

A regular meeting of the Town Board of the Town of Moreau was held on November 28, 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
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Gardner Congdon	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Jeff Cruz, Principal Account Clerk; Peggy Jenkins, Assessor; Reed Antis, Planning Board member; John Hogan, Councilman Elect; Kyle Noonan, Councilman Elect; Kathleen Moore, Post Star Reporter; Mayor Gutheil, Village of South Glens Falls, Trustee Girard, Village of South Glens Falls; Town Residents: Bruce Flayer, Vince Sporrer; Village Residents: Brigid Martin

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from November 9, 2017 and November 14, 2017 (Public Hearing), were prepared and presented to the Town Board prior to the meeting, for their review, comment, correction and approval.

Councilman Kusnierz had corrections to the November 9, 2017 set of minutes as follows:

Page 346: 3rd paragraph – 2nd line from the top – should read: Chairwoman [of the Senate Committee on Local Government].

Page 346: 3rd paragraph – 3rd line from the top - should read: advocate [for]

Page 346: 8th paragraph – 1st line – should read: articulating [her needs]

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to approve the minutes from November 9, 2017 with the above noted corrections and to approve the minutes from November 14, 2017 (Public Hearing) as prepared.

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

SET FUTURE MEETINGS AND WORKSHOPS

Public Hearings for the Moreau Emergency Squad and South Glens Falls Fire Company contracts were scheduled for December 12, 2017 as follows:

Moreau Emergency Squad 6:30 p.m.

South Glens Falls Fire Company 6:45 p.m.

PUBLIC COMMENT PERIOD

No comments

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HIGHWAY REQUESTS

None

Councilwoman LeClair reported that she was advised by the Highway Department, if the employees go to the training session scheduled with Blue Neils on December 6th, they would have to be paid overtime. The Supervisor didn't see the need for the employees to go to the training session because the Highway Superintendent would be present and could relay the information. Councilwoman LeClair stated that she was asked to set a second date just in case the weather is bad on the 6th. It was mentioned that December 13th would be ok. She stated that she would check with Maureen to see if this date would be ok.

RECREATION DEPARTMENT REQUESTS

None

ON-LINE TAX PAYMENTS

The Town Clerk presented a memo to the Town Board prior to the meeting, stating that it was budgeted for her to start an on-line Town & County tax collection program for this upcoming year. She stated that in order for her to be up and running January 1st, she would need Town Board approval authorizing the expenditure. Councilman Kusnierz stated that this Board can't authorize a 2018 expenditure, but that they can authorize the Supervisor to sign the agreements.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel authorizing the Supervisor to sign the agreement with Business Automation Services for an On-line Town & County Tax Collection Module, System Configuration and Annual Maintenance.

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 VanTassel and seconded by Councilwoman LeClair authorizing the Supervisor to sign the agreement with Forte as the vendor for accepting credit card payments for Town & County Taxes.

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

RESOLUTION TO APPOINT MATT DREIMILLER AS PERMANENT FULL TIME BUILDING INSPECTOR

It was reported that the Building Inspector, Matt Dreimiller, had passed the required Civil Service examination and that the Board needs a resolution to appoint him as a permanent full-time Building Inspector.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to appoint Matthew Dreimiller as permanent full-time Building Inspector.

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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 PAY FOR UPDATE ON QUICKBOOKS

Councilman VanTassel stated that the Town is looking into the possibility of outsourcing payroll services starting in January and that it was suggested to him by the Principal Account Clerk that the Town do a month to month Quickbooks renewal rather than an annual renewal. He stated that at any point they can do an annual prepay if they decide not to go with a payroll service.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz authorizing the Supervisor's office to go to a month-to-month billing arrangement on the application updates for Quickbooks at \$61.00 per month.

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

ADOPTION OF LOCAL LAW 1 OF 2017 – COLD WAR VETERANS EXEMPTION

A short environmental assessment form was prepared and presented to the Town Board prior to the meeting. Attorney Buettner stated that she had gone through questions number 1-11 on part 2 and checked the boxes that reflect that there would be little or no environmental impact. She stated that she could read through each one of the questions or if they were ok with how she checked the boxes for little or no impact, they could go to section #3 and issue a negative declaration.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair that the Town issue a negative declaration with regards to the adoption of Local Law #1 of 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 VanTassel and seconded by Councilwoman LeClair to adopt the following resolution, which was read aloud by the Town Clerk:

RESOLUTION TOWN BOARD TOWN OF MOREAU

SUBJECT: ADOPTION OF LOCAL LAW 1 OF 2017, AMENDING CHAPTER 130, TAXATION TO EXTEND COLD WAR VETERANS EXEMPTION

A regular meeting of the Town Board of the Town of Moreau was held on November 28, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

WHEREAS, the Town Board of the Town of Moreau (“Board”) is considering the adoption of Local Law No. 1 of 2017, which would, if adopted, amend Chapter 130, Taxation, of the Code of the Town of Moreau to add new subsection 130-9(C) to provide for an extension of the Cold War Veterans Exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to the ten (10) year limitation in accordance with New York State Real Property Tax Law Section 458-b; and

WHEREAS, the Board finds that in order to provide for the health, safety and welfare of Town residents and property owners, and in the best interest of the future of the Town, it is necessary to amend Chapter 130 to add new subsection 130-9(C) to provide for an extension of the Cold War Veterans Exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to the ten (10) year limitation in accordance with New York State Real Property Tax Law Section 458-b; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2017 is in the best interests of the Town and is necessary to protect the health, safety and welfare of the residents and property owners to add new subsection 130-9(C) to provide for an extension of the Cold War Veterans Exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to the ten (10) year limitation in accordance with New York State Real Property Tax Law Section 458-b; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2017 is a necessary and proper exercise of authority by the Board; and

WHEREAS, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 1 was properly noticed in the newspaper and posted, and was duly conducted on November 14, 2017 at 6:45 p.m. at the Town Municipal Complex, and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 1 of 2017; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 1 of 2017, annexed hereto, amending Chapter 130 to add new subsection 130-9(C) to provide for an extension of the Cold War Veterans Exemption to qualifying owners of qualifying real property for as long as they remain qualifying owners without regard to the ten (10) year limitation in accordance with New York State Real Property Tax Law Section 458-b; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

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BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all the necessary action for the promulgation thereof.

Roll call vote resulted as follows:

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

OLD BUSINESS

The Supervisor stated that he had nothing new to report on the curb cut.

PUBLIC COMMENT PERIOD

Reed Antis asked how the Town handles Code Enforcement. He asked if it was Mr. Dreimiller's responsibility or Mr. Martin's. The Supervisor stated that it's a joint effort depending on the violation. Councilman VanTassel stated for the record that Matt Dreimiller was hired as Building Inspector/Code Enforcement Officer. He also mentioned that it has been a great joint effort between Mr. Dreimiller and Mr. Martin.

Mr. Antis stated that there is a bumpy ramp at the far end of the sidewalk and asked if this was a handicapped accessible ramp. He stated that all it lacks is a sign. He asked if it could be posted. The Supervisor stated that he thought handicapped individuals would rather pull right up to the door and thought the ramp should be closer. He also commented that this is part of a long list of shortcomings that the Town Board has had to deal with. Mr. Antis suggested putting up a sign for now, so that the spot can be used as handicapped parking, until they get a curb cut.

Mr. Antis asked if it would be legally possible for the Highway Department employees to switch their hours on December 6th and come in later, so they wouldn't have to pay overtime for the Stormwater training class. Councilwoman LeClair stated that their hours are regulated by the union contract.

Harry Gutheil, Mayor for the Village of South Glens Falls presented to the Town Board a concern over the SCA tax certiorari case. There was a very lengthy discussion over what information the Village should be entitled to. The Mayor commented that he didn't feel the Village was being adequately defended. Councilman Kusnierz stated, that without having intervenor status, if information were given to the Village, it would break the attorney client privilege and they would also have to release the same information to any other member of the public who might request it. Attorney Buettner expressed her concern over the discussion of negotiations in open session. The full audio of the discussion can be heard on the Town's website.

COMMITTEE REPORTS

Councilman VanTassel reported that the CSEA contract states that its employees would receive Christmas Eve and Christmas Day as paid holidays. It also states that if a holiday falls on a Saturday, they would receive the Friday off and if it falls on a Sunday they would receive the Monday off. Christmas falls on a Monday so it's unclear as to what day they would take for Christmas Eve. Councilman Prendergast asked what their preference is. Councilman VanTassel stated that they didn't indicate a preference but that he could ask. He stated that they were looking for direction.

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A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to ask the CSEA union which day they would prefer to take for the Christmas Eve holiday (Friday before the weekend or Tuesday following Christmas Day) and authorize them to take that day based on their wishes.

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

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

Councilman Kusnierz stated that Counsel and the Building Department have been looking into how engineering inspections are being performed in developments. Attorney Buettner stated that she had conversations with Jim Martin a number of times over the concern of over engineering. She stated that not only does the developer's project engineer have to sign off but the Town's designated engineer has to sign off as well. She stated that it's becoming costly to the developers. She stated that they are looking at the laws in a few towns (Bolton and Lake George), to change the Town of Moreau law to say that the project engineer can sign off. She stated that they would have to be a P.E. in order to sign off on inspection reports. She stated that at the end of the project, the maps are certified by the P.E. and given to the Town. She stated that she and Jim Martin are both on board to address this within the next few meetings.

Councilman Kusnierz reported that he will be meeting with the Building Department on Thursday to discuss this in greater detail.

Councilman Prendergast asked Attorney Buettner if she would look into the Zombie Property legislation and asked what the Town will need to do to address some of these properties. Attorney Buettner stated that she thought she had sent a memo to the Board and will try to resurrect it. She stated that the law is not as broad as one would like, she stated that it's very specific. She stated that she would look into the matter and let the Board know what should be done. Councilman Prendergast commented on how some buildings are decaying. Attorney Buettner stated that the Town has a nuisance abatement law that was prepared but never adopted.

The Supervisor stated that there is now a school out in front of the Town Hall and asked the Board if they would want him to send a letter to DOT requesting a speed limit reduction. He didn't think that 30 mph would be unreasonable. He stated that he would contact Head Start to send a joint letter. Councilwoman LeClair suggested the use of flashing lights that indicate how fast you're going.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Supervisor to submit a joint request for a speed limit reduction from 55mph to 30 mph on Route 197 between Route 9 and Route 32.

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn to executive session at 8:15 p.m. to discuss litigation and the performance of an unnamed employee.

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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

Councilmen Elect, Kyle Noonan and John Hogan were invited into the executive session as well as the Town Assessor, Peggy Jenkins.

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

The Assessor left the executive session before it was completed.

The Town Board returned from executive session at 9:37 p.m. with no action taken in executive session.

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel to adopt the following resolution:

**TOWN BOARD
TOWN OF MOREAU
RESOLUTION**

**SUBJECT: SCA TISSUE NA LLC AND ENCORE PAPER COMPANY INC. RPTL
TAX ASSESSMENT LITIGATION**

WHEREAS, SCA Tissue NA LLC and Encore Paper Company Inc. commenced litigation pursuant to RPTL Article 7 challenging its assessment for tax years 2015, 2016 and 2017 for the following properties located within the Town of Moreau (“Subject Properties”):

Petitioner	Tax Map Number	Property Location	Final Assessment
SCA Tissue NA LLC	37.37-1-3.1	1 River Street	\$25,590,000
SCA Tissue NA LLC	37.45-2-10	1-3 Race Avenue	\$11,600
Encore Paper Company Inc. c/o SCA Tissue NA LLC	37.45-2-49	1-7 Hudson Street	\$65,900
SCA Tissue NA LLC	37.38-2-1	3 Spring Street	\$48,500
SCA Tissue NA LLC	37.45-2-5	23-25 River Street	\$25,200
SCA Tissue NA LLC	37.45-2-7	4 Hudson Street	\$26,100
SCA Tissue NA LLC	37.45-3-12	5 First Street	\$28,900
SCA Tissue NA LLC	37.45-2-9	5 Race Avenue	\$5,000
SCA Tissue NA LLC	37.38-3-1	5-17 Spring Street	\$118,300
SCA Tissue NA LLC	37.45-3-13	7 First Street	\$28,900
SCA Tissue NA LLC	37.45-3-6	8 First Street	\$21,500
SCA Tissue NA LLC	37.45-2-8	8 Hudson Street	\$28,900
SCA Tissue NA LLC	37.45-3-14	9 First Street	\$28,900
SCA Tissue NA LLC	37.45-2-11	10 Hudson Street	\$23,100
SCA Tissue NA LLC	37.45-2-12	12 Hudson Street	\$28,900
SCA Tissue NA LLC	37.37-2-1	Hudson Street	\$100
SCA Tissue NA LLC	37.45-3-23	Hudson Street	\$13,400
SCA Tissue NA LLC	37.45-2-47	River Street	\$44,100
Encore Paper Company Inc. c/o SCA Tissue NA LLC	37.45-2-48.2	River Street	\$3,300

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Encore Paper Company Inc. c/o SCA Tissue NA LLC	37.45-2-48.1	River Street	\$13,200
Encore Paper Company Inc. c/o SCA Tissue NA LLC	37.37-3-1	Saratoga Avenue	\$500

WHEREAS, the Town has determined it to be in its best interest to enter into a Consent Order and Judgment;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Moreau hereby approves the settlement of the Real Property Tax Law Article 7 proceedings entitled *SCA Tissue NA LLC and Encore Paper Company Inc v. Assessor of the Town of Moreau, The Board of Assessment Review of the Town of Moreau and the Town of Moreau, New York* as follows:

1. The 2015 and 2016 proceedings will be discontinued on the merits.
2. The 2017 Final Assessment for the Subject Properties shall be as follows:

Tax Map Number	Final Assessment	Revised Assessment	Reduction
37.37-1-3.1	\$25,590,000	\$20,000,000	(\$5,590,000)
37.45-2-10	\$11,600	\$11,600	(\$0)
37.45-2-49	\$65,900	\$65,900	(\$0)
37.38-2-1	\$48,500	\$48,500	(\$0)
37.45-2-5	\$25,200	\$25,200	(\$0)
37.45-2-7	\$26,100	\$26,100	(\$0)
37.45-3-12	\$28,900	\$28,900	(\$0)
37.45-2-9	\$5,000	\$5,000	(\$0)
37.38-3-1	\$118,300	\$118,300	(\$0)
37.45-3-13	\$28,900	\$28,900	(\$0)
37.45-3-6	\$21,500	\$21,500	(\$0)
37.45-2-8	\$28,900	\$28,900	(\$0)
37.45-3-14	\$28,900	\$28,900	(\$0)
37.45-2-11	\$23,100	\$23,100	(\$0)
37.45-2-12	\$28,900	\$28,900	(\$0)
37.37-2-1	\$100	\$100	(\$0)
37.45-3-23	\$13,400	\$13,400	(\$0)
37.45-2-47	\$44,100	\$44,100	(\$0)
37.45-2-48.2	\$3,300	\$3,300	(\$0)
37.45-2-48.1	\$13,200	\$13,200	(\$0)
37.37-3-1	\$500	\$500	(\$0)

3. The Final Assessment for tax years 2018 through 2022 for Tax Parcel Number 37.37-1-3.1 shall be set as follows:

2018	\$17,000,000
2019	\$16,000,000
2020	\$15,000,000
2021	\$14,000,000
2022	\$14,000,000

and be it further

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RESOLVED, that the Town Board hereby authorizes Bartlett, Pontiff, Stewart and Rhodes, P.C., Karla Williams Buettner, Esq., Attorney for the Town, to sign the appropriate Consent Order and Judgment resolving these matters.

Councilman Kusnierz stated that the Board did not take this decision lightly. He stated that they've worked on this for 2 1/2 years and have expended 10's of 1,000's of dollars in professional fees and attorney fees to get to this decision. He stated that the Board does risk assessment and risk management. He stated that there was significant exposure for the Village with a potential for refunds. The decision was based on professional advice from appraisers, that they couldn't sustain assessed values on these properties, that they currently are at. They could have taken the risk and gone forward but might have had to pay refunds in over \$225,000 from the Village, plus interest and over \$650,000 from the School, plus interest. He stated that the Town would have to refund \$7,000.00 plus interest. He stated that this isn't a perfect outcome. He suggested, that from the standpoint, that no entity except for the School will have to pay refunds, this is a pretty good outcome for the parties involved. He stated that collectively as a Board, they felt this decision was in the best interest of the community, both for the School District, the Village and the Town, to settle.

Councilwoman LeClair stated that the Board is making a tough choice but feels that this decision is a correct choice.

Councilman VanTassel echoed the comments by Councilman Kusnierz and Councilwoman LeClair. He stated that there were a lot of hours spent in executive session and most of the focus was on the tax payers. He stated that with the advice of the experts and appraisers, he felt the numbers were fair. Councilman VanTassel also stated that the appraiser was well accredited.

Councilman Prendergast stated that he knows everyone labored over their decision for a long time. He stated that everyone here has struggled for months. He stated that some sort of decision had to be made.

Roll Call vote resulted as follows:

Councilman Prendergast	No
Councilwoman LeClair	Aye
Councilman Kusnierz	Aye
Councilman VanTassel	Aye
Supervisor Congdon	No

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk