Exercise Wrench from Ferguson Waterworks at a cost of \$2,279.58. This will be paid from all water accounts 8310.2, with a balance of \$50,243.00.

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

**CSEA – MEMORANDUM OF AGREEMENT**

A regular meeting of the Town Board of the Town of Moreau was held on November 14, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Town Clerk read the memorandum of agreement aloud as follows:

Memorandum of Agreement

THIS MEMORANDUM OF AGREEMENT is made on October 31, 2017 by and between the TOWN OF MOREAU and CSEA as follows:

WHEREAS, CSEA and the Town have entered into a Collective Bargaining Agreement for the period January 1, 2016 through December 31, 2018; and

WHEREAS, the Silver 3 deductible was increased from \$2,000/\$4,000 to \$2,200/\$4,400 commencing December 1, 2017, and the Silver 8 deductible was increased from \$3,500/\$7,000 to \$3,700/\$7,400 effective December 1, 2017; and

WHEREAS, CSEA and the Town entered into impact bargaining over the increase in the deductible.

NOW, THEREFORE, the parties agree as follows:

1. Effective December 1, 2017, the Town shall be responsible for \$2,100/\$4,200 of the Silver 3 and Silver 8 deductibles, and the employee shall be responsible for the balance of the deductibles. If the deductible increases beyond \$2,200/\$4,400 for the Silver 3 plan, and \$3,700/\$7,400 for the Silver 8 plan, the parties shall negotiate over the impact of the increased deductible.
2. All other provisions of the 2016-2018 Collective Bargaining Agreement shall remain in effect.
3. This Memorandum of Agreement is subject to ratification by CSEA and the Town Board.

Councilman Kusnierz stated that he wanted to thank the Highway Department employees for negotiating in good faith and meeting the Town half way.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to ratify the foregoing Memorandum of Agreement.

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

**RESOLUTION TO INCREASE REVENUE FROM A2705 TO A1620.406**

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair To increase revenues by \$6,400.00 to A2705 General Fund – Miscellaneous – Gifts & Donations; and

To increase expenditures by \$6,400.00 to A1620.406 General Fund – Buildings – Helicopter Landing Zone.

To increase revenues for donations received in the amount of \$6,400 for a Helicopter Landing Zone and to appropriate \$6,400 for Helicopter Landing Zone expenditures.

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

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

Supervisor Congdon stated that the two donations were received from Adirondack Tree Surgeons and Harrison Avenue Self Storage both in the amount of \$3,200.00.

**MEMORIALIZE VOTE FOR AIR MONITORING – PUMP HOUSE- ALPINE ENVIRONMENTAL SERVICES**

The Supervisor stated that a proposal had been received for the air monitoring at the Pump House during demolition, from Alpine Environmental Services in the amount of \$4,940.00.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to engage the services of Alpine Environmental Services for air monitoring at the Pump House during demolition.

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

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

Councilman Kusnierz asked that they go back to the previous agenda item and stated that it would be appropriate to send letters of appreciation to the two companies who generously donated to the helicopter pad.

**APPROVAL OF CHANGE ORDER #1 TO MOREAU PAVEMENT RESTORATION GRANT**

A change order was received from Laberge Group for the Moreau Pavement Restoration project in the amount of \$1,120.28. If approved, this would increase the current contract price from \$197,100.00 to \$198,220.28.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving change order #1, to the Moreau Pavement Restoration Project, in the amount of \$1,120.28.

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

**ADOPT 2018 BUDGET**

Councilwoman LeClair asked if they would separate out the Moreau Emergency Squad from the rest of the budget so she could vote on it separately. She stated that the Town Board has done this before. Attorney O'Hara stated that the budget needs to be voted on in whole and that it can't be broken down.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adopt the 2018 Preliminary Budget as proposed.

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

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

Councilwoman LeClair stated that the Board worked hard on producing an excellent budget. She stated that she has voted against what they give the Moreau Emergency Squad in the past. She stated that it's not that she thinks they don't do a good job but she wants to see all of their records. She stated that the Town pays for many things such as equipment and electric bills and they pay for things separately under another account, that the Town hasn't seen information on. She stated that she wasn't suggesting that anything inappropriate was being done. She stated that the Town hasn't seen all of the information on it. She stated that if you don't know how money is being spent there, how can you support to pay the bills here. She doesn't support giving them a raise until the Town knows that their spending is fiscally conservative and as wise as the Town's is.

### **OLD BUSINESS**

- Town Hall – Curb Cut

There was nothing new on this agenda item.

- Town Hall – Insulation

Councilman VanTassel stated that Pete Corlew had gone into the attic and verified that the insulation was draped properly over the valance. He stated that he wasn't sure if the Building Inspector had any updates but that he was comfortable with the work that had been done.

### **PUBLIC COMMENT PERIOD**

Vince Sporrer asked the Town Board if the tax rate for the 2018 adopted budget was .931397 per \$1,000. The Supervisor replied yes, for the General Fund. Mr. Sporrer asked, if when he looks at his tax bill, he won't see a fire tax and it was replied that he was correct. He asked how much the Town is giving the Community Center in this budget. The Supervisor replied \$225,000 or \$250,000. Mr. Sporrer questioned the money given back to the County for NYS mandates. Councilman Kusnierz stated that the \$500,000 that the Board agreed to send to the County is sales tax. He also stated that it's an annual decision by the Board. It wouldn't always be the same. Mr. Sporrer asked how the Town determines how much gets sent to the County and how much the Town keeps. He stated that if you short the County, you see it in the County tax. He asked what criteria the Town Board uses to decide what to send to the County. Councilman Prendergast stated that they look at the Town's needs first and then they decide how much they feel comfortable sending to the County, to offset what the County charges the Town of Moreau residents. Councilman Kusnierz stated that the amount sent to the County has ranged. He believed they've sent as little as \$400,000. Mr. Sporrer stated that he understood the Town will be using sales tax instead of Fund Balance for this budget. Councilman Kusnierz stated yes, for the General Fund. He stated that the Town also uses sales tax to fund the Highway tax. He stated that several years ago, they were able to do away with the Highway tax by using sales tax. Councilman Prendergast stated that he believed the Town of Moreau is the only town that sends sales tax back to the County.

Mr. Sporrer asked where the \$268,000 shortfall for 2017 was. Councilwoman LeClair stated that a portion of that was because Mortgage and Sales tax came in low. Mr. Sporrer asked if the Town was over budgeted and Councilman VanTassel replied "yes". The Supervisor replied "no" and stated that we aren't at the end of the fiscal year yet. He also stated that they can't answer the question unequivocally until February, which is when the sales tax for the last quarter comes in. The Supervisor commented that the Town is fine. Mr. Sporrer stated that the revenues are short and asked how they will make up for it. The

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Supervisor replied “by not spending it”. Mr. Sporrer asked if by December 31<sup>st</sup>, the Town will be on budget and Councilman Prendergast replied “yes”. Mr. Sporrer questioned the use of fund balance and asked if they wouldn’t be using any fund balance this year. Councilman Kusnierz replied “not out of the general fund”. He stated that they’ve used general fund balance in the past and this year they are not.

Mayor Gutheil presented to the Board with questions relating to the SCA Article 7 litigation. He asked if an appraisal had been completed. Councilman Prendergast and the Supervisor both stated that they didn’t believe it had been completed yet. Mayor Gutheil asked if there was a contract with an appraisal firm. Councilman Prendergast stated that he was hesitant in answering questions because the Town is in litigation. He stated that he doesn’t mind answering the questions but wants to make sure they’re in the right form. The Supervisor stated that the best way to answer his question, is that they have Counsel handling the Article 7 and they have recommendations for settlement. He also stated that he hasn’t been privy to the inner workings of the settlement himself. Mayor Gutheil stated that he was looking at the exposure to the Village. He had heard that there might be a settlement as early as tonight and commented that he’s concerned for the people and the community because he understands the impact this would have on the School, the Library and all other taxing entities. He stated that there has been no communication as to what’s going on and he wants to know. The Supervisor stated that in the past, the Village had their own Assessor and they’ve now elected to have the Town Assessor be the Village Assessor. The Supervisor was of the opinion that if an Article 7 for a property in the Village was presented to the Assessor, being the Village Assessor as well, the Village would be privy to what’s going on. He didn’t understand why the Village wasn’t part of the negotiation process. He also didn’t understand why the Village would need to have intervenor status in order to be kept up to date. The Supervisor stated that the Village should be privy to everything that the Town is and asked why they weren’t. Attorney O’Hara stated that Attorney Buettner had spoken with the Village attorney about the status of the case, without revealing attorney client confidences. He stated that it’s the Town’s privilege to waive that. Mayor Gutheil stated that he had no information relating to the discussion. The Mayor stated that he’s here to get information from the Town Board because it’s the Town Board that represents the people. He stated that if the Town believes he should have information relating to the litigation, he would like it tonight. He asked, if he didn’t get the information, will they have to get their own appraisals and hire special counsel.

A motion was made by Supervisor Congdon and seconded by Councilman Prendergast that the latest Attorney-Client settlement proposal for SCA be shared with Mayor Gutheil and Trustee Girard tonight, which is Attorney Client privilege information.

Attorney O’Hara stated that they could be invited into executive session.

Mayor Gutheil had heard that the Town was within a few days of settlement and is concerned what the numbers are. He also wanted to know if there had been correspondence within 30 days between the Town’s Attorney and Village Attorney. Attorney O’Hara stated that he believed, from his conversation with Attorney Buettner, that the conversations with the Village were more recent.

Councilman VanTassel asked the Mayor, since he had been in office and knew about the Article 7, what official requests he had made asking for the information prior to tonight. The Mayor stated that he had come to the Board and asked if the Town had Counsel and Counsel told him that there was Special Counsel. He stated that he asked who the Special Counsel was and no one knew. Councilman VanTassel asked if he was denied any information. Councilman Prendergast stated that no one has asked any questions of him. He told the Mayor if he had asked, he would have tried to get him the information. Councilman VanTassel stated that the prior Mayor was aware of the litigation that’s going on. He stated that they weren’t willing to discuss it openly last time but also stated that he has no problem sharing. He stated that maybe they would join the Town Board in executive session tonight. Councilman VanTassel stated that they’ve taken the School and Village into strong consideration with any decisions that have been made. He stated that he’s been told by the Assessor, that she’s received no phone calls from the Mayor or his office, inquiring as to the status of the litigation. The Mayor stated that when he came to the Board asking who the Special Counsel was, he thought that he would have heard from this Board if they were considerate enough. He stated that he had spoken to the President of the School Board today and he didn’t know that the Town was on the threshold of a settlement. Councilman VanTassel stated that he’s certain, the Attorney representing the School, is fully aware.



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Councilman VanTassel stated that he would be more comfortable with a motion inviting the Mayor into executive session.

Councilman Kusnierz told the Mayor that they had worked together when he was Supervisor and he should be well aware of how these tax certiorari cases drain the community. He stated that it's one of the biggest issues they had to deal with when the Mayor was the Supervisor and it cost the Town a lot of money. He stated that anything they say during ongoing litigation might impact the Town's standing or weaken their case. Councilman Kusnierz stated that he had not received any calls from any elected official of the Village and had he received a call, he would have received a consensus of the Board to share information they have. Councilman Kusnierz assured the Mayor, that not only have they taken the exposure to the Town residents but the Village residents into consideration as well. He stated that this Board knows how devastating it can be if they make the wrong decision. He stated that he is unwilling to have an open discussion on the record to answer any questions on this matter, with the premise it may jeopardize their standing. He stated that he's more than willing to have a conversation under Attorney-Client privilege in executive session to give him all the facts they have. He also stated that he didn't think the Mayor needs to spend tax payer's dollars to hire an attorney to obtain intervenor status. He didn't see any reason why the Village can't be partners with the Town on the matter. The Mayor stated that when he was Supervisor, he kept people informed.

Councilman VanTassel stated that there was a motion on the table. Councilman Kusnierz asked what would happen to the Attorney-Client privilege if the information is shared. Attorney O'Hara stated that it will be no longer privileged. Councilman Kusnierz asked Attorney O'Hara if the public would have immediate access to the document if it were let out. Attorney O'Hara didn't suggest letting out the memo. He stated that not only does it contain a settlement proposal but it also contains strategies and negotiating tactics. The Supervisor stated that the Village Board by virtue of the Town Assessor being the Assessor for the Village, automatically becomes a party to the Article 7 and asked why they would hold back the memo.

Councilman Kusnierz stated that he didn't think anyone on the Board is uncomfortable with what the Supervisor wants to do. Councilman VanTassel stated that he's not uncomfortable sharing the numbers but was uncomfortable sharing the document because of the reasons mentioned. Councilman Kusnierz stated that he has no problem having a conversation with them about everything in executive session. He also stated that he believed that the reason Counsel hasn't shared information is because they work for the Town Board and not the Village. The Mayor stated that he didn't want to jeopardize the Town's position in the case. Councilman Kusnierz stated that if they wanted to stick around, they could have a conversation in executive session.

Councilman Prendergast stated that if the Mayor and Trustee are going to stay for executive session, he is withdrawing his second to the motion. The Mayor stated that he would remain for executive session and therefore, Councilman Prendergast withdrew his second.

Councilman VanTassel asked the Supervisor if he wanted to withdraw his motion and the Supervisor declined.

Being no second to his motion, the motion failed.

Reed Antis asked for clarification on agenda item # 3. He asked if Don Laberge is going to reach out to someone to see what needs to be done with the suppression system. Councilman VanTassel stated that they are going to have a discussion with one of the Town engineers and get his opinion on the best course to move forward on whether or not they need an RFP and if so, what the RFP should include. He stated that the Town has an opportunity to file litigation for a loss.

Mr. Antis asked about agenda item #9. He wanted to know if the helipad is now a Town project. Councilman Kusnierz stated that the only discussion on that matter, was to transfer the funds. Mr. Antis asked, if the money is going into fund balance, is the Town going to take the lead in the project. He asked what the Board is going to do moving forward. Councilman VanTassel stated that there was no discussion

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on that tonight. Councilman VanTassel stated that the Town had to take the legal steps to accept the money and that was the only thing they took action on tonight.

Mr. Antis stated that in the 2017 budget, there was \$148,000 in miscellaneous revenue that wasn't requested from the Sewer District. The Supervisor stated that it's not a budget item question, it's a failure to follow through in a legal way to provide the funds for the Town. He stated that it has nothing to do with whether or not the money is spent. Mr. Antis asked if the money was supposed to go into the General Fund. The Supervisor stated that his position was well known. The Town is owed \$1.3 million and they have yet to take the appropriate steps, other than putting it in the budget, for a seven year pay back. Mr. Antis asked again, where the money was supposed to go. The Supervisor stated that it would go back to the General Fund. Mr. Antis asked if the money was needed to pay expenses. The Supervisor replied that it's not a simple issue. He stated that in order for the Town to undertake what they did, following the use of the force main, there were legal steps that should have been taken and could be taken. He stated that there was a difference of opinion from the Town's law firm. He stated that he felt the law firm is somewhat hindered because of a conflict of interest. He stated that the law firm represents the Town but also represents the major beneficiary of the Town's money. Mr. Antis stated that if you don't bring in the money budgeted (\$148,000), you need to spend less. The Supervisor stated that there is always a cushion to use.

Mr. Antis stated that since the Town accepted the money for the helipad it now makes it a Town project.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adjourn to executive session at 8:30 p.m. to receive an update on the SCA tax certiorari case and to discuss the work history and performance of two unnamed employees. The Mayor and Trustee from the Village are invited to stay for the executive session, as well as the newly elected officials from the Town.

There was a brief discussion as to whether or not minutes would be taken, with no direction given directly to the Town Clerk.

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

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

The Town Assessor entered the Board room and was invited to stay for the executive session as well. 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 Prendergast to adjourn the executive session with no action being taken, return to the regular session and to close the regular meeting at 9:47 p.m.

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

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

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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](http://www.townofmoreau.org)