

A regular meeting of the Town Board of the Town of Moreau was held on May 23, 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. and led the Pledge of Allegiance.

The Deputy Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

None

Also present: Tammy Daley, Deputy Town Clerk; Lisa Sperry, Deputy Town Clerk; Malcom O'Hara, Attorney for the Town; Robin Renaud, Supervisor's Confidential Secretary; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Reed Antis, Planning Board Member and Town Resident; Sandy Mahoney, Recreation Program Director; Kathleen Moore, Post Star Reporter; Town Residents: Terry Clark, Jack Hills, Virginia Livsey, Bruce Flayer, Pamela & Brett Ostrander, Gary & Charlene Endal and Melissa Swanson; Tim Welch, Grant's Cottage; Robert Murray, Shelter Planning; Dave Rogge, Lamplighter Mobile Home Park.

APPROVAL OF MINUTES

The minutes from May 2, 2017 and May 9, 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 Councilman Kusnierz and seconded by Councilwoman LeClair to approve the minutes of May 2, 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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from May 9, 2017 (Public Hearing) as prepared.

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from May 9, 2017 (Regular Town Board meeting) as prepared.

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

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

SET FUTURE MEETINGS AND WORKSHOPS

The continuation of the Public hearing for the Stewart and Bovee Zoning change (Local Law 1 of 2017) was scheduled for June 13, 2017 at 6:30 p.m.

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

There were no questions or comments relating to agenda items.

HIGHWAY GARAGE ROOF SETTLEMENT

This item was tabled until later in executive session.

INTER-MUNICIPAL WATER AGREEMENT WITH THE VILLAGE

The Supervisor stated that it isn't going to cost the Town any additional money to supply the Village with water. He said he took the two numbers that Town is being charged for water and divided that by two, and it comes out to \$1.70 per gallon. He thinks that supplying the Village with water is a "good neighbor policy" and that the Village residents are Town residents too. Also, the Town would only supply the water when absolutely needed. Councilman VanTassel stated he was not at the last meeting when this was talked about and would like to make a few statements about it. He said the reason we ended up with that rate on the current Municipality agreement was because that was the rate the Village would charge the Town if they needed to supply water to the Town. Also, in the absence of having an agreement in place, they told the last leadership team in the Village we would charge the rate they would charge us until everyone wants to sit down and work out an inter-municipal agreement. He stated that they took the average cost of the six water districts. He doesn't think it is right to charge our tax payers in our districts more than we would charge the Village. Councilman VanTassel asked if the rate the Supervisor wants to charge the Village is less than what we charge our taxpayers in each of our districts. The Supervisor stated that the difference is our rate includes infrastructure cost. Councilman VanTassel asked if it's the same infrastructure we would be using to give the Village water. Supervisor Congdon stated the infrastructure for the Town pays for pipe, hydrants, and engineers. The Village is going to have enough costs with their aging pipes, we have new pipes they have old pipes. Councilman Prendergast stated that Water District one doesn't have new pipes. He also said he wanted to get one thing straight "we don't take tax dollars from our customers for water, the Town collects for water usage". He thinks the Town would maybe "break even" with charging them \$2.25. Councilman VanTassel had a few more comments, he had asked if the Town can resell the water to other entities outside of our customers. He also stated he didn't like the idea either of charging the Village less than what some of our customers pay. Supervisor Congdon stated he doesn't know of any restrictions of reselling the water. He said this is not a day to day occurrence, it's just when they need it. Councilman Prendergast stated, since he has been on the Board, the Village has had problems with supplying water to their customers. He also stated that they charge a flat rate for their water. The water superintendent stated that they need to keep in mind, if the Village doesn't purchase the air stripper and get the well going, it is going to be a continuous problem in the summertime because their springs are not recovering in the summertime like they should. Reed Antis stated that because of a check valve, the Village could not supply the Town with water. Also in the contract with Saratoga County it says that the Town can't resell the water without their permission. The Water Superintendent said the County has no problem with the Town supplying the water to Village as long as they know about it. Councilwoman LeClair stated that in the future we might be looking at some cost to Queensbury for

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infrastructure and she thinks \$3.25 is a fair price. The Supervisor said the Village is looking for a cost closer to what the Town pays for the water. This item was tabled.

BLUE BIRD TERRACE MOBILE HOME PARK GRANT WRITING PROPOSAL

The Supervisor stated the grant would not cost the Town any money, because the owner of the park would have to put the money in escrow. The Town would only provide a mechanism for the grant. Councilwoman LeClair stated she has a problem with the tax payers paying for that, when the mobile home owner just purchased the park about two years ago. It would be Federal tax dollars paying for this grant, which would be \$750,000 to \$1,000,000. She also stated that if Dave Rogge the owner of Lamplighter Mobile Home Park came to Board and said he needed help with some of his septic systems the Town Board would tell him that he is the landlord and that it would be his responsibility to fix them. The Supervisor stated we owe the people that live there because it is a licensed operation. He also stated we have no problem with grant money for people who don't do any repairs on their homes and they get new windows, and new heating systems. He said he knows of one home that is using \$40,000 in grant money. Councilwoman LeClair said she has no problem with people using grant money if it's for heating systems, insulation or electrical work. In this case it's the landlord's responsibility to bring the sewers up to standards for his tenants. The Supervisor said it has been looked over for years from the State Health Department. Kathleen Moore stated that the tenants were reluctant to talk about any problems and the Health Department had no reports about anything in the park. Councilman VanTassel asked if doing this would put in jeopardy our chances down the road for other grants and also asked what this landlord is doing to correct or fix this problem. He said he would be happy to talk to the landlord the following day. The Supervisor stated that it would be immoral to hold those people "hostage" for a commercial venture down Route 9 in the future. Councilman Kusnierz said he is responsible for bringing up the issue on how it impacts our standing with the EFC. He feels he does not want to help one landowner at the expense of the rest of the Town residents. He stated that he has not seen any documentation that there is a health violation there. He thinks it would be premature to go forward without that information. The Supervisor's office has a foil request into the Department of Health to find out if any complaints or violations have occurred within Blue Bird Terrace Mobile Home Park. The Supervisor's Confidential Secretary Robin Renaud said she was told by the Department of Health that nothing could be ready for them before June 2nd 2017. Councilman Kusnierz stated that there are laws on timelines for foils, and he didn't believe the State would be exempt from following the laws on FOIL. Councilwoman LeClair asked what would happen if we help him get this grant, then he says to these people get out and it's not going to be a mobile home park anymore, what will the Town do to protect these people. The Supervisor said there will be safeguards put into place for that. Dave Rogge from Lamplighter Mobile Home Park stated, he is not against helping Blue Bird Terrace. Councilman Kusnierz and he had asked if they would talk to the engineers to see if that would have an impact on our score if that property was taken out. He wanted to know if anyone had any answers to that question. The Supervisor said that the engineers can't answer a question like that, it would be an opinion. Brett Ostrander, a town resident, wanted to know if anyone else bought a business or entity, would there be grant money for them to fix any repairs on it. He believes if anyone buys a business, they should know what problems there are when they purchase it. Councilman Prendergast stated that every day Federal Tax dollars are helping private business's somewhere that were going to fail. He also said this is a real life problem down there and it's affecting people's lives. He believes that everyone is looking at this the wrong way, the owner has to put money in escrow to start this process. He firmly believes that the grant for Blue Bird Terrace is going to be totally different from the Route 9 sewer project. The Supervisor stated the tax payers paid out \$60,000 for trying to get the sewer down Route 9 and that failed. Now we have a program to really do something with the sewer main and we are saying no to that. There was further discussion between the Supervisor, Councilman VanTassel Councilwoman LeClair, and Mr. Rogge on the topic of the grant for Blue Bird Terrace. This item was eventually tabled.

GRANT COTTAGE DONATION-TIM WELCH PRESENTATION

Tim Welch from Grant's Cottage talked about the Cottage and how President Grant spent his last six weeks of his life there and that it's one of the most important historical attractions in the Town of Moreau.

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The Cottage is owned by the State and does not have any State employees. They operate totally by charging people to go through the Cottage, where it is still like a time capsule of 1885. The charge is \$5.00 per person to walk through, and they have about 5,300 people a summer season who visit the Cottage. He also stated Mount McGregor used to pay for the utilities, along with security. Since they closed almost three years ago, they have lost that funding. Now they have to pay a part-time caretaker to take care of the place. He is here tonight to ask for \$5,000 to help defer some of the costs that they incur now. They do have about 25 volunteers that take people through the Cottage and they have four part-time employees. Councilman Prendergast stated that there was some advertising that the cottage is in Wilton and asked if that had changed to the Town of Moreau. Mr. Welch stated that it was corrected. Councilman Prendergast stated that he has supported the Cottage in past years and supports it now. Councilman Kusnierz stated that it is a “gem” for the Town of Moreau, and he supports it **[amended 6/14/17 lm]** too. Councilwoman LeClair also supports it and stated that she would like to see them come at budget time so that money can be allocated. He agreed to contact the Town in September.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to donate \$5,000 to Grant’s Cottage.

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

JANE & KEVIN CRAWFORD – TEMPORARY RESIDENCE

Jane and Kevin Crawford have asked to put a fifth wheel camper on their property at 2 Palmer Rd to live in until their house is built on the same property. This needs Town Board approval.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to let Jane and Kevin Crawford live in their fifth wheel camper at 2 Palmer Road while their house is being built, not to exceed one year.

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

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

BEACH BUILDING

Supervisor Congdon asked if there was anything new on the beach building. Councilwoman LeClair thought maybe the Supervisor and the Village Mayor should discuss this. The Village would need the Town’s support to move forward with the grant and it’s a great opportunity to have 25% off the cost. She would try to set a meeting and get everyone together to talk.

WATER TOWER LEASE AGREEMENT WITH AT&T/CINGULAR

A motion was made by Councilman Kusnierz and seconded by Councilman VanTassel for the Supervisor to sign the existing contract with AT&T subject to prior review by Counsel. It would be with the same terms as the prior agreement, just a difference in years.

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The previous contract included up to four five year contracts.

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

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

JACK HILLS- HURRICANE BASEBALL LEGION FIELD SIGN

Jack Hills along with Pam Ostrander from the American Legion presented a picture of a sign that they want to put up at the Legion Field at the Recreation Park. They explained it was a free standing sign and it would be by the Legion Concession stand. There would also be nice landscaping underneath the sign. The cost would be split between the American Legion and the Hurricane's baseball. It is similar to signs in the park already.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to approve the sign to be put up by the Legion Field.

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

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

JUSTICE COURT AUDIT

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the Court Audit conducted by Francine Thibodeau.

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

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

TREE REMOVAL RICE CEMETERY

Supervisor Congdon asked for approval of the Board to put out RFP'S to remove trees from Rice Cemetery. Councilman Prendergast asked if we had a contract with anyone now. Paul Joseph stated they have a contract now with A-1 Tree Works. Councilman Prendergast asked this because if there is a contract with someone, sometimes they will go over and cut a tree for the same price. The Supervisor stated that there was more than one tree that need to be taken down. Reed Antis said there should not be any trees in that cemetery, and he has marked 14 trees to be taken down to start.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to mail out RFP'S to have marked trees taken out of Rice Cemetery.

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

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

SHELTER PLANNING RESOLUTION

Bob Murray from Shelter Planning asked if there were any questions about the grant. They have represented the Town before in grant applications in the past. Their goal is to help households get the assistance that they need to make home improvements. The resolution today would let them go ahead and start with the first seven, they expect to do fourteen or sixteen. The resolution tonight is the same one that was used a few years ago. It approves a grant to specific households which are not named because of confidential information. Councilman Kusnierz asked how they are paid to do this. Mr. Murray stated their fees come right from the grant. Councilman Prendergast said in the past, this grant has been very successful in helping people, and it is very much in need.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast approving the following resolution and authorizing the Supervisor to execute the Grant Award Agreement with Shelter Planning:

RESOLUTION APPROVING GRANT AWARDS FOR CASE FILE #2017-1-7 IN CONNECTION WITH TOWN OF MOREAU HOUSING REHABILITATION PROGRAM

WHEREAS, the Town of Moreau has established a Housing Rehabilitation Program funded by New York State Affordable Housing Corporation (NYS AHC) Affordable Home Ownership Development (AHOD) Home Improvement Program; and

WHEREAS, this program provides grants to the homeowners to cover 100% of eligible costs, including rehabilitation construction, grant administration, project delivery, and associated soft costs, up to a maximum of \$40,000 per project, and

WHEREAS, seven (7) single family property Case Files #2017 1-7 has been determined to be eligible for this grant assistance and the owners of the property have requested such assistance, and

WHEREAS, the Town has engaged Shelter Planning and Development to provide program delivery and administration services related to the NYS AHC grant award, and

WHEREAS, Shelter Planning and Development, Inc. has overseen the program outreach application and evaluation process and recommends approval of grants to Case File #2017-1-7, and

WHEREAS, in connection with this grant award, the owner or owners will be required to execute a Note and Mortgage affecting the property for ten (10) years from the date of completion of the rehabilitation and the Mortgage will be recorded in the Saratoga County Clerk's Office for the benefit of the New York State Affordable Housing Corporation, and

WHEREAS, this constitutes a Type II Action pursuant to the State Environmental Quality Review Act and therefore, no environmental review is required,

NOW, THEREFORE, BE IT

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RESOLVED, that the Town of Moreau approves a total grant award not to exceed the per unit grant maximum as established by AHC, for all eligible costs for Case File #2017-1-7, Moreau, New York with total grant assistance approved for the seven (7) projects combined not to exceed the funds available through the AHC grant award to the Town.

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor to execute the Grant Award agreements and take such other and further action as may be necessary to effectuate the terms of this Resolution.

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

HIGHWAY REQUEST

The Highway Superintendent put a request in to purchase a Multi-Purpose Light Truck Adapter. This was a 2017 budgeted purchase item from account DB5130.2 which has a balance of \$243,502.01 as of May 1st, 2017. The item cost is \$2,900.00, under New York State Contract.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the purchase of a Multi-Purpose Light Truck Adapter for the Highway Department at a cost of \$2,900.00.

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

RECREATION REQUESTS

- Truck Repairs

Councilwoman LeClair stated that they have received two estimates for the Recreation Department truck. The first one is for \$421.63, this would only cover the truck's windshield, windshield wiper and windshield wiper motor and clean-up of the glass inside of the truck. This would get the truck through the rest of the year. The other price is for all the damage to be fixed and it would be \$4,403.11. Councilwoman LeClair stated that they were told that this truck would probably not pass inspection next year. There was no decision made on this request.

- Hires- Summer Laborers

There were two new hires to approve for the Recreation Park. Ciara Burchell and William Purick. The Confidential Secretary was told to pull the application of William Purick out by Pete Corlew. She did not know why he wanted the application taken out Councilwoman LeClair stated there were five other applications that would be good for hire.

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A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to hire Ciara Burchell as a full-time seasonal laborer without benefits, mainly nights and weekends at the Recreation Park at the rate of \$12.00 hour. This will be subject to a background check and physical. She stated by saying full-time seasonal laborer it gives the flexibility to schedule more hours if the Park is busy on particular weekends. Councilman Kusnierz asked if she is a Town of Moreau resident and stated that we try to give preference to Town Residents. Councilwoman LeClair stated she was from Schuylerville, and that it was a tough choice with all the interviews they did.

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 Councilman Prendergast and seconded by Councilwoman LeClair to accept the resignation of Christopher Rich.

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

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

OLD BUSINESS

- Changes in Water District 1

There was discussion on water district 1 (Fortsville Road) and hook-up fees and what they should pay if they want to hook up to water. This item was tabled.

- Town Hall Curb Cut

Supervisor Congdon stated that there was nothing new on this subject.

- Town Hall Ongoing Bird Issues at the Entrances

Supervisor Congdon suggested putting sheets of paneling up on the ceiling of the entrance ways on both ends of the building, then place a piece of paneling up behind the beams so you can still see the beams in the front. Councilwoman LeClair said Kevin Elms stated that the plastic spikes were glued and screwed down and probably would be pretty much impossible to remove them. They all agreed something needed to be done.

- Bounce Houses at the Recreation Park

Councilwoman LeClair stated she would like to have the Attorney put the words in our Recreation Park pavilion contract that people do not bring in their own personally owned bounce houses into the park.

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They must have a bounce house company set them up and provide a certificate of insurance from the bounce house company.

- Town Hall Changeover Email Server

Councilman VanTassel stated that PS Technical Service had completed their audit. We have an opportunity to reduce our expense because a majority of our machines have a newer version of office. The only thing PS Technical Service would have to do is a hosted e-mail portion which is a \$5.00 per month expense instead of \$15.00 per month expense. They need to spend time talking to Fran to see if she is comfortable with that \$5.00 expense.

- Town Hall Insulation

Supervisor Congdon stated they have not been paid and they have to get together with Matt, so the “ball is their court”.

- Town Hall Force Main Payback

The Attorney suggested that they talk about this in executive session.

PUBLIC COMMENT PERIOD* this time period is open to any comments and questions from the audience

This item was first skipped over and was going next to Committee Reports. Terry Clark spoke up and asked why it is being skipped. He stated that this is the most important part of the meeting. There were other comments made back and forth between Terry Clark and Supervisor Congdon which can be heard on the audio portion of the meeting. Reed Antis spoke next and asked about a grant for a meter at Van Buren Street location to go to Glens Falls. Jesse Fish stated that it’s not in place, and he is not aware of it. Councilman Prendergast said it was supposed to be in, in the spring and we are not that far off from spring. Mr. Antis stated he just didn’t want it to be forgotten. He also asked about the SCA article 7 and the Erie Boulevard cases. He asked what years they were filed. The attorney stated he didn’t know when they were filed. Mr. Antis asked if they were close to coming to an end to any of these cases.

COMMITTEE REPORTS

- New Hires for Water Department

Councilman Prendergast stated that quite a few meeting ago they decided to advertise for positions at the Water Department. They received several applications and after himself, Councilman VanTassel and the Water Superintendent looked over the applications and did interviews they narrowed it down to two applicants that they would like to present to the Board for hire. Both are laborer positions.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to hire Alan Dubois Jr. as a Full-time Water Department Laborer at the rate of \$16.00 per hour. Hire date to be determined after successful completion of a physical.

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

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A motion was made by Councilman Prendergast and seconded by Councilman VanTassel to hire Kristian Mechanick as a Part-time Water Department Laborer, with no benefits, at a rate of \$14.00 per hour and not to exceed 19 1/2 hours a week. Hire date to be determined after successful completion of a physical.

Asked all in favor, the following responses were given:

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

- Recreation Purchase AED'S

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to purchase two AED'S from the Samaritan Health Store for \$1320.00. It would be paid from account A7140.2 which has a balance of \$8987.00.

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

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

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to go into executive session at 9:40 p.m. to discuss the Highway Garage Roof litigation and force Main payback.

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 Councilman VanTassel and seconded by Councilwoman LeClair to adjourn the executive session where no action was taken and close the regular meeting at 10:25 p.m.

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

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

Respectfully submitted,

Tammy Daley
Deputy Town Clerk

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