

A regular meeting of the Town Board of the Town of Moreau was held on July 14, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Deputy Supervisor LeClair 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

**Town Board Members Absent**

Preston Jenkins            Supervisor

**Also Present:** Jeanne Fleury, Town Clerk; Steve Barody, Highway Superintendent and Jesse Fish, Water Superintendent; Joe Patricke, Building Inspector/Code Enforcement Officer; Steve Gram, Recreation Director (arrived at 7:20 pm.); Martin D. Auffredou, attorney for the Town (arrived at 7:14 p.m.); Ed Robbins, Dog Control Officer; Town Residents: Richard & Pat Hughes, Lydia Wheeler, Adele Kurtz, Joe Bovey, Reed Antis, Wilbur Whitford, Dana Charpentier, and George W. Reynolds, III

Deputy Supervisor LeClair led the Pledge of Allegiance.

**MINUTES**

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

June 23, 2009 and June 25, 2009 (two sets)

**MINUTES – JUNE 23, 2009 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – JUNE 25, 2009 – MONTH-END TOWN BOARD MEETING 4:30 P.M.**

No comments or corrections.

**MINUTES – JUNE 25, 2009 – SPECIAL TOWN BOARD MEETING RE: TRANSFER STATION 5:15 P.M.**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the minutes of June 23<sup>rd</sup> and both sets dated June 25<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

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### **FUTURE MEETINGS/WORKSHOPS SCHEDULED**

A Month-End Town Board Meeting was scheduled for July 30<sup>th</sup> at 4:30 p.m. in Town Hall (the time of this meeting was changed to 3:30 p.m. after the executive session at end of the meeting).

A workshop of the Town Board was scheduled for August 4<sup>th</sup> at 7:00 p.m. in Town Hall to discuss the proposed outdoor hydronic heater local law.

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

Adele Kurtz asked when the Town's new website was going to be completed. She noticed that Planning Board and Zoning Board Minutes were not posted up-to-date on the website.

Deputy Supervisor LeClair said she would check with Terry McGuire in the morning the person responsible for updating the website. She did note that Terry had problems with her computer and it was replaced and she is still having problems with the new computer so this could be the reason for the delay in getting the minutes posted. **Deputy Supervisor LeClair reported that the newsletter was being worked on. [Amended 7/23/09 jf]**

Joe Patricke noted that there has only been one Zoning Board of Appeals Meeting since the first of the year.

### **TEMPORARY DOG PARK ROUTE 197 – PETITION AGAINST**

Dana Charpentier who resides at 348 Reynolds Road was present and he is the person who canvassed his neighborhood and got signatures on a petition in opposition to a temporary dog park being sited on Town property on Route 197 that was previously owned by the Jehovah Witnesses. He stated that Route 197 is a dangerous thoroughfare and he wanted to know who would be held responsible if a dog or dogs got out of the dog park area and were hit by a car or caused an accident. He said there are issues that haven't been resolved like who is going to fund the dog park, who is going to pick up the refuse from the dogs. He also noted that where he lives is zoned residential. He asked why the Moreau Rec. Park wasn't being considered any longer. He also knows that temporary can sometimes be dragged out to a longer period of time than "temporary". He wanted to let the Board know that he is opposed to a dog park on Route 197.

Wilbur Whitford who resides at 347 Reynolds Road was also present and stated he is opposed to a dog park on Route 197. He thought this was all put to rest last year?

Deputy Supervisor LeClair advised him that the Dog Park Committee came back to the Town Board recently asking for a temporary dog park.

Councilman Cumm stated for the record that he will vote no on any temporary or otherwise dog park on Route 197 at the site of the former Jehovah Witness Hall property. It isn't the right place. It is obvious from the petition that there are too many people who oppose it. There are also too many issues that need to be resolved such as, who is going to fund the fencing and clean up. He will vote no on any use of the property for a dog park.

Deputy Supervisor LeClair concurred with Councilman Cumm. She visited the dog park in Saratoga. She talked to a lady who was very knowledgeable about dogs and had a very well behaved large dog with her. While there she noticed people pulling up in their cars with dogs and letting them out of the car loose and dogs running around loose. The woman she spoke with supported a dog park, but thought there were many things that needed to be corrected with that dog park. She said she would be willing to come in and speak to the Board about what is needed and what is good or bad about the dog park in Saratoga.

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Ed Robbins, Dog Control Officer, said the Board needs to go back to scratch on this. They are facing a liability issue. There needs to be a special area for a dog park. The Harry J. Betar Jr. Recreational Park is not the place for one either. There are too many children there and Route 197 is too residential.

Deputy Supervisor LeClair stated she looked over the monthly report that Ed Robbins submitted and noticed the variety of dogs that he has encountered and picked up.

Ed Robbins said there are certain dogs that require additional homeowner's insurance. This is something the Town Board should check out in regards to liability insurance.

Deputy Supervisor LeClair stated that she checked with Pete Beames the Town's insurance agent again today and he confirmed again that only one dog would be allowed in the fenced in area of a dog park at a time in order for the Town to be covered under its' liability insurance.

Richard Hughes stated that he owns five acres of land on Harrison Avenue and has on it a two stall horse barn and the area is fenced in. He was told he couldn't have a horse on the property that he has owned for 32 years yet "these people" want me to pay for their dog park when he can't even have a horse on his own property.

The question was asked about whether or not a work shop was going to be held and Deputy Supervisor LeClair replied that the Board would set a workshop after Supervisor Jenkins returns and those who live in the vicinity of the proposed dog park would be invited.

Pat Hughes asked what the cost is going to be for a dog park and Deputy Supervisor LeClair replied that the Dog Park Committee Members have said they are going to fund it.

Richard Hughes stated that the Town is already contributing to it by giving them the land.

Deputy Supervisor LeClair said the Town isn't giving them the land they would only be allowed to use it and any improvements they make to the land would belong to the Town of Moreau.

This concluded the discussion on the proposed temporary dog park.

### **ARTS COUNCIL GRANT**

Deputy Supervisor LeClair recalled for those present that at the last meeting Adrianna Flax was present from the Saratoga Arts Council and talked about grant money available for art.

Deputy Supervisor LeClair said she hoped to apply for a grant that would fund an experienced photographer to come into the Town and work with citizens. This photographer has a wife who is an artist who would work with the high school students on art. The details are being worked out. In the meantime, she needs a grant application package from the Saratoga Arts Council and in order to receive one she needs to submit a letter of intent and asked if the Board objected to her giving them this letter of intent. It doesn't bind the Town or commit the Town to anything. They will at some point want the Town to contribute however. We have two computers we are no longer using and she would use these two computers as the donation towards the project and there is a value on that.

The Board Members didn't voice any objection to this.

Councilwoman LeClair advised that there is an informational seminar on July 29<sup>th</sup> at the Moreau Community Center regarding this grant.

### **WATER DEPARTMENT PUMP**

Jesse Fish, Water Superintendent, stated that when he came to work for the Town there was a pump that was sitting around. There was a spare put in the sewer treatment plant back in January or February. The

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pump that was sitting around needs to be repaired or replaced. He sent it to Troy Pump and received a quotation of \$7,872.00 to have it rewound and make it as good as new. Supervisor Jenkins thought the pump should be replaced rather than repaired since we paid \$9,600.00 for it and the repair is going to be \$7,872.00. However, Jesse said he spoke with a gentleman from Emerick Associates and was told that the pump that Mike Shaver purchased at a cost of \$9,600.00 about three years ago that has just been sitting around would cost \$14,800 + now. He talked to Tim Burley, Engineer for the Town and he said we need a 25hp pump in order to push the product from where we are to where it is going with a certain amount of force. His suggestion and Jesse's was to repair the pump. It is 18 years old and the pumps in the ground are 18 years old and 3 years old. The warranty on the new pump was expired before it ever went in the ground, because it sat on the shelf for three years. We can run on one, but if that one goes down then you will have to bypass and we don't have a manhole close enough to put a trash pump in to bypass the product. We would have to have it pumped out once or twice a day and that will be costly. He suggested they get the pump rewound. The station will never be able to be revamped. The submersible pumps have to be used, because you wouldn't be able lift the fluid from the depth that is unless you completely rebuild the plant and you need the force to send it where it is going. Schermerhorn is going be dropping stuff in there too and not at a rate strong enough to push it all the way to Glens Falls. That is why we need the stronger pumps. There is money in contractual to get it repaired.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the rewinding of the Sewer District 1 pump by Troy Pump at a cost not to exceed \$7,872.13 out of GI8110.4.

Roll call vote resulted as follows:

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

### **WATER SERVICE APPLICATION OUTSIDE USER – GEORGE W. REYNOLDS III**

George W. Reynolds III who owns property at 426 Gansevoort Road (east side of Gansevoort Road land adjoining the Reynolds Cemetery) requested to hook up to Water District 6 which boundary runs along the west side of Gansevoort Road. This would require an outside user contract to be signed by Mr. Reynolds and the Town.

Joe Patricke concurred with this and stated that Mr. Reynolds agrees to join any future water district that should encompass his property.

Mr. Reynolds stated that he is coming back to the community and wants to build a house on the property that used to be owned by his great grandfather. He said he would be willing to pay any fees associated with hooking up to the water district and any future fees associated with expansion of the water district.

Attorney Auffredou stated that there is a standard form contract that has been used for a number years for this purpose. The contract provides that should the district be extended to cover this gentleman's property he would agree to be bound by that and to be bound by the fees and regulations of Water District 6. The contract stays with the property owner and is not assignable without approval by the Town Board.

A motion was made by Councilman Cumm authorizing the Town to enter into an outside water user contract for Water District 6 with George W. Reynolds III and authorizing the Supervisor or Deputy Supervisor to sign the contract.

Councilman Kusnierz asked if we have established fees.

Joe Patricke said the fees were established by the Board and on file in the Town Clerk's Office.

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Attorney Auffredou asked Mr. Reynolds if he was aware of the fees and the water rates and Mr. Reynolds said he wasn't concerned with the fees.

Jesse Fish, Water Superintendent, stated the hook up fee would be \$900.00 and if a directional bore under Route 32 is needed then Mr. Reynolds would have to hire a company to come in and do the directional bore. The Town would install the tap and whatever he needs to hook up on the other side.

Attorney Auffredou asked Mr. Reynolds if he understood what the water superintendent was saying and Mr. Reynolds said yes he spoke with Jesse Fish earlier.

Motion was seconded by Councilman Prendergast.

Roll call vote resulted as follows:

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

#### **TRANSFER STATION FEES**

Deputy Supervisor LeClair reported that Nancy Ryan and Bruce Abare from the Transfer Station have come up with recommendations on changes to the fee schedule.

The first one is under tires. They feel we should only accept tires 16" to 18" for \$3.00 each.

They also recommend that we charge per bag and eliminate the rates for truck loads.

Councilman Kusnierz was concerned that if we exclude large tires then we will find them alongside the roads in rural areas. Perhaps we should charge a larger fee for the bigger tires rather than excluding them.

Councilman Prendergast asked if people could take them to Hiram Hollow and the answer was yes.

Deputy Supervisor LeClair stated that she would have to check with Nancy, but she thought the other problem with taking in the larger tires was getting them into the bin.

Councilman Cumm agreed with Councilman Kusnierz in that if we don't allow people to bring in large truck tires then we will be finding them alongside the roadways. We should have Nancy check around and see what other communities charge to take tires in.

[Note: There was no change made to the fees for tires at this meeting.]

The following fee schedule for brush was recommended by Nancy Ryan and Bruce Abare:

Pickup Trucks	\$15.00
Utility Trailer Approximate 6' to 8' Bed	\$15.00
Dump Truck 1 to 2 Tons	\$50.00 to \$75.00
Dump Trailer with or without Racks	\$50.00 to \$75.00
Rack Truck	\$50.00 to \$75.00

Nancy Ryan said that if someone comes in with a branch or two they wouldn't be charged.

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Pat Hughes asked what is charged now.

Deputy Supervisor LeClair replied that we currently don't charge for brush and we currently have about 2,000 yards of brush that needs to be chipped and hauled away. The company doing it now is not charging as long as he can have the chips and the highway department is hauling the chips to his location. This company is only willing to chip half the brush. If we had to pay for this service then it would cost the Town about \$5,000.00 for the equivalent amount of work we are getting from this company.

Pat Hughes stated it is okay to charge, but the rates seem steep.

Deputy Supervisor LeClair said these are huge trucks and not a normal residential homeowner that is coming in.

Councilman Cumm explained that the large quantities of brush that is coming in is coming from commercial haulers or people who are clearing properties and lawn care for a fee and depositing the debris in our landfill for free.

Deputy Supervisor LeClair stated that these proposed fees are actually less than some of our neighboring communities. Some other Towns are charging up to \$300.00 for a rack truck.

Councilman Prendergast stated there is a cost to the Town for getting rid of the brush and right now the taxpayers are paying for it. This way the user will pay for it. If you bring in a large load then you will pay for it.

Pat Hughes asked if the landfill budget is balanced right now and stated that it shouldn't be a profit making thing.

Councilman Prendergast said if things continue the way they are now with the brush then we will be in trouble with the budget.

Councilman Cumm stated we have a front end loader with a lot of years of service on it and no money to replace it.

Wilbur Whitford asked if leaves and grass clippings can still be deposited for free and the answer was yes.

Councilman Kusnierz stated that he has heard two contradictory statements. He heard two Board Members say that taxpayer's shouldn't have to pay for a service they don't use and then it was said that people who bring in incidental amounts of brush shouldn't have to pay. There should be a minimum price.

Deputy Supervisor LeClair stated that what Nancy thinks is that if a person brings in one branch they shouldn't be charged \$15.00. She also said if we start pro-rating it would be difficult for employee's of the Transfer Station to determine how much to charge.

Councilman Cumm said if a person is a homeowner and trimming tree limbs off a pine tree then \$15.00 is overkill.

Councilman Kusnierz said this was right and that is why there should be a minimum fee. It shouldn't be up to staff to determine if it meets a threshold or not. There could be a pickup truck for \$15.00 vs. a trunk load or back of an SUV. There should be a minimum fee.

Steve Barody stated that he liked what Councilman Kusnierz was saying about the minimum fee.

Councilman Prendergast agreed with this logic also.

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George Reynolds stated that there should be a differential between commercial haulers and residential users. Commercial haulers should pay more.

Councilman Prendergast stated that what he is hearing is that people are clearing residential lots and bringing in large loads. This whole service started by accepting brush from storm damage or winter. Now we have dump trucks/commercial haulers coming in because it is free. There are also residents who come in occasionally who are clearing their lot.

Jesse Fish stated there are some big haulers who are clearing brush from a person's lot and charging them a fee and depositing it free in our landfill.

Deputy Supervisor LeClair stated they tried in the pricing to not charge more per yard as the load gets bigger. That is why there is a range of \$50.00 to \$75.00. They tried to keep the price at \$15.00 per yard. She asked Councilman Kusnierz if he had a suggestion for an amount for a minimum.

Councilman Kusnierz said \$4.00 to \$5.00 and Councilman Prendergast suggested \$5.00.

Councilman Cumm asked what would constitute a minimum charge.

Councilman Kusnierz said anything not on the list.

The minimum fee of \$5.00 was added to the list of brush disposal fees.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt the following fee schedule for brush disposal at the landfill/transfer station:

Minimum Fee (Any load less than below)	\$ 5.00
Pickup Trucks	\$15.00
Utility Trailer Approximate 6 ' to 8' Bed	\$15.00
Dump Truck 1 to 2 Tons	\$50.00 to \$75.00
Dump Trailer with or without Racks	\$50.00 to \$75.00
Rack Truck	\$50.00 to \$75.00

The effective date will be Thursday, July 23, 2009.

Roll call vote resulted as follows:

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

Brief discussion followed on two bounced checks at the Transfer Station.

Councilman Cumm stated he would like a policy whereby we don't accept checks down there.

Deputy Supervisor LeClair stated that she didn't think it was a normal occurrence to get bounced checks.

**LONI HUBINSKY'S RESIGNATION FROM RECREATION COMMISSION**

A regular meeting of the Town Board of the Town of Moreau was held on July 14, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to accept the the resignation from Loni Hubinsky from the position of Recreation Commission Member.

Roll call vote resulted as follow

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

### **RECREATION COMMISSION VACANCIES**

Vacancies exist on the Recreation Commission and one vacancy exists on the Conservation Committee. The Town Clerk was authorized to advertise these vacancies.

### **RECREATION DEPARTMENT REQUESTS**

A request was received from Steve Gram, Recreation Director, to purchase twelve soccer nets and for them to be paid out of A7310.4. The following vendors were contacted for quotes:

BSN/Passons Sports	<b>Ten <del>\$615.00</del> custom made soccer nets for a total of \$615.00</b>
Gopher	Doesn't sell or make them
Flaghouse P.E. & Rec.	Doesn't sell or make them

**[Amended 7/23/09 jf]**

Councilman Cumm asked why they have to be custom made and Steve Gram replied that they are an odd size. They were purchased years ago by Ed Potter. **Regular sized nets are way too large. They present a safety hazard if folded to fit frames. [Amended 7/23/09 jf]**

Councilman Kusnierz asked Steve Gram if he put the quotes in the Board's mailboxes this date and he answered yes.

Steve Gram stated that if they wanted to wait until the next meeting to act on this request it was okay.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of twelve custom made soccer nets from BSN/Passons Sports at a cost not to exceed \$615.00 out of account A7310.4.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Abstain (He isn't going to vote to spend taxpayer's dollars on something that is put in his mailbox the day of the meeting. He told Steve Gram that he checks his mailbox the night before at 10:00. He doesn't know how many times he has told Steve Gram this.)
Councilman Cumm	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

A request was received from Steve Gram, Recreation Director, to hire David Gorrie as Football/Soccer Sports Specialist @ \$10.00 per hour subject to successful completion of a pre-employment physical.

Steve Gram stated that a specialist left because they weren't getting enough hours so Ray Hoag asked Steve Gram to submit this name. Mr. Gorrie is currently doing baseball right now for the Rec. Department.



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A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hire David Gorrie as Football/Soccer Sports Specialist @ \$10.00 per hour subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

Councilman Kusnierz asked Steve Gram if he just put this request in his mailbox this date and the answer was yes. Steve Gram stated that he just found out last night around 8:00 p.m. that he needed to fill a vacancy.

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

Steve Gram, Recreation Director, submitted a request for the Rec. Soccer and Football Coaches to attend a certification program at Adirondack Community College August 11<sup>th</sup> and 12<sup>th</sup> at a cost of \$20.00 per coach times fifty coaches for a total cost of \$1,000.00 out of A7310.4.

Deputy Supervisor LeClair stated that this proposal was brought before the Board several months ago.

Councilman Cumm asked if this was mandatory training and Steve Gram replied yes.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Rec. Soccer and Football Coaches to attend a certification program at Adirondack Community College August 11<sup>th</sup> and 12<sup>th</sup> at a cost of \$20.00 per coach times fifty coaches for a total cost not to exceed \$1,000.00 and paid out of A7310.4.

Councilman Kusnierz asked if this information was put in his mailbox this date and the answer was yes.

Roll call vote resulted as follows:

Councilman Kusnierz	Abstain
Councilman Cumm	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

The next request from Steve Gram, Recreation Director, was to purchase 750 soccer t-shirts for the youth soccer program through the Recreation Department. A notice to bidders was placed in the Post Star Newspaper on June 17, 2009 and requests for sealed proposals were mailed or e-mailed to nine potential vendors and the following proposals were received, opened and read on June 30, 2009 at 3:00 p.m. in the Moreau Town Office Building by the Town Clerk:

Northeast Promotion Group	Declined to Bid
Northwind Graphics	\$3.75 each
Sport Designs	\$3.99 each
Challenger Team Wear	\$5.50 each Numbers \$8.00 each
Landmark	Grinder Style \$16.25 each or Gildan Style \$6.95 each
Logodogz	\$3.90 each White - \$4.50 each for light color or \$4.90 each for dark color

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R & T Enterprises \$9.75 each

American Soccer, Inc. \$4.00 each

Life Live Apparel \$6.95 each

The lowest quote was from Northwind Graphics @ \$3.75 per shirt and Steve Gram, Recreation Director, recommended purchasing from them out of account A7310.4.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of 750 soccer t-shirts from Northwind Graphics at \$3.75 per shirt per their quote out of account A7310.4 for a total cost not to exceed \$2,812.50.

Councilman Kusnierz asked what was left in account A7310.4.

Councilman Cumm responded that there was \$14,599.00 in the account as of today.

Steve Gram reported that this purchase was a wash since the cost of the shirts is paid from the fees collected for soccer registration.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Abstain

Steve Gram, Recreation Director, requested authorization to purchase 50 flag football jerseys for the youth flag football recreation program. A notice to bidders was placed in the Post Star Newspaper on June 17, 2009 and requests for sealed proposals were mailed or e-mailed to five potential vendors and the following proposals were received, opened and read on June 30, 2009 at 3:15 p.m. in the Moreau Town Office Building by the Town Clerk:

Northeast Promotion Group Declined to Bid

Northwind Graphics \$10.25 each

Sport Designs \$10.40 each

Riddell/American \$13.05 each

Landmark \$17.50 each

The lowest quote was from Northwind Graphics at \$10.25 each and Steve Gram recommended purchasing from them out of account A7310.4.

A motion was made by Councilman Prendergast and seconded by councilman Kusnierz authorizing the purchase of 50 flag football jerseys from Northwind Graphics at \$10.25 per jersey per their quote out of account A7310.4 for a total cost not to exceed \$512.50.

Roll call vote resulted as follows:

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

### **NEWSLETTER**

Deputy Supervisor LeClair reported that the Town's newsletter should go to the printers tomorrow. She asked for the Board and Department Heads to review the newsletter and get any changes to Terry McGuire first thing in the morning. She complimented Terry McGuire on a fine job done in developing the newsletter and all the time and effort she put into it.

### **COPIER PURCHASE**

The copier purchase agenda item was not discussed. Deputy Supervisor LeClair stated that they thought they were ready to move forward with a purchase and then it was brought to their attention that a scan/fax feature may be needed so they are getting prices on this feature.

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

George Reynolds asked the Town Board Members to consider purchasing and erecting a sign marking the Reynolds Cemetery off Route 197. He reminded the Board Members that he donated land to the Town of Moreau for an entrance to the cemetery so people could access the cemetery without trespassing on his land. It is an historic family cemetery and it should be marked. He also wanted to commend whoever was doing the maintenance on the cemetery. He stated they were doing a great job with the maintenance.

Deputy Supervisor LeClair asked if he had any suggestions for what type of sign should be erected and the wording.

George Reynolds suggested "Reynolds Corners Cemetery", but thought that the Town Historian should be involved in this.

The Board Members and Highway Superintendent told Mr. Reynolds that they would look into doing this.

Steve Barody, Highway Superintendent, reported that a request was received from the Hogan's regarding a block party and the closure of a Town road for the party. He doesn't have a problem with this and will provide the barricades for the road.

Steve Barody gave the Board a quote from Kubricky to pave Potter Road from the "new corner to the gate that goes into our pit or where they go to the water plant". If we pay for our half they will pave it and truck it for us. We have to buy the material. There was a letter of credit or bond and we can't find it. Joe Patricke stated that they just started looking today. Joe Patricke stated we changed the road over back in 1999 or 2000. Steve Barody stated they left money in a Town account to put the top on and we are trying to find out where the money went. He asked the Board to approve it.

Attorney Auffredou stated that Kubricky has the state contract for Saratoga County. They just did work on an almost similar project in Corinth and it was under state contract.

Councilman Kusnierz stated that if it isn't state contract then it has to go out to bid and Attorney Auffredou stated that is the reason he is bringing it up.

Steve Barody said he would call Kubricky and find out about the state contract.

### **COMMITTEE REPORT**

Deputy Supervisor LeClair reported that she attended a meeting in the Town of Wilton today regarding

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the "Hazardous Waste Day" scheduled for October 17<sup>th</sup>. The Town of Wilton is looking for three people from the Town of Moreau to help out. Last time we participated in a "Hazardous Waste Day" with the Town of Wilton 132 **Moreau** people utilized the service. There is a state grant that will pay for 50% of the cost to host this service and the Town of Moreau **residents** will pay for this service based on the number of users from the Town of Moreau. **[Amended 7/23/09 jf]**

### **SUPERVISOR'S ITEMS**

Deputy Supervisor LeClair reported that she took branches from the crab apple trees outside of Town Hall to Co-Operative Extension, Watkins Garden Center and Jim Hunt and they all agreed the tree is under stress and they cannot be saved. Jim Hunt said that perhaps the roots were dug or pesticides were applied and this could be the cause for the stress. She stated that eventually the trees will have to come down.

Deputy Supervisor LeClair advised that Ed Robbins was present and his contract as Dog Control Officer runs out August 4<sup>th</sup>. She asked if the Board or Personnel Committee wanted to sit down and meet with Ed and discuss his contract.

Councilman Prendergast and Councilman Cumm and Ed Robbins all agreed to meet on Thursday at 1:00 p.m. at Town Hall.

Councilman Kusnierz stated that before the meeting on Thursday there is the issue of insurance that needs to be addressed. He said insurance from an outside contractor is a big issue. He stated that two additional individuals are interested in the position based on correspondence he received a copy of and as he looks through what was provided to him insurance is going to be an issue for them as well. They don't have their own private business where they maintain insurance for that type of position. So no matter who we place in this position insurance is going to be a big issue. One way around this is to create a part-time "dog position". The size of our community and number of activities that take place on a monthly basis in our Town regarding dogs makes it appear that the time may be here where we want to create a part-time position within the parameters of what we currently budget on a monthly basis for dog control services and it would take the liability issue right off the table and it would open up the job to other individuals out there that may be interested in the position.

Ed Robbins stated that this is something the Board should have been working on this last month. Time is of the essence, he has a lot involved here. He is tied up with court cases and everything else. He got bit the other day and is still working on that. It wasn't a serious bite, but he wants to make sure he gets it taken care of. There is a lot of training that goes into the position. Next year this should be done way ahead of time. He suggested they look into a part-time position or a multi-year contract like the Fire Company has. He stated, "My thing is the insurance. If it has to be, it has to be." His problem is getting it together. He just paid off last year's insurance.

Councilman Kusnierz stated that he won't be able to attend the next Town Board meeting so he wanted the record to show that he thinks it should be a part-time position in the Town.

Deputy Supervisor LeClair stated that she would be meeting Monday at 1:00 p.m. with the Fire Company and attorney regarding LOSAP. The purpose is to listen to the Fire Company and bring information back to the Board Members and Supervisor.

Deputy Supervisor LeClair reported on a meeting scheduled for Thursday at 1:30 p.m. at the Fort Edward Fire House on the dredging. They will show a video on the dredging project and then there will be a tour of one of the locks to actually view the operation.

Deputy Supervisor LeClair stated that several people asked her if it was legal for the Town to charge rec. fees. She discussed this with Attorney Auffredou and Attorney Auffredou has reviewed the rec. grant again. She asked Attorney Auffredou to comment.

A regular meeting of the Town Board of the Town of Moreau was held on July 14, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Auffredou stated that there have been some questions as to whether or not the underlying grant documents for the most recent project authorized the Town to charge user fees. There is an appendix in the grant documents that he reviewed a long time ago and again in the spring and again the other day. The Town can charge user fees for the use of the recreation park and it can charge non-residents more than it can charge residents. There are a few provisions on how all of this is established. It is legal for the

Town to charge user fees. It is also specifically called for in the grant documents. He hoped this put this issue to rest.

Councilman Prendergast advised that individuals were interviewed for a position in the Recreation Department. The position needs to be filled right away. They are prepared to offer the name of Shawn Fitzgibbons to fill the position of part-time, seasonal, employee in the Recreation Department at \$10.00 per hour subject to successful completion of a pre-employment physical.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to hire Shawn Fitzgibbons as part-time, seasonal employee in the Recreation Department at \$10.00 per hour subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

Attorney Auffredou presented a proposed RFP for the feasibility study for the grant for the piece of land in the industrial park that the Conservation Committee presented.

Deputy Supervisor LeClair spoke with Andrew Labruzzo about the grant and he feels it is NYS property and he offered to do the research on it for no fee. Any land that is where water used to cover would be state lands.

Deputy Supervisor LeClair said she was going to work on the grant that is due in by September 16<sup>th</sup>.

Attorney Auffredou stated that he added in under project budget the wording "Please note that the award of the contract is contingent upon the Town obtaining the necessary funding for the report." He suggested the Board and Joe Patricke and Steve Barody review the RFP.

Deputy Supervisor LeClair said she was going to move forward with the grant application and will plug in the project amount when it is available and then file it by the deadline.

Attorney Auffredou asked for comments by the next meeting.

Councilman Kusnierz stated that he received correspondence from the Saratoga County Planning Board regarding cell towers in the Town. He wanted to point out that there was discussion amongst the Re-Zoning Committee about where cell phone towers should be placed. Currently they are allowed in our industrial park and Attorney Auffredou added, "on some Town owned lands". Councilman Kusnierz said there was discussion about changing the zoning to allow them along the Route 9 corridor.

Joe Patricke said the industrial park wasn't zoned for cell towers. The only area where they are allowed is in the CC-1 Zone between Fawn Road, Spier Falls Road, Route 9 and the Northway and the area by the water tower and landfill that is zoned R-2.

A regular meeting of the Town Board of the Town of Moreau was held on July 14, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked the Board to seriously consider limiting their siting to municipally owned buildings and structures so that we can maintain some control over their placement and it would also be a revenue stream for the Town.

Joe Patricke added that we made it easier for them to co-locate on existing structures.

There being no further business to discuss a motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn to executive session at 8:42 p.m. to discuss pending litigation involving Fitzgerald Bros. and to discuss the employment history/performance of an unnamed person(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Deputy Supervisor LeClair to adjourn the executive session at 9:04 p.m. and re-open the regular meeting.

Roll call vote resulted as follows:

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

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

The Month-End Town Board Meeting on July 30<sup>th</sup> will start at 3:30 p.m. not 4:30 p.m. as usual for this month only.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the regular meeting at 9:05 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on July 14, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.