

A regular meeting of the Town Board of the Town of Moreau was held on April 23, 2013 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.

**Town Board Members Present**

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Gina LeClair	Councilwoman
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**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Royce Pixley, Part-Time Recreation Maintenance Supervisor; Nancy Ryan, Part-Time Transfer Station Clerk; Jesse Fish, Water Superintendent (arrived at 7:15 p.m.); Vince Sporrer, Town Resident; Harry G. Gutheil, Jr., Village Resident

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 minutes of April 9<sup>th</sup> were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – APRIL 9, 2013 – REGULAR TOWN BOARD MEETING**

The Town Clerk noted the following corrections:

Page 131 – 3<sup>rd</sup> paragraph from the bottom – 1<sup>st</sup> line – change “Global” to “Volvo”

Page 138 – 3<sup>rd</sup> paragraph from the top – 1<sup>st</sup> line – change “commission” to “committee”

Page 141 – last line on page – delete “\$300.00 B3620.2 Safety Inspection Equipment”

Page 142 – first two lines on page – delete “\$200.00 B8010.2 Zoning Equipment “ and “\$200.00 B8020.2 Planning Equipment” and add “\$577,864.00 DB5112.431 Highway Fund Improvement Clark & Burt Road Culverts”

Page 142 – 2<sup>nd</sup> motion on page – add “300.00 B3620.2 Safety Inspection Equipment” and “\$200.00 B8010.2 Zoning Equipment” and “B8020.2 Planning Equipment”

Page 148 – 1<sup>st</sup> motion – change the name “Daley” to “Daly”

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

Roll call vote resulted as follows:

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

The Town Clerk noted that she made a correction to the minutes of March 26<sup>th</sup> that were approved at the April 9<sup>th</sup> meeting. The correction was made on page 113 of the minutes as follows:

Delete: "Paul Joseph recommends the purchase of the wheel loader from Milton Cat. It offers better fuel economy and Milton Cat offered a better trade and they offered a one year warranty on all parts."

Add: "Supervisor Jenkins stated that it was the recommendation of the highway superintendent to go with the \$129,013.00, which is \$43.00 higher. Basically the difference is the Nortrax is a John Deere and the other vehicle is a CAT that has a better trade in, gets better fuel mileage and it has a quote of one year warranty for all parts that nobody else does and there is a difference of \$43.00 and that is what he would like us to approve. Councilman Prendergast asked if it was budgeted and Paul Joseph replied yes and that is with the trade-in of the 1995 loader and they are giving us high trade for it."

The Town Clerk stated that the original wording was taken from her notes and it was brought to her attention that it was incorrect and she then listened to the audio from the meeting and above is what was actually said.

Councilman Kusnierz stated that either way the highway superintendent recommended it.

The Town Clerk replied not really, because Supervisor Jenkins stated that it was the recommendation of the highway superintendent. The highway superintendent didn't state on the audio or on his paperwork that it was his recommendation.

Supervisor Jenkins stated that he heard it from "Bob". He said it went through a couple of people and obviously the interpretation of what was said could be slightly different.

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

None

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

Vince Sporrer from 63 Fort Edward Road spoke and said that he sent a letter in December and February and the "problem is still there". He said motorcycles are "still going across the park and into the roadway". "He chased a guy out of there that was shooting, again down the roadway." He called the police on one occasion and he doesn't know if they responded or not. He said that something has to be done.

Supervisor Jenkins said he spoke with the Sheriff and apparently he hasn't done anything. The Sheriff said he would patrol the area.

Vince Sporrer said he hasn't seen anybody and as far as he was concerned nothing has changed. The shooting really bothers him. He walks down in there. He said the roads will be leased again to GE and they do maintenance on the site. As far as he is concerned, the town will be held responsible if anything happens down there. He said he has had discussions about this several times over the past few years. He said the garbage is still there too.

Councilman Prendergast asked Vince Sporrer where this was exactly.

Vince Sporrer replied in the industrial park. He said if you drive down Farnan Road past the factory and keep going it will lead right to his property. He said he put logs across the road and there used to be a gate there, but it was destroyed each time it was put back up. He said the barrier isn't keeping people out. He said it is

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private property and he doesn't want anybody on it unless he gives them permission. He said the town should at least put a fence across there. He said they need to block the roadway off in the park where the field ends and the roadway continues. At least that would stop the car traffic. He said prior to him putting bigger logs in there, four-wheel drive vehicles were driving down into a pretty steep area where there is a creek. It needs to be fenced off to keep the bikes out of there.

Supervisor Jenkins said they could probably block it off, but the fencing they would have to take a look at.

Councilman Kusnierz asked how many feet of fencing would be required and Vince Sporrer replied about 200 feet.

Supervisor Jenkins said he thought the town owns the roadway.

Vince Sporrer said the town does own the roadway, but there are two properties that come to a point and then border his property and then his property and the town's property goes right straight down to the river.

Supervisor Jenkins said the other properties are owned by an LLC (Limited Liability Company). He said the town needs to get together with them, because the town is already dealing with them about getting garbage cleaned up on some of their properties.

Vince Sporrer stated that they have discussed this for the last few years and nothing has been done. He said the board needs to step up to the plate and do something about this. He said he doesn't want people on his property using it as a firing range.

Supervisor Jenkins stated that he thought they could block the road, but he isn't sure what they could do about the fence, because the town doesn't own that property.

Vince Sporrer said if the board gave him the property owners name then he would write them a letter. They have liability there too.

Vince Sporrer asked what the board intends to do with the old highway garage on William Street.

Supervisor Jenkins said he assumed they would declare it surplus property and get it sold. He said they were in the process of cleaning it out now.

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted a request to purchase \$5,000.00 worth of crushed stone under county contract #13-PWCS-5R to be used on various projects. The availability and cost will determine which supplier the material will be purchased from. This expense will come out of account DB5110.493 that had a balance of \$18,847.21 as of 4/1/13.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of \$5,000.00 worth of crushed stone under county contract #13-PWCS-5R to be used on various projects.

Roll call vote resulted as follows:

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

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A request was received from the highway superintendent to contract with Peckham Materials, Pallette Stone and/or Pompa Bros. under county contract #13-PWAC-3R for the purchase of asphalt concrete in the amount of \$305,420.00 to be used for overlays on the following roads:

Windy Lane – 640'	Marine Drive – 1,350'
Hilton Drive (Feeder Dam Road to Windy Lane) – 650'	Astoria Avenue – 630'
Rose Street – 330'	Adams Road – 805'
Tulip Street – 330'	Jennifer Drive – 2,600'
Pine View Drive – 810'	Congdon Road – 1,700'
Myron Road – 2,100'	Jamaica Road – 1,050'
Connor Drive – 1,125'	Pine Valley Drive (Nolan Road to Jerome Lane) – 1,400'

Shimming (Dependent on asphalt prices):

Clark Road/Selfridge Road/Old Saratoga Road
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This expense would come out of account DB5112.493.4 that had a balance of \$434,870.00 as of 4/1/2013.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the highway superintendent to contract with Peckham Materials, Pallette Stone and/or Pompa Bros. under county contract #13-PWAC-3R for the purchase of asphalt concrete in the amount of \$305,420.00 to be used for overlays on the above listed roads.

Roll call vote resulted as follows:

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

**TIME WARNER CABLE PROPOSAL FOR INTERNET & TELEPHONE FOR HIGHWAY DEPT.**

Supervisor Jenkins stated that the information before the board from Time Warner Cable to provide internet and telephone service to the highway department lists prices per line for phone service and connection fees and additional services, but it does not list a total cost. He said there is not enough information to make a decision on. He suggested they table this for now. No objections were voiced by the board members to tabling this topic.

**RECREATION DEPARTMENT REQUESTS**

A purchase request and quote sheet was received from the recreation department to rent one regular and one handicapped accessible portable toilet for the rec. park for a 12 month period. The following quotes were received:

Stone Industries	\$195.00 + \$9.75 fuel charge per month
IBS Septic	Contacted - No Response
Cook's Septic	Contacted – No Response

This expense would be paid out of account A7140.4 that had a balance of \$51,608.28 as of 4/4/13.

Councilman Kusnierz asked if the normally rented portable toilets for a 12 month period and Councilman Vittengl replied yes, now that there are winter activities in the park such as skating.

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A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing the rental of one regular and one handicapped portable toilet from Stone Industries for a twelve month period at \$195.00 a month plus \$9.75 fuel charge per month **28 days** for a total not to exceed ~~\$2,457.00~~ **\$2,661.75**.  
**[Amended 5/14/13 jf]**

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the change in employment status for Gary L. Plimpton from Rec. Laborer, Part-Time, Temporary, On-Call to Full-Time Laborer, Seasonal, no benefits at \$8.85 hour and to add him as a Rec. Specialist, Seasonal, On-Call, As Needed, no benefits, at \$10.20 per hour.

Roll call vote resulted as follows:

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

#### **WATER DEPARTMENT REQUESTS**

A request was received from the water superintendent to purchase 25 radio read water meters from Vellano Bros. at a cost of \$197.00 each for a total of \$4,925.00 to be paid for out of the various water accounts.

Jesse Fish, Water Superintendent, stated that the meters are sold in lots of six so he would end up with 24 meters. He said it was budgeted to purchase these meters. He said there are six or eight houses going in between two developments and he doesn't have any meters to supply them with and once the meters are distributed to these developments then we will be down to 15 or 16 meters. He said he went through 90 meters in the last five years that were purchased from Bat Con plus what we had in stock. He said it isn't like we won't be able to use them.

Councilman Kusnierz asked how many meters were anticipated to be purchased when money was allocated in the budget for them.

Jesse Fish replied 25 and they allocated \$5,000.00 for meters.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of 25 radio read water meters at a total cost not to exceed \$4,925.00.

Roll call vote resulted as follows:

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

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**CHANGE ORDERS FOR NEW MUNICIPAL COMPLEX AND DISCUSS MOVING OF SOIL AT SITE OF NEW COMPLEX**

Change Order No. 9 was presented to the board from Hoosick Valley Contractors, Inc. via Environmental Design Partnership, the town's engineer, in the amount of \$262.20 for materials and labor to patch the roof on the new municipal building where the plumbing vents penetrated the roof.

Councilman Kusnierz asked if aren't we paying someone to oversee the project.

Supervisor Jenkins replied that the town's engineer and Joe Patricke the building inspector are overseeing the project. He said if we had a full-time clerk of the works in this project then this may not have happened.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl approving Change Order No. 9 from Hoosick Valley Contractors, Inc. under the general construction contract for the new municipal building at an amount not to exceed \$262.20 to patch the roof where the plumbing vents penetrated the roof.

Roll call vote resulted as follows:

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

Change in Proposal No. 10 was presented to the board from Hoosick Valley Contractors, Inc. via Environmental Design Partnership, the town's engineer, in the amount of \$7,055.00 for the furnishing and installation of a new corridor wall and set of opposing swing double doors, frames, hardware, and glass per request from Rucinski Hall Architecture dated March 20, 2013.

Supervisor Jenkins stated that the doors would separate the court section of the building from the rest of the municipal building. He said the doors will not be locked, but can be closed and he said the price is pretty steep.

Councilman Kusnierz asked if the doors can't be locked then what value do the doors serve.

Councilman Prendergast said it separates the two departments, the town hall business from the court business. He said the doors won't be locked, but if the doors are closed then the tendency will be for people attending court not to go through the doors if they don't have to. If the doors are closed then the noise from the people in the court section of the building will not interfere with town hall business. He has talked with the judges and there are occasions when this will happen. He said that he thought Councilwoman LeClair was going to be here tonight and he thought all board members should be present to discuss this, so he suggested they wait and act on this at the next meeting. He said if you look at the drawings of the building and if you go down and walk through the building then in his opinion common sense will tell you that you are going to need doors there to separate the two departments, especially when the two departments are operating at the same time. He said adults and children will wander through the building from the court section. There will be a noise factor and when the double doors are closed the tendency of people will be to not go through the doors unless they have business in the other part of the building. He said if there are any news media worthy cases then people in the town hall area will wish there were doors.

Councilman Vittengl asked if they could be added after the fact.

Councilman Prendergast replied that they could be added after the fact at an added cost.

Supervisor Jenkins also said it could be added after the fact, but he doesn't know what the cost would be. He assumes the cost would be similar, because anytime there is a change order it is generally a little bit high.

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Councilman Prendergast said it is just common sense. He said that he knows it is one building, but you have two totally different departments operating sometimes at the same time and these departments are totally different. The court is nothing like what you would find in town hall. It is not the same.

Councilman Kusnierz asked if the court meets every day of the week and Councilman Prendergast replied no, not every day. Councilman Kusnierz asked if court meets predominantly during the day or evening and the Town Clerk replied during the daytime.

Councilman Kusnierz asked if it is customary for the overhead to be a 15% mark up. He said in this case, of the \$7,000.00 about \$1,000.00 is overhead.

Supervisor Jenkins replied that in the case of change orders they normally include the 15%. He said there is no question that at this point in the construction it doesn't make a lot of sense, because there is nothing in the way.

Councilman Kusnierz stated that it is a basic framing job.

Supervisor Jenkins stated that at this point he doesn't know what to do, because he doesn't know what effect the noise will have nor does he know what the people will do. If the doors are closed a lot of the people probably won't go through them. He said the court entrance appears to be the main entrance to the building and there is another entrance at the east end of the building. The one facing the south is a little bit larger so some people will enter the building through that entrance. He said the clerk's office will be at the east end of the building so a lot of the foot traffic will be coming in through that entrance.

Councilman Kusnierz said there will probably be people going to court who will be entering the building through the town hall entrance.

Councilman Prendergast said he didn't have a problem with getting another price even if it has to be done after the building is finished.

Councilman Kusnierz asked where we are at with the budget for the project.

Supervisor Jenkins replied that we are \$130,000.00 under budget, but there is topsoil/sand that has to be moved. We budgeted \$45,000.00 to \$50,000.00 and one of the prices we have gotten so far was around \$85,000.00. The highway department is going to do some of the work on the grading, but they don't have the equipment or manpower to do all of it. He suggested they go out to bid to remove, screen and stockpile the topsoil. The successful bidder would do the "total clearance" and they would purchase the topsoil/sand that we don't need. It should be about a \$30,000.00 to \$40,000.00 value. There are people interested in it already. Where the GE project is going on down by the river, they have to put topsoil in. He said it is estimated that we will have about 3,000 yards of topsoil that we won't need. The sand quantity is unknown right now. He said he needs authorization to put it out to bid. He doesn't know if it will be a quote process or bid process at this point in time.

Supervisor Jenkins asked the board members if they wanted to table the change in proposal for the doors.

Councilman Prendergast said he didn't have a problem getting other prices and it would have to be after the building was done.

Harry Gutheil asked if they were installing a set of doors in their home and it cost \$7,000.00 what would they think.

Councilman Prendergast said for his house he doesn't have to pay prevailing wage for one thing.

Vince Sporrer said for the safety of the people working for the town he would think they would definitely not want people in the court section to be able to access to them, especially in today's times.

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Supervisor Jenkins said he understands that, but he isn't sure he wants to spend \$7,000.00 on doors. He said it is the people's building and they have the right to access it, but he isn't saying that we shouldn't limit it if we can.

Vince Sporrer said he would think they would want to.

Supervisor Jenkins said it comes down to cost.

Discussion followed on the type of doors that will be installed and it was noted that they are not going to be regular house doors. They are going to have alarmed rims and they are doors that would go into a municipal building and they are rather large doors.

The change in proposal for the doors was tabled.

Supervisor Jenkins asked about the topsoil/sand and asked the board if they wanted to go out to bid.

Councilman Vittengl asked if the bid would be for moving the topsoil/sand and to sell it. The end result would be money in.

Supervisor Jenkins stated that when we get the net cost we can decide what to do.

Councilman Kusnierz said he was confused. He didn't think it was going to cost us anything. He thought that we were going to make money on it.

Supervisor Jenkins said "we will make out on it". "If we just had somebody do it; "remove the stuff, then we would have to pay". "We won't get enough back to pay for that. No, that isn't going to happen." He said the price we got so far was around \$80,000.00 and the best we would do on selling the materials would be around \$40,000.00.

A motion was made by Councilman Vittengl to go out for pricing on this and see what comes back.

Councilman Prendergast asked if the bid is for the product to be moved.

Supervisor Jenkins said yes and they would also buy the soil/sand.

Councilman Prendergast said that they are going to move the product and then somebody is going to come in and take it. He asked if it would make sense to go out to bid to have somebody just come in and take the product out rather than move it.

Supervisor Jenkins said at first that they probably could bid it out both ways and then he said that it probably wouldn't work, because they have to filter about 6,000 yards of topsoil. That requires screening. To rent a screen is \$7,500.00 for a month.

Councilman Kusnierz asked why they couldn't just have our engineer calculate out the volume and then we put it out to bid and include a date that it has to be completed by and let them figure out how they are going to get it out of there.

Councilman Kusnierz seconded the motion.

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

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**RESOLUTION TO ACCEPT NYMIR INSURANCE PROPOSAL FOR THE TOWN OF MOREAU & RESOLUTION AUTHORIZING FIVE-YEAR CONTRACT FOR INSURANCE THROUGH NYMIR**

There was discussion amongst board members about the NYMIR proposal.

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

WHEREAS, the Adirondack Trust Insurance Agency has been the insurance agent for the Town's property-casualty insurance for the past 3 years, and

WHEREAS, said agency has offered superior service and advice to the Town and has marketed the insurance this year for the Town's benefit, and

WHEREAS, this year, the agent has sought proposals from our incumbent insurer, Houston Casualty Company, as well as NYMIR and Selective, and

WHEREAS, the analysis of the proposals by said agency has shown that NYMIR has offered the lowest premium consistent with present coverage, and

BE IT RESOLVED, that the Town of Moreau hereby accepts the agency's property-casualty proposal of \$62,319.00 through NYMIR (Crime and Travelers) for the upcoming year, and

BE IT RESOLVED, that the Town of Moreau expresses its intention to make this award to the agency and NYMIR for a five year period as long as premiums remain stable, and

BE IT RESOLVED, that the Town of Moreau reserves the right to rescind this multi-year award at any time it is deemed appropriate for the Town to do so, and

BE IT RESOLVED, that the Supervisor is authorized to sign the Subscriber's Agreement with NYMIR after review and approval by the Town Attorney.

Roll call vote resulted as follows:

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

**NEW YORK LIGHT ENERGY AND MONOLITHE SOLAR ASSOCIATES PROPOSALS FOR SOLAR ENERGY FOR TOWN FACILITIES**

Councilman Vittengl stated the town has in their power bills five buildings that have demand charges. Demand charges are when you go over 5,000 kwh per month for four months in a row. The buildings are: the highway garage, the town hall, the court building and the water towers. If we decide to go with solar power for the new municipal complex then we would eliminate power in the current town hall and the court building. If we used the same amount of energy that would be a savings if we keep it at below 2,000 kwh per months which both firms said they should be able to do. In fact, one firm had it designed where it should be an overage and we should actually "net meter backwards" and that would offset the delivery charge totally. To put the solar array in is anywhere from \$2.05 to \$2.25 per kwh so the project would cost \$200,000.00 to \$250,000.00 to install. The power that it generates would be a 25% savings for the actual power. Where you save the real money is after 12 months you would get rid of the demand charges and your delivery charges would come down. The advantage

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that we have with the new building is that we don't have four months of power there yet so theoretically if we get it installed in time we would never go on demand, so we wouldn't have to wait to go off demand. The demand

charge for the current town hall and the court building was \$252.00 for the month of February. The highway garage was \$369.00 and the water towers were about \$165.00 each for a total of about \$955.00. If we did just the town hall for now we would save about \$250.00 a month right there. He said the first decision that has to be made is does the town board want to go with solar power. They will commit to a "\$700,000.00" investment on our property. Then we would lock into a 20 year contract to purchase the power back from them at a set figure of 25% less than right now and then there are different escalators in there, depending on which company you go with. One is around 1.75% and the other one is around 1.6%.

Supervisor Jenkins said for clarification that there is no cost to the town to build it.

Councilman Vittengl said this was correct. The solar company will incur the \$200,000.00 plus cost to put the solar power in. We will buy power cheaper. We will end up saving in the delivery charge, which is greater than the actual power charge on our bills right now. The delivery charge for the current town hall is \$256.00 and the actual power charge is \$166.00. If we can eliminate the delivery and demand charges then theoretically it will cut our power bills in half. He said both companies sent examples of people that were on solar. One was Marshall Sign Company and the other was Northside Fire District. He said the fire company one was the easiest to go through. The actual delivery charge was \$565.00 and the demand charge was \$413.00 for a total bill of \$978.00 for the fire district. After they were hooked up to solar power the demand and delivery was \$488.00 and the actual electricity dropped down to \$42.00 from NiMo. They bought power at 25% savings from the solar company. After a year they got off the demand and their delivery charge dropped to \$2.64 from \$488.00. They hit 100% supply side so the bill from the solar company was \$264.00. They still have to pay for the amount of kwh on the other side.

Councilman Prendergast asked if there are any businesses or municipalities in the immediate area that they installed solar power at.

Councilman Vittengl replied, Rensselaer DPW, West Sand Lake DPW, East Greenbush DPW, Schodack School District, churches and banks.

Councilman Vittengl stated that we are looking at about a 105,000 watt system or 125,000 watt system. It would be a ground mount system.

Supervisor Jenkins said we are paying between \$5,500.00 and \$7,000.00 per month in power for all of the town's facilities and he asked if this was correct and Councilman Vittengl said yes. Supervisor Jenkins asked if we would save 25% of those amounts if we went with solar. Councilman Vittengl said 25% of the power and then we may be able to zero out the delivery.

Councilman Kusnierz noted in the NY Light Energy proposal that it has the projected annual increase for the utility vs. the solar energy annual increase and for utility they have a constant of 2.25% annually.

Councilman Vittengl stated that is an estimate.

Councilman Kusnierz said right, because the utilities are filing a tariff through the NY Public Service Commission for rate increases on a regular basis, which are all over the board.

Councilman Vittengl said they happened to use this figure and the other firm used one that was less than this. This is projected savings over a period of years.

Councilman Kusnierz asked what happens if we sign a 20 year contract and with the way technology is evolving fuel cells come out and we can generate our own power right there on the site. Would we be stuck in the contract?

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Councilman Vittengl said we would be stuck buying power at the rate factor they have in the contract. However, if we don't use the solar power it spins the meter backwards and National Grid would buy the power we don't use. He said that what is interesting with the new town hall is that it is the ideal situation. When the sun comes

up you would get a little bit of gain before the people get to work and then during the day when the staff is working you would have full coverage and then at the end of the day when everybody is shutting the lights off, but there is still a little bit of sunshine, the meter would spin backwards and hopefully you produce more power in that period to keep the outside perimeter lighting on throughout the night. He said one company thinks they can over-design this and that we could actually produce more power than we can use and the other company is about 93% of our power bill. The first step is to decide if we want to pursue this and if so, the second step is to pick a vendor. The third step is for our attorney to review the contract and work out the contract language.

Vince Sporrer asked how they gauge the efficiency of the cells.

Councilman Vittengl said they have meters.

Vince Sporrer thought that the cells degenerate over time and become less efficient.

Councilman Vittengl stated that there is a 20 year guarantee on them.

Vince Sporrer asked a 20 year guarantee to produce what?

Councilman Vittengl replied a 20 year guarantee to produce the power that they are starting out with.

Vince Sporrer said they guarantee a cell to produce X amount based on what, the amount of light?

Supervisor Jenkins stated that in the previous discussions with the companies they produced studies on the amount of sunlight in this region. They have users that prove that their data is accurate. He stated that there is a question that hasn't been asked and that is what happens if the company goes bankrupt five years from now. What do we do with the equipment and who would own it? According to the contract they would own the equipment even though it is on our land. If they go bankrupt there could be a proceeding that could take a long time to settle and in the meantime the equipment would sit on our property unused. He said this is something we have to think about. He said the cost savings are okay. He said the 25% savings wouldn't be for all of the town's facilities. He said the savings on this current building would be about \$7,000.00 to \$8,000.00 a year, which is a nice savings and we don't have to invest any money. He also said there are ongoing improvements in technology to think about. He said if the board is interested we need to see some real numbers. Then the board could take a look at the real numbers and make a decision.

Attorney Buettner said the only contract she has is from Monolithe Solar. She went through that contract and she has a few pages of notes about the contract. She said there is a clause in the contract that reads that the town has the right to terminate the agreement and cover costs for replacement of electricity and pursue other remedies. The contract doesn't address ownership or what happens to the property. After 20 years they will come and take the units off the property if the town wants them to, but they aren't obligated to put the land back the way it used to be.

Councilman Vittengl stated that if the company goes bankrupt we would still pay money to the receiver, because it will still produce power. If they go bankrupt it isn't going to shut off.

Councilman Vittengl stated that he could look and see if he can find a third solar company.

Harry Gutheil asked if there is anything from OGS on this and Attorney Buettner said she has checked and she can't find anything.

### **DISCUSS EXIT 17 PROJECT**

A regular meeting of the Town Board of the Town of Moreau was held on April 23, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz read an article in the newspaper about the Exit 17 project and he didn't realize that the supervisor had been in contact with the developers so he wondered if the board could get an update.

Councilman Vittengl asked Attorney Buettner if he should remove himself from the meeting during this discussion.

Attorney Buettner asked Councilman Kusnierz if he was going to discuss the project in general terms or specific terms and Councilman Kusnierz replied generally.

Attorney Buettner told Councilman Vittengl that he could stay.

Councilman Kusnierz said apparently there was talk about the town funding half the project through the LDC and he didn't recall the board having serious conversations about this.

Supervisor Jenkins replied that was basically when they decided to do the CFA. He has not made any commitments. Some of the things in the article he actually said and some of the things weren't clarified. He did tell the reporter that he hadn't discussed this with the board regarding whether we were going to use our LDC or not. He said it was possible that we could use the LDC and they would build the system and the town would lease it from them under a capital lease for an extended period of time.

Councilman Kusnierz asked if the town would be responsible for the bonds.

Supervisor Jenkins said we would have a long-term lease, which would give them security to borrow the money. We would just be leasing and operating the facility once it was built. It would be a financial arm. He said that he has no idea what it would cost to build it. The LDC would have to issue some tax exempt "arms" and there are costs to do that. He said that under the CFA the developer was going to pick up 50% of the cost and the LDC was going to apply for a grant, but we didn't get anything out of the CFA. He said it is possible to do, but there isn't enough information to decide right now.

Councilman Kusnierz asked Supervisor Jenkins if he was still talking to them on a regular basis.

Supervisor Jenkins said he has talked to the developers and they said that if they did get the CFA they were going to put in the lines from Route 197 to Bluebird Road. As far as he knows they are still around and they are working in Ballston and Albany.

Councilman Kusnierz said he talked to one of the land owners and they hadn't heard from them at all, so when he read the article he was a little surprised to learn that they were still around.

Supervisor Jenkins said he called them a couple of days ago and hasn't received a call back.

#### **RESOLUTION RE: PROPERTY PURCHASE 353 REYNOLDS ROAD**

Supervisor Jenkins stated that the board discussed purchasing the property at 353 Reynolds Road at a cost of \$190,000.00 and the owner has agreed to accept that amount. He needed aboard resolution to purchase the property. The Town Clerk read the proposed resolution.

Councilman Kusnierz asked if we have the money in place.

Supervisor Jenkins stated that once we enter into a contract the board will have to do a budget amendment to transfer the money from the general fund balance.

Councilman Kusnierz asked Attorney Buettner if the board needed a resolution to amend the budget first.

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Attorney Buettner replied that the resolution before the board is authorizing the supervisor to enter into a contract not for the expenditure of money.

Supervisor Jenkins asked what the assessed value is on the property and Supervisor Jenkins replied \$165,000.00. He said the owners purchased the property six years ago for \$170,000.00 and they replaced the

roof. He said the house is about 2,600 square feet. He said most likely the building will stand for a period of time and may be used by the Sheriff's Department. He said it will also allow us to widen our access to the new municipal complex and someday the house may come down and be replaced by something else. He said the board thought it was critical that we own this piece of property as it will open up the whole parcel that we own. He said the house sits on about 8/10 of an acre and the house is structurally sound. The original asking price was around \$220,000.00. The board went through several negotiating sessions to come up with this price. He said they think it is the right thing to do for the community and the site. He said the old church building still has value for usage. The recreation department may have uses for the building to run programs out of other than athletic programs. We have been running some movies there and there have been meetings held there. In the future if this board or another board wanted to remove that building they could.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adopt the following resolution authorizing the purchase of the property at 353 Reynolds Road:

WHEREAS, the Town Board of the Town of Moreau has determined that it is necessary for the Town to purchase additional land and a building adjacent to the property owned by the Town on Route 197 for the necessary expansion and completion of the Municipal Complex currently being constructed as well as for future use by the Town; and

WHEREAS, the Town Board has determined that the parcel of real property located at 353 Reynolds Road in the Town (tax map number 63.4-1-46) is suitable for this purpose; and

WHEREAS, pursuant to Town Law 64-2, the Town Board of the Town of Moreau is authorized to acquire, by purchase, lands within the Town for a public purpose;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Moreau to enter into a contract for the purchase of the parcel of real property located at 353 Reynolds Road in the Town (tax map number 63.4-1-46) for the price of One Hundred Ninety Thousand and NO/100 Dollars (\$190,000.00), contingent upon satisfactory environmental review and inspection, and all other contingencies considered necessary by the Attorney for the Town.

This resolution is not subject to a permissive referendum under Town Law Section 220.

Roll call vote resulted as follows:

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

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

No comments.

#### **COMMITTEE REPORTS**

Councilman Kusnierz reported that there will be a meeting of the Farmland Protection Grant Committee at 7:00 p.m. in Moreau Town Hall on Thursday, April 26<sup>th</sup>.

A regular meeting of the Town Board of the Town of Moreau was held on April 23, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins mentioned the truck at the rec. park again that was discussed at the month-end meeting. He said the board needs to decide whether they want to repair the truck or replace it. He will ask Paul to get prices for a new truck under state contract and at the same time take a look at what is available on the used market. Although, the used trucks are holding their value and there are some good prices under state contract.

Supervisor Jenkins stated that Royce Pixley, Part-Time Maintenance Director, is sharing labor forces with the transfer station and he is short on help. Supervisor Jenkins said another help wanted ad should be run for part-time laborers for the transfer station and recreation park. The Town Clerk was authorized to run an ad again.

Supervisor Jenkins reported that there have been some problems over field scheduling and the process used by the recreation director. Her spreadsheet is not working for the maintenance people. He asked Royce to work this out.

Supervisor Jenkins mentioned the club contracts and the language in the contract about \$3,000.00 or equivalent services. He said that there is no control over who pays the fee or not. He said that youth baseball and softball have been very active in providing services and support to the facilities in the park. He thought the American Legion paid a fee to the town each year for use of the fields. He said the language in the contract is very confusing, because we don't do anything with it and he doesn't know why it is in there. He said the board should consider whether or not it should be left in the contract. He said we have a cleanup day in the park and "they" come in and do it. He said particularly baseball, they have a big turnout and softball participates in the clean up. He said the board needs to consider whether or not that figure means anything and if it does then the board needs to decide how to handle it. He said that two years ago softball gave him a list of things that they have done in the park over the last four years and they spent around \$32,000.00 in money that they raised on the fields and equipment. We don't have any way of accounting for that. He asked Councilman Vittengl and Councilman Kusnierz to meet and discuss the contracts and bring a recommendation back to the board.

Supervisor Jenkins stated that the board needs to take a look at the budget process for rec. and how we can do a little better job of budgeting in the maintenance portion of the rec. budget. We have some real weakness in that budget this year that will catch up with us later this year.

Councilman Kusnierz asked if he was talking about the repairs to facilities or equipment.

Supervisor Jenkins said there was no money budgeted for small equipment that they need. The committee cut the payroll costs by \$35,000.00 less than what was paid out last year and he doesn't think we are going to make that budget if we run the programs. He then said we may not be far off, because we made some changes, but it isn't going to be easy. We actually cut contractual by about \$3,000.00. We may have some problems there and we have to get working on them.

Councilman Prendergast reported that the transfer station wanted a few minutes to address the board.

Nancy Ryan said she heard from Councilman Vittengl and he said that in May the brush was going to be ground. She asked if anyone checked into what was going to bond with the chips and compost.

Councilman Vittengl said they have use for that at rec.

Nancy Ryan said she needs at least two people hired to work in the fee booth.

Councilman Prendergast stated that the board just authorized the running of a help wanted ad. He said when they interviewed people they really talked to them about working at rec. or the transfer station. One gentleman was there today that was just hired.

Nancy Ryan asked if the staff at the transfer station has to stay within the 19 hours a week.

Supervisor Jenkins stated that it is okay for them to go over once in a while, but not on an ongoing basis or else we will be in trouble with civil service.

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Nancy Ryan asked if they could go over the 19 hours a week for a month.

Supervisor Jenkins replied that if there are seasonal issues they can do that at certain times, but it is a very "testy" situation or can be and we have to be aware of that. He said she isn't the only one with this situation. He

said we have a lot of part-time seasonal, which is a little bit easier than a person who is here year-round then you have a problem.

Supervisor Jenkins told Nancy Ryan that she really needs to move ahead with getting prices to fix the compactor. It isn't working effectively.

Nancy Ryan said her hands are tied.

Supervisor Jenkins asked why her hands are tied.

Nancy Ryan said that she needs someone to come in and check out what exactly is wrong with the compactor. In the winter time the garbage freezes and you can't "compact rock". The last pull that she received a slip on was 13 ton. Waste Management is licensed for 13 ton. She said that is pretty good. What the rest of them are she doesn't know.

Supervisor Jenkins said some of the ones he saw were quite a bit lower than that. He stated that about three years ago we had someone come in and work on it and it helped. He said we know it was using more lubricants than it was supposed to and there must be something that is not quite right. We have to get somebody to come in and take a look at it. If we don't maintain it then someday it isn't going to work at all.

Nancy Ryan replied that she has been working on it since November.

Supervisor Jenkins said there are two companies. One that did it last time and then there is Waste Management who didn't get the contract last time so they didn't want to come in and work on it. He said between the two companies we should be able to get a price and go from there.

Nancy Ryan said she got a price of \$485.00 just to come in and take a look at it and Waste Management won't return her phone calls.

Supervisor Jenkins said he would follow up on that tomorrow and try to get a price from them of what it will cost for them to come in and take a look at it and give us an estimate of repair. He said that Terry has a copy of the one estimate and he will talk to her tomorrow about it. He said if we continue on with 8 or 9 tons per pull we will be losing money and we won't be able to survive.

Nancy Ryan said she has said it for many years that something has to be done and we need a maintenance contract on the compactor.

Nancy Ryan asked about the bird droppings.

Councilman Kusnierz asked what the issue is.

Nancy Ryan said the issue is that it is a health hazard.

Supervisor Jenkins said he saw a price to put netting up and it was insane. He asked why they can't have it pressure washed and chicken wire put up. He said it would be a lot cheaper than the \$18,000.00 or something that was quoted.

Nancy Ryan said it was \$800.00 and Supervisor Jenkins said he didn't recall \$800.00 at all. He said that numbers he saw were obscene.

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Nancy Ryan asked about putting plywood up and Supervisor Jenkins said they could take a look at it. He said that power washing was one thing, but if there is a way to keep the birds out then we should do it. He said he doesn't understand why just power washing won't clean it up. Nancy Ryan said the person who came to quote on power washing it said he won't touch it.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported receiving a resignation letter from Keith Osborne from his position as member of the Town Planning Board.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the resignation of Keith Osborne from the position of Planning Board Member.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to appoint Linda Riggi, who is currently an alternate member of the Planning Board, as a regular member of the Planning Board to fill the unexpired term of Keith Osborne that expires 12/31/2016.

Roll call vote resulted as follows:

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

The Town Clerk was instructed to run an ad seeking alternates to serve on the Planning Board.

Supervisor Jenkins stated that he got four prices on computers for the new building and his son has offered for nothing to help him review the prices. He is a technician and does this for a living, but he will review them as a favor to him and the town. He will look at what we have and what is being proposed and see what makes sense. He asked why we would change our system if it is working and why not just move it and if there are things that can be done to improve it later on then we could do it then, because the cost is pretty expensive. Right now we have three different systems, one at the court house and two in this building. If we continue on with that then all we would be looking at is wiring and we have a couple of prices on that around \$6,800.00 to \$9,000.00. He asked the board if they objected to his son taking a look at the quotes and offering some free advice. No objections were raised.

Supervisor Jenkins reported that the Moreau Community Center has asked again if they can park their bus in the old highway garage on William Street. He said we are going to be moving the old voting machines out of the garage and he didn't see any reason why they couldn't park their bus in there temporarily until we decide what we are doing with the building. No objections were raised by the board members.

Supervisor Jenkins reported that Councilwoman LeClair asked permission to use the town's credit card for u-haul truck rental and gas to go down to an H&R Block Office in Gloversville to pick up used equipment that they are giving the town. The gas is for her personal vehicle that will follow the u-haul truck. No objections were raised by the board members.

A regular meeting of the Town Board of the Town of Moreau was held on April 23, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn to executive session at 8:40 p.m. to discuss the employment history/performance of a candidate who may become a potential employee of the town.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Councilman Kusnierz	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 Councilman Vittengl to adjourn the executive session and re-open the regular meeting at 8:46 p.m.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to hire Donald Mabb as a part-time, on-call, employee for the transfer station at the budgeted hourly rate to take effect on 4/24/13.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the regular meeting at 8:47 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury

A regular meeting of the Town Board of the Town of Moreau was held on April 23, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Town Clerk