

A regular meeting of the Town Board of the Town of Moreau was held on July 28, 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 and absent:

**Town Board Members Present**

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

**Town Board Members Absent**

Todd Kusnierz	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Steve Gram, Recreation Director; Peggy Jenkins, Assessor; Mike Montgomery, Deputy Highway Superintendent; Reed Antis, Conservation Committee Member and Town Resident; Lydia Wheeler, Post Star Reporter; Joe Patricke, Building Inspector (arrived at 7:07 p.m.); Martin D. Auffredou, Attorney for the Town (arrived at approximately 7:30 p.m.); Town Residents: Vince Sporrer, Tim Pratt, Shelley Englert and Village Residents: Gerald Fitzgerald and Brigid Martin

Supervisor Jenkins led the Pledge of Allegiance.

**MINUTES**

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

**MINUTES – JULY 14, 2009 – 5:30 P.M. - SPECIAL TOWN BOARD MEETING TO INTERVIEW CANDIDATES FOR A VACANCY ON THE ZONING BOARD OF APPEALS**

No comments or corrections.

**MINUTES – JULY 14, 2009 – 7:00 P.M. – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve both sets of minutes dated July 14, 2009 as prepared.

Roll call vote resulted as follows:

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

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### **SET FUTURE MEETINGS/WORKSHOPS**

Town Board Workshop to discuss the proposed dog park was scheduled for August 13<sup>th</sup> at 7:00 p.m.

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

Vince Sporrer who resides at 57 Potter Road in the Town of Moreau asked if the landfill was in the red or black financially.

Supervisor Jenkins replied that last year the landfill account was in the black, but we are facing future equipment replacement down there and that could put us in the red. The volume coming in is down, revenues are down, but expenses are also down. At this point in time we do not have the revenues to remove the brush down there. A company has agreed to grind it at no charge in exchange for the wood chips. We have to haul the chips to their place of business so there will be a fuel cost to the Town for the highway department to do this.

Vince Sporrer spoke about the new fee schedule instituted for disposal of brush at the landfill and stated that he is paying a Town tax for a service that is now going to cost him in the way of fees. It is double taxation. He asked why Town residents are being penalized when it is contractors and non-residents who are abusing the service. He asked why the Board doesn't stop offering the service altogether.

Councilman Prendergast stated that over the years the brush has built up and we now have to get rid of it. Many people in the Town don't use this service so why should they have to pay for it.

Vince Sporrer stated that the service is available to all residents of the Town. There is a higher probability of residents who would use this service than the Rec. Park and fees don't have to be paid to go into the Rec. Park. He asked what is preventing the Board from charging to use the park.

Councilman Cumm stated the problem is that commercial haulers are bringing brush into the landfill.

Vince Sporrer responded to this by saying that they should be made to get a permit then.

Councilman Cumm replied that they couldn't do this it has to be fair to all.

Tim Pratt who resides at 120 Spier Falls Road and owns three acres of land uses the landfill to deposit brush from his property. He stated that everyone should have stickers on their vehicles and it has been a while since new stickers have been issued. If a person dumps brush in the landfill every week then they are hauling brush for people and charging them. He also stated that he doesn't use the transfer station to get rid of his garbage.

Councilman Prendergast pointed out to Mr. Pratt that he also doesn't get charged for the Transfer Station in the way of taxes. It is a user based service.

Councilman Cumm stated that he doesn't know of any other Town in the surrounding area that doesn't charge for disposal of brush. The fee schedule the Town Board came up with is lower than all the surrounding communities.

Councilwoman LeClair stated that this year we are getting ½ of the brush pile taken care of. The company doing the chipping doesn't want to do the whole pile. If we have to hire out to chip the rest of the brush then it is going to cost around \$5,000.00.

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Vince Sporrer thought the Town was chipping brush every year and the answer was no.

Vince Sporrer was told that they keep pushing the pile back. We have amassed about 2,000 to 3,000 yards of brush and this is because it is free to dump brush in our landfill and everyone else around us charges.

Gerald Fitzgerald stated that he read an article in the newspaper where the Town Board passed a fee schedule for disposal of brush. The article was vague, but it did read that Supervisor Jenkins said this may not be true yet.

Supervisor Jenkins replied that he was not at the meeting when the fee schedule was adopted and the way the article was written wasn't exactly accurate in regards to his comment. He told the reporter that he wasn't at the meeting when the fee schedule was adopted and he didn't have the schedule with him when he was quoted by the reporter. All he told the reporter was that he recalled that a minimum fee of \$5.00 was adopted as part of the fee schedule.

Gerald Fitzgerald stated that the residents of the Village of South Glens Falls pay \$2.75 per 1,000 of assessed valuation in taxes into the Town's General Fund. He asked what the village residents get for that tax. The only thing he could think of was the use of the Transfer Station and the "privilege to pay \$1.50 per bag". They were allowed to dump brush for free until now. The Village residents pay, in the end, slightly higher taxes than the total Town tax plus \$15.00 per 1,000 of assessed valuation in Village taxes and in the Village all they get benefit of is the police department and streets. It may be time for the Village to take a hard look at consolidating with the Town. He went on to say that the Town has a problem at the Transfer Station and with the brush pile and it can't be solved by saying that if we charge then it is fair to everybody. It isn't fair to everybody only those who we can't stop from coming in. He suggested the Town get out of the garbage business entirely.

Councilman Cumm stated he would love to make a resolution like that, but he didn't know if he would get any support from the rest of the Board or not.

Tim Pratt stated that with the new fee schedule the developer of the last lot in a subdivision is going to get everyone's brush. The woods down around Potter Road are a dumping ground. The Transfer Station/Landfill should monitor who is coming in and not let in non-residents to dump their brush.

Councilman Prendergast stated that the service of offering free brush disposal isn't clearing the waste stream and we have had to store the brush for many years. This is because we didn't charge and surrounding communities did so people disposed of brush free in our landfill. It has to be addressed. Taxpayers are paying for this and some never use the service. We can no longer ignore it. The cost to get rid of the brush is increasing. There are a multitude of issues we are presented with. It didn't work in any other Town/City/Village and it doesn't work here any longer.

Councilman Cumm noted that we still accept grass clipping and leaves for free at the landfill.

This concluded the first 15 minute public comment period.

### **AFX CHEER TEAM REQUEST**

The parents of cheerleaders in the AFX Cheer Team want to host a "Dog Walk Event" at the Harry J. Betar Jr. Recreational Park on September 19<sup>th</sup>. They plan to charge \$8.00 for advance registration and \$10.00 the day of the event. The funds raised will be used to help pay travel expenses for cheerleaders to attend cheerleading competitions and the finals out of the area. They also want to use a pavilion that day.

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Councilwoman LeClair stated that although it sounds like a lot of fun it doesn't belong in the park on a day when there are going to be hundreds of children there. They aren't her children and she doesn't want to take the risk of one of them getting bit. A child's first instinct is to run up to a dog and put their face in the dog's face. She thought the Betar By-Way was a better spot for this event or Moreau Lake.

Steve Gram, Recreation Director, concurred. He stated that on September 19<sup>th</sup> children will be playing soccer and there will be a lot of children and traffic in the park.

Councilman Prendergast noticed in the request that the cheerleaders planned to offer food and drink and this should raise insurance concerns for the Town. This event could attract a large number of dogs. He wondered where they planned to hold this event within the park. He asked if anyone was present at this meeting representing the AFX Cheer Team and it appeared there was nobody present. He stated he would like the opportunity to discuss this proposal with them.

Supervisor Jenkins suggested they table the request and invite them to the next meeting.

Councilman Cumm stated he had concerns over the amount of traffic and children that will be in the park that day.

Councilman Prendergast stated that it appears there isn't any support for this request and perhaps we should tell them this so they can make other arrangements.

Supervisor Jenkins said he would notify the AFX Cheer Team by mail of the Board's decision.

#### **DOG CONTROL OFFICER**

Supervisor Jenkins stated that there are some issues involving the current Dog Control Officer that he would like to discuss in executive session.

#### **COURT REQUEST**

The Town Court is applying for a JCAP Grant in the amount of \$11,176.40 to purchase a telephone system. The grant has to be submitted by August 1<sup>st</sup>. The Supervisor needs authorization to sign the grant application and submit it.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign and submit a JCAP grant application in the amount of \$11,176.40.

Roll call vote resulted as follows:

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

#### **RECREATION DEPARTMENT REQUEST(S)**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to hire Rachel Varney as Swim Instructor at \$10.00 per hour, part-time, seasonal.

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Roll call vote resulted as follows:

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

A letter was received from Selective Insurance Company the Town's insurance carrier. They completed a risk evaluation survey of the Town's properties to identify potentially hazardous practices or situations that may pose a risk to the Town's employees or others using Town facilities. Their recommendation as the result of their survey was to install proper shock absorbing material underneath all the playground equipment within the Harry J. Betar Recreational Park to protect children from possible injuries in the event of an accidental fall. There are a number of acceptable materials through the "CPSC" and the "CPSC" also outlines the depths that the material should be installed. Selective Insurance also asked for a response within 30 days indicating what action has been planned or taken regarding this recommendation.

Steve Gram reported that sand has already been placed underneath the playground equipment and it is an approved material.

Councilman Prendergast suggested that Steve Gram obtain prices on the proper shock absorbing material that Selective Insurance referenced in their letter.

Supervisor Jenkins also asked Steve Gram to respond in writing to Selective Insurance within the 30-day time frame informing them of what is planned and ask them to approve it.

Supervisor Jenkins reported that there is a balance due to Curtis Lumber in the amount of \$2,791.10 for lumber/materials purchased by South Glens Falls Girl's Softball used to build the concession stand at the quad in the Harry J. Betar Jr. Recreational Park. As discussed at previous meetings South Glens Falls Girl's Softball submitted a quote to the Town Board for materials and it did not include pressure treated lumber. They took it upon themselves to go out and purchase pressure treated lumber and this resulted in an overage in the amount approved by the Town Board previously. The Town Board previously approved a payment up to a certain amount to Curtis Lumber for the materials and the balance of \$2,791.10 was supposed to be paid by South Glens Falls Girl's Softball. Apparently this was never conveyed to them, because they didn't pay the bill. Supervisor Jenkins stated that Curtis Lumber is a company we have been doing business with and he would like to continue to do business with them and was of the opinion that the Town Board should authorize payment to Curtis Lumber in the amount of \$2,791.10. He stated that South Glens Falls Girl's Softball did contribute \$12,000.00 of their own money to build the concession stand and they have contributed services way beyond what other organizations using the park have contributed. This payment could be made out of A7145.480.

Councilman Prendergast concurred that this is an issue we should address with South Glens Falls Girl's Softball and not Curtis Lumber and Curtis Lumber should be paid.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing a payment to Curtis Lumber in the amount of \$2,791.10 the balance due on our account for materials purchased to build the concession stand at the quad in the Harry J. Betar Jr. Recreational Park.

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Discussion:

Councilman Cumm stated that Girl's Softball has put a tremendous amount of money and volunteerism into building the concession stand.

Councilwoman LeClair agreed with this statement, but she also stated that if any other department head spent in excess of what they were approved to spend without getting Town Board approval first the Town Board would criticize them for this and tell them that they can't do this. In this case Girl's Softball went over their approved amount by quite bit.

Supervisor Jenkins said that if Councilwoman LeClair wanted him to send Girl's Softball a bill he would.

Councilwoman LeClair said she did want him to do that.

Roll call vote resulted as follows:

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

\*\* Councilwoman LeClair noted that she was voting yes to pay Curtis Lumber, but she wants Girl's Softball to reimburse the Town.

### **MINING PERMIT RENEWALS**

Mining Permit renewal applications were received from Washburn Farms LLC, Lehigh Northeast Cement Company, D.A. Collins Construction Company, Inc., Finch Paper LLC.

The Building Inspector/Code Enforcement Officer inspected the mining operations and authorized the mining permit application renewals to be submitted to the Town Board for approval.

The Town Clerk said the paperwork was all in order.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the renewal of mining permits for Washburn Farms, LLC, Lehigh Northeast Cement Company, D. A. Collins Construction Company, Inc. and Finch Paper LLC for the period of 7/1/09 through 6/30/2010.

Roll call vote resulted as follows:

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

### **ZONING BOARD VACANCY**

Supervisor Jenkins advised that the Town Board interviewed before this meeting a candidate for the vacancy on the Zoning Board of Appeals.

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No action was taken at this meeting on making an appointment to fill the vacancy.

### **CABLE FRANCHISE RENEWAL**

Attorney Auffredou stated that every time he reads the proposed franchise agreement he gets a different understanding of what they mean by cable mile.

Supervisor Jenkins stated that there aren't any areas in our Town that fit their definition of cable mile. He stated that they have agreed to some of our new language in the agreement and the franchise fees that they pay to the Town.

Attorney Auffredou added that the roadblock is with the cable mile definition and how many houses there have to be per mile in order for cable to be installed.

Supervisor Jenkins stated that the cable company will get another extension if the Town doesn't sign the agreement with them and it appears the Town is powerless in these negotiations.

Attorney Auffredou concurred that municipalities do have limited rights in this circumstance.

Councilman Prendergast expressed his displeasure with the cable company. He stated that the customers are being dictated to as to who will get cable and who won't. He stated that he pays for 170 channels and only wants 7 of them. This is criminal and the Federal and State Governments are allowing it. He stated he has talked personally with State Representatives about this.

Supervisor Jenkins said he has a problem acting on this tonight since Councilman Kusnierz is not present and he has expressed concerns and objections at previous meetings. He suggested they table any action until a meeting where there is a full Board present.

The rest of the Board Members agreed with this.

### **COPIER PURCHASE**

Councilwoman LeClair and Councilman Cumm spent a lot of hours researching copiers, obtaining quotes, meeting with vendors and comparing copiers and she recapped for the Board Members all of the quotes and information she and Councilman Cumm had received from vendors wanting to sell a copier to the Town. She offered the following quotes for consideration:

#### Color Copier

Seeley Office Systems	
Konica Minolta C203	\$6,082.00
Konica Minolta C253	\$6,555.00
Konica Minolta C353	\$7,228.00
Glens Falls Business Machines	
Kyocera 250CI	\$6,226.00
North Country Xerographics	
Xerox WC7232P	\$7,554.00
Repeat Business Machines	

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Ricoh CZ800	\$6,136.00
Black & White Only Copier	
Seeley Office Systems	
Konica Minolta 222	\$3,873.00
Konica Minolta 282	\$4,056.00
Glens Falls Business Machines	
Kyocera2050	\$3,195.00
North Country Xerographics	
Xerox 5030	\$5,300.00
Repeat Business Machines	
Ricoh MP3350SP	\$4,977.00

Consideration was given to warranty, price per copy for maintenance, service, copies per minute and as a result the following action was taken:

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of a Konica Minolta C253 color copier from Seeley Office Systems in the amount of \$6,555.00.

Roll call vote resulted as follows:

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

**REQUEST FOR PROPOSALS (RFP) PASSIVE RECREATION PARK PROGRAM**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Supervisor to send out RFP's for the Passive Recreation Park Program.

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Gerald Fitzgerald stated that he didn't receive an answer to his question at the beginning of the meeting and that question was what do the Village taxpayers get for the \$2.73 per 1,000 tax rate that they pay into the general fund for the Town.



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Supervisor Jenkins replied that it goes towards paying for the recreation park, salaries of Town employees, two highway garages. Merging the Village with the Town would be a decision the Village taxpayers would have to make. The South Glens Falls Police Department is the biggest expense in the Village and several years ago there was talk about doing away with the police department and 74% of the Village residents voted to keep it. He stated that Town Officials represent people in the Village also and we work with the Village and School and try to share assets and cut costs.

Gerald Fitzgerald stated that the problem is when the government tries to save money it ends up costing taxpayers more money.

Supervisor Jenkins stated that last year this Board cut the general fund tax by 51% for the taxpayers.

Councilman Cumm stated for the record that he welcomed sitting down with the Village and talking about consolidation.

Supervisor Jenkins said he wouldn't have a problem with that either, but it has to come from the Village taxpayers.

Vince Sporrer replied to the comment made by Supervisor Jenkins about cutting the general fund 51% and stated that the Board may have cut taxes, but they took the money out of the reserve fund to reduce it and it wasn't reduced by decreasing spending. He also told Supervisor Jenkins that he shouldn't mislead the public by saying this and again said that taxes weren't reduced by a decrease in spending.

Vince Sporrer stated that he received the Town Newsletter and said it was great and realized there was a lot of hard work put into it. He then commented on the Town's website and remarked that the agenda for the June 23<sup>rd</sup> meeting was still posted on the web long after the meeting and he didn't see the agenda for this meeting on the web until this morning. He also asked about the Zoning and Planning Board minutes he didn't see any current ones on the website. He asked if they were still taking minutes and if the website was being updated.

Councilwoman LeClair responded saying that Mannix Marketing is training a person in Town Hall to update the website and this person has other jobs to do that take priority and in between they update the website. This person also took on putting the newsletter together for the Town and in between all of this has had computer problems. Minutes are available through Town Hall anytime. She also noted that at some point in time the audio of the meetings will be available on-line.

### **COMMITTEE REPORTS**

Councilman Cumm stated that the telephone line was installed into the Transfer Station area and now Nancy Ryan would like the area by the fee booth blacktopped. The cost will be \$1,692.00. Account TS8160.4 has a balance of \$91,204.00.

Councilman Prendergast stated that he wouldn't support this. We are continually sending the message that our fees are lower than surrounding areas. If we don't blacktop will we still be able to operate? The answer is yes. He stated that he wants the lowest cost possible put into the waste stream.

Mike Montgomery, Deputy Highway Superintendent, stated it was a matter of maintenance and safety in the winter months when they plow and sand down there.

Councilman Cumm stated there hasn't been any maintenance done to the Transfer Station.

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Councilman Prendergast stated that they were talking about blacktop not maintenance of the buildings.

Mike Montgomery stated that they keep chipping away the blacktop where it abuts the graveled area every time they plow and Bruce is driving across it. It is hazardous walking through that area heading to the restrooms.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing a small area by the fee booth to be blacktopped at a cost not to exceed \$1,692.00 and for it to be paid out of TS8160.4.

Roll call vote resulted as follows:

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

Nancy Ryan obtained information on how much other communities charge for the disposal of commercial size tires into their transfer stations and the price ranges up to \$50.00 each for large tires. She recommends the Town not accept commercial size tires and also had an inquiry about a free tire day.

Supervisor Jenkins stated there isn't anything budgeted for a free tire day.

This ended the discussion on tires.

A letter was received from Douglas Tulley of 13 Woodscape Drive asking for a reduction in speed limit on Reservoir Road between Burt Road and Route 32. The current speed limit is 45 mph. He said at that speed vehicles have a hard time stopping at the intersection, especially in wet road conditions and wintry conditions and the intersection is compromised at times by vegetation and/or snow banks.

Shelley Englert was present and asked for a reduction in speed limit on Burt Road between Reservoir Road and Route 197. There was no speed limit sign posted for a long time and people thought it was 55 mph. Now it is posted at 45 mph and vehicles are exceeding 55 mph. She would like to see it at 30 mph. There is a lot of new construction along the roadside and the road is windy and curvy.

Supervisor Jenkins stated that he could get together with the Town Clerk and draft a request to New York State DOT asking for a reduction in speed limits on both sections of roadways. He said the highway department may also be able to install a "Stop Ahead" sign on Reservoir Road.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to increase appropriations by \$19,813.60 in DB5140.422 – Highway Fund – Improvements – Potter Road Development to include blacktop top course and drywells, as necessary, to complete a project from June of 2000.

Roll call vote resulted as follows:

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

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Supervisor Jenkins

Yes

[Note from account clerk regarding this appropriation: A check was received in the amount of \$20,000.00 on June 27, 2000 from Riverview, Inc. It was deposited into the highway fund and one expense was paid out of this money. A budget amendment was done on June 27, 2000 to increase the revenues and appropriations in the amount of \$20,000.00 for road work to be done by the Town. It appears that the road work was expected to be completed in 2000 and it wasn't. The remaining funds of \$19,813.60 recorded in DB5140.422 were rolled over into fund balance at the end of 2000. If there are any funds remaining it appears that they need to be refunded to Riverview, Inc. as indicated in letters dated June 1, 2000 and June 12, 2000. The account clerk has set up a special account DB5140.422 to allocate the Potter Road paving expenses to help track payments from this fund easily and to help determine if a refund will be necessary or not.]

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of 240 tons of blacktop for Potter Road at a cost not to exceed \$9,996.00.

Discussion:

Mike Montgomery stated that Kubricky Construction excavated the road so the county water line could be installed and rather than repaving only one side of the road they agreed to pave both lanes if we split the cost of the materials with them.

Roll call vote resulted as follows:

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

Councilman Prendergast mentioned the poor condition of Butler Road from Route 9 to the Transfer Station gate.

Mike Montgomery stated that he thought the roadway was going to be realigned so they stopped paving at the Transfer Station quite some time ago.

Councilman Prendergast asked Mike Montgomery to find out the cost to finish it.

Mike Montgomery stated it would be an overlay.

Councilman Cumm suggested they build it up and square it off.

Joe Patricke stated this would have to be designed.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of crushed stone under county contract from Jointa Galusha at a cost not to exceed \$5,000.00 out of account DB5110.493.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported that George Reynolds called and complimented the Town on a great job done with maintenance of the Reynolds Cemetery. He also requested that a sign be erected marking the cemetery.

Councilwoman LeClair noted that Mary Antis, Town Historian, is already working on what to name the cemetery.

Supervisor Jenkins reported that a baseball tournament was held in the recreation park and they complimented the recreation department on how nice the park was.

Joe Patricke, Building Inspector/Code Enforcement Officer, reported that he has received a request from Palette Stone for the formation of a lighting district. He has the request, layout of the lights and price from National Grid. He needed a resolution from the Town Board to form a lighting district.

Attorney Auffredou explained to the Board the process to follow for formation of a lighting district. He advised the Board that there wasn't time to publish a public hearing notice in the newspaper for the first meeting in August. He suggested the Board schedule a public hearing for August 25<sup>th</sup>. He said he had another public hearing to schedule for the 25<sup>th</sup> that he wanted to discuss with the Board at the end of the meeting so he suggested they hold off scheduling a public hearing on the Palette Lighting District until then.

Supervisor Jenkins stated that C. T. Male had submitted a quote of \$11,410.00 to do a phase 2 environmental study for the old highway garage site on William Street. The Board had been copied on this quote in the past according to Supervisor Jenkins and this is about the third time he was bringing it up for discussion. The study would tell us what we have to do to bring the land into a proper state. There are funds available for this study and he asked the Board what they wanted to do about it.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing C. T. Male to conduct a Phase 2 environmental study of the old highway garage site on William Street at a cost not to exceed \$11,410.00.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported that the Home Rule Law Legislation allowing a transfer of property between the Town and the County was passed by both the assembly and the senate and within the next couple of months the Governor should sign it. Supervisor Jenkins stated that the Town is trading nine acres of pristine property at the corner of Butler Road and Redmond Road to the County to be added to their

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County forest lands in exchange for a nine acre parcel of landlocked property off Route 197 that abuts Town property making it possible for the Town to expand on the former Jehovah Witness building that the Town now own for a Town office complex.

Attorney Auffredou asked the Board when they wanted the RFP's for the Passive Recreation Park Feasibility back in to the Supervisor and he suggested August 17<sup>th</sup>, which the Town Board approved of.

Attorney Auffredou stated that the moratorium on outdoor hydronic heaters is set to expire August 28<sup>th</sup>. It takes time to publish a public hearing notice and prepare the legal paperwork he suggested they schedule a public hearing for August 25<sup>th</sup>.

Councilman Prendergast said he wanted a law in place before the heating season.

Supervisor Jenkins stated there is a workshop on the law schedule for August 4<sup>th</sup> at 7:00 p.m.

Councilman Cumm asked if they could extend the moratorium in case something happens and they don't get a law adopted in time before the current moratorium expires.

Attorney Auffredou stated they could schedule a public hearing for August 25<sup>th</sup> to extend the moratorium and they could always withdraw it if the Board adopts a law.

Attorney Auffredou stated that this proposed law would be an amendment to the zoning law and requires a referral to the Saratoga County Planning Board under 239-m of the General Municipal law. It also requires the Town Board to complete SEQRA and notify surrounding communities. A substantive local law has to be in the hands of the Town Board and ready to go no later than seven days before the public hearing. He suggested they schedule a public hearing on the extension to the moratorium for August 25<sup>th</sup> and put on the agenda for the regular meeting that night the "substantive local law".

A motion was made by Councilman Prendergast and seconded by Councilman Cumm scheduling a public hearing for August 25<sup>th</sup> at 6:30 p.m. on a substantive local law on outdoor hydronic heaters, which law will be Local Law No. 3 of 2009 and scheduling a public hearing on an extension to the moratorium for August 25<sup>th</sup> at 6:55 p.m., which will be Local Law No. 4 of 2009.

As a point of reference, if Local Law No. 3 of 2009 Outdoor Hydronic Heaters is not adopted and the local law to extend the moratorium is adopted then the local law to extend the moratorium on outdoor hydronic heaters will be renamed Local Law No. 3 of 2009. Also, the public hearing on the extension to the moratorium will be mute if the local law on outdoor hydronic heaters is adopted.

Roll call vote resulted as follows:

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

Attorney Auffredou reported that it was his understanding that a joint meeting was requested between the Village of South Glens Falls, Town of Moreau and South Glens Falls Fire Company and he asked if the Board wanted to wait to set this meeting.

A regular meeting of the Town Board of the Town of Moreau was held on July 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated that Councilman Kusnierz needs to be at this meeting. He will try to get in contact with Councilman Kusnierz next Monday and find out when he is available and then try to schedule a meeting.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to schedule a public hearing for August 25<sup>th</sup> at 7:10 p.m. to consider the creation of the Palette Lighting District.

Roll call vote resulted as follows:

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

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

WHEREAS, the Town Board of the Town of Moreau ("Town") desires to submit an application for grant funds to the Saratoga county Farmland/Open Space Preservation Program; and

WHEEAS, the Town Board has reviewed the application materials;

NOW, THEREFORE, it is hereby resolved that the Town Supervisor is authorized to execute the grant application and thereafter file the grant application as appropriate.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn to executive session at 9:04 p.m. to discuss the employment history and/or performance of a particular unnamed person(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn the executive session and re-open the regular meeting at approximately 9:14 p.m.

A regular meeting of the Town Board of the Town of Moreau was held on July 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to appoint Ed Robbins as Dog Control Officer for the Town of Moreau for a period of August 1, 2009 through July 31, 2010 under the same terms and conditions as his current contract that expires 7/31/09 and subject to Ed obtaining his own liability insurance as an independent contractor for the Town and for the insurance policy to remain in full force and effect for the period of August 1, 2009 through July 31, 2010 and with the understanding that his current contract with the Town will continue on until a new contract is in place.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to go back into executive session to discuss an Article 7 involving Brookfield Properties/National Grid, etal.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	Absent
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 9:55 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	Absent
Supervisor Jenkins	Yes

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

A regular meeting of the Town Board of the Town of Moreau was held on July 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the regular meeting at 9:55 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk