

A regular meeting of the Town Board of the Town of Moreau was held on September 24, 2013 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Jenkins called the meeting to order at 7:02 p.m.

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Reed Antis, Town Resident and Planning Board Member; Town Residents: Bobby Dick and William Coon; Village of South Glens Falls Resident: Thomas J. Wade, Jr.

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or silence all electronic devices.

MINUTES

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

August 27th, September 10th and September 18th

MINUTES – AUGUST 27, 2013 – MONTH-END TOWN BOARD MEETING

Corrections: Page 364 – Change General Fund Amount from “\$75,491.43” to \$75,626.43” and change Highway Fund Amount from “\$89,109.97” to “90,767.07”

MINUTES – SEPTEMBER 10, 2013 – REGULAR TOWN BOARD MEETING

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to amend the amount of “\$75,000.00” in the motion and second on Page 377 of the September 10th minutes to “\$75,495.00”.

Roll call vote resulted as follows:

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

Councilman Kusnierz noted that he voted No to be consistent with his vote on the original motion and second.

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MINUTES – SEPTEMBER 18, 2013 – BID OPENING – CLARK ROAD CULVERT FEMA REPAIR

No comments or corrections.

Minutes of September 18th were received and filed.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of August 27th and September 10th with the above corrections so noted.

Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED

Town Board Workshops on the Tentative Budget for 2014 were scheduled for October 2nd and 9th at 7:00 p.m. in the Town of Moreau Municipal Building.

Councilwoman LeClair said she would like the Town Board to meet with Joe Patricke sometime around the end of October to discuss the Sign Law. She will get copies of the current Sign Law and distribute them to the Town Board for review before a meeting is held.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked for an update on the Clark Road and Burt Road Culvert Projects.

Supervisor Jenkins said they haven't started work on them yet.

HIGHWAY DEPARTMENT REQUESTS

The following quotes were obtained by the Highway Superintendent for the purchase of a tandem dump truck with plow and wing and stainless steel, four season body:

New York Truck Equipment 280 Corinth Road Queensbury, NY 12804 2013 Western Star Tandem with Extended 3 Year Warranty	Body #1 - \$218,910.00 Body #1 - \$218,661.40
Kenworth of Albany 5 Fritz Boulevard Albany, NY 12205 2014 Kenworth T800Tandem with Extended 3 Year Warranty	Body #1 - \$216,544.00 Body #2 – 216,295.40
H. L. Gage Sales 121 Washington Avenue Ext. Albany, NY 12205 2014 International 7600 Tandem with Extended 3 Year Warranty	Body #1 - \$209,807.04 Body #2 - \$209,558.44
Tracey Road Equipment 115 Railroad Avenue Albany, NY 12204 2014 Western Star Tandem with Extended 4 Year Warranty	Body #1 - \$219,338.26 Body #2 - \$219,089.66

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Paul Joseph, Highway Superintendent, recommended purchasing the truck from H. L. Gage with Body #2 in the amount of \$209,558.44 out of account DB5130.2 that had a balance of \$282,097.26 as of 9/3/13.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the purchase of a 2104 International 7600 Tandem with Extended 3 Year Warranty from H. L. Gage Sales at a cost not to exceed \$209,558.44 out of account DB5130.2.

Roll Call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of four sets of corner flags for the soccer field in the Harry J. Betar Jr. Recreational Park at a cost not to exceed \$151.92 plus shipping and handling out of account A7140.4.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

None

ASSESSOR'S REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Susan Stockman the Assessor's Clerk to attend a blueprint and construction course to be held at the Albany Ramada Plaza in Albany in December 2013 and an assessment administration course to be held in Albany in November 2013 and for the course enrollment fee of \$105.00 per course plus mileage and any and all reasonable and necessary charges relating to same to be a proper town charge.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing Peggy Jenkins, Assessor, to attend the New York State Assessor's Association Annual Fall Conference October 1st through the 4th in Lake Placid and for any and all reasonable and necessary charges relating to same that are not reimbursed by the State of New York to be a proper town charge.

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Roll call vote resulted as follows:

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

COURT REQUESTS

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the court clerks to attend the 2013 Annual Fall Training Conference held by the New York State Association of Magistrates and Court Clerks October 7th through the 9th in Albany, New York, and for the registration fee of \$40.00 per court clerk plus meals and mileage for one vehicle and any and all reasonable and necessary expenses relating to same to be a proper town charge.

Roll call vote resulted as follows:

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

SHELTER PLANNING

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

WHEREAS, the Town of Moreau has applied for Home Improvement funding through the New York State Office Affordable Housing Corporation (AHC), and

WHEREAS, funding for the AHC program has been awarded, and

WHEREAS, the Town of Moreau may wish to apply for community development funds through the New York State Office of Community Renewal, New York State Affordable Housing Corporation, and others for the purposes of community development improvements for housing, public facilities/services, and/or economic development, and

NOW, THEREFORE, BE IT RESOLVED, that the Moreau Town Board hereby authorizes the Town Clerk to provide such Legal Notice, and Request for Proposal as required, and

BE IT FURTHER RESOLVED, that the Town Board further authorizes and directs the costs for the Legal Notice and Request for Proposal to come from Account # A6460.4.

Roll call vote resulted as follows:

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

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CLARK ROAD CULVERT FEMA REPAIR BIDS

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to award the bid for the Clark Road Culvert FEMA repair/replacement to Gallo Construction the low bidder at \$94,850.00 and authorizing the Supervisor to sign a contract with Gallo Construction as prepared and approved by the Attorney for the Town.

Roll call vote resulted as follows:

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

CONCESSION STAND BIDS

Councilman Vittengl reported that one bid was received for the expansion and remodel of the concession stand in the Harry J. Betar Jr. Recreational Park and that bid was from R & J Kerr in the amount of \$110,000.00.

Councilman Vittengl explained that some of the proposed changes are; new bathrooms, bringing the stairway into code, retrofitting the electrical, gutting some walls and the addition of a new service area and enlarging the existing building from 1,377 square feet to 2,349 square feet.

Councilman Vittengl explained that the current building is 40 years old and something needs to be done to it. He thought the reason for the one bid was that the project was too small for the big guys and too big for the small guys. He would like to see the project started this fall and completed by springtime. It is long overdue he said.

Councilman Kusnierz said he discussed this with Councilman Vittengl and while retrofitting is a little more expensive the cost to construct a new building would be over \$500,000.00 and probably last only ten years longer. He was concerned over the fact that there was only one bid, but it isn't like we didn't reach out to get more bids. The money is available and the time to do it is now so it can be finished by spring.

Supervisor Jenkins said that Little League was going to contribute \$15,000.00.

Councilman Vittengl said he heard it was \$10,000.00 that they were going to contribute.

Councilman Prendergast stated that he met with Councilman Vittengl at the park today and agreed that the building is in deplorable condition. He strongly supports the renovation of the building or construction of a new one and that the time to act is now. However, only one bid was received and in the past they have rebid projects when only one bid has been received. So for that reason he will have to vote no. If it is put back out to bid and only one bid comes in again then at least they can tell the public that they tried.

Councilwoman LeClair agreed that the building has needed to be taken care of for some time now. However, she can't vote for a project that costs \$110,000.00 to sell hotdogs and hamburgers out of for about two months a year. She mentioned Gavin Park and their concession stand and how they put their money into the facilities that are going to be used a lot longer. Approving this project would be supporting one organization to the tune of \$110,000.00. If the Board approved the expenditure of funds on bleachers or fields it would be easier for her to vote yes on it.

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Supervisor Jenkins stated that RFP's were done before on this project and the proposals were in the range of \$85,000.00 to \$135,000.00 and the one for \$85,000.00 was a two person crew and they weren't going to pay prevailing wage. If the building is torn down and a new one built the cost will be double. He said he was prepared to move ahead with this project. He doesn't see bids coming in any less the next time.

Councilman Kusnierz stated that valid comments have been made. He isn't comfortable with one bid, but there is a risk that if they rebid the project then we may not get this one bid back and there is a chance that no one will be willing to do the project. He supports the project and moving ahead with it at this time. He said Councilman Vittengl has done a lot of work on this project so he would leave the honor to him of making the motion to move forward with it.

Councilman Vittengl made the motion to award the bid for the expansion/remodel of the concession stand in the Harry J. Betar Jr. Recreational Park to R & J Kerr per their bid price of \$110,000.00.

The motion was seconded by Councilman Kusnierz.

Roll call vote resulted as follows:

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

CEMETERY CARE – OLMSTED, CARR AND PARK CEMETERIES

Reed Antis submitted a report on Moreau Cemeteries to the Town Board that described the locations of the various cemeteries in Moreau, their condition, restoration work that has taken place and in what cemeteries. He was asking the Town Board to budget a small amount of money in the 2014 Town Budget to purchase some supplies to be used in restoration of headstones. He was also asking for help from the Highway Department to clear paths into some of the remote cemeteries and for the Town's laborer who mows Reynolds, Rice and Griswold Cemeteries now to mow the cemeteries that have been restored and help maintain them. He also asked the Town Board to budget money for a sign to be erected in the Griswold Cemetery.

SCWA SERVICE AREA RESOLUTION

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

WHEREAS, at a regular meeting of the Town Board of the Town of Moreau held on July 23, 2013, the Town Board authorized the Supervisor to execute an Agreement with the Saratoga County Water Authority ("SCWA") to sell water to areas to be served by the Town of Moreau; and

WHEREAS, the Town Board desires to amend the resolution to specifically incorporate New York Public Authorities Law Section 1199-eee(20) regarding the request to the SCWA to sell water to the Town of Moreau

NOW, THEREFORE BE IT RESOLVED, that the Town Board does hereby amend the resolution dated July 23, 2013, authorizing the Supervisor to execute the Agreement and specifically requests SCWA to sell water to the areas to be served by the Town.

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

Councilman Kusnierz stated that when this issue was approved by the Town Board it was approved by a split vote of 3/2. He said there was discussion that night about this and subsequently there have been discussions and he expressed concerns and asked that negotiations be reopened on the contract with SCWA. He said the contract binds the Town of Moreau to purchasing 100,000 gallons of water per day minimum for 10 years at \$1.00 per 1,000 gallons more than what the Town of Queensbury charges the Town. For this reason he voted no and was going to vote no on this resolution and he hoped that the Town Board would consider reopening the negotiations.

Supervisor Jenkins stated that this past week he received information about a company that may be interested in going into our industrial park and if so they would require the use of about 400,000 gallons of water per day. He said that if we only have the Town of Queensbury for a source of water and if we hit our peak capacity then the Town of Queensbury would not be able to provide us with enough water under the current contract. He also said it doesn't really work out to \$1.00 per 1,000 gallons more than what we are paying Queensbury.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked about the company who is interested in our industrial park.

Supervisor Jenkins told Councilman Kusnierz to stop into his office and he would give him what information he has. He said SEDC hasn't released the name of the company yet. They asked about the capability of us providing water and sewer and what their buy-in costs would be.

Councilman Kusnierz asked Supervisor Jenkins if he had something in writing from the Town of Queensbury that they can't meet our needs.

Supervisor Jenkins replied no, but 2 million gallons per day is as high as they can go without doing something to the PRV on their side of the river and our water demands have been increasing. If Queensbury had to do a second river crossing it would be very expensive.

APPROVE LOAN TO PAY BILLS ON WATER DISTRICT 1 EXTENSION 1 & 2

Supervisor Jenkins asked for approval to loan money from Water District 4 to Water District 1 Extension 1 & 2 to pay bills from Anjo in the amount of \$221,445.00 and R & J Kerr in the amount of \$73,303.51. EFC has said that once the contract is signed with SCWA they will release the money to the Town. The loan would be repaid to Water District 4 with the same rate of interest that the bank is paying on the money in the Water District 4 account.

Councilman Prendergast asked how long the vouchers have been in and not paid.

Supervisor Jenkins replied about 6 to 8 weeks.

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A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing a loan in the amount of \$295,748.51 from Water District 4 to Water District 1 Extension 1 and 2.

Roll call vote resulted as follows:

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

APPROVE RATE INCREASE FOR TIM BURLEY OF CA2E

Supervisor Jenkins stated that there has been a rather big rate increase for CA2E, Tim Burley's engineering services. He will discuss this rate increase with Tim Burley and the Board may be asked to act on it at the next meeting.

AUDIO SOUND SYSTEM QUOTES FOR MEETING ROOM

Supervisor Jenkins stated that two quotes have been received for a sound system for the meeting room. One quote is quite a bit lower than the other two. He said he wants to look for other prices.

Councilwoman LeClair asked if they could come to a meeting and explain their proposals.

Councilman Kusnierz suggested that they be put on the agenda for the next meeting.

Supervisor Jenkins said he would ask them to attend the next meeting.

15 MINUTE PUBLIC COMMENT PERIOD

Bobby Dick asked where the audio sound system was going to be installed and the answer was the Town Meeting Room/Court Room.

COMMITTEE REPORTS

Councilman Kusnierz reported that the Crandall Public Library has submitted their proposed 2014 Budget and propositions for the General Election Ballot. He said the Town Board should have received copies by now. He noted that the increase in the tax levy for the Town of Moreau is proposed at 1.64%. The total levy would be \$674,191.00 and that is down from the 2013 levy of \$679,880.00.

The levy for Glens Falls is proposed at \$826,828.00 and Queensbury at \$1,723,208.00.

Councilman Vittengl said he would like to get prices on a multi-purpose building in the Rec. Park near the skating rink that could be used as a warming hut, etc. He would also like to get prices on a cold storage building that would be on a slab to hold equipment. He hoped that by the next meeting he would have prices for the Town Board to review. The Town Board could then decide what direction they wanted to go in.

Councilwoman LeClair and Attorney Buettner spoke about the previous resolution adopted by the Town Board on 6/11/13 that authorized the engagement of the LA Group to draft and obtain easements on property adjacent to river front property to be used for recreational purposes. The resolution was subject to permissive referendum. The referendum period has expired and no petitions were filed. Attorney Buettner said she would be getting a contract to the LA Group this week.

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SUPERVISOR'S ITEMS

Supervisor Jenkins said that NYS DOT rejected a request from the Town to lower the speed limit on Route 197 between Route 9 and Route 32 and a request for a no passing zone. Supervisor Jenkins said he was going to call NYS DOT and talk to them about this.

The Town Board previously accepted a quote from Foresight Alarms for an alarm system for the new municipal building, but the motion and second did not include authorization for the Supervisor to sign a contract with Foresight Alarms.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the contract with Foresight Alarms.

Roll call vote resulted as follows:

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

The EFC is looking for payment on the current water project in the amount of \$116,000.00 and Attorney Buettner is trying to negotiate that figure down.

Supervisor Jenkins received an e-mail from Oakland, California, from a gentleman who claims to have a document signed by General Moreau and he wants to know if the Town is interested in buying the document.

Councilman Prendergast asked if he was willing to donate it to the Town and Supervisor Jenkins said he doubted it.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 8:16 p.m. to discuss an issue with a contractor involved in the construction of the new highway garage, contractual matter involving the Clark Road FEMA Project costs vs. funds and the employment history/performance of an unnamed employee(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 8:37 p.m.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

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Supervisor Jenkins Yes

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn the regular meeting at 8:39 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk