

A regular meeting of the Town Board of the Town of Moreau was held on January 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

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

Town Board Members Present:

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

Town Board Members Absent:

None

Also Present: Jeanne Fleury, Town Clerk; Jeff McCabe, Town Justice; Steve Barody, Highway Superintendent; Peggy Jenkins, Assessor; Mike Shaver, Water Superintendent; Ed Robbins, Dog Control Officer; Martin D. Auffredou, Attorney for the Town (entered meeting at 7:09 p.m.); Joe Patricke, Building Inspector/Code Enforcement Officer (entered meeting at 7:15 p.m.); Steve Gram, Recreation Director (entered meeting 7:30 p.m.); Elizabeth Lanfear, Recreation Commission Member and Town Resident (entered meeting at 8:34 p.m.); Alex Nunes, Post Star Reporter; Town Residents: Adele Kurtz, Laurie LaFond, Ramona Bearor, Shannon Kenny, David Towne, Vince Sporrer, Alan VanTassel and Bob Kory

MINUTES:

The following minutes were prepared by the Town Clerk and submitted to the Town Board in advance of the meeting for their review, comment, correction and approval:

December 22nd, 23rd (3 sets), 29th and January 5, 2009

Councilman Kusnierz stated that back on December 29th a memo was given to the Town Board Members from the Supervisor reminding the Town Board Members and Town Employees to make corrections to minutes and get the corrections to the Town Clerk before the meeting that they were going to be approved at. He could appreciate and support the effort to move the Town Board Meetings forward on a more focused and smoother fashion. However, the meetings are held in public, the minutes are a matter of public record and in the interest of transparency and openness he will only correct the minutes in front of the public and not behind closed doors. He realizes that this delays the meetings a little, but we are tinkering with the public record and we should do it in front of the public. Therefore, he is going to continue to bring his corrections to a full Board Meeting and not outside the public eye.

Supervisor Jenkins replied that this was his prerogative and Councilman Kusnierz replied that he wanted him to know that he was going to continue to do this.

Supervisor Jenkins asked Councilman Kusnierz if he had any corrections to the minutes and Councilman Kusnierz noted the following corrections:

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December 23rd minutes, page 784 the section regarding outdoor wood burning furnaces. The following statement by Attorney Auffredou was included in the minutes from the December 23rd meeting:

"Attorney Auffredou stated that we didn't have a local law public hearing. It was scheduled for tonight and canceled."

Councilman Kusnierz stated that this statement by Attorney Auffredou is absolutely false. We had a Public Hearing on November 18th. It was opened and closed by himself and Councilman Prendergast. He wanted to make the record clear that we did have a Public Hearing on that draft legislation.

January 5th minutes, page 6 the following is an excerpt from that page:

"Councilman Kusnierz noted on the list of committee appointments that the Supervisor is listed as a member of the Industrial Park Committee along with Councilwoman LeClair. He stated under the Public Officer's Law the Town Supervisor is Ex Officio of all committees. He asked Supervisor Jenkins if this meant that under Industrial Park Committee there is room for another Town Board Member to serve."

Councilman Kusnierz stated that what he said was "under the Public Officer's Law or Town Law" and he noted that it is actually Town Law.

There were no other comments or corrections to the minutes.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of December 22nd, 23rd (3 sets) and 29th in 2008 and January 5th, 2009.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS AND WORKSHOPS:

A Town Board Workshop on the Outdoor Wood Burning Furnaces Draft Law was scheduled for January 15, 2009 at 7:00 p.m. in Town Hall.

A Town Board Meeting regarding the high water table/drainage issue was scheduled for January 22, 2009 at 7:00 p.m. in the South Glens Falls Fire Company Station on Route 197.

The Month-End Town Board Audit Meeting was scheduled for January 29, 2009 at 4:30 p.m. in Town Hall.

Councilwoman LeClair mentioned that a meeting of the Moreau Fun Days Committee will be held on January 20, 2009 at 6:30 p.m. at the South Glens Falls Fire Company Station on Route 197.

15 MINUTE PUBLIC COMMENT PERIOD:

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Vince Sporrer addressed the Board and stated that he was appreciative of the lower 2009 Town & County Taxes. He also asked about the \$800,000.00 in sales tax revenue from the State and Supervisor Jenkins corrected him saying that \$800,000.00 isn't what the Town received in sales tax revenue rather it is what the Town has sent back down to the county in the past from the sales tax revenue to reduce the county tax rate in the Town of Moreau. The Board reduced this amount to \$419,000.00 for 2009 resulting in an increased county tax rate and a decreased town tax rate. This all resulted in an approximate decrease in taxes of 7.7% per Supervisor Jenkins.

Vince Sporrer asked if the anticipated expenditures were up or down for 2009 and Supervisor Jenkins replied that the highway budget was up some and this was mainly due to increased cost of blacktop, gas, salt and sand.

Vince Sporrer asked what the overall increase was from the 2008 budget to the 2009 budget and Supervisor Jenkins replied that he didn't have this information with him at the meeting, but if he wanted to call him in the morning he would give him the information.

Vince Sporrer asked if the reval results would be reflected on the 2010 taxes and Supervisor Jenkins replied that it would be reflected on the 2010 School Tax and the 2011 Town & County Tax.

Vince Sporrer spoke about communications in the Town. He mentioned how the Post Star has only reported on about 10% of the Town meetings last year and all the activity that has taken place at the meetings the Post Star has disseminated very little to the public. The minutes of the meetings are available on the website, but he didn't know how many people had access to the internet. It was five or six weeks after the board made the decision to go ahead with the reval that public knew anything about it. We are reading it two or three weeks after. The Planning Board and Zoning Board Meetings there are very few that are even posted. He asked what their plans were for 2009 to improve communications.

Supervisor Jenkins replied that the Post Star Reporter is here at this meeting and he agreed they really haven't been consistent with coverage of the Town Board Meetings and he discussed this with the reporter's boss at the Post Star.

Councilman Kusnierz advised that previously he made a motion and it was passed by the Board to put the audios of the meetings on the Town's website within three business days of the meetings, because of that lag time that occurs from the time the draft minutes are presented to the Board and the approval of the minutes. An amount of time does go by and there is an information lag. That is one thing the Board did to improve communications.

Vince Sporrer asked if that was available now and Councilman Kusnierz replied it is not, because we haven't figure out and we are in the process of updating our website so it can be done.

Councilman Kusnierz said he would be in favor of a quarterly newsletter giving the public a round-up of Town Board activity and Planning and Zoning Board activity, etc. This is something that would cost money so the Board would have to come to an agreement to amend the budget to do this and somebody would have to be in charge of putting it together.

Councilwoman LeClair asked Mr. Sporrer what he thought the Board could do to improve communications.

Vince Sporrer suggested that the Supervisor put out a monthly letter with basic facts and highlights of the month.

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Supervisor Jenkins said he could look into the cost to do this.

Councilman Cumm added that with regard to the statement by Mr. Sporrer about the Planning and Zoning Board we just got secretaries for those boards. The Building Inspector's Clerk is in the process of transcribing tapes now and Joe Patricke corrected him by saying that she is transcribing one meeting only.

Joe Patricke also added that there was a turn over of secretaries and they are getting on the job training and they are improving.

Alan Van Tassel asked for an update about the water drainage.

Supervisor Jenkins advised that they would be presenting the cost at the meeting on January 22nd involving twenty five homes in Gregory Manor, some homes on Route 197 and Gansevoort Road. At that point the Board will be looking for input, because it is going to be very expensive.

Alan Van Tassel stated he didn't mean any disrespect, but he has been to some of those workshops and they haven't been really productive. How does the Board plan to make this workshop more productive, how are they going to communicate with the public and what does the board want the public to do to come prepared so the process moves forward.

Supervisor Jenkins stated they will have a list of the 25 homes in Gregory Manor and the estimated cost and a drawing of the plan. The assumption is that the Board will have to make a decision at the next meeting on how to move ahead.

Alan Van Tassel asked if the dollar amount could be communicated to the people ahead of time. The Board may be prepared to make a decision, but he wasn't sure if the people would be. He also asked how many surveys went out, how many came back and how many are missing and what they can do to help get the surveys that are missing.

Supervisor Jenkins said most of them are in. We have all the information. The question will come down to the cost and how to pay for it and whether or not people can afford it.

Councilman Cumm said the response from there wasn't very favorable for a water drainage district. The people who have water problems want it, but the vast majority in Gregory Manor said no way are they going to pay for a water drainage system, because they aren't affected.

Supervisor Jenkins told Councilman Cumm that those people won't be part of any drainage district if it happens. There are 25 households that will vote on whether they want to move ahead.

Councilman Prendergast stated that the main subject will be cost. How and who will pay for it. He told Mr. Van Tassel that he may want to get this discussion going with the people in his area. If the Board decides they don't have a responsibility or that they shouldn't tie the tax dollars to it then the people down there need a Plan B.

Councilman Cumm stated he didn't have a problem with the Supervisor including the cost in his letter that he is going to send out about the meeting.

Councilman Kusnierz asked if we have the numbers, he hasn't seen them.

Supervisor Jenkins said they were received yesterday.

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Councilman Kusnierz said he would like to see them before the meeting and have time to review them before they go before the public.

Alan Van Tassel responded to the comment from Councilman Prendergast about Plan B and asked what Plan B is. He said there are houses that are flooding and basement walls deteriorating and there are hazardous living conditions and he didn't know what Plan B could possibly be.

Councilman Prendergast said he didn't know either, but what if the decision is not to fund it with tax dollars. He told Alan Van Tassel that he needs a Plan B.

Alan Van Tassel said he hoped he was going to be dry. He spent several thousands of dollars to put in a drainage system and he is going to be pumping water back out into the streets so they will all be recycling water and those who don't have the money or wherewithal to do the work or finances there are going to be a lot of hazardous conditions. He thanked the Board for their time.

This concluded the 15 minute public comment period.

LOCAL LAW NO. 1 OF 2009-EXTENSION OF MORATORIUM ON OUTDOOR WOOD BURNING FURNACES:

Supervisor Jenkins stated he questioned whether they should restrict this moratorium to Zone R5 and asked if the Board wanted to add R3 and R4.

Councilman Kusnierz said they couldn't legally change it now. It has to be in its final form seven days before they vote on it.

Attorney Auffredou asked if they were talking about the variance provision and the answer was yes. He said this would be a substantive change requiring further public notice. The Board could adopt the Local Law (moratorium) and then modify it during the 120 day period to include those additional zones if the Board so desired.

Councilman Kusnierz referred to the variance provision provided for in Section 75-4 the section that read "in order to issue a variance the Town Board must find that the applicant has demonstrated through competent, substantial evidence that the outdoor wood burning furnace will be installed or used at a location adequately set back from adjacent property lines". He stated that this is an arbitrary statement. He further read the following: "the issuance of a permit will not be a detriment to the public health, safety and welfare". He asked how or who determines this.

Attorney Auffredou stated that this is carry over language from the current moratorium and isn't new language. The Board would have to consider each and every property individually. He doesn't view it as arbitrary rather property specific. The Board would have to make findings. Implicit in any decision that a Board makes including a Town Board is that the approval is not a detriment to public health, safety and welfare. It is a finding the Board would have to make. The information to request from the application is up to the Board due to the particular circumstances that are present for a particular piece of property.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adopt the following resolution:

WHEREAS, the Town Board maintains that outdoor wood burning furnaces can present adverse impacts to personal health, to the use and enjoyment of property and can be detrimental to the overall public health, safety and welfare of the residents of the Town of Moreau; and

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WHEREAS, the Town Board of the Town of Moreau ("Town Board") adopted Local Law No. 8 of 2008 placing a moratorium on the installation, use and operation of outdoor wood burning furnaces in the Town of Moreau for a period of 120 days; and

WHEREAS, through the adoption of this moratorium, it was the purpose and intent of the Town Board to minimize air pollution, and protect and preserve the public health, safety and welfare of the residents of the Town of Moreau from heavy smoke and dangerous particulates generated from the use of outdoor wood burning furnaces and to protect and preserve the value of real property in the Town of Moreau; and

WHEREAS, the current moratorium will expire on January 23, 2009; and

WHEREAS, the Town Board is considering a substantive local law regarding outdoor wood burning furnaces and requires more time for review; and

WHEREAS, the Town Board is considering the enactment of Law No. 1 of 2009 amending Chapter 75 of the Town of Moreau Code to extend the moratorium upon the installation, operation and use of outdoor wood burning furnaces for an additional period of one hundred twenty (120) days; and

WHEREAS, the moratorium includes a prohibition on the issuance of permits from the Town of Moreau for the installation, use and operation of outdoor wood burning furnaces; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 1 of 2009 was duly advertised, noticed and thereafter conducted on January 13, 2009 at 6:40 p.m. at the Town Hall; and

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

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 1 of 2009; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 1 of 2009 is in the best interests of the Town of Moreau, is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law No. 1 of 2009 annexed hereto; and

BE IT FURTHER RESOLVED, that Local Law No. 1 of 2009 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and 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 said documents as required by law and to take all the necessary actions for the promulgation thereof.

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Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman Cumm	Yes
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

WATER DISTRICT 4, EXTENSION 1:

Supervisor Jenkins stated he put Water District 4, Extension 1 on the agenda only to prepare the Board for what they will be covering on February 10th on Water District 4, Extension 1. The Board should have received a copy of the public notice and information and they will be moving on this at the meeting on February 10th.

HIGHWAY REQUESTS:

Supervisor Jenkins reported that the Highway Superintendent expressed his intent to put Ed Robbins on the payroll as an employee status for the highway department at \$10.00 per hour on a call in basis.

Steve Barody added that Ed Robbins would be called in to work as a wing person or flag person if needed. Money is budgeted for this.

Councilman Prendergast asked Steve Barody if Ed Robbins would need a pre-employment physical and Steve Barody replied yes.

Councilman Prendergast made a motion to add Ed Robbins as an employee to the highway department subject to successful completion of a pre-employment physical.

Councilman Kusnierz noted that the Highway Superintendent doesn't need approval from the Town Board to hire Ed Robbins.

Steve Barody stated that the Supervisor was just letting the Board about this.

No objections were voiced.

The dedication of roads in Phase II of the Woodscape Subdivision was originally going to be addressed at this meeting, but more information is needed before the Board can move ahead with this.

The Highway Superintendent requested authorization to purchase eight (8) loader tires and mounting. Four (4) for the 1995 Dresser Loader and four (4) for the 2002 Cat 938 Loader. These tires will replace the original tires on the equipment. The cost will come out of DB5130.492 that has a balance as of 1/1/09 of \$35,000.00.

The following quotes were obtained:

Haggerty Tire	
980 Broadway	
Albany, NY 12204	\$8,184.20

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Warren Tire
92 Warren Street
Glens Falls, NY 12801 \$8,104.00

It is the Highway Superintendent's recommendation that the tires be purchased from Warren Tire. They are a local dealer with a quick response time whenever needed.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of eight (8) loader tires and mounting from Warren Tire at a cost not to exceed \$8,104.00.

Roll call vote resulted as follows:

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

The Highway Superintendent requested authorization to purchase snow blades and shoes out of account DB5130.492 that has a balance as of 1/1/09 of \$35,000.00. They are needed a.s.a.p.

The following quotes were obtained:

Item	Northern Supply	Arrowhead Equip.	Chemung Supply
Cover Blades – 144"	192.00	196.00	142.08
Cover Blades – 132"	176.00	180.00	** 130.24
(2) Sets – Carbide Blades – 144"	1,632.00	1,680.00	** 1,344.00
(9) NiHard Wing Shoes	720.00	n/a	561.06
Total of Quote	4,084.00	*3,596.00	3,409.38
		*No Shoes	

Notes:

Northern Supply can deliver within two days after ordered.

Arrowhead cannot supply NiHard Shoes.

Chemung Supply cannot supply 144" carbides-unavailable. On 132" blades & carbides not correct hole pattern as needed. Delivery will be over a week after date of order.

It is the Highway Superintendent's recommendation to purchase through Northern Supply.

A motion was made by Councilman Prendergast authorizing the purchase from Northern Supply.

Councilman Kusnierz asked Steve Barody why he couldn't go to each respective supplier that has what he needs. If he goes with just Northern Supply the cost is \$4,084.00. If he goes with Northern Supply for just the 132" cover blades and the 144" carbide blades and purchases the rest of the order from Chemung Supply then there would be a savings of \$340.00. He asked Steve Barody why he couldn't split the order.

Steve Barody replied that Chemung cannot get the supplies to them for over a week or more. They are almost running on main blade frames and they have no spares.

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Councilman Kusnierz stated that Northern Supply can get them here in two days and the other companies can get them here in five days. That is only a three day difference.

Steve Barody stated he could try and split up the order.

Councilman Kusnierz stated that \$340.00 is a significant savings on a purchase over \$4,000.00. He was trying to save taxpayer money, if it will work.

Councilman Prendergast rescinded his motion.

Councilman Kusnierz made a motion to purchase from Northern Supply 132" cover blades at a cost of \$176.00 and two (2) sets of 144" carbide blades at a cost of \$1,632.00 for a total cost not to exceed of \$1,808.00 from Northern Supply and purchase from Chemung Supply 144" cover blades at a cost of \$142.08 and two (2) sets of 132" carbide blades at a cost of \$1,232.00 and nine (9) NiHard Wing Shoes at a cost of \$561.06 for a total cost not to exceed of \$1,935.14 from Chemung Supply for a grand total cost from the two suppliers of \$3,743.13.

Councilman Prendergast seconded the motion.

Councilman Cumm thought we should purchase the whole order from Northern Supply and we should have spare blades on hand.

Councilman Prendergast stated this is a prime example, and he is glad Councilman Kusnierz brought it up, on how we have to think through the whole year. He can't stress enough how we have to watch the budget. There are layoffs in the area and more coming. This has to be done on a daily basis. The department heads need to know it. It was said at the last meeting and at budget talks. You have to look at different ways to purchase and whether you really need it or not and we have to stick to the budget. We don't have a choice in 2009 or 2010 and possibly 2011. He doesn't know if everybody is getting the message. You have to do business differently.

Councilman Cumm asked how many sets and Steve Barody said two sets of 144" and two sets of 132" and the shoes.

Councilman Cumm asked if it would take us through the winter and Steve Barody said it should. It depends on how many times they go out.

Roll call vote resulted as follows:

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

The Highway Superintendent requested authorization to purchase diesel fuel from Sheperd Oil Company out of Johnstown, New York, at a cost of \$15,000.00 under State Contract #PC63233 out of account DB5142.460 that had a balance as of 1/1/09 of \$35,000.00.

Councilman Prendergast asked Steve Barody if this is the only place available.

Steve Barody replied it is under state contract.

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Councilman Prendergast replied, that wasn't his question.

Steve Barody stated he could check around, but they usually come back the same price. He did that last year for the Board.

Councilman Prendergast replied it is a new year.

Steve Barody stated we talked about putting in a bigger tank so we could get a bigger drop that makes a difference and the Board took it out of the budget.

Councilman Cumm asked what a tanker truck holds and the answer was 6,000 to 8,000 gallons.

Councilman Cumm asked Steve Barody if he was correct in that we would take 1,750 gallons with a full fill up if it was empty and Steve Barody said this was correct.

Councilman Prendergast replied that we went over this before. This doesn't stop anybody from getting prices and we used the village as an example before. The village got a price on gasoline or fuel that was less than state bid and if you never check you won't ever get it.

Steve Barody replied that the village has a bigger tank than ours it makes a difference.

Councilman Cumm stated with a full tanker they have to drop off 1,700 gallons and figure out where they are going to get rid of the rest when everyone else wants a full tank.

Councilman Prendergast said he knows this and he knows it a lot easier to fill out a sheet and say it is under state contract.

Supervisor Jenkins asked Steve Barody how long it would take him to get prices and how hard it would be.

Steve Barody replied that he would have Maureen check on it tomorrow and try to get prices.

Supervisor Jenkins said that is what the Board is saying right now. In general they would like to see that so we don't have to go through this.

A motion was made by Councilman Kusnierz to purchase diesel fuel from Shepard Oil Company at a cost not to exceed \$15,000.00 subject to receiving a minimum of two prices and going with the lowest price.

Councilwoman LeClair seconded the motion.

Roll call vote resulted as follows:

Councilman Prendergast	No
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes
Supervisor Jenkins	Yes

The Highway Superintendent requested authorization to purchase gasoline from Main Care Energy out of Albany, New York, at a cost of \$6,000.00 under State Contract #PC63206 out of account DB5142.460 that had a balance of \$35,000.00 as of 1/1/09.

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Supervisor Jenkins said the same would apply here as in the previous approval.

Steve Barody said he would get two more prices in the morning.

A motion was made by Councilman Cumm authorizing the purchase of gasoline from Main Care Energy at a cost not to exceed \$6,000.00 or a lower price per gallon from another distributor.

Motion was seconded by Councilwoman LeClair.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	No
Supervisor Jenkins	Yes

The Highway Superintendent requested authorization to purchase rock salt from American Rock Salt out of Mt. Morris, New York, at a cost of \$70,000.00 under County Contract #08-PWS-10R out of account DB5142.490 that had a balance of \$140,000.00 as of 1/1/09.

Supervisor Jenkins asked Steve Barody if he was correct in that this is the only place to buy salt and Steve Barody said this was correct.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of rock salt from American Rock Salt at a cost not to exceed \$70,000.00.

Councilman Kusnierz asked Steve Barody if the \$140,000.00 was before or after the purchase and the answer was before.

Steve Barody stated that this purchase would take them through three months hopefully, but he said it may only take them through this month.

Councilman Kusnierz said we will wipe out half of our salt budget in one month?

Steve Barody said they started with \$70,000.00 and 1,154 tons and what they have left to buy is 445. Steve said to talk to the guy upstairs, he has no control over it.

Councilman Kusnierz asked Steve Barody if when he gets tight with the salt budget if he is more careful where they put the salt.

Steve Barody replied yes, they started putting down sand and cutting back on the salt.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on January 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The Highway Superintendent requested authorization to purchase 300 tons of winter sand at a cost of \$1,500.00 out of account DB5142.491 that had a balance of \$12,000.00 as of 1/1/09.

The following quotes were received:

Cranesville 85 Saratoga Road Gansevoort, NY 12831	4.99 per ton
Jointa Galusha P.O. Box 302 Glens Falls, NY 12801	8.50 per ton
Peckham Industries Dream Lake Gravel Pit Queensbury, NY 12804	7.75 per ton

The Highway Superintendent recommends purchasing from Cranenville.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of 300 tons of winter sand from Cranenville at a cost not to exceed \$4.99 per ton.

Roll call vote resulted as follows:

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

Steve Barody, Highway Superintendent, addressed the Board briefly about a letter he got from the Water Superintendent, Mike Shaver, indicating that the backflow preventer at the highway garage needs to have an annual inspection. Steve Barody stated that the Building & Grounds Committee should handle this and hire an inspector to do this. The backflow preventer at the Recreation Park will also need inspection and the inspector can do both at the same time.

Councilman Cumm asked if most of the backflow preventers are on commercial buildings and Mike Shaver said yes, they are all commercial.

Councilman Prendergast asked Mike Shaver if he is notified if someone doesn't follow through on this inspection and Mike Shaver replied yes, the inspector files a report with him and the Department of Health. If he doesn't hear from them in a couple of months he contacts the Department of Health and if they don't have a report then he sends out another letter.

WATER DEPARTMENT REQUEST:

The Water Superintendent requested authorization to have water samples taken for Stage 2 disinfection and for it to be paid out of the account 8330.4 for Water Districts 2, 3, 4, 5 & 6.

The following quotes were received:

Life Science	\$135.00 per set
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CNA	\$190.00 per set
Phoenix	\$135.00 per set

The Water Superintendent recommends accepting the quote from Life Science.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing water samples to be sent to Life Science for testing/stage 2 disinfection per their quote of \$135.00 per set.

Roll call vote resulted as follows:

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

Agenda item no. 7 will be discussed in executive session at the end of the meeting since the Board has to discuss the particulars of an individual that could lead to the appointment of that person to a position with the Town.

TOWN CLERK'S REQUEST:

The Town Clerk requested authorization to purchase a Marantz PMD670 Solid State Recorder to record meetings of the Planning Board and Zoning Board Meetings.

This purchase will be made out of B8010.2 and B8020.2 (shared expense between the Zoning and Planning Budgets)

The following quotes were received:

Amazon.com	\$699.99	Free Shipping & Handling
Sonic Sense	\$699.00	Shipping & Handling Charge Unknown
Abe's of Maine	\$679.99	Shipping & Handling Additional \$24.90

Audio Visual in Albany sells this recorder, but last year the quote was \$795.00 and they were unable to match the price from Amazon.com.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the purchase of a Marantz PMD670 Solid State Recorder from Amazon.com at a cost not to exceed \$699.99.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on January 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

PLANNING BOARD SECRETARY'S REQUEST TO ATTEND CONFERENCE:

Cherie Kory, Planning Board Secretary, requested permission to attend the 5th Annual Planning and Zoning Conference sponsored by the Saratoga County Planning Board on Wednesday, January 28, 2009, at the Saratoga Springs City Center on Broadway, Saratoga Springs, New York, and for the \$65.00 registration fee to be a proper town charge.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing Cherie Kory, Planning Board Secretary, to attend the 5th Annual Planning and Zoning Conference sponsored by the Saratoga County Planning Board on Wednesday, January 28, 2009 and for the \$65.00 registration fee to be a proper town charge.

Roll call vote resulted as follows:

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

ASSOCIATION OF TOWNS CONFERENCE:

Joe Patricke, Building Inspector/Code Enforcement Officer requested permission to attend the Association of Towns Conference in New York City, February 15th – 18th, 2009.

Councilman Prendergast asked if money is budgeted for this and Joe Patricke replied there is money budgeted for conferences, not this one in particular.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the Building Inspector/Code Enforcement Officer to attend the Association of Town Conference in New York City, February 15th – 18th, 2009.

Roll call vote resulted as follows:

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

SELECT FIRM TO UPDATE ZONING LAW:

Supervisor Jenkins stated the Board has reviewed all three proposals and interviewed the three companies that submitted the proposals. The lowest quote was from Chazen Company. All three said their fee was negotiable.

Councilwoman LeClair stated that all three companies were acceptable. She was at the Hudson River and Champlain Feeder Canal Regional Water Front Plan Meeting and one of the people there was a gentleman from Chazen Company who would be working with us if we accepted their proposal and she was impressed on how he handled the meeting and he did a good job.

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Joe Patricke stated that all three companies interviewed well. He was impressed with Chazen Company. He checked numerous other places including the county that has used Chazen and all gave Chazen high recommendations.

Councilman Prendergast stated that all three are capable and good firms. The presentation that Chazen gave impressed him.

Councilman Kusnierz stated that all three companies gave excellent presentations. The difference in the prices stood out to him. There was more depth in services proposed between the three companies that could be the reason for the difference in prices and knowledge, but Chazen certainly can meet out needs.

Supervisor Jenkins stated that one of the companies quoted a lot higher and they weren't really alert to where we are. The other two are right in our ballpark. He would accept a motion to hire Chazen at a cost not to exceed \$25,300.00.

A motion was made by Councilman Cumm to accept the quote from Chazen not to exceed \$25,300.00.

Councilman Kusnierz said that before we do this, all three said their price was negotiable. We should negotiate the price and give them a not to exceed price and if they aren't willing to go with it then we could take it up at the next meeting.

Councilwoman LeClair said she would like Supervisor Jenkins to ask them if they would apply for the New York State Quality Community Grant to help pay for a portion of their fee.

Discussion followed.

Councilman Kusnierz made a motion to award the modification of our zoning regulations to Chazen Company for a figure not to exceed \$25,300.00 if that includes applying for the New York State Quality Community Grant Program and in the absence that they are unwilling to apply for it then the authorized expenditure will be up to \$23,000.00.

Councilman Cumm seconded the motion.

Roll call vote resulted as follows:

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

ZONING BOARD VACANCY:

Supervisor Jenkins said we need to run an ad. We have some names of people who applied for the Zoning Review Study and one might be interested in the Zoning Board too. He will try to contact them. We should publish it in the meantime.

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RE-ZONING COMMITTEE AND CONSERVATION COMMITTEE:

Supervisor Jenkins stated that he appointed Councilman Cumm and Councilman Prendergast to represent the Town Board on the Re-Zoning Committee. It is his personal feeling after giving it some thought that every person who applied to serve on this committee should be given a chance to serve. He read the following names:

Joe Patricke, Building Inspector/Code Enforcement Officer
 Kevin Elms
 Robert J. Vittengl, Jr.
 Alan Rice
 Adele Kurtz
 Sharon Bogdan
 Rusty Baker
 Jim Hooper

Laurie LaFond applied, but has since moved out of Town and Brigid Martin applied, but she is a Village Resident.

Councilman Cumm asked about John Arnold and Ron Zimmerman.

Councilman Kusnierz thought John Weber was interested.

Joe Patricke stated that John Arnold can't serve due to time restraints and John Weber was undecided due to other commitments.

Councilwoman LeClair found the application from Ron Zimmerman in her folder and his name was added to the list.

Councilman Cumm stated that in the interest of full disclosure he wanted the record to reflect that Ron Zimmerman is Councilman Kusnierz's brother-in-law and Adele Kurtz is Councilman Kusnierz's sister.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to appoint the following people to the Re-Zoning Committee:

Joe Patricke, Building Inspector/Code Enforcement Officer
 Kevin Elms
 Robert J. Vittengl, Jr.
 Alan Rice
 Adele Kurtz
 Sharon Bogdan
 Rusty Baker
 Jim Hooper
 Ron Zimmerman

Roll call vote resulted as follows:

Councilwoman LeClair
 Councilman Kusnierz

Yes
 Yes to appoint all, but abstain from the appointment of Adele Kurtz, Ron Zimmerman and Rusty Baker to avoid the appearance of a conflict of interest

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Councilman Cumm	Yes
Councilman Prendergast	Yes
Supervisor Jenkins	Yes to appoint all, but abstain from the appointment of Robert J. Vittengl, Jr. due to his business interest with him

Supervisor Jenkins then stated that he would like the Board to appoint the following people to the Conservation Committee:

Ramona Bearor
 Bill Granger
 Tom Kurtz
 Shelley Englert
 Mary Meade
 Reed Antis

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to appoint the above people to the Conservation Committee.

Councilman Cumm stated that in the interest of full disclosure he wanted the record to reflect that Tom Kurtz is Councilman Kusnierz's brother-in-law.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes to appoint all, except abstain on the appointment of Tom Kurtz and Shelley Englert to avoid the appearance of a conflict of interest and No to the appointment of Mary Meade
Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

MOREAU RECREATION COMMISSION:

Supervisor Jenkins reported that the truck in the Recreation Department was taken to Cardinale's Car Care for repair and the cost was \$763.45 and approval is needed for this repair. Some of the items repaired were the ball joints, replacement of wiper, plow repair, etc.... and NYS inspection. It was an emergency repair, the vehicle was needed.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the expenditure of \$763.45 to Cardinale's Car Care for repairs made to the Recreation Department truck.

Roll call vote resulted as follows:

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

Discussion followed on the softball fee schedule.

A regular meeting of the Town Board of the Town of Moreau was held on January 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The Recreation Commission recommended the following:

Current Fee Schedule:

\$500.00 per softball tournament includes use of concession stand

Recommended change:

\$500.00 per softball tournament up to 16 games includes use of concession stand
Over 16 games \$35.00 per game

The recommended change stems from teams holding 20-30 games per tournament and still paying the same price. The rec. staff has to maintain, rake and line the fields for the games. As the number of games increase our labor costs increase to maintain the fields. This recommendation is for groups coming from outside the Town of Moreau.

Councilman Cumm asked what they considered outside the Town of Moreau, i.e., Jack Celeste Program or Vince he didn't finish saying the name.

Steve Gram stated the biggest issue was that there should be a difference if it is an Albany based team a certain percentage of people had to be local to distinguish if it was be more of an outside team. For example, 60% of the people had to be from South Glens Falls to be considered a local team and less than that they should pay more than a local team.

Supervisor Jenkins stated that covers the teams they are inviting too.

Councilman Prendergast stated he thought the Town Board was going to meet with the Recreation Commission to go over things like this. There were seven or eight items that were going to be discussed that the Recreation Commission wanted answers for.

Councilwoman LeClair thought it would be nice to have a joint meeting with the Recreation Commission and at the same time the Moreau Community Center may want to meet also to give everyone an update on new center.

Councilman Kusnierz stated that when the Recreation Commission was held on January 5th there was a Town Board Meeting going on at the same time so this was discussed when there weren't any Town Board Members at the Recreation Commission Meeting. At this week's Recreation Commission Meeting David Towne, who is present at this meeting, attended and he was concerned over the proposed fee schedule and who it would apply to and he wasn't happy about it. Based on the feedback he heard from the community he wasn't on board with it.

David Towne corrected Councilman Kusnierz by stating that he is on board with the fee schedule to a certain point, but not when they wait so long and spring it on the organizations so late. They have a budget and it is hard to budget these things in. He realizes it is minimal amount of money to a lot of people, but when you are on tooth and nail trying to survive as it is, it is a need to know basis. We need to know now or yesterday not tomorrow.

Supervisor Jenkins stated that the way he reads it, if it is a SGF team that hosts the tournament it doesn't apply.

David Towne said the piece of paper he got read "\$500.00 a tournament and \$50.00 per game" and the way he looked at it, it was \$50.00 per game each tournament. It did not break it down.

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Councilman Kusnierz referred to the minutes from the Recreation Commission dated January 5th and said the last bullet in the fee schedule reads "this recommendation is for groups coming from outside the Town of Moreau".

Councilwoman LeClair stated that they don't know where that contract originated it did not originate from the Town Board and from the conversation with the Recreation Commission the other night it didn't originate from the Recreation Commission either.

Elizabeth Lanfear asked what contract, the Legion Contract?

David Towne said he is yet to see the Legion Contract.

Elizabeth Lanfear said the one he signed last year and David Towne said he didn't sign a contract last year and Steve Gram added that David Towne's father did.

Elizabeth Lanfear said then that the Legion signed a contract for the 2008 season and it covered their tournament.

The reply was no it covered their season.

Supervisor Jenkins stated that Councilman Cumm and Councilwoman LeClair could clear this up at the next Recreation Commission Meeting.

Councilman Cumm asked David Towne if he was the Legion and David Towne said "yes". Councilman Cumm asked if he was correct in that the contract that was signed was for their Legion ball season and not for any tournaments that they had and David Towne replied yes.

Steve Gram asked David Towne if there is a Legion team, the information he got the other day doesn't read the American Legion it read Eagles.

David Towne stated it doesn't have to read American Legion Post. It is an American Legion team. It is done through the American Legion and has American Legion insurance and every team that is an American Legion baseball team in the country has the same insurance. It is an American Legion team it just doesn't use the American Legion Post Number. It is the same team that has been in South Glens Falls since 1983.

David Towne asked where the \$500.00 goes and Supervisor Jenkins said the tournaments are usually held on the weekends and the Town has to pay staff time and a half to work those days.

David Towne said his tournaments are held Tuesdays through Sundays. He brings in 18 teams for five days and he books 43 rooms at the Landmark and it makes \$15,000.00 for Mr. Naja for those five days.

Supervisor Jenkins said he was saying that we have costs in excess of that \$500.00 on Saturday and Sunday.

David Towne stated that last year he put in "sweat equity" by helping to maintain the fields and paint the building and Steve Gram replied that is why he didn't pay a fee last year.

Supervisor Jenkins said we have not changed a thing with the fee schedule from last year at this point. What is being discussed here is a proposal only from the Recreation Commission regarding the softball fee schedule. It has nothing to do with the American Legion.

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Steve Gram stated it came out, because Vincent Cortese is planning 20-30 games and paying \$500.00 when he spoke to Supervisor Jenkins's and then the Recreation Commission the Recreation Commission suggested changing it. They didn't think it was fair for someone playing 10-15 games to pay the same amount as someone who is playing 20-30 games.

Elizabeth Lanfear said the Recreation Commission is meeting Wednesday, January 21st at 7:00 p.m. to discuss the Winter Carnival.

Supervisor Jenkins suggested that the Recreation Commission discuss at that time what they really want the Board to do.

This concluded the discussion on the fees.

Councilman Cumm stated the track setter the Town purchased is sitting in the maintenance building and he asked what the plans are for it. We spent \$3,200.00 to buy it to create trails for x-c skiing this year.

Steve Gram replied that he is trying to get somebody to donate their time and snowmobile or pay somebody to come in. They tried it with the Kabota and it didn't do it.

Councilman Kusnierz said it was discussed at the Recreation Commission last night and the commission wants to know if the Town Board is willing to pay someone \$100.00 a month to come in with a snowmobile or after every snow storm to pull the track setter. He asked Steve Gram to try and find somebody to do this either per storm or per month at the \$100.00.

David Towne told the Board that they went from his subject to this one and he wasn't given an answer.

Supervisor Jenkins stated that they don't have an answer for him. Nobody has made any recommendations to him or the Board about rates.

Councilman Kusnierz added outside of softball.

David Towne asked why he was handed "that piece of paper" and that was what he was told

Supervisor Jenkins asked who handed it to him and Steve Gram said it was the Field Use Form that he gave him last year.

David Towne said he didn't understand it.

Steve Gram showed the form to Councilman Kusnierz and said it is the same form he gave out last year.

David Towne asked why he was given last year's form and Steve Gram replied, because it has the current prices right now that they approved.

Elizabeth Lanfear asked who approved them and asked if the Town approved them and Steve Gram said the Town.

David Towne asked if they were giving "sweat equity" then why "are they getting this stuff back in their face".

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Steve Gram told him again that he didn't pay anything last year.

Councilman Cumm said the form doesn't refer to "sweat equity" and David Towne said that was what he was getting at.

Supervisor Jenkins stated that if someone gives "sweat equity" then they don't pay the \$500.00. He asked if the form reads that way and Steve Gram said no, in the contract it does.

Councilman Prendergast asked David Towne if he leaves this meeting tonight does he know now what to do and David Towne replied yes, he does now.

Councilman Cumm asked Steve Gram if the person who cut the chain around the gate has reimbursed the Town yet and Steve Gram said no a rec. employee replaced it. Supervisor Jenkins said he would contact him.

Councilman Kusnierz asked how it got cut and Supervisor Jenkins said the person got locked in the park so he cut the chain to get out.

Councilwoman LeClair stated that people want to stay later than 3:00 and it was discussed about staying open on weekends from 9:00 a.m. until 5:00 p.m. rather than 7:00 a.m. until 3:00 p.m. that it is now. It gets dark around 4:30 p.m. so everybody should be out of the park by dark and before the closing time.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to change the hours of the Rec. Park on weekends to 9:00 a.m. until 5:00 p.m. until further notice.

Councilman Prendergast said to Mr. Sporrer's point we need to communicate this to the public.

Supervisor Jenkins asked the Town Clerk to get this information to the paper.

Councilman Kusnierz asked Steve Gram to put up a sign at the park about this change in hours.

Roll call vote resulted as follows:

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

LIGHTING:

Supervisor Jenkins stated that there has been a death on Route 9 and a near death on Route 9 and there has been some input from the Citizens down there about why there isn't any lighting on Route 9 so we received quotes for lighting as follows:

To light Feeder Dam Road will cost \$4,257.00 per year.

Twenty-five 250 watt whip lights on existing poles on Route 9 will cost \$6,895.00 per year.

One light on an existing pole in front of the entrance to the Moreau Industrial Park will cost \$275.00 a year.

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Councilman Kusnierz stated we can't put a price on public safety, but where would we get the money.

Supervisor Jenkins replied that we have a contingency fund. There are funds available.

Councilman Prendergast stated that he was ready to support it. It is a safety issue. If we can budget \$15,000.00 to pick up grass clippings then we can find the money for this.

Councilman Kusnierz asked if it would require a budget amendment and Supervisor Jenkins said they could do a transfer from contingency.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing an expenditure from the contingency fund in the amount of \$11,500.00 to light the three areas of the Town noted above.

Roll call vote resulted as follows:

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

Joe Patricke asked Supervisor Jenkins if he could get authorization to sign the National Grid contracts for this street lighting.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to sign the street lighting contracts with National Grid.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD:

None

COMMITTEE REPORTS:

Councilwoman LeClair asked if the Board would like the Moreau Community Center to come and give the Board an update on where they are at with the new center.

Supervisor Jenkins said she could schedule a meeting for the next Town Board Meeting.

Councilman Kusnierz asked if there was new Dog Control Contract and Supervisor Jenkins said no, there was a question raised about the insurance issue.

Supervisor Jenkins stated he talked to the insurance agent and we have coverage. What he said was it doesn't mean that it protects Ed. In many cases we want to be named as an additional insured

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under their insurance, but in this case he didn't think it was necessary. We have adequate coverage and the amount of damages we could get from a dog bite, we have plenty of insurance.

Ed Robbins said he has \$1 million of personal liability coverage between his house and vehicle.

Councilwoman LeClair said she spoke with Attorney Auffredou and Pete Beames our insurance agent and they feel that to protect the Town we need to have Ed have insurance.

Supervisor Jenkins didn't agree with this and said we have millions of dollars worth of coverage and we don't need to be on his policy for liability. What is our exposure and what is our current coverage.

Councilwoman LeClair stated that Pete Beames concern is that if something should happen and Mr. Robbins doesn't have coverage then the person is going to look to the Town.

Ed Robbins stated that for the 22 years he worked for the Town of Fort Edward he never had to do this. While working for the Village of South Glens Falls the last seven years he didn't have to carry his own insurance.

Councilwoman LeClair said she couldn't go against the advice of our attorney and insurance agent.

Attorney Auffredou said he was a little confused by the letter from Pete Beames.

Supervisor Jenkins stated that the letter reads that we have total liability coverage for the Town. Where the coverage doesn't exist is for Ed's personal coverage.

Attorney Auffredou read the letter to say that he has coverage, but then there is an exclusion that reads "for any damage arising from bodily injury, sickness, emotional distress, mental anguish, disease, or death of any person or for damage to or destruction of any property including the munitions of value or loss of use".

Supervisor Jenkins asked if this means that the rest of the Officers for the Town don't have coverage either.

Councilman Cumm stated that the way he reads it is that it is the Public Officer's Policy and the General Liability Policy will pick up anything that is not covered under the Public Officer's Policy.

Supervisor Jenkins stated it will cover damages to us, but not to him.

Councilwoman LeClair added that another concern is compensation. If he is injured and we haven't required him to have insurance then Workmen's Compensation may say he is an employee and we would have to cover him.

Councilman Kusnierz said the other issue is that the dog control official under statute is an officer of the Town.

Councilwoman LeClair stated that he says it doesn't cover bodily injury rather it covers fraud.

Supervisor Jenkins stated there are two policies. There is a liability policy too.

Ed Robbins said he has \$750,000.00 in coverage per incident if he has an accident in his automobile.

Councilwoman LeClair told Ed Robbins that she understands the impact this has on him, but she doesn't want to put the Town's assets at risk.

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Supervisor Jenkins said he would talk to Pete Beames in the morning. There is no question in his mind that he has as much coverage as we do. He is an officer of the Town. Pete Beames told him that no matter what was to happen the Town has coverage. He will schedule a meeting with Pete Beames.

Councilman Kusnierz asked why they don't clean up the issue right here. Pete Beames said he could supply the insurance for \$750.00 a year. If Ed has to pay out of his pocket for insurance under a \$12,000.00 contract it comes a point in time when it is cost prohibitive. We don't have a dog control office right now. He suggested they modify the contract to include another \$750.00, let Ed pay for it, go through TD Banknorth, he is covered and the Town's concerns are taken care of and we have a dog control officer.

Attorney Auffredou replied to this saying the Town does have a dog control officer. He read as follows from the current contract, "Robbins agrees to serve as the Town's dog control officer and to provide dog control services for the Town from August 1, 2008 through December 31, 2008 and thereafter upon the terms and conditions set forth herein." Arguably, the contract remains in place.

Councilman Kusnierz said that he doesn't need a signed contract then.

Attorney Auffredou recommended that he sign another contract anyway.

Other Committee Reports:

Councilman Kusnierz reported that a Recreation Commission Meeting was held last night. The issues were fees for field use and hours of operation, both of which were addressed earlier in this meeting. One other item will have to be discussed in executive session.

Councilman Cumm reported that the Highway Superintendent would like to see the resolution in the organizational meeting regarding maintenance repairs changed back to read \$1,000.00 rather than \$500.00. A lot of the items he buys on an emergency basis are in excess of \$500.00. He asked the board to think about this.

Supervisor Jenkins said he would put it on the agenda for the next meeting.

SUPERVISOR'S ITEMS:

Supervisor Jenkins reported receiving a thank you card, thanking Ed Robbins for finding a lost dog and returning it to the owner.

Supervisor Jenkins asked for a resolution to be adopted supporting what the county has done relative to the railroad yards in Mechanicville to make it a regional yard. Most of the Town's in the county are trying to approve this resolution.

The Town Clerk read the resolution.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt the following resolution:

WHEREAS, State and Federal transportation officials and others project that United States freight volumes will increase by more than 67 percent over twenty years; and

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WHEREAS, the Norfolk Southern and Pan Am railway companies have proposed expanding the rail yard located in our neighboring towns of Halfmoon and Stillwater, New York, more commonly known as the Mechanicville Rail Yards; and

WHEREAS, the Saratoga County Board of Supervisors has passed a resolution supporting bi-partisan legislation introduced in Congress that would create tax incentives to increase investment in freight rail infrastructure; and

WHEREAS, the Town of Moreau understands the public benefit of expanding all types of rail infrastructure, both economically and environmentally; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Town of Moreau Town Board understands the benefit to both the Town and County that the expansion of the Mechanicville Rail Yards will have, with increased tax revenue and job creation.
2. The Town of Moreau Town Board supports the Saratoga County Board of Supervisors in its efforts to improve rail infrastructure within Saratoga County.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution will be sent to the Chairman of the Saratoga County Board of Supervisors and all Supervisors in Saratoga County, the Representative of the House of Representatives, 20th District, and each of the United States Senators from New York State.

Roll call vote resulted as follows:

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

Councilman Kusnierz commented on the request from the Highway Superintendent to change the amount allowed without prior board approval for maintenance repairs back to \$1,000.00 from \$500.00.

Councilman Kusnierz stated that last year he did support changing this threshold to \$1,000.00, but he supported this year going back to \$500.00, because in these fiscally trying times it behooves all of us to tighten our belts especially when we have the taxpayer dollars in mind and dropping that threshold down we are accomplishing that.

Supervisor Jenkins said he would still put it on the agenda for the next meeting and they could discuss it.

The sewer pump in the industrial park had to be repaired on an emergency basis and board approval is needed for this repair.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing an expenditure of \$2,737.35 to Rozell East Inc. for repair of the sewer pump in the industrial park.

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Roll call vote resulted as follows:

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

Supervisor Jenkins stated that the IRS mileage rate has gone down to 55 cents per mile as 1/1/09 and he asked for a resolution changing the Town's mileage rate to the IRS rate.

Councilman Kusnierz stated that a resolution isn't necessary since the organizational minutes spell out that the mileage rate will be the current IRS rate.

Supervisor Jenkins reported on a reply from NYS DOT denying the Town's request for a reduction in speed limit on Route 32 from the village line to the Northumberland line.

Supervisor Jenkins reported on a letter from Time Warner Cable addressed to Martin Auffredou, Attorney for the Town. The second paragraph of the letter read as follows: "Time Warner is willing to build cable plant in the Town in areas adjacent to existing plant with a density of 20 homes per mile, or the equivalent proportion in areas under a mile".

Supervisor Jenkins stated that this isn't what John Mucha said before and is a change and this is what we asked for before. We need to get this into the contract and if we can then we should be able to approve the contract.

Attorney Auffredou stated that he will try to get the contract modified and then the board can set a public hearing.

Councilman Kusnierz asked if they were going to meet with John Mucha first. He thought they had decided to have a full board meeting with John Mucha before they finalized the contract.

Councilman Cumm stated he would like to hear from John Mucha personally that they can install cable on a half mile with at least ten houses.

Attorney Auffredou said he could speak with John Mucha and then add to the contract that is what he means.

Supervisor Jenkins reported that Rudy needs board approval for \$195.00 to cover invoice 10 regarding the Gregory Manor project for engineering fees.

Councilman Prendergast asked why they wouldn't take care of this at the Month-End Meeting.

Supervisor Jenkins said they could hold off doing this until then.

A motion was made Councilman Cumm and seconded by Councilman Prendergast to adjourn to executive session at 9:28 p.m. to discuss the employment history and/or performance of a particular unnamed employee(s) that could possibly lead to disciplinary action, Article 7 regarding National Grid, Niagara Mohawk, Erie Blvd., Brookfield Properties, etc... and to discuss a job offer to an unnamed person that could possibly lead to the employment of that person.

A regular meeting of the Town Board of the Town of Moreau was held on January 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the executive session at 10:40 p.m. and re-open the regular meeting.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 10:41 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on January 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.