

A regular meeting of the Town Board of the Town of Moreau was held on August 11, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

**Town Board Members Present**

Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Tom Cumm	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Jesse Fish, Water Superintendent; Mike Montgomery, Deputy Highway Superintendent; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:20 p.m.); Town Residents: Robert Lyons, Reed Antis, Krissy Goodspeed, Tom Hutchins, Tom Giorgianni

Supervisor Jenkins led the Pledge of Allegiance.

**MINUTES**

The minutes of July 28<sup>th</sup> (2 Sets), July 30<sup>th</sup> and August 4<sup>th</sup> were presented to the Town Board in advance of the meeting for their review, comment and correction.

**MINUTES – JULY 28, 2009 – 6:30 P.M.- SPECIAL TOWN BOARD MEETING TO INTERVIEW CANDIDATE FOR A VACANCY ON THE ZONING BOARD OF APPEALS**

No comments or corrections.

**MINUTES – JULY 28, 2009 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – JULY 30, 2009 – MONTH-END TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – AUGUST 4, 2009 – TOWN BOARD WORKSHOP RE: OUTDOOR HYDRONIC HEATERS**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of July 28<sup>th</sup> (both sets), July 30<sup>th</sup> and August 4<sup>th</sup> as prepared.

Roll call vote resulted as follows:

Councilman Cumm	Absent
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Abstain on July 28 <sup>th</sup> and July 30 <sup>th</sup> sets and Yes to August 4 <sup>th</sup>
Supervisor Jenkins	Yes

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**MEETINGS/WORKSHOPS SCHEDULED**

The Month-End Town Board Meeting was scheduled for August 27<sup>th</sup> at 4:30 p.m. in Town Hall.

**15 MINUTE PUBLIC COMMENT PERIOD**

Christina Goodspeed was present to request permission from the Town Board to allow a Kids and Canine “K9” Costume Party in the Harry J. Betar Jr. Recreational Park on October 10, 2009 from 10:00 a.m. to 2:00 p.m. This would be a fundraiser for the AFX Cheer Booster Club.

Councilwoman LeClair explained to Ms. Goodspeed that her concern is that September and October are busy months in the park when there will be hundreds of children in the park for sporting activities. She stated that the Betar By-Way in the Village of South Glens Falls would be more suited for this event. She also suggested they try Moreau Lake State Park and said she was sorry the Town couldn’t accommodate them.

Supervisor Jenkins stated that his concern was the timing also.

This request was denied.

**DANIELLE BOURDEAU FUNDRAISER REQUEST**

Danielle Bourdeau had not arrived at the meeting at this point so discussion was tabled on this topic until she arrived.

**HIGHWAY DEPARTMENT REQUEST**

An emergency repair was made by Reed’s Hydraulics in the amount of \$694.90 to the hydraulic pump in the 87 Heston Tractor with mower in the Highway Department. The Highway Department was requesting that the Town Board authorize this emergency repair.

Councilman Kusnierz asked Mike Montgomery what made this an emergency repair.

Mike Montgomery stated that this is their mowing season and the 1987 Heston is the only mower they have.

Councilman Kusnierz asked if they rebuilt the pump and the answer was yes.

Councilman Kusnierz asked why the Highway Department didn’t try to get a remanufactured one from a dealer instead of having it rebuilt.

Mike Montgomery said that Ron Gilligan may have called a dealer for a quote, but he would have to check on this. He suspected that a remanufactured pump from a dealer would have been two to three times more costly than a rebuild.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the emergency repair by Reed’s Hydraulics in the amount of \$694.90 to rebuild the hydraulic pump from the 1987 Heston Tractor with mower.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

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Councilman Cumm  
Supervisor Jenkins

Absent  
Yes

**TOWN CLERK MEMO RE: REFUNDABLE CLEAN UP FEES**

Supervisor Jenkins stated that the last 15 or 16 months the Town has been requiring a \$50.00 refundable clean up fee from people using the pavilions in the Harry J. Betar Jr. Recreational Park. There have been a lot of checks going through Trust and Agency. Councilman Cumm thinks we should discontinue charging this fee and add a clause to the reservation form that reads something to the effect, "If the pavilion is not left in the condition you found it upon arrival you will be billed a \$50.00 clean up fee. Failure to pay this fee could result in your inability to use the Harry J. Betar Jr. Recreational Park in the future". Supervisor Jenkins said he signed about 30 checks last month so he didn't have a problem discontinuing this refundable clean up fee. Apparently clean up hasn't been an issue since it was instituted and apparently it was a problem before.

Councilman Prendergast said he didn't have a problem with this request. It is a lot of work for the Town employees. It was a safety net so we didn't have any problems down there and it has turned out that for many months now anybody who has used the facility has been responsible. We can always go back to it. He asked for the wording to be tweaked a little. He doesn't like to threaten people.

Councilman Kusnierz said that the genesis of why this fee came into being was that we did have problems down there and the comment that now we don't have problems down there an argument can be made that the reason the situation rectified itself is because we instituted a \$50.00 deposit fee and it seems to be working fine, but it is a lot of work to get the money back to the people. He asked if anyone spoke with the comptroller's office to see how they handle it. It isn't uncommon for other Towns to require a deposit fee.

Supervisor Jenkins said he didn't know how they do it, but by law the Town Clerk can't hold the deposits. If we have the language right and if somebody doesn't clean up and we send a bill and they don't pay then we have the opportunity to not let them use the park again. We have staffing there when they leave and we should designate that they go over and remind the people using the pavilion of the clean up.

Councilwoman LeClair said it won't hurt to try it.

Councilman Kusnierz asked when they were going to implement this and Councilman Prendergast said immediately.

Councilman Kusnierz asked if the Recreation Director has given a recommendation regarding this.

Supervisor Jenkins stated that he thinks it will work. His staff is taking good care of the park.

Councilman Kusnierz suggested they finalize the language for the reservation form. He then suggested the following wording:

The Recreation Director or his designee must approve of the condition of the pavilion (or something to this effect) and if they don't then you will be charged a \$50.00 clean up fee.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to discontinue charging a \$50.00 refundable clean up fee for use of a pavilion at the Harry J. Betar Jr. Recreational Park and for the wording to read as above.

Roll call vote resulted as follows:

Councilwoman LeClair  
Councilman Kusnierz

Yes  
Yes

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Councilman Cumm	Absent
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

**CONSERVATION COMMITTEE VACANCY**

Joe Orlow who resides at 7 Harrison Avenue in South Glens Falls submitted a letter indicating he would like to serve on the Conservation Committee.

Councilwoman LeClair thought this was wonderful and that he would do a great job.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to appoint Joe Orlow as a member of the Town of Moreau Conservation Advisory Council.

Roll call vote resulted as follows:

Councilman Kusnierz	Abstain *
Councilman Cumm	Absent
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

\*Councilman Kusnierz abstained to alleviate the appearance of a conflict of interest.

**APPRAISER FOR ARTICLE 7 PROCEEDING – MIDTOWN PLAZA**

Supervisor Jenkins stated they needed to authorize the Assessor to hire an appraiser to complete an appraisal on the Midtown Plaza for an Article 7 Proceeding. He asked Peggy Jenkins the assessor if she was going to get quotes.

Peggy Jenkins stated she did this in December 2008 and sent out four proposals and got one back. She contacted the ones who didn't submit proposals this week.

Supervisor Jenkins asked her to send out requests for proposals again with a return date of August 24<sup>th</sup>.

**TRANSFER OF FUNDS TO PURCHASE COPIER**

A transfer of funds was needed to purchase a copier that was approved by the Town Board at their last meeting.

Councilman Kusnierz asked if money was budgeted for this when they were compiling the 2009 Budget.

Supervisor Jenkins replied not specifically for a copier, but we need one.

Councilman Kusnierz asked what the reason was for buying a color copier vs. black and white. He saw in the prices a significant difference in cost.

Councilwoman LeClair stated that when they got information on color copiers they took into consideration the fact that the assessor spends \$50.00 to \$100.00 a month on color copies for her office and the cost to print in color on the copier being purchased it will cost about 9.9 cents per copy. When you print color from an inkjet printer it costs about 35 cents to 50 cents per copy. It won't take long to make up the difference.

Councilman Kusnierz wanted to make sure there was a definitive need for a color copier.

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Supervisor Jenkins said it was determined between the assessor's office and the building inspector's office that there was a need for one.

Councilman Kusnierz asked if the purchase of the copier was already approved at the last meeting and the answer was yes. He stated he was confused about what they were doing and Supervisor Jenkins stated they were approving a transfer of funds to purchase the copier. Approval to purchase the copier was done at the last meeting.

A motion was made by Councilwoman Kusnierz and seconded by Councilman Prendergast authorizing the following transfer:

\$3,000.00 from A1620.4 – General Fund – Town Hall – Contractual into A1620.2 – General Fund – Town Hall – Equipment for the purchase of a copier for Town Hall.

Roll call vote resulted as follows:

Councilman Cumm	Absent
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

#### **PALLETTE LIGHTING DISTRICT ORDER**

Attorney Auffredou explained to the Town Board that at the last meeting the Town Board scheduled a Public Hearing on the proposed Palette Lighting District for August 25<sup>th</sup> at 7:10 p.m. Town Law provides that in order to move the process forward the Town Board has to adopt an order scheduling the Public Hearing and it has to be posted in Town Hall and the newspaper. Therefore, he created the order for this purpose. On file in the Town Clerk's Office is information about the request and what the cost of the lighting district will be. There will be five 100 watt high pressure sodium lights installed on Abbey Lane and Nancy's Way and two 250 watt high pressure sodium lights installed on wood poles on Old Saratoga Road where Nancy's Way meets Old Saratoga Road. The estimated yearly billing charge that the property owners will have to cover is approximately \$1,858.87. No Town or public dollars will be expended to create or maintain the lighting district. It will be a self-sustaining lighting district as most of the lighting districts in the Town are that the Board was asked to create. He stated that the only thing the Town Board has to do at this meeting is authorize the Supervisor to sign the order.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the following order:

WHEREAS, the Town Board of the Town of Moreau was presented with a petition pursuant to Town Law Article 12 for the establishment of a lighting district located in the Palette Stone Planned Unit Development (PUD), also known as the Old Saratoga Road Subdivision located at Old Saratoga Road, Abbey Lane and Nancy's Way in the Town of Moreau, Saratoga County, State of New York to be known as the Palette PUD Lighting District; and

WHEREAS, the petition was filed by the owner of the taxable real property located within the proposed lighting district; and

WHEREAS, according to National Grid and the property owner, a total of five (5) one hundred watt high-pressure sodium lights and two (2) two hundred and fifty watt high-pressure sodium lights will be installed in the lighting district; and

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WHEREAS, according to National Grid, the yearly billing charge for the lights is approximately \$1,858.87; and

WHEREAS, no dollars are proposed to be expended for the improvements; and

WHEREAS, the Town Board of the Town of Moreau desires to conduct a public hearing on August 25, 2009 at 7:10 p.m. at the Moreau Town Hall to consider the aforesaid petition and to hear all interested persons.

NOW THEREFORE by Resolution of the Town Board of the Town of Moreau, it is hereby ordered;

1. That the Town Board shall conduct a public hearing on August 25, 2009 at 7:10 p.m. at the Moreau Town Hall located at 61 Hudson Street, South Glens Falls, New York, to consider the petition for the creation of a lighting district within the Palette Stone PUD; and
2. A copy of this Order, certified by the Town Clerk, is to be published at least once in the Post Star, the first publication thereof to be not less than ten (10) and no more than twenty (20) days before the day set herein for the hearing as aforesaid; and
3. A copy of this Order shall be posted on the sign board at the Town of Moreau Town Hall not less than ten (10) and no more than twenty (20) days before the day designated for the hearing as aforesaid; and
4. A detailed explanation of how the estimated costs were computed is available for public inspection with the Town Clerk.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Absent
Supervisor Jenkins	Yes

### **15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked where the Town Board was at with the Outdoor Hydronic Heater Law.

Supervisor Jenkins replied saying that the Town Board is going to be dealing with this issue on August 25<sup>th</sup> when they have two Public Hearings scheduled and the Town Board may or may not act on a local law.

Attorney Auffredou stated a Public Hearing is scheduled for August 25<sup>th</sup> at 6:55 p.m. to consider extending a moratorium on outdoor hydronic heaters. The Town Board discussed holding a Public Hearing on a substantive local law for 6:30 p.m. on August 25<sup>th</sup>. It is his understanding now that the Board may still have some issues to resolve in the text of the proposed local law. He suggested they take advantage of that scheduled time, not necessarily to conduct a Public Hearing, rather to work on the draft local law. He read the minutes of the workshop on the draft local law and understands he needs to get together with the Supervisor and go over the issues.

Supervisor Jenkins, Attorney Auffredou and Joe Patricke agreed to meet at 10:00 a.m. on Monday, August 17<sup>th</sup> to go over the draft law and changes and concerns expressed in the workshop session by the Board.

Councilman Prendergast said he was concerned about this and wondered if the Board should meet in a workshop setting before the 25<sup>th</sup>.

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Attorney Auffredou said he didn't think the Town Board would be ready to adopt anything on the 25<sup>th</sup>. There isn't time to meet the time line requirements. It is going to be a zoning law change and requires a referral to the County and Town Planning Boards. The Town Board needs a substantive law that is ready for a public hearing to send to the County and Town Planning Boards.

Supervisor Jenkins said it was his goal to have another draft of the proposed law to the Town Board by next Wednesday and make it available to the public on that date. Then on the 25<sup>th</sup> at the Public Hearing if everybody is happy with it then we should get it done.

Attorney Auffredou said in order to schedule a Public Hearing the Board needs a Notice of Public Hearing scheduled in the newspaper ten days in advance of the Public Hearing and in order to do that the Board needs a substantive draft of a local law finalized and the text of the local law has to be in the hands of the Town Board Members at least seven days in advance of the Public Hearing.

Supervisor Jenkins said he understood this and if that is what we have to do then we have to do it, but he wanted to continue on and move ahead with this and get it done.

Attorney Auffredou said he didn't send a Notice of Public Hearing to the newspaper, because in order to do that he needs a final agreed upon draft law to create a Notice of Public Hearing for.

Supervisor Jenkins said it sounds like we don't have enough time and Attorney Auffredou said "correct".

Councilman Prendergast said he was a little nervous trying to work on this draft law just before the meeting and if there is a disagreement then what do we do. Heating season is coming and now we are talking about going into September. If we come here on the 25<sup>th</sup> and there is a disagreement then it is like taking a step backward. If there is going to be a disagreement then he would like to know now and before the 25<sup>th</sup>.

Joe Patricke stated that what we are proposing is that we have this capability for Monday.

Councilman Prendergast said who is going to meet Monday, the Town Board?

Joe Patricke said no, he and Attorney Auffredou and Supervisor Jenkins were meeting.

Councilman Prendergast said then the Board meets and if there is a problem where are we.

Councilman Kusnierz said the draft law should be in its final form before the Town Board sits down and meets.

Supervisor Jenkins said they should be able to do that the first week of September.

Joe Patricke said he understood what the Board was saying, but they won't be able to get it to the County and Town Planning Boards before the 25<sup>th</sup>.

Attorney Auffredou said it seems the task is for the Supervisor and Joe and him to meet on Monday and try to put together a draft that includes all the concerns and issues that have been discussed. The goal is to get it to the Town Board by Wednesday of next week giving the Town Board plenty of time to read it before the 25<sup>th</sup> and then discuss it on the 25<sup>th</sup> as an agenda item and make whatever changes they want to it then. There may be enough votes to send it to the County and Town Planning Boards and schedule a Public Hearing for September.

Councilwoman LeClair said her concern was over the statement made by Attorney Auffredou about a person being able to appear before the Zoning Board for a variance and get one and put one in anywhere.

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Attorney Auffredou said the Board is going from a position of only allowing them in certain zones to allowing them in many more zones and you have the dimensional requirements that follow, those haven't changed. You have a number of smaller lots that can't possibly meet those dimensional requirements yet you are saying that they can have an OHH in a particular zone where the lots are known to be smaller and right from the get-go you know the lots can't meet the dimensional requirements. If a person can't meet the dimensional requirements they are going to go to the Zoning Board of Appeals for a variance and the Zoning Board is going to be faced with a very difficult situation. The applicant will say that the Town Board allows this use in this zone, but in the same instance the Town Board is saying that my lot is too small. This has to be looked at a little more carefully in his opinion.

Councilman Kusnierz said there is language in the draft law that establishes parameters in any zoning area that have to be met (i.e., minimum setbacks, etc....). He asked how the Zoning Board could circumvent that and allow it to go in.

Attorney Auffredou said he could look at Section 267-b of the Town Law for an area variance. The Zoning Board could grant an area variance in any given situation. He thought the Town Board was putting the Zoning Board in a bad position. On one hand the Town Board is saying we want these dimensional requirements met yet one can apply for a variance from the dimensional requirements and the Zoning Board could grant an area variance to allow OHH on lots where you wouldn't otherwise think they should be allowed.

Councilman Kusnierz said if we directed the authority from the Zoning Board to the Town Board it becomes a non-issue.

Attorney Auffredou said the Board would have to look at this carefully as far as the authority of the Town Board.

Supervisor Jenkins asked Attorney Auffredou if we went back to just allowing them in R-5 and there are people in R-2, R-3 or R-4 zones who meet every other standard under the law except they aren't allowed because they are in an R-3 zone how is this any different than what he just explained.

Attorney Auffredou replied that his point is that initially the Board was looking at allowing these things in zones with larger lots where they could meet the dimensional requirements and now the Board is suggesting they be allowed in zones where the Board knows ahead of time that many of the lots can't meet the dimensional requirements.

Supervisor Jenkins replied that many lots in the R-2, R-3 and R-4 would meet the dimensional requirements.

Councilman Kusnierz said if we didn't reference different zones and just adopted a law that established parameters and no mention of zones would it still require a zoning change and Attorney Auffredou replied yes.

This concluded the discussion on outdoor hydronic heaters.

Tom Giorgianni stated that the Town Highway Department was doing a nice job mowing alongside the Town's roadways.

### **DANIELLE BOURDEAU FUNDRAISER**

Danielle Bourdeau was now present at the meeting and addressed the Town Board with a request to hold a fundraiser in the Harry J. Betar Jr. Recreational Park.



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Ms. Bourdeau stated that South Glens Falls Girl's Softball is teaming up with Tracy Capozucca (Tracy's Troops) and they request permission to hold the first annual softball games made up mainly of people in South Glens Falls and some from Glens Falls on August 23<sup>rd</sup> from 10:00 a.m. until 4:00 p.m. for a round robin in the Harry J. Betar Jr. Recreational Park. All proceeds would go to the American Cancer Society. They request permission to open the concession stand and sell hot dogs and pizza. There is soda left over from the Girl's Softball season. If it is approved she asked if someone from the Town Board would like to throw out the first ceremonial pitch. Cancer has affected a lot of us even in this room. They would line the fields themselves.

Councilman Kusnierz asked Ms. Bourdeau if she talked with the Recreation Director about this.

Ms. Bourdeau said she did and he thinks it is a wonderful idea, but he suggested that she get Town Board approval.

Supervisor Jenkins said he didn't have a problem with them using the fields. He explained to Ms. Bourdeau that normally we have a fee schedule for tournaments, but this isn't exactly a tournament and they are lining the fields themselves and we have staff on duty that day anyway. The question is does the Board want to waive the fee.

Councilman Prendergast said it sets it apart from other tournaments since it is a charitable event.

Councilman Kusnierz said there is a distinctive difference here.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the waiver of the field use fee for this event on August 23<sup>rd</sup> and allowing use of the concession stand for this event.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Absent
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

### **COMMITTEE REPORTS**

Councilman Kusnierz reported that the Recreation Commission met on August 3<sup>rd</sup>. It was mentioned at the meeting that the Boy Scout Jamboree that was held in the park last winter won't be held there this year.

Little league is interested in working with the Town to refurbish the concession stand and they are looking for direction from the Recreation Commission. They will get together with the Recreation Director and review the plans from the concession stand built at the quads and get ideas for this concession stand. They don't know if it will be one or two stories. They will put something together and bring it back to the Recreation Commission.

There was a question about blacktopping for the parking lot and the Recreation Commission is now talking about gravel instead of blacktop.

Supervisor Jenkins said he spoke with Bob Vittengl, Jr. yesterday and they prefer pavement. If we had the materials he wondered if the highway could do the work. It would keep the costs down. Maybe we could get rubble from Kubricky or something.

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Mike Montgomery also talked with Bob Vittengl, Jr. and he told Mr. Vittengl that they would need to know the volume of material, the amount of time and equipment before the Highway Department could commit, but maybe they could work something out.

Councilwoman LeClair reported that Moreau Fun Days was a success. They raised \$400.00 for the Moreau community Center to mail packages to soldiers.

Supervisor Jenkins reported that the event operated on zero cost to the Town and there is a slight amount to carry over to next year's event. He commended Councilwoman LeClair and the Moreau Fun Day Committee for a great job done.

Councilwoman LeClair stated that Steve Gram and his staff in the Recreation Department were wonderful and worked extremely hard to make it a success.

Councilman Prendergast asked Mike Montgomery if he came up with any ideas for the section of Butler Road between the intersection with Route 9 and the Transfer Station entrance/exit.

Mike Montgomery said it would be an overlay and shim and he estimated the cost at \$8,000.00. It would take 180 tons of blacktop. He gave Councilman Prendergast a drawing of the proposed work.

Councilman Prendergast thanked him for the information and said the Board would consider it and look at the budget.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins received a letter from the chief administrative judge with the State of New York Unified Court System requesting an audit of the court's records for 2008.

He contacted Whittemore & Downen the auditor's who submitted the lowest quote last year and they will still do it for the \$2,400.00 that they quoted. He asked the Board if they wanted them to do the audit. It would require a transfer of funds in the amount of \$2,400.00 from A1990.4 to A1320.4.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the transfer of \$2,400.00 from A1990.4 to A1320.4 to cover the cost of an audit of the court's records.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Absent
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

Supervisor Jenkins stated we still have a lighting grant received from the Office of Parks and Recreation and Historic Preservation and Steve Gram is requesting that the Town Board look into getting approval to use the grant funds to light the x-c ski trails instead of the soccer bowl. He asked the Board if they wanted him to pursue this through the Office of Parks and Recreation and Historic Preservation. There were no objections raised from the Board Members present.

Councilman Prendergast stated that the Board just approved a transfer of funds for a court audit, but didn't approve the hiring of Whittemore & Downen to do the audit.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to engage the services of Whittemore & Downen to perform and audit of the Town Court records for the year 2008 at a cost not to exceed \$2,400.00.

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Roll call vote resulted as follows:

Councilman Cumm	Absent
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

A request was received from the Building Inspector asking permission for Tom Mann, Assistant Building Inspector/Code Enforcement Officer to attend an educational Program on October 29<sup>th</sup> at no cost to the Town. He will receive six credits for attending. The Town Board didn't voice any objection to this request.

Supervisor Jenkins reported receiving a request from the Post Star asking if the Board would be interested in placing an ad at a cost of \$50.00 in the Post Star wishing the South High Bulldog Football Team good luck in the coming season. The Town Board didn't express any interest in expending funds for this purpose.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn to executive session at 8:00 p.m. to discuss the Brookfield Power Article 7.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Absent
Supervisor Jenkins	Yes

Supervisor Jenkins stated that the Board wouldn't be taking any action in or after the executive session.

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

No action was taken in or as the result of the executive session.

Following the executive session the regular meeting was adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk