

A regular meeting of the Town Board of the Town of Moreau was held on May 12, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins opened the meeting at 7:02 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 (arrived 7:14 p.m.)
Preston Jenkins	Supervisor

**Town Board Members Absent:**

None

**Also Present:** Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Jesse Fish, Water Superintendent; Stephen Gram, Recreation Director; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:14 p.m.); Martin Auffredou, Attorney for the Town (arrived at 7:17 p.m.); Town Residents: Mary & Reed Antis, Manuel & Loretta Salazar, Adele Kurtz, John Telisky, Shelley Englert, Maureen Curran; Village Resident: Harry G. Gutheil, Jr.; and Gabe Ggloff from Labor Ready and Ed & Deb DeVarney from Gas-Watt Energy, LLC

Supervisor Jenkins 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:

April 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 28<sup>th</sup> (2 Sets) and 29<sup>th</sup>

**APRIL 9, 2009 – SPECIAL TOWN BOARD MEETING – RPTL ARTICLE 7'S:**

No comments or corrections.

**APRIL 14, 2009 – REGULAR TOWN BOARD MEETING:**

Corrections made at last meeting:

Page 190 – 2<sup>nd</sup> line – change the word “rung” to “run”

Page 191 – Recreation Employees – the name “Hewitt” should be “Hewlett”

Page 199 – Recreation Employees – the name “Rachel Knapp” should be “Rachel Varney”

**APRIL 16, 2009 – SPECIAL TOWN BOARD MEETING RE: RECREATION DEPARTMENT:**

No comments or corrections.

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**APRIL 17, 2009 – BID OPENING – TREE & STUMP REMOVAL:**

No comments or corrections.

Received and filed.

**APRIL 28, 2009 – PUBLIC HEARING – LOCAL LAW NO. 2 OF 2009 – OUTDOOR WOOD BURNING FURNACES:**

No comments or corrections.

**APRIL 28, 2009 – REGULAR TOWN BOARD MEETING:**

Correction: Page 212 – 8<sup>th</sup> paragraph – “Supervisor Jenkins” should read “Harry Gutheil”

**APRIL 29, 2009 – MONTH-END TOWN BOARD MEETING:**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of April 9<sup>th</sup> as prepared.

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 approve the minutes of April 14<sup>th</sup> and April 16<sup>th</sup> with corrections so noted.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of April 28<sup>th</sup> & 29<sup>th</sup> with corrections so noted.

Roll call vote resulted as follows:

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

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### **MEETINGS/WORKSHOPS SCHEDULED:**

A workshop was scheduled by the Town Board for May 20<sup>th</sup> at 7:00 p.m. in Town Hall to discuss subdivision recreation fees received.

The month-end meeting of the Town Board was scheduled for May 28<sup>th</sup> at 4:30 p.m. in Town Hall.

### **LABOR READY:**

Gabe Ggloff from Labor Ready was present to answer questions from the Board about the Labor Ready Organization.

Labor Ready provides staffing on demand to counties, municipalities and businesses. In Moreau's case they could provide staffing to clean up the Recreation Park, cemeteries, etc. The Town would not incur any payroll expenses and would not have to deal with hiring or firing issues. They are encountering an all time high of qualified and over qualified individuals seeking employment even if it may be temporary. The hourly rate that Labor Ready pays is \$12.25 per hour.

Councilman Cumm asked if they have plumbers, electricians and carpenters.

Mr. Ggloff replied that they have carpenters, but plumbers and electricians are far and few between.

Steve Gram, Recreation Director, asked if physicals are normally required by Labor Ready.

Mr. Ggloff replied no. If an individual that they place gets hurt on the job in Moreau then Moreau would incur no liability. Labor Ready provides workmen's compensation and medical. They went 175 days without an injury and that was a record for them. They take safety very seriously.

Councilman Cumm asked if the Town would be added as additional insured on their policy.

Mr. Ggloff replied that they could set the Town up as customer and then the Town could be added as additional insured.

Steve Gram asked if Labor Ready screens for sexual offenders.

Mr. Ggloff replied no. He said there are sex offenders that work for them, but they have to by law stick to their restrictions. He knows who the individuals are and where they can go and can't go. There is a website that can be accessed to find out who these individuals are.

Councilman Prendergast mentioned that other counties use the Labor Ready service and Mr. Ggloff replied yes. Warren County uses their service and so doesn't Queensbury and the City of Glens Falls.

Councilman Kusnierz asked how many people in the Labor Ready program live in the Town of Moreau.

Mr. Ggloff replied not many. They had 10,000 employees in their database over the last five years. There are some that come and go and some that work for them for a long time.

Councilwoman LeClair stated that it wasn't her intent to replace the Town's workforce, but rather to supplement it. This came about when Royce Pixley was working in the Recreation Department and he expressed concern that we didn't have enough staff and that it would take him three weeks to get the

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cemeteries ready for Memorial Day. The summer help was not working yet. We thought this would be a way to supplement current staff. They wouldn't be working directly with the children or public. They would be working on maintenance and alongside the Recreation Director and his staff.

The Board thanked Mr. Ggloff for attending and they will consider his proposal.

### **GAS-WATT ENERGY, LLC:**

Ed DeVarney and his wife Deb were present from Burlington, VT to discuss with the Board the energy conversion project at the landfill that the Board has been considering for a while now.

Supervisor Jenkins stated that the Board has been led to believe that an energy conversion project may not be feasible in our case, because the landfill is too old and there is paper mill sludge. He asked Mr. DeVarney to address this issue.

Mr. DeVarney stated that the people who may say these types of things may be from the persuasion of traditional gas to energy development. He and his wife fall into the non-traditional development. Paper mill sludge shouldn't be viewed as a detriment. It could actually quadruple the gas that is in the landfill. He would base a project on the municipal solid waste in place and the gas generated by it and would use the paper mill sludge gas potential as an overage. His proposal was to have his company validate through physical testing the actual gas flow through the landfill. He said one of the big problems in the Town's landfill is that there isn't any horizontal collection system so they would have to be innovative to tie all the test wells together and come to a common place where gas meets. There is another site about 20 minutes away about the same size as the Town's landfill that they have an agreement with. It is a little older site and they have the same challenge there and it can be met innovatively. His company does everything in-house and they would find trusted individuals locally to work on this project if the Town Board was to choose to move forward on it. He stated that he submitted a proposal to the Town for gas testing. He would be happy to do that and the Town would own the information or the Town could get the testing results and they would make a proposal to the Town. The other option would be an "MOU" whereby the testing would be on their nickel and they would own the information. Somebody has to bring gas to our location and it has to be a collaborative effort. Traditionally the payment they make to site owners for exclusive use of their landfill gas is 1 cent per kw hour and in the Town's case it is a wild card. The site may power from 50 to 150 homes and the revenue could be from \$500 to \$800 per month. Will it amortize any investment to the Town to create a collection system? It remains to be seen. This is the preliminary step, their driving three hours to meet with the Board to demonstrate their interest in this project. There is a lot of work to be done to determine viability. There is a power infrastructure problem at the landfill. The three phase power at the landfill site is not close enough as it should be. He offered to the Board a tour of their facility in Vermont.

Councilman Kusnierz asked how many years the Town could get out of a project like this.

Mr. DeVarney replied that the gas will last a long time. The question is at what rate. If you were dealing at 85 or 150 cu. ft. per minute obviously it won't be that rate of production 20 years from now. Can we run a viable project then? It depends on what we are getting paid for electricity and what the insurance costs are. We will have amortized by then our capital costs, cost of inner connect and permitting. It behooves us to stay there as long as we can. There is gas in the Town's landfill and it is a viable project in his eyes as a micro developer so this project is perfect for them, but physical testing is the only way to validate it.

The amount of the proposal from Mr. DeVarney was \$1,815.00. Councilman Cumm asked if this would tell the Board if they should proceed with this project or stop. Mr. DeVarney replied yes and the Town would own the data.

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Councilman Prendergast noticed that the proposal referred to subsequent tests. He asked Mr. DeVarney if his proposal included subsequent testing and the answer was no. Mr. DeVarney said he would do one round of testing for the \$1,815.00 and a subsequent report.

Mr. DeVarney said the reason for this was that there is an on-line landfill close by that he was testing. There were wells that weren't on the top of the hill that shouldn't have been producing what they were producing. The four or five wells were producing triple or quadruple what the wells on the hill with sixty feet of trash were producing. The answer was that these wells were in an unlined portion of that landfill and the water was infiltrating and accelerating the degradation of the garbage so the anaerobes had nothing to eat and no water so the wells went dead and no more gas was coming out of them. Subsequent testing is a great way to find out if we have this sort of thing going on in the Moreau landfill.

Mr. DeVarney said he would do one test and decide if there is enough gas for an appropriate size project to make money. He noticed there is a yard waste problem at the landfill. It is time for the Board to find out if there a way to make a digester for the yard waste and produce gas.

The Board thanked Mr. DeVarney for his presentation and they will consider his proposal.

#### **SUBDIVISION RECREATION FEES RECEIVED – DISCUSSION:**

Supervisor Jenkins advised that the Town received \$168,000.00 in subdivision recreation fees from a developer and the Board wants to discuss what to do with this money. At the beginning of the meeting a workshop was scheduled for May 20<sup>th</sup> at 7:00 p.m. in Town Hall to discuss this. He stated that the Town Board(s) have previously discussed with individuals the possibility of a dog park and perhaps some of this money could be used to help them develop this park. The little league concession needs replacing and we need playground equipment. These are types of things that the money could possibly be used for.

Councilman Kusnierz suggested that they put something on the Town's website to let the public know about this workshop and that the Town Board will accept written suggestions on projects they would like to see undertaken at the recreation park with these fees.

Supervisor Jenkins suggested that the Recreation Commission be notified also and asked for their input.

Councilman Kusnierz asked Steve Gram to relay this to the Recreation Commission.

#### **PARKING AT QUAD:**

Supervisor Jenkins stated that temporary fencing was put up in one part of the Rec. Park to protect the soil and we should probably delay this until after the softball season to give us more parking.

Joe Patricke stated that spreading seed now wouldn't be beneficial anyway.

Councilman Cumm asked the Supervisor to bring a Town map of the Rec. Park at the workshop on May 20<sup>th</sup>.

Joe Patricke stated that green space in the park should be protected, but we need parking too.

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

Maureen Curran from 13 Amy Drive was present and asked the Town Board to waive the \$10.00 late sign up fee for her child to play soccer. May 10<sup>th</sup> was the last day to sign up before the late fee was

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instituted. She couldn't make the sign ups on Saturday at the park, because she was at a softball game in the Rec. Park. At 3:30 p.m. on Saturday she tried to find Steve Gram to sign up, but he had left. On Sunday, May 10<sup>th</sup>, she tried to reach Steve Gram by telephone, but he wasn't available. She spoke to somebody else at the park on May 10<sup>th</sup>. She spoke to Steve Gram on Monday and asked him to waive the late fee. She tried to sign up yesterday and was told she has to pay a late fee. Her husband coached last

year and she is willing to coach this year too. It is still early in the season and there shouldn't be a late fee. If the Board wants volunteers two days a week for this program then they shouldn't charge a late fee. If people are still allowed to sign up until July 1<sup>st</sup> with the late fee then there shouldn't be a problem getting uniforms ordered.

The cut-off date and reason for late fee was discussed.

The Town Clerk told the Board that her office staff received two late sign up applications Monday and six this date and all paid the late fee. If they decide to waive the late fee for Ms. Curran she assumed they would want these late fees returned also.

Steve Gram, Recreation Director, said he would pay the late fee for Ms. Curran.

Following discussion, Councilman Kusnierz said he had no problem covering the late fee for Ms. Curran, because she wants to provide a public service.

Supervisor Jenkins told Ms. Curran that there doesn't appear to be three votes to waive the late fee.

Ms. Curran left the meeting.

Reed Antis asked if the Recreation Commission Minutes had been received yet.

The Town Clerk replied that she hasn't received any since August.

This concluded the 15 minute public comment period.

#### **THOUSAND OAKS ROAD DEDICATION:**

Attorney Auffredou reported that the title insurance is in its' final form. The survey is done and the monument markers are there. There are a few conditions to append. The road dedication is an unlisted action under SEQRA. The applicant prepared and submitted a short Environmental Assessment Form (EAF) and the Town Board has to go through Part II of the EAF. This is a dedication of Oak Drive and Sunset Blvd. with drainage easement that will collectively become known as Dukes Way with a median involved in the dedication. Excluded in the dedication are eight street lights and flag pole. Kubricky is requesting the formation of a lighting district. Until there is an arrangement between Kubricky and National Grid regarding the lights the Town Board shouldn't be entertaining a lighting district. He recommended the Town Board wait to create a lighting district until there is an agreement from National Grid saying here are the lights, they are willing to own them, here is the cost, you set up the district and collect the funding and pay us and National Grid will own them.

Councilman Kusnierz asked why the Town was considering accepting the median.

Attorney Auffredou replied the median was designed years ago as part of the subdivision phase. It was approved by the Planning Board. This doesn't mean the Town Board has to accept the median. The developer and owner Mr. Kubricky has asked that the Town accept ownership of the median. There is a right for Mr. Kubricky and his successors and assigns to maintain the median if the Town doesn't

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maintain it or it isn't maintained to the satisfaction of Mr. Kubricky. There is an insurance requirement and indemnification and hold harmless clause for his agents activities on this median.

Councilman Kusnierz said usually a homeowner's association is responsible.

Attorney Auffredou said this has been around since 1992 or thereabouts. It was proposed as a commercial/industrial office park and this is something Mr. Kubricky came up with and wanted to make the park a little unique. This is just conjecture on his part. The Planning Board didn't have a problem with it at that time. The engineer for the Town and Highway Superintendent don't have a problem with it. They have sent in letters showing their support for the road dedication.

Councilman Kusnierz said the problem he has is that we are forcing additional work on a tax payer funded entity, the highway department.

Attorney Auffredou said they have the option to maintain it, but not an obligation to maintain it.

Councilman Kusnierz said if the owner doesn't want to maintain it and we don't want to maintain it we don't have a legal framework to make sure it is maintained without taxpayer expense.

Attorney Auffredou said this was correct.

Attorney Auffredou said this was the best compromise we could come up with. There has been ongoing concern over this road dedication. This has been pending for five or six years and four or five attorneys have represented Mr. Kubricky over the years. They have worked hard to get to some sort of conclusion.

Councilman Cumm asked about the median in Palmerton Heights.

Attorney Auffredou said the homeowner's association (HOA) is responsible for maintaining that median.

Councilman Prendergast asked why not Thousand Oaks. He brought this up at a previous meeting. What is the advantage to accepting the median? Where is the next median going that we are graciously donating? Why would we take it over? Mr. Kubricky wants it and wants to take care of it.

Attorney Auffredou recalled that he has always wanted the Town to own it.

Councilman Prendergast said if he was a developer he would love to put a median in with the idea that the Town was going to maintain it.

Attorney Auffredou said this was the best compromise to move it forward.

Councilman Prendergast why do we need a compromise?

Councilman Kusnierz asked if they discussed a homeowner's association.

Attorney Auffredou thought it had been, but this isn't the type of development for a homeowner's association.

Supervisor Jenkins asked Joe if Kubricky was going before the Planning Board for Phase 2 and Joe replied yes for site plan review.

Supervisor Jenkins asked if there is a median proposed for Phase 2 and the answer was yes.

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Supervisor Jenkins asked why it wouldn't go to a homeowner's association.

Joe Patricke replied that Phase 2 is proposed for light industrial.

Attorney Auffredou said it was possible they could create some type of association even though it probably wouldn't be called a homeowner's association.

Councilman Prendergast stated that it is a nice place. The owner is well respected. Those aren't the issues. Who is next? What is our policy?

Attorney Auffredou said your policy would be to say no. This project pre-dated a number of us and this was the intention all along as he understands it.

Councilman Kusnierz asked if they were setting a precedent and Attorney Auffredou replied no. This is a situation that pre-exists and has been outstanding for many years. Your policy has been established through later subdivisions that have gone through the Planning Board process whereby the roads have been dedicated to the Town, but not medians.

Councilman Cumm asked if the median in Palmerton Heights was dedicated to the Town and Attorney Auffredou replied no.

Supervisor Jenkins suggested they proceed with the short form EAF under SEQRA and then vote and see how it how turns out.

Attorney Auffredou read the questions in Part II of the short form EAF.

Questions 1 through 8 were answered "No".

Question number 9 "Other Impacts" was answered "None".

Question number 10 was answered "No".

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to declare a negative declaration under SEQRA.

Roll call vote resulted as follows:

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

Joe Patricke stated that he and Peggy Jenkins checked and the Town owns the median in Palmerton Heights and they maintain it.

Councilwoman LeClair asked if the owner can put plants on the median does he need the Town's approval.

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Attorney Auffredou read as follows: "He can maintain the existing boulder in the median closest to Route 9 and the maintenance of the two medians located on the premises conveyed herein as he desires. The option to maintain said medians more frequently, then the Town may elect to maintain said medians."

Mr. Kubricky can put in flowers and plants.

Councilwoman LeClair asked if he doesn't maintain it can the Town request that he does and the answer was yes.

Councilman Kusnierz asked what happens if Mr. Kubricky doesn't maintain it.

Attorney Auffredou replied that it falls upon his successors and assigns.

Supervisor Jenkins asked what happens if a homeowner's association drops out of existence. How is that any different than this?

Councilman Kusnierz said we have developments in our Town that, as part of the approval process, have a homeowner's association process. Don't we have legal recourse to go after a homeowner's association if they don't live up to their responsibilities?

Attorney Auffredou said yes, but it is difficult to enforce.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the offer of dedication to the Town from the Leroy H. Kubricky Trust for Oak Drive and Sunset Blvd. with drainage easements, which roads will be collectively known after dedication as Dukes Way including the two medians all as described in the proposed deed executed by the Trust on April 28, 2009 and presented to the Town and authorize the Supervisor to execute all the necessary documents to complete the transfer on behalf of the Town provided the following conditions are met:

1. The Trust pays for the necessary signage for Dukes Way
2. The Trust makes the minor revisions to the insurance binder as required by Town Counsel
3. The Trust makes the minor revisions as required by Counsel to the letter regarding the Trust obligation /owner's obligations to pay the school taxes for 2009 real property taxes for 2010

Discussion:

Councilman Kusnierz said he was going to vote no, because acceptance of the median unnecessarily puts the Town in a position that may require expenditure of taxpayer dollars at no benefit to the taxpayer.

Councilman Prendergast said in light of the new information this project started before Palmerton Heights and we took over the median in Palmerton Heights and that coupled with the fact that we don't have any policy in place and that is something we should do.

Councilman Cumm agreed that a policy is needed and should be addressed immediately.

Roll call vote resulted as follows:

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

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Supervisor Jenkins

Yes

Councilman Kusnierz asked Attorney Auffredou to clarify the part about homeowner's association. He asked if he was saying that we are requiring something that has no force and effect should they dissolve.

Attorney Auffredou said he wasn't saying that.

Supervisor Jenkins referred to the drainage basins that Michael's Group owns in their subdivision. What happens if they don't maintain them?

Attorney Auffredou said if they aren't maintained and they become a health hazard the Town can take certain action under the Town Law and DEC can take action under Environmental Conservation Law. There are things that can be done.

Supervisor Jenkins asked if there are reports that should be filed with the Town by homeowner's associations to make sure they are still in existence.

Attorney Auffredou said the Town can require this.

**SCOUT RESOLUTION – DAVID CASS:**

Supervisor Jenkins looked to the Town Clerk for the reading of an Eagle Scout proclamation and the Town Clerk advised that nobody told her why this was on the agenda. She thought that perhaps David Cass was proposing to do a project in the Town.

Supervisor Jenkins said that David Cass already had his ceremony about three or four weeks ago. There haven't been enough Board Members at the meetings to have a proclamation signed so he was bringing it up for this meeting.

The Town Clerk said she would prepare one for the next meeting.

**WATER DEPARTMENT REQUEST:**

The Water Department was requesting the hiring of at least two water meter readers.

The Town Clerk was asked to advertise for this position.

Councilman Kusnierz asked what the hourly rate of pay was that we were paying.

Jesse Fish said he thought it was \$9.25 per hour.

The Town Clerk asked if the rate was going to be at the current rate paid now and if so she could check with Fran on the rate or if it was going to be less than the current meter readers.

Jesse Fish thought they just hired somebody at \$9.25 per hour.

Councilman Prendergast said the Town Clerk was going to check with Fran.

Jesse Fish said whatever the rate is it should be the same for those just starting.

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Supervisor Jenkins asked Councilman Cumm if he had a comment about the seminar attended by the Water Department.

Councilman Cumm stated the Water Department staff attended a training session held by NY Rural Water Association. What he didn't know and it surprised all the Board Members, was that they didn't get a request from the staff to attend.

Jesse Fish asked if that is something normally requested and the Board told him yes it is usually approved by the Board first.

Councilman Kusnierz asked why Mike Shaver would attend.

Councilman Cumm said that Earl Ruff was paid a salary for that day too and the Board had no prior knowledge of this.

Councilman Prendergast said that Mike Shaver was still employed by the Town at the time and Jesse Fish said he still is until the 18<sup>th</sup>.

Councilman Prendergast said that Mike Shaver knows it should have been approved before hand. Mike Shaver is the Water Superintendent and if he wants to take his staff to the training session then he doesn't have a problem with it.

Councilman Kusnierz questioned the fact that Mike was retiring five weeks after the training session so why would he need the training.

Jesse Fish stated that they need so many hours of training every three years for certification. The State doesn't like them to jump in at the last minute at the end of the three years and try to get in 20-30 hours of training. They like it spread out and they don't like it to be repetitious. It is also difficult to do this in this area. There are only a few schools around here to attend.

Councilman Prendergast said that Jesse and Earl are under the direction of Mike.

Supervisor Jenkins spoke with Mike Shaver about this issue and he indicated that he may not have gotten approval in the past for a training session that only costs \$20.00. He wasn't trying to take advantage.

Councilman Kusnierz said it is also troubling to have the entire Water Department out of town at the same time.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the voucher for this training session attended by the Water Department.

Roll call vote resulted as follows:

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

The Water Department also requested approval to purchase "Men Working" signs. The following are quotes received:

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Fastenal	\$487.24
Safety Warehouse	\$275.36
Adirondack Highway	\$572.24

The Water Department recommends purchasing the signs from Safety Warehouse per their quote.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the purchase of "Men Working" signs from Safety Warehouse at an amount not to exceed \$275.36.

Roll call vote resulted as follows:

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

**HIGHWAY DEPARTMENT REQUESTS:**

Councilman Cumm reported as he had at a previous meeting that the doors on the highway garage had manufacturer defects and were replaced. Adirondack Overhead Doors previously offered the doors to the Town for \$500.00 each and they could be used on the back of the garage. They will now give us the doors for free, but they want \$500.00 each to install them on the back of the garage.

Supervisor Jenkins said the cost to do this would be paid out of ~~DB5130.472~~. **A5132.472.**

**[Amended 5/26/09 jf]**

Councilman Prendergast said it wasn't a bad deal.

Councilman Cumm said it was a great deal.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the doors to be installed on the back of the garage at a cost not to exceed \$500.00 each for installation.

Councilman Kusnierz stated that in the future he would like to receive the requests earlier than the day of the meeting so he can come prepared.

Councilman Cumm stated he just received the information today by fax.

Roll call vote resulted as follows:

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

A request was received from the Highway Department for the purchase of bulk hydraulic oil, Kendall Hyken 052 10W20 blend.

A quote was received from Farrell Oil Co., Inc. in the amount of \$955.00.

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This purchase will be made out of DB5110.460 that had a balance of \$35,000.00 as of April 2, 2009.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of bulk hydraulic oil from Farrell Oil Co., Inc. in an amount not to exceed \$955.00.

Roll call vote resulted as follows:

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

A request was received from the Highway Department for the purchase of 125 gallons of motor oil, Kendall Super D XA 15-40 synthetic blend.

A quote was received from Farrell Oil Co., Inc. in the amount of \$1,235.00.

This purchase will be made out of DB5110.460 that had a balance of \$35,000.00 as of April 2, 2009.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of 125 gallons of motor oil from Farrell Oil Co., Inc. in the amount not to exceed \$1,235.00.

Roll call vote resulted as follows:

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

A memo was received from the Highway Superintendent informing the Board that to properly post the speed limit on Reservoir road between Route 32 and Fort Edward Road to 45 mph per NYS DOT's orders he needs to order speed limit signs. The memo indicated that to purchase eight 24" x 30" 45 mph speed limit – high density signs and eight 4 foot and 8 foot galvanized channel posts the total cost is going to be \$1,014.00. This purchase would be made out of A3310.498 that had a balance as of 5/6/09 of \$2,095.00.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of these signs at a cost not to exceed \$1,014.00.

Councilman Kusnierz noted that the memo does not indicate whether or not the Highway Superintendent shopped around for prices or whether or not the \$1,014.00 is state or county contract price.

Councilman Prendergast rescinded his motion.

This item was tabled.

A request was received from the Highway Department to sand blast the dump body and frame and paint and undercoat on truck 19 the 2004 Freightliner. He obtained two quotes as follows:

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Arrowhead Equipment	\$3,650.00
Master Blaster	\$6,911.67

He was unable to get a third quote. According to the quote sheet no one else in the area does this type of work. This would be paid out of DB5130.405 that had a balance of \$65,851.26 as of 3/6/09.

Councilman Prendergast stated that one quote was almost double the other and he wondered why. He would like to discuss this with a representative from the Highway Department.

Councilman Kusnierz wondered if it was worth doing or would it be better to replace the dump body and frame.

This item was tabled for further information.

**TREE/STUMP REMOVAL BIDS:**

At the last meeting the Board considered the bids received for Tree/Stump Removal and it wasn't clear to them how the Highway Superintendent arrived at the low bidder. The Highway Superintendent subsequently provided the Town Board with a spreadsheet showing the breakdown of trees to be removed and how he arrived at the low bidder based on the trees that need to be removed.

It is the Highway Superintendent's recommendation to award the bid to High Peaks Tree Removal Service, Inc. the low bidder.

Supervisor Jenkins mentioned that all the bids were presented according to prevailing wage rates.

Councilman Prendergast stated it would have been nice to have the location of the trees.

Councilman Kusnierz asked how much was budgeted for this and Supervisor Jenkins replied \$11,000.00.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to engage the services of High Peaks Tree Removal Service, Inc. per their bid for a grand total of \$8,185.00 and authorizing the Supervisor to enter into a contract with them.

Roll call vote resulted as follows:

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

**RECREATION DEPARTMENT REQUESTS:**

The Recreation Director submitted to the Board a list of people he wanted to hire for the summer to work in the Recreation Department. Some of the people had been approved at a previous meeting, but the hourly rates were wrong and the others were new hires or rehires.

Councilman Kusnierz asked why it was placed in his box the day of the meeting.

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Steve Gram stated he just finalized the list this morning. There was a mistake on the hourly rates for three lifeguards and they have to be corrected as follows:

Emily Knapp was approved on April 14th at \$9.55 per hour and it should be \$10.05 per hour  
Rachel Varney was approved on April 14th at \$8.80 per hour and it should be \$9.30 per hour  
Faryl Hewlett was approved on April 14<sup>th</sup> at \$8.25 per hour and it should be \$8.55 per hour

The new hires are as follows:

Jeremy Tripp	\$10.00 per hour	Seasonal Laborer
Kevin Donohue	\$8.50 per hour	Lifeguard
Rebecca Auffredou	\$8.50 per hour	Lifeguard

The re-hires are as follows:

Nick Mattison	\$9.30 per hour	Seasonal Laborer
Nicole Horvath	\$8.30 per hour	Arts & Crafts Specialist

Councilman Prendergast noted that Jeremy Tripp a new hire was going to get \$10.00 per hour and Nick Mattison a re-hire is going to get \$9.30 per hour.

Steve Gram stated that Jeremy Tripp is slated to work security at night and Nick Mattison is strictly going to work days.

Councilman Kusnierz noted that the job titles listed are the same.

Supervisor Jenkins stated that Michael Linehan held the position before Jeremy Tripp and his title was laborer/security.

Councilman Kusnierz stated that the Town of Moreau is an equal opportunity employer and we don't base a wage rate on age. He won't support a wage rate based on age.

Councilman Prendergast stated that they had this discussion at the last meeting.

Steve Gram stated that Jeremy Tripp has already been hired and has had his pre-employment physical.

Supervisor Jenkins stated that his title is seasonal laborer/security for night time.

Councilman Kusnierz stated that isn't what the document before him states. They have identical titles. He asked Steve Gram if Jeremy is going to be doing work different than Nick Mattison.

Steve Gram replied that Jeremy is going to work five nights a week and close the park. Nick Mattison is going to work days.

Councilman Prendergast stated that the last time they discussed this there was an issue where an adult needed a directive and the employee giving the directive felt uncomfortable being put in that situation. A person working evenings alone may come across a similar situation whereby they may have to tell a person to stop doing something or leave the park.

Councilman Kusnierz asked if Jeremy has security training and Councilman Prendergast replied probably not.

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Councilman Cumm stated that the person who was hired and resigned had a title of seasonal laborer/security and they were being paid \$10.00 per hour so Jeremy Tripp is filling that position.

Steve Gram stated yes. He was already hired. He called and polled the Board on his hiring.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the salaries for employment request from Recreation Department.

Councilman Prendergast stated there is still a difference in hourly rate for others.

Supervisor Jenkins stated that the first three lifeguards would get 30 cents more based on their salaries.

Steve Gram stated it is based on the number of years they are here.

Councilman Cumm stated we are still looking for a year-round full-time employee for the Recreation Department.

Councilman Prendergast asked if Fran has looked this list over and Steve Gram replied yes.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No (Reason: There is discrimination between two employees)
Supervisor Jenkins	Yes

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the letter of resignation from Michael P. Linehan effective May 2, 2009.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked if the Board needed to rescind the motion made at a previous meeting to hire the lifeguards since the Board passed another resolution at this meeting to correct the hourly rates of pay.

Attorney Auffredou replied that it was not necessary the resolution passed at this meeting supersedes the prior resolution.

A check in the amount of \$592.00 was received from the South Glens Falls Soccer Club for field use in the Rec. Park. The amount normally for use of the fields is \$700.00, but the South Glens Falls Soccer Club did volunteer work in the Rec. Park that reduced the \$700.00 fee to \$592.00.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the check from the South Glens Falls Soccer Club in the amount of \$592.00.

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Roll call vote resulted as follows:

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

Discussion followed on plumbing work that needs to be done in the bathrooms in the Rec. Park.

Following a rather lengthy and confusing discussion on the quotes and the work to be done the following action was taken:

A motion Councilman Cumm and seconded by Councilwoman LeClair authorizing IBS Septic to do plumbing work in the Rec. Park at a cost not to exceed \$300.00.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to change the hourly rate of pay for Royce Pixley from \$12.00 per hour to \$10.50 per hour and change his job classification from full-time to part-time seasonal laborer.

Roll call vote resulted as follows:

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

Councilman Prendergast asked if they needed a letter of resignation from Royce Pixley from his full-time position and Attorney Auffredou replied yes.

**FOIL REQUEST POLICY:**

In lieu of comments made at a prior meeting regarding the handling of FOIL requests the Town Clerk asked the Town Board to establish a policy for everyone to follow.

Attorney Auffredou opined that every time a document is viewed the request to view should be in writing, because the law reads that a FOIL request must reasonably describe the record. A written request is a way for municipalities to track the number of FOIL requests and documents copied and/or viewed.

It was the consensus of the Board that the policy will be and is presently as follows:

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There should be a written request for copies, but if there is a request to view records only then nothing is required.

**ENGINEERING AGREEMENT – BURLEY & GUMINIAK – SANITARY SEWER STANDARDS:**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to enter into an agreement with Burley & Guminiak for engineering services in the amount of \$6,400.00 for the development of Sanitary Sewer Standards.

Roll call vote resulted as follows:

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

**ENGINEERING AGREEMENT – BURLEY & GUMINIAK – WATER DISTRICT 7:**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to enter into an engineering agreement with Burley & Guminiak for the Water District 7 Project in an amount not to exceed \$135,500.00.

This is a reimbursable expense through the GE/Moreau Fund.

Roll call vote resulted as follows:

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

**CALICO DANCERS:**

Manuel and Loretta Salazar were present to talk with the Board about their upcoming Pow Wow to be held in the Rec. Park July 4<sup>th</sup> weekend. They expressed concern over where their designated area will be in the park for their event. They have been moved from their usual area. The reason for this was according to the Recreation Director that Girard Landscaping and Toadflax both recommended that the area they usually are at not be used until fall. \$12,000.00 was spent on the fields and they don't want campers on them.

Mr. and Mrs. Salazar stated they need water and electrical and wanted to know what progress had been made in getting them power and electric for their Pow Wow. Steve Gram advised that he needs to get prices.

Mrs. Salazar suggested that they could have their event in the area where trees were removed by the green building where their campers used to be. It is an area that is flat enough for dancing.

It was suggested that Steve Gram work this out with the Salazar's before the end of the meeting.

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Mrs. Salazar asked if a representative from the Calico Dancers could attend the meeting when the Board will discuss the subdivision recreation fees and she was told yes.

Councilman Kusnierz suggested to Mrs. Salazar that they provide a wish list to the Board Members before the meeting and also attend.

Mr. and Mrs. Salazar talked with the Board about having to pay for the removal of trash generated at the Pow Wow. Mr. Salazar stated that they are non-profit organization and the money they collect from the traders and food vendors is used to pay for the P.A. system, drums, port-o-potties so there isn't much left after the bills are paid. He asked if the Town charges other organizations to dump their trash or not. He mentioned the Fire Department and Moreau Fun Days and the answer was no. He didn't feel the Calico Dancers should have to pay for trash removal if none of the other organizations pay.

Mr. Salazar advised that the bathrooms were locked one year and the campers need bathroom facilities. He was told that, that happened one year, but the bathrooms are normally always open.

Mr. Salazar thanked Steve Gram and the recreation staff for the fine job they do in the park.

**YARD WASTE AT TRANSFER STATION:**

Proposals were received to grind and remove brush at the Transfer Station.

Galusha \$3,650.00 to grind the brush and leave it there.

A & B Mulch/Twin Brook Topsoil same as last year, but can't afford to haul it to their site on Washburn Road. If we use our own trucks and we haul it will not cost us anything to have them grind.

Rocky Daniels \$450.00 per hour to grind, excavate and transport to his facility on Daniels Road.

American Tree, Melvin Jacobie and SN Gallivan did not submit a proposal, but an RFP was given to them.

The recommendation was to accept the quote from A & B Mulch and have the Town haul it away.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from A & B Mulch/Twin Brook Topsoil at no cost and to have our highway department haul the mulch away.

Discussion followed on what account will be charged for the cost to have the highway department haul the mulch away.

It was decided to table this until Supervisor Jenkins could contact the State Comptroller's Office on what account to charge this to.

**RFP STIMULUS GRANT – SALT BUILDING AND HIGHWAY GARAGE EXPANSION:**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to prepare an RFP and file for a grant to build a salt building and expand the highway garage.

Roll call vote resulted as follows:

Councilman Cumm                      Yes

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

### **COMMITTEE REPORTS:**

Councilwoman LeClair had a copy of the "Malta Times" newsletter to show the Board and asked that they consider what they want the Town newsletter to look at.

She also asked how many years of minutes the Board wanted to put on the new Town Website.

Councilman Kusnierz suggested four years worth of minutes.

There was no objection raised by the other Board Members to this suggestion.

Councilwoman LeClair reported that the Conservation Committee is going to be walking the industrial park area on Wednesday night to determine the feasibility of picnic areas and walking trails and public access within the conservation easements.

Attorney Auffredou advised that the easement agreement from back in 1994 was not the best document and internally inconsistent and confusing in regards to rights.

Discussion followed on the conservation and archaeological easements in the industrial park.

Harry Gutheil asked to be heard and mentioned that the Board skipped the 15 minute public comment period and he wanted to know where they were at on the sewer proposal on Route 9 and Water District 7.

Supervisor Jenkins advised that we are #9 for next year in the funding process and feels it will move ahead.

Harry Gutheil stated that it would be subject to permissive referendum and if it is not affordable the people could shoot it down.

Supervisor Jenkins stated it would be 50% grant and 50% interest free loan.

Harry Gutheil asked what the annual user fee is estimated at and Supervisor Jenkins responded \$330.00 approximately.

Harry Gutheil stated he looked at the map, plan and report and it started out just Fortsville Road and now it looks like a bigger project.

Supervisor Jenkins stated that one application was to the USDA for the Fortsville Road project, but Fortsville is also included in Water District 7 and they would allow us to bring it into district 7 and connect to Saratoga County, which is less costly than hooking into Queensbury.

Supervisor Jenkins asked how he figured it was less costly to tie into Saratoga County. He asked if wasn't the estimated cost \$1.3 million and Supervisor Jenkins said it was less than that.

Harry Gutheil asked about the Sanitary Sewer Regulations that were voted on earlier in the meeting and

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asked if money was budgeted for these and if so what account it was going to be paid out of.

Supervisor Jenkins said he would have to get the information and get back to him.

**SUPERVISOR'S ITEMS:**

Supervisor Jenkins had drafted the following policy:

Employees that are members of Volunteer Fire Companies or Volunteer Emergency Squads are subject to the following rules:

If you are involved in an emergency situation as a fireman or emergency squad member your must your direct supervisor and explain the situation to him or her.

Your supervisor alone will determine if you are allowed not to report to work.

Since conditions can vary each situation will determine if you are allowed regular compensation or be required to use vacation day, personal day or sick day.

The Moreau Town Board will decide final decisions on each incident involving employees of the Town.

There was no objection raised by the Town Board Members to this policy.

Supervisor Jenkins stated that he received the 2009-10 insurance renewal proposal from TD Insurance Agency. Our cost is up \$500.00 over last year. The total cost is \$74,182.00. We budgeted \$80,000.00. He needed approval from the Board to sign the agreement.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the Supervisor to sign the agreement with TD Insurance Agency for insurance coverage for the Town per their proposal at a cost not to exceed \$74,182.00.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to adjourn to executive session at 10:40 p.m. to discuss a potential contractual negotiation with an unnamed land owner and discuss an Article 7 issue with Brookfield Power.

Attorney Auffredou asked if it was a land transaction and will discussions impact the value of the negotiated price and Supervisor Jenkins replied yes.

Attorney Auffredou said it was okay as long as it was understood that the reason for executive session was that it had to do with the negotiations or purchase price and discussion of the purchase price in open session could somehow be negatively impacted as far as the Town and the property owner were concerned.

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Supervisor Jenkins said that was definitely the case.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	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 Councilwoman LeClair to adjourn the executive session and re-open the regular session at 11:13 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
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 Cumm and seconded by Councilwoman LeClair to adjourn the regular meeting at 11:18 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

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