

A regular meeting of the Town Board of the Town of Moreau was held on April 9, 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
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Jeff McCabe, Town Justice; Tim Alden, Town Justice; Jamie Munks, Post Star Reporter; Royce Pixley, Maintenance Supervisor; Dave Meager from Adirondack Trust Insurance; David Mattison, Territory Manager for Nortrax; Reed Antis, Planning Board Member and Town Resident; Rich Morris, Town Resident

Supervisor Jenkins led the Pledge of Allegiance.

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

MINUTES

The following minutes were prepared and distributed in advance of the meeting for the board members review, comment, correction and approval:

March 26th (2 Sets) and April 1st

MINUTES – MARCH 26, 2013 – TOWN BOARD MONTH-END AUDIT MEETING – 6:32 P.M.

No comments or corrections.

MINUTES – MARCH 26, 2013 – REGULAR TOWN BOARD MEETING – 7:00 P.M.

No comments or corrections.

MINUTES – APRIL 1, 2013 – SPECIAL TOWN BOARD MEETING – 7:03 P.M.

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve the minutes of March 26th (both sets) and the minutes of April 1st as prepared.

Roll call vote resulted as follows:

Councilman Kusnierz	Abstain
Councilman Vittengl	Yes
Councilman Prendergast	Yes

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Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

FUTURE MEETINGS/WORKSHOPS SCHEDULED

Councilwoman LeClair suggested a meeting of the “Moving Committee” to discuss the move to the new municipal complex. She asked Councilman Prendergast and Town Clerk, Jeanne Fleury, when they would be available to meet. Councilman Prendergast said he had to check his calendar.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked for an update on the culvert projects.

Supervisor Jenkins stated that the work on the culvert that was damaged by the hurricane, about two years ago, is on hold for now. There are some critical contract issues that have to be worked out. He said as far as the work on the other two culverts, they are close to wrapping up the contract language for the easements that are needed. Then the contractors could begin work.

Reed Antis asked which two culverts he was talking about.

Supervisor Jenkins replied one culvert is on “Burt Road and the other is on the east side of Route 32 on Clark Road”.

Reed Antis asked how much money was spent on obtaining easements and Supervisor Jenkins said he didn’t have that information with him.

Reed Antis asked if the projects aren’t started by a certain time do the contracts become null and void.

Supervisor Jenkins replied that the contractors locked in their purchase contracts with the suppliers and they are willing to abide by their contracts, because they know the project was held up while we obtained easements.

DAVE MEAGER – ADIRONDACK TRUST INSURANCE – INSURANCE PROPOSAL PRESENTATION

Dave Meager was present from Adirondack Trust Insurance, the town’s insurance agency, to present an insurance proposal to the board. He asked the board if they got the copies he sent. Some members didn’t have a copy with them so Dave Meager distributed a copy of the insurance proposal to the board members.

Dave Meager said he has been the town’s insurance agent for the past three years. His agency sought out insurance quotes from several carriers and he would like to report that it was successful. He was pleased to report that the insurance proposal before the board saves the town \$10,000.00. The proposal is from NYMIR (New York Municipal Insurance Reciprocal). He said the board, of course, has the option to stay with the current carrier. He said the difference between the proposal and the current insurance policy is that the reciprocal offers coverage of \$1 million for flooding and \$1 million for earthquakes vs. the full blanket coverage limit of \$8.7 million through the current carrier. However, the town can always access the full blanket coverage for any one building. He noted that there are two properties that are not included in the proposal and they are the new water tower off Sisson Road and the new municipal complex that is being built. He just found out about the new water tower last week and it has been added now. The new municipal complex is covered under the builder’s risk policy until it is completed and then added to the insurance policy. He said the “proposals are equal with these properties in or out”.

Dave Meager went page by page through the proposal and pointed out the following aspects:

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The general liability insurance protects the town in the event a claim arises from an incident on any town owned property or one that arises out of operations. An incident on a town highway would be covered under this section. He said there is a \$10 million umbrella and \$11 million in liability.

Insurance on heavy equipment is under the equipment floater, but it doesn't apply to pickup trucks. Vehicles 10 years old or newer would be replaced at replacement cost.

The computer fraud insurance covers the town in the event the town's computer system is hacked into and money is transferred to another person's account.

On page 10 is the proposal to renew from the current carrier for the town.

Dave Meager advised that Selective Insurance was approached for a quote and they were uncompetitive.

Dave Meager explained what NYMIR is all about. He said they were formed in the mid 1980's by the Association of Towns and Conference of Mayors. NYMIR is strictly for municipalities. Municipalities join with other municipalities. It is not self-insurance. The reciprocal buys insurance from re-insurance companies. Re-insurance companies are insurance companies that nobody ever hears about, but insurance companies that people do hear about buy insurance from re-insurance companies, they want to share the risk. The reciprocal asks for an assessment from each of their members, which is basically a premium and then they buy insurance in the event of a catastrophic event. They have a "best rating", which is "A" excellent. They are the largest single insurer of municipalities in the State of New York. They insure about 1/3 of the municipalities in the State of New York. He told Supervisor Jenkins that he was probably going to hear tomorrow through the Saratoga County Board of Supervisors that Saratoga County is in the midst of making a change in their insurance and they are going with NYMIR. He is comfortable with the reciprocal and he insures a lot of municipalities with the reciprocal, but it is a different approach to the standard insurance, but it is tried and true and it has been tested through Hurricane Irene and other events over the last couple of years and it has tested their ability to pay claims. He said the board can read information about NYMIR through their website: NYMIR.org. Dave Meager presented a copy of their 2011 Annual Report to the Town Clerk. The 2012 report will be available next month. He said the town's policy comes up for renewal in May so the board has some time to think about this and perhaps the attorney for the town may want to talk to the attorney for the reciprocal. He said if the board goes with the proposal from NYMIR then the town would have to adopt a resolution authorizing the supervisor to sign a "subscriber's agreement", which would mean the town agrees to join with other municipalities in the group to insure each other with the backup of the re-insurance that they purchase. He gave a copy of the agreement to Attorney Buettner. He stated that there is a capitalization fee that is built into the price quoted. The capitalization fee is \$965.00 a year for five years. Once the town joins, the town is obligated to pay that capitalization fee even if the town leaves the group. If the board finds another insurance carrier that can save the town say \$10,000.00 a year, then the town can leave NYMIR, but the town would still be responsible for the \$965.00 a year for five years.

Councilman Vittengl asked Dave Meager is there is any insurance that the town is missing that the town should purchase.

Dave Meager referred to page 11 where there are items depicted that the board may want to consider and that are policies that other municipalities have purchased. He went over these items briefly.

This concluded the presentation from Dave Meager and Supervisor Jenkins thanked him for the information.

CREDIT CARD FEES FOR COURT

Jeff McCabe, Town Justice, advised the board that in February the court was notified that there is a class action lawsuit in reference to NOVA Credit Card Systems. The court used the NOVA Credit Card System for about 31 months from 2005 or 2006 through 2008 and were charged a fee. Apparently NOVA was overcharging their clients. It is a \$6 billion lawsuit. They notified everybody that was a client of NOVA at that time and they said that the clients would have to present them with the vouchers and the checks. Jeff said he took all the vouchers

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that were paid to NOVA and added them up and Fran Thibodeau added up the checks that were used to pay the vouchers and her total matched his. The lawsuit had to be filed in Federal Court in NYC and they will decide if the lawsuit can move forward. This decision is supposed to come down by April 13th. We are listed as a victim in the credit card situation. He said again that it is a \$6 million dollar lawsuit, but that doesn't mean the town will get back everything paid out to NOVA, but it may mean we will get \$300.00 or \$400.00 back he isn't sure of the amount. He said that rather than get the town's legal counsel involved and have to pay \$150.00 or \$200.00 an hour, he is going to wait and see if the lawsuit moves forward and he would fill out an application and submit it so we are listed as a victim. He wanted to make sure the board is aware of this so if they get a call from someone saying that they saw the town's name listed in a NYC newspaper they wouldn't be surprised.

Jeff McCabe stated that Colleen Nichols has worked for the court for several years and he asked if the board could go into executive session to discuss a personnel matter. He said it would take about five minutes.

Supervisor Jenkins said okay.

Attorney Buettner stated that they can't do two executive sessions in one meeting. They would have to wait until the executive session at the end of the meeting.

Jeff McCabe stated that they received about \$3,500.00 or \$3,800.00 from the JCAP Grant that they applied for so they will be making some purchases and following the town's procurement policy. He said they would be purchasing fire proof filing cabinets.

Tim Alden, Town Justice, stated that the items were also in the budget for 2013.

Councilwoman LeClair stated that when we have our meeting to talk about our move into the new municipal center we should include somebody from the court.

Tim Alden stated that the JCAP grant will allow funding for the new building and costs associated with the new building and Jeff McCabe added, "up to \$30,000.00".

Supervisor Jenkins stated that as a board we are going to take a look at the credit card issue for the Town Hall. There are a lot of issues involved, because we can't pay the charges and fees associated with credit cards. The person who uses the credit card would have to pay the fees. He said that Attorney Buettner hasn't been involved in this yet, but she will be.

HIGHWAY DEPARTMENT REQUESTS

Paul Joseph, Highway Superintendent, submitted a memo to the board asking for approval to begin the yearly pick up of brush and tree limbs from residents. He would like to schedule the pick up between April 29th and May 17th and the week of May 20th will be for last minute pick ups. He would also like to run three different ads in either the Post Star and/or the Chronicle.

Councilman Kusnierz suggested that the ad be run in the Post Star and Chronicle and not one or the other.

Paul Joseph replied that he planned to run it in both papers and the "and/or" was a typo in the memo.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the spring pick up of brush and tree limbs by the highway department between April 29th and May 20th and for ads to be run in the Post Star and Chronicle.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

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Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Paul Joseph, Highway Superintendent, also requested permission to attend the 2013 Association of Towns Highway Training School in Ithaca, New York, June 3rd through 5th and for the registration cost of \$100.00 and all necessary expenses to be a proper town charge and authorizing a cash advance of \$500.00 to cover travel, meals and lodging.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing Paul Joseph to attend the 2013 Association of Towns Highway Training School in Ithaca, New York on June 3rd through 5th and for the registration cost of \$100.00 and all necessary expenses to be a proper town charge and authorizing a cash advance of \$500.00 to cover travel, meals and lodging.

Roll call vote resulted as follows:

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

Paul Joseph, Highway Superintendent, submitted a memo to the board asking for approval of a four, ten hour day, work week starting April 29th through October 10th for the highway department.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing a four, ten hour day, work week starting April 29th through October 10th for the highway department.

Roll call vote resulted as follows:

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

WHEEL LOADER QUOTES/PURCHASE

Supervisor Jenkins stated that the board authorized the purchase of a wheel loader a couple of weeks ago. Afterwards a lot of issues arose regarding it. He said it is his understanding that all the vehicles are equipped essentially the same as best as they can be. The two low bidders both offer a three year warranty. He said the night it was approved the preference was for the CAT loader by our highway superintendent that cost \$43.00 more than the John Deere. He said at this point he believes they have done their job. He said if any board member wanted to rescind that resolution they could.

Councilman Kusnierz thanked the board for putting this on the agenda as he requested. He said he was not able to attend the regular board meeting when this was approved due to the adoption of the state budget. On the agenda for that meeting this purchase was under highway department requests and not a separate agenda item. Therefore, he wasn't aware that it was going to be voted on that night. In reviewing the documents he said he needs clarification, because the three numbers listed on the request quote summary put together by the highway superintendent and after reviewing the quote from one vendor it appeared to him that the warranties were different. The price listed for the John Deere on the sheet that was offered to the town board had the three year warranty built into it and the price for the CAT was without the three year warranty. He asked what has changed.

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Paul Joseph replied that at that time when he put the package together he did not put the proper paper in. He said there was a three year warranty. Everybody was apples to apples. He said they could ask Dave Mattison. He had to go through every machine to make sure they were apples to apples and he had to make sure he had his three year in at the last minute. He already had one from CAT that read it was a one year and he didn't pay attention when he pulled a copy to put in the packets. He said it is a three year and they all are three year warranties.

Councilman Kusnierz asked Paul Joseph if he was saying that the Milton CAT price is the three year warranty price and Paul Joseph replied yes, that is the three year warranty price.

Supervisor Jenkins asked Councilman Kusnierz if he had a copy.

Councilman Kusnierz said he had the actual quote from the vendor and Paul Joseph stated that what he had was the original quote. He put a new copy in everybody's mailboxes the other day.

David Mattison, Territory Sales Manager for Nortrax a John Deere Dealer, spoke up and said it came in after the fact and Paul Joseph replied it did not come in after the fact.

Councilman Kusnierz asked if Paul Joseph was saying he didn't have the correct information.

Paul Joseph replied that on the original he does not. He said he put it in all their boxes after the meeting when this was brought out that it was only a one year and it was his mistake that he put the wrong copy in then he put all the copies in everybody's mailboxes. He told Councilman Kusnierz if he didn't get his mail then it may be in his mailbox right now.

Councilman Kusnierz stated "had he been here that night he had what the board had before them when they voted".

Paul Joseph said he would have told him that night that it was a three year warranty. He just made a mistake and put the wrong copy in the packets.

Councilman Kusnierz asked Paul Joseph to run through the process on how these three vendors were selected.

Paul Joseph replied that there were four vendors and they were all under state contract. He called all four vendors and got prices from all four vendors. Three of the vendors brought their machines up and dropped them off for a three or four day period and they were all tried out during the winter. About 80% of the employees got the opportunity to operate the machines and make their decisions. They gave him a summary of what they liked about the machines. He then went through and made the machines apples to apples. One had to add a backup camera. One had to add fenders to make them all apples to apples. They were all under state contract.

Councilman Kusnierz stated that what the board members have found is that they have been able to get prices lower than state contract. He asked Paul if there was a reason why he didn't reach out to other local vendors.

Paul Joseph replied that he reached out to one other one and that was Global. He likes Global, but the best price they could offer was \$180,000.00 for the same comparable machine and they could only offer \$9,200.00 for a trade-in on our machine.

Councilman Kusnierz stated that what concerns him is that based on the paperwork that was all submitted at the same time and not after the fact when this issue was raised, there was a \$3,074.00 difference between the piece of the equipment the town voted for and the next lowest bidder.

Paul Joseph said this would be true if it was a one year warranty and Councilman Kusnierz replied that is what it says in the packet and Paul Joseph said yes it does, he made a mistake and Councilman Kusnierz said then

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something happened and Paul Joseph replied that he e-mailed everybody. Councilman Kusnierz said that happened after the fact when the price of the machine was called into question.

Paul Joseph stated that if the machine was purchased it would have come through with a three year warranty.

Councilman Kusnierz replied, that is not what it says.

Paul Joseph stated again that if it was purchased it would have come through with a three year warranty.

Councilman Kusnierz stated that at this point it is his feeling and he believes the proper thing to do is for the board to reject the offer and go out for sealed bids from the vendors so everybody has a fair shake at it and in addition to contacting state contract vendors, Paul should contact local dealers that sell new equipment similar in size, capacity, horsepower, diesel emissions and accessories. That is how the taxpayers get a fair shake.

Paul Joseph replied that means all the other towns in Saratoga County who have been buying off state contract have been doing it wrong also.

Councilman Kusnierz told Paul Joseph that he doesn't know how he made that leap of characterization from what he said. He isn't saying anything about other towns. What he is saying is that this is a tainted quote request for purchase. We are making accusations and documents are coming in after the fact. These board members sat up here and made decisions on a piece of equipment in the six figure range of \$130,000.00 based on erroneous information. Now you are going back and trying to get documentation after the fact to make a case for the vendor who wants to sell a piece of equipment.

Paul Joseph said the documentation was in his folder back at the shop and Councilman Kusnierz said that doesn't help them up here and Paul Joseph said he made a mistake and put the package together wrong.

Councilman Kusnierz said they understand that a mistake can be made, but the right thing to do is to reject all bids and start over.

David Mattison asked if he could speak. Supervisor Jenkins said he had a couple of minutes. David Mattison said he hoped he wasn't going to have to say this, but he was going to say it and he told Paul that he was going to fight his fight right to the end, but they got to the end and he is kind of in the corner now and he is going to say what he is going to say.

David Mattison hadn't introduced himself so Councilwoman LeClair asked David Mattison who he was and David Mattison introduced himself as representing Nortrax and a resident of the Town of Moreau. However, he said that his residency has no bearing on what he is about to say. On Friday morning of the 22nd of March the day the quotes needed to be in to the board in order to be voted on Tuesday, March 26th, he got a call from Paul Joseph asking how much the three year warranty was and he replied roughly \$4,000.00. Paul Joseph told him that he needed him to add that in so they were apples to apples. He told Paul that he thought CAT was going with their standard warranty and Paul Joseph told him that Case has a three year warranty so he was going to ask CAT to add their three year warranty also. David Mattison said he then decided that instead of adding it to his price he was going to add it as an option. If you wanted my three year warranty here is what the price would be. He said that after this went down and he was told he lost the bid and was told that his bid was low, but not low enough, he found out there was an error made and that CAT's proposal didn't have it in. When he asked the highway superintendent about this he was told it was in there and they were getting him a revised one right now so they could get it to the board, they worded it wrong. His reply to the highway superintendent was that he had his worded wrong too and he wanted to reword his. Once you run into the clearing where everybody can shoot at you, you are out there. He said he was low. He said the highway superintendent said he wasn't making a recommendation even after the fact. He told Paul it says right in the minutes you made a recommendation and Paul replied that he didn't make a recommendation about anything, it was going to come down to price and he told him to do his best on price and that is what he did.

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Supervisor Jenkins said what he based it on was what he heard secondhand from Councilman Vittengl about what Paul wanted when they met about this and about these issues. He doesn't know if the language changed from what Paul said and from what Councilman Vittengl said to him, but essentially what their anticipation was that they were looking at a \$43.00 difference and a vehicle that gets better gas mileage and better parts arrangement and guarantee of prices and that is what they based their decision on. He said it has nothing to do with John Deere we have a John Deere backhoe that works fine. He thanked David for his comments.

David Mattison stated that he listened to the audio of the meeting and heard it said that there is a \$21,000.00 trade-in advantage and he sat there laughing. He said to himself when is that? Six weeks after you buy it, six years, twenty-six years after you buy it? Where did we pull that pie in the sky number out that they have an advantage over us? He said he gave specific numbers from the previous 12 months of transaction pricing on this. He said it is very disappointing to say the least just because of the whole process. Whatever the board decides tonight or in the future he will respect it and move forward, but he will say that if he was \$1.00 high he would have walked away and said hey we got beat. We weren't high, we were low.

Councilman Kusnierz asked Paul Joseph when the CAT dealer provided that information.

Paul Joseph replied the three year was provided on the same Friday when he was going through and saw that Hyundai had three years and Case had three years and that is when he called Dave and CAT and asked them to quote a three year warranty to make everybody apples to apples.

Councilman Kusnierz asked why the dealer provided Paul with this information and Paul said he had that prior to the phone call and they threw the three year in.

Councilman Kusnierz asked why they would just throw it in and Paul replied, because they wanted the sale and they were going to even bump up their trade-in allowance.

Councilman Kusnierz said the date on this is the date they should be going off of. He doesn't have anything that demonstrates that it was in prior to the board meeting.

Paul Joseph said the date on this one is the same date that is on that one. Councilman Kusnierz asked the 22nd? Paul replied yes. Councilman Kusnierz asked, he just forgot to attach it and they put a misprint in here where it says one year warranty? Paul Joseph said he attached the wrong one. He said this has been going on since January. Councilman Kusnierz said people make their living selling equipment, they don't make mistakes like that.

Councilman Kusnierz made a motion that the town reject the quotes and rescind the motion to purchase the Caterpillar due to a difference of over \$3,000.00 between the lowest bidder, which is John Deere, vs. the one that the town went with, which is Caterpillar and due to what seems to be confusion or omissions as part of what the total price is and in fairness to the taxpayers they should start this process over and the taxpayers are the ones that lose if they don't.

Councilman Prendergast said there is an obvious resource here that should be involved here and he was referring to Attorney Buettner. He asked Attorney Buettner if she had any recommendations or is she comfortable with where they are at based on the discussions here tonight.

Councilman Kusnierz said isn't the board obligated to go with the lowest bidder and Attorney Buettner replied they have a legal obligation to go with the lowest responsible bidder per the statutory requirements. She said it is up to the board. If they feel they are not getting apples to apples and there was a mistake made then they can rescind it. If the board feels that they are taking a recommendation and that is what is best for the town then it is a policy decision.

Supervisor Jenkins said that under the law they could have chosen any one of the four quotes and Attorney Buettner replied as long they had the proper basis and Supervisor Jenkins said they were all state contract so they could have accepted any of them.

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Attorney Buettner told Councilman Kusnierz and that these were state contract prices so they don't have to go to bid.

Councilman Kusnierz said that was correct, but his point is that sometimes you can get a lower priced vehicle not on state contract. He said he would offer to the people who quoted state contract price the same opportunity as anybody else who wants to submit a bid. He said that if it was sealed and they came into the clerk's office and they were opened there we wouldn't be going through this right now.

Attorney Buettner said they could do that, but she wanted to make sure they understood that they didn't have to go out to bid with state contract.

Councilman Vittengl said the resale value was a big factor in the decision making process on a unit five years old comparing apples to apples and that was a swing of \$15,000.00 to \$20,000.00.

Councilman Kusnierz said they have to look at what it is costing the taxpayers the day that we buy it. The resale value is a hypothetical number and very subjective. Our responsibility and the obligation that we have to the taxpayers is when we have the information before us and we are comparing apples to apples we should go with the lowest responsible bidder. He said he realizes these are on state contract, but he doesn't like the way there seems to be after the fact conversations going on and possible negotiations. He doesn't know, because he wasn't there. He is hearing and he has seen correspondence from different dealers. He said it is a dirty way to do business.

Paul Joseph stated that Bob was in my office prior to having to hand these in and he told him that they were altogether and everything was apples to apples and he knew it took me two to three months to do this whole project. He said we tried out machines and didn't go by hearsay.

Supervisor Jenkins said at this point there isn't a second to the motion so they should move on.

Rich Morris asked to make a statement and was allowed. He said that David Mattison is a resident of the Town of Moreau and there should be some consideration given to this. He agreed that the resale value is subjective and said how John Deere has a strong resale in the area. If we put it out to bid we would put everybody on even playing ground. There does appear to be some sort of discrepancy and it would be better to take the higher road. It won't hurt the town to wait another month to make this purchase and put it out to sealed bid.

Supervisor Jenkins said it would be difficult to do that now since the prices have been made public. He said the board voted four to nothing last time, because they thought they were all the same and they were looking at better fuel mileage and a few other issues. He said he didn't have a second to the motion so he was prepared to move on to the agenda item 7, water department requests.

Councilman Kusnierz said that the town had all to gain and nothing to lose by putting this out again and requiring sealed bids and the state contract vendors would be entitled to submit a bid as well. Unfortunately, the only people who lost here are the taxpayers of the Town of Moreau, a \$3,079.00 difference that we can't justify why one is better than the other.

Supervisor Jenkins said the difference is really \$43.00 in his opinion.

Councilman Kusnierz stated that based on the documents presented to the town board when "you" took your vote the difference is \$3,079.00.

Supervisor Jenkins said the assumption was they were the same.

Councilman Prendergast said that when he hears the highway superintendent say he stapled the wrong piece of paper, is he going to believe him or say he did something dirty. He isn't going to say that. He has known this man for a long time now. In his opinion, when we ask questions, he has answers. He goes out of his way to make sure he is prepared for us. His issue is whether he stapled the wrong piece of paper and submitted it to us.

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He has exhibited every time at meetings that he is prepared. He is peppered with questions from us at meetings and he has the answers. He isn't going to accuse him of doing anything dirty, because he doesn't believe he did. He stapled the wrong piece of paper to the packet.

Councilman Kusnierz stated that he wanted to make it crystal clear that he has not said anywhere on the record tonight that any individual, employee or otherwise, is dirty. He said the process is dirty and there is a big difference. He has never accused the highway superintendent of doing anything improper. All of his interactions with him have been aboveboard and professional. He is saying that people make mistakes, he makes mistakes and everybody makes mistakes. There is a mistake here that is costing taxpayers over \$3,000.00 and everybody can take care of this issue by starting it all over. There is nothing to lose by starting this over.

Paul Joseph stated that it isn't \$3,000.00. It is \$43.00.

Councilman Prendergast stated that the process isn't even dirty. He went out and got four quotes and had people come down with the machines and they were driven around. He said it is reckless to make comments like that. You can disagree, but dirty? That is reckless. It just isn't.

Councilman Kusnierz started to say something and Supervisor Jenkins interjected that enough has been said. He told Councilman Kusnierz that everybody understands what he is saying.

Councilman Kusnierz said he wanted to state for the record that the highway superintendent is saying \$73.00 (he was corrected by Supervisor Jenkins who said it was \$43.00) and Councilman Kusnierz said okay \$43.00. He then read from the quote from Nortrax the John Deere Dealer as follows: "The final cost to the town will be \$125,934.00 or \$128,970.00 with the extended warranty, which is three years."

Councilman Kusnierz then read from the quote from Milton CAT that was presented to the Town of Moreau, the town board members, the highway superintendent: Warranty one year and the cost on thatSupervisor Jenkins interjected saying that he read that too the next day and Councilman Kusnierz said not to tell him then that it is only a difference of \$70.00. Supervisor Jenkins told Councilman Kusnierz that he wasn't here to hear the conversation and Councilman Kusnierz replied that he listened to the audio of the meeting and read the minutes. Supervisor Jenkins stated that basically everything was the same and the "fact that that says that doesn't change the fact that we believe that". Our belief is that the difference is \$43.00 and based on what he has right now the difference is \$43.00 and he told Councilman Kusnierz that if he wants to say \$3,043.00 or whatever the number is then fine.

Councilman Kusnierz stated "it is Milton CAT \$129,013.00 vs. \$125,934.00 do the math".

Supervisor Jenkins said yea, okay and Councilman Kusnierz told Supervisor Jenkins he could portray it anyway he wanted, but it is right there in the documentation presented to the town.

David Mattison said this is an unfortunate thing right down the line. The conversations that took place between him and the highway superintendent will never be known by anyone other than himself and by him. He will respect the board's decision. He just wished he was told "hey Dave, we want a CAT don't waste your time". He said they spent a lot of time and it was "Dave it is going to come down to the price, Dave I need you to add the warranty, I add the warranty in and then it was oops I put the wrong one in. You guys do the deduction there and all of sudden it is \$43.00 and when I asked about it no they just worded it wrong. I am getting a new one now from them and I am going to get it to the board. That is what happened and there is nothing more, I will show myself out."

Councilman Kusnierz told David Mattison that he wanted to apologize on behalf of the taxpayers of the Town of Moreau, because not only was he the lowest bidder the first time, even with the mistake he was the lowest bidder the second time and he was still not getting it so he would apologize.

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David Mattison thanked Councilman Kusnierz for his efforts and he thanked everyone for their time and for letting him voice his concerns and opinions and he said goodnight.

WATER DEPARTMENT REQUESTS

Jesse Fish, Water Superintendent, requested permission for him and Earl Ruff to attend AWWA meeting in Saratoga Springs one day only, operator training, and for the \$50.00 registration fee per person to be a proper town charge and they will use the town truck for transportation.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing Jesse Fish and Earl Ruff to attend a training class held by the AWWA in Saratoga Springs and for the \$50.00 registration fee per person to be a proper town charge.

Roll call vote resulted as follows:

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

Supervisor Jenkins said the second item for discussion only was about water meters for Water District 2, which was discussed a couple of weeks ago. If we were to order two pallettes of radio read water meters the cost would be \$148,860.00. He said that a lot of the meters go back to the late 1950's. We can get the meters right now at a cost of \$122.00 each, which is about ½ the normal price. He said we aren't going to act on this tonight it is just something for the board to think about. It would require a budget amendment to increase appropriations. One of the issues we have been talking about is the fund balances in some of the water districts. He thought that this should be done, because we have sent out, he doesn't know how many, letters to water users in district 2 regarding meters that aren't working. He asked the board to think about it.

Jesse Fish stated that he had with him a list that he got from the Town Clerk's Office with 65 names on it of meters that were unable to be read this time around and they either had to be estimated or we had to leave tags on doors to get in and out of the houses. We would be putting these meters on in-house and to do this he proposed hiring a man to work from 7:00 a.m. until 1:00 p.m. to do installations with Earl Ruff or himself through the summer. This person would also be eligible to work in any capacity in the town as needed. There is money budgeted for a new man and a new vehicle and he is putting that on hold until he can see if he can get this done. He said they would gain about 20% to 30% of the revenue come back in just the first year with new meters.

Councilman Prendergast said a water meeting was held and this came out of it even though this wasn't what the meeting was about. He said this is a big ticket item, a lot of money. He suggested a separate meeting to discuss this and look at fund balances and where we might go in the future with water meters and other things. He said they discussed this expenditure of over \$100,000.00 at a meeting that wasn't called for that purpose and said we need to be a little more serious about this.

Jesse Fish stated that he brought this to the board's attention and we have been discussing this for well over a year and the need for it. There are 732 customers in district 2 and out of the 732 we fist fight to get into these places and they have been promised before he began work for the town that we will fix this town equipment that is faulty. We have had instances where the meter was read outside and it may have been stopping and the inside meter may have kept going and it may be a whole cycle before we realize that it is stopping and then the customer gets hit with a large bill and that customer may have a hard time paying a \$35.00 or \$40.00 bill and then they get hit with a \$140.00 bill and it could be a big expense for them.

Councilman Prendergast stated that they could also discuss at the meeting what the water rates are throughout these districts. This fell out of a meeting and it wasn't the main topic. He said he has been talking about water

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rates for four years at least. We are charging people more than we have to. He has been talking about this for years. There may be a bigger picture here and this may be part of it. He said they needed a meeting.

Supervisor Jenkins asked him to schedule a water committee meeting.

Councilman Kusnierz said that while we are looking at rates there is no question we need to look into upgrading our infrastructure. We have some areas of the town that are antiquated and there is a potential for huge costs down the road if we don't maintain some level of maintenance. He spoke to the water superintendent about this issue and we should be replacing at a minimum these "valves" where they are not working properly and there is a potential for a homeowner to get a large bill. Hand in hand with that in addition to looking at fund balances, if we are going to consider an expenditure this large then it has to go hand in hand with a water rate reduction and his personal belief is that we need to revisit the tapping fees. He voted against the significant increase the last time, because he saw no justification for the \$3,100.00. He would like to see a justification why we have that rate in place right now. It is almost cost prohibitive for some of our residents who have a water line that runs right by their property to even consider getting on now. We have an obligation as a municipality to make sure anybody who has access to public water can get it in a cost effective way.

RECREATION DEPARTMENT REQUESTS

A request was received from the recreation department for the rental of a 10 yard dumpster for the rec. park between the period of 4/4/13 and 10/31/13 and for a 2 yard dumpster for the beach for the period of 6/17/13 and 9/3/13. There would be a weekly pick up. The cost for the rentals would come out of account A7140.4 that had a balance of \$51,608.28 March 31st. The following quotes were obtained:

County Waste & Recycling Service 1927 Route 9 P.O. Box 431 Clifton Park, NY 12065	10 Yard Dumpster \$175.00 per month 2 Yard Dumpster \$55.00 per month
Cassella Waste 1392 Route 9 Fort Edward, NY 12828	10 Yard Dumpster \$155.00 per month 2 Yard Dumpster \$100.00 per month
Waste Management	10 Yard Dumpster \$397.93 per month 2 Yard Dumpster \$137.52 per month

The recommendation was: Cassella Waste for a 10 Yard Dumpster @ \$155.00 per month and County Waste for the 2 Yard Dumpster @ \$55.00 month.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the rental of a 10 Yard Dumpster from Cassella Waste at a cost of \$155.00 per month for the period of 4/4/13 and 10/31/13 for the rec. park and the rental of a 2 Yard Dumpster from County Waste at a cost of \$55.00 per month for the period of 6/17/13 and 9/3/13 for the beach.

Roll call vote resulted as follows:

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

AUTHORIZE SUPERVISOR TO SIGN TIME WARNER AGREEMENT FOR PHONE AND INTERNET AT CONCESSION BUILDING IN REC. PARK

Supervisor Jenkins stated that they weren't going to act on this topic at this meeting.

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Councilman Kusnierz asked what the purpose was for having internet service in the concession stand.

Supervisor Jenkins said he wasn't going to sign the contract. The contract states that it is an agreement without limitations with all attachments set forth and in the e-mail attached they basically said that if the price wasn't what we wanted to pay then we didn't have to do it, but then it says if we sign it then we have to do it. He stated that we are going to give them some kind of agreement that simply gives them permission to come onto our property and assess what they have to do.

Councilman Kusnierz said he wanted to clarify. He serves on the recreation ~~commission~~ **committee** and he doesn't know what the need is for internet service in the concession stand. **[Amended 4/23/13 jf]**

Supervisor Jenkins replied it really isn't the concession stand, it is for the office.

Councilman Kusnierz replied that isn't what it says and Supervisor Jenkins said he knows what it says, but it is for the office.

Attorney Buettner stated that she reviewed this and e-mailed the TWC representative and hasn't heard back from him yet. She said basically what they are trying to do is come and assess whether they can get phone and internet at the rec. park or not and if they can how much it will cost and in order for them to do this they wanted the town to sign the entire agreement and she told them she is not comfortable having the supervisor sign it so get back to us with what you can do.

Supervisor Jenkins stated that three years ago they actually did give us a price to do it, so he doesn't know why they have to look so hard, because they did give us a price before which was quite high. If they do want to come and assess it again we can give them permission.

Supervisor Jenkins stated he was going to combine agenda items 10 and 11.

RESOLUTION TO TRANSFER FUNDS FROM A1990.4 GENERAL FUND CONTINGENT ACCOUNT INTO A7140.2 GENERAL FUND RECREATION PLAYGROUNDS & RECREATION CENTER EQUIPMENT ACCOUNT FOR PURCHASE OF MITER SAW \$200.00 AND AUTHORIZE UTILITY TRAILER PURCHASE FOR RECREATION DEPARTMENT TO TRANSPORT EQUIPMENT FOR CEMETERY MOWING, ETC. (TRANSFER REQUIRED FIRST FROM A1990.4 INTO a7140.2)

Supervisor Jenkins stated that there is a request for the purchase of two pieces of equipment for the recreation department that don't qualify to be paid out of the capital projects fund and we don't have any funds budgeted for these purchases. One is the purchase of a miter saw (which was already purchased) and the other is for the purchase of a trailer to move equipment from cemetery to cemetery for mowing. In the past Royce Pixley has used his own trailer. We have three prices for the purchase of a trailer as follows:

Falls Farm & Garden 164 Dix Avenue Hudson Falls, NY 12839	\$1,795.00
Versatile Trailer Sales & Leasing Inc. 786 Route 9 Gansevoort, NY 12831	\$1,520.00
First Line Mfg. 552 County Route 24 Corinth, NY 12822	\$1,300.00

The recommendation is to purchase the trailer from First Line Mfg. at a cost of \$1,300.00. The purchase would be made out of account A7140.2 that has a zero balance so a transfer is required from the contingency fund.

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A transfer is also needed for the miter saw purchase.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to transfer \$1,500.00 from A1990.4 General Fund Contingent Account into A7140.2 General Fund Playgrounds & Recreation Center Equipment Account for the purchase of a miter saw and trailer for the recreation department.

Councilman Kusnierz asked Royce Pixley if the trailers quoted were all identical and Royce answered yes.

Councilman Kusnierz asked what is left in the contingency fund and Councilman Prendergast replied about \$36,000.00.

Roll call vote resulted as follows:

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

As for the purchase of a miter saw, Councilman Kusnierz stated that the request to purchase a miter saw was before the board once before and he had a conversation with Councilman Vittengl about this purchase and Councilman Kusnierz said he wanted to know what necessitated the purchase of a miter saw.

Royce Pixley stated he wasn't involved in the purchase, but he believes that the miter saw is to be used for building repairs and other purposes where angles have to be cut. A miter saw speeds up the process.

Councilman Kusnierz replied that he is aware of what it does, he was wondering what exactly we are going to use it for, because as a Town Board Member he didn't get a clear answer last time he asked this question of rec.

Royce Pixley stated that it was recently used to build a box for the back of the golf cart, which is used to transport equipment around to the fields and bathrooms.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the purchase of a miter saw for the recreation department and the purchase of a trailer for the recreation department from First Line Mfg. at a cost not to exceed \$1,300.00.

Roll call vote resulted as follows:

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

HIRE NICK HAVENS AS TRANSFER STATION LABORER PART-TIME, AS NEEDED, \$11.94 HOUR

Supervisor Jenkins stated that Nick Havens has been working in the highway department on an as needed basis and he has proved to be okay with what he is doing.

Councilwoman LeClair said he is only working to fill in as we need him.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to hire Nick Havens to work at the transfer station part-time, on-call, as needed at the hourly rate of \$11.94 per hour.

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Roll call vote resulted as follows:

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

Councilman Kusnierz asked if we are looking at expanding the hours of operation at the transfer station now that there has been a time change and more daylight.

Supervisor Jenkins stated that we changed Thursdays back to the afternoon and Councilwoman LeClair said they changed back to the daylight hours.

Supervisor Jenkins stated that from an income point of view he thinks they should stay where they are right now.

Councilman Kusnierz said he was looking at the revenues and they are 2 ½ times what they were for the past 6 month period last year.

Supervisor Jenkins replied that last year we had a huge pension payment we made and this year we have very little pension costs this year.

Councilman Kusnierz asked if they could use the 160% increase in income over that previous period to extend the hours.

Supervisor Jenkins suggested they table that until the next meeting so he could take a look at the current numbers. He stated that we just got it so we aren't losing money and it doesn't reflect depreciation costs in the future for replacement of equipment. We are talking about maybe moving the booth down so we can save on money. He said he doesn't think there is any reason why we can't increase hours, but he will come back in two weeks with some numbers.

The Town Clerk asked if she heard them say that on Thursdays the transfer station was open later than 5:00 now and Councilwoman LeClair said she believes they are, but she wasn't sure. The Town Clerk said she just wanted to know, because her office has been telling the public that they close at 5:00. Councilwoman LeClair said she thought that the schedule she got before the last employee that just left the transfer station it said they had extended hours back into the evening. She suggested that the Town Clerk check with Nancy Ryan at the transfer station.

REVISED INCREASE IN APPROPRIATION OF FUNDS CLARK ROAD CULVERT

Supervisor Jenkins said that two weeks ago the board approved a transfer of \$50,219.01 to the current year and unfortunately we didn't have that much money to transfer, because there was an entry for \$4,113.75 at the end of December that didn't show up until we did the closing of the books. That resolution needs to be rescinded and then transfer should be \$46,105.26. He said to rescind would take the \$50,219.01 and put it back into fund balance and reduce DB5112.431.1 by \$50,219.01.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to rescind the board resolution made on March 26, 2013 that increased appropriations by \$50,219.01 in DB5112.431.1 Highway Improvements Clark Road Culvert.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes

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Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to increase appropriations in the amount of \$46,105.26 in DB5112.431.1 Highway Improvements Clark Road Culvert, which will be financed from available Highway Fund Unreserved Fund Balance that is needed to pay for repairs to a culvert on Clark Road. The town received \$37,664.26 (Federal Share) and \$12,554.75 (State Share) for a total of \$50,219.01 from New York State Office of Emergency Management for damages to a Clark Road culvert from Hurricane Irene. The town received these funds in October 2012, but the repairs could not be completely done by the end of 2012.

Roll call vote resulted as follows:

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

INCREASE REVENUES & APPROPRIATIONS RE: FARMLAND PROTECTION PLANNING GRANT

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to increase revenues by \$6,250.00 in A3089F5 State Aid Farmland Protection Planning Grant and increase expenditures by \$4,525.00 in A6460.4 Economic Assistance Contractual and \$1,725.00 in A6460.4F Economic Assistance Farmland Protection Planning Grant to increase General Fund revenues due to receiving \$6,250.00 (25% advance of Farmland Protection Planning Grant #T800787 and to increase General Fund Economic Assistance Contractual for reimbursement of paid vouchers from transfers to Farmland Protection Planning Grant line item in the amount of \$4,525.00 and the balance to increase General Fund Economic Assistance Farmland Protection Planning Grant line item.

Roll call vote resulted as follows:

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

Councilman Kusnierz reported that the Farmland Protection Stakeholder's Meeting is scheduled for April 25th from 7:00 p.m. until 9:00 p.m. in Town Hall. He hopes that there will be a lot of participation from those in the affected area and those farming for a living down there as well as those who may be supportive of ways to help grow our agricultural sector.

RE-APPROPRIATION OF FUNDS VARIOUS ACCOUNTS

Supervisor Jenkins stated that the re-appropriation of funds from 2012 that were before the board was being requested to help with the purchase of some equipment for the new municipal center in various departments. He went through the list and explained what they were for.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to re-appropriate 2012 unspent funds into the 2013 budget as follows:

~~\$300.00 — B3620.2 — Safety Inspection — Equipment~~

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~~\$200.00 B8010.2 Zoning – Equipment~~
~~\$200.00 B8020.2 Planning – Equipment [Amended 4/23/13 jf]~~

\$577,864.00 DB5112.431 Highway Fund – Improvements – Clark & Burt Road Culverts

Councilman Kusnierz said he was supporting this re-appropriation of funds, because it was something they discussed at budget time that they were going to do when the time came.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to re-appropriate 2012 unspent funds into the 2013 budget as follows:

\$1,600.00	A1110.2	Justices – Equipment
\$3,900.00	A1220.2	Supervisor – Equipment
\$350.00	A1355.4	Assessor – Equipment
\$300.00	A1620.2	Buildings – Equipment
\$750.00	A6989.4	Records Management – Contractual
\$300.00	B3620.2	Safety Inspection – Equipment
\$200.00	B8010.2	Zoning – Equipment
\$200.00	B8020.2	Planning – Equipment [Amended 4/23/13 jf]

Councilman Kusnierz said he would be voting no on these re-appropriations, because it circumvents the budget process that they as a board sit down as part of the fiscal year and decide how the revenues are going to be spent, how much money is going to be raised by taxes and how much money is going to come from fund balance and now to take what we didn't spend and throw it into specialized accounts is not the right way to do it.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis said that he and his wife had the opportunity this past weekend to visit Baker's Falls in Fenimore and rediscover the Bancroft Cemetery. It used to be in better shape and all that is left now is a marker from the Boy Scouts where they fixed up the cemetery about 15 to 30 years ago. He said the area from Baker's Falls (Hudson Falls Road) to the industrial park is a dumping ground and it is a mess. There are couches and chairs, televisions, plastic bottles, coolers, beer cans, ladders, construction debris, you name it. He suggested citizens form a group and go in there and clean it up and post the area and work with law enforcement agencies to enforce trespassing and illegal dumping. He said it is literally the other dump in the Town of Moreau and it is horrendous. He said there are also ATV trails through the area.

Supervisor Jenkins advised Reed Antis that he was aware of this, but the town doesn't own the land. Part of the land is owned by National Grid and some by the LDC.

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Councilman Prendergast asked if it could be a code enforcement issue.

Supervisor Jenkins said someone offered to go in and clean it up, but they couldn't legally, because it is private property. There should be a solution, but he doesn't know what it is.

Councilman Prendergast asked again if it could be a code enforcement issue.

Councilwoman LeClair stated that there isn't a lot of bagged garbage that we can sift through to identify who dumped there.

Councilman Prendergast stated that it is still a dumping ground.

Supervisor Jenkins stated that we could notify the property owner and ask them to clean it up. We have done that in the past. National Grid has an ongoing process where they periodically clean up their pole lines where people illegally dump.

Councilman Prendergast said it makes sense to have Attorney Buettner and Joe Patricke take a look at it and see if it is a code enforcement issue. You can't use your property as a dumping ground even if it is unintentional. He said that is why it is called code enforcement. Get Attorney Buettner involved. He said it is one thing for Joe to tell them to do it, but if they don't then we enforce it.

Reed Antis asked if the water meeting is going to be a public meeting or a committee meeting and Councilman Prendergast replied a committee meeting.

Councilman Prendergast told Councilwoman LeClair that he had a date to meet with the moving committee and that date was May 13th. Councilwoman LeClair asked the Town Clerk if that date was okay for her and before the Town Clerk could answer she asked if that date was okay with the Judges. Tim Alden and Jeff McCabe said it was.

Rich Morris asked about the last agenda item and said he was confused about it and asked if it was reallocation of budget funds that didn't get used to other accounts.

Supervisor Jenkins replied no, they were the same accounts. "We have unspent funds that had been appropriated to be spent for those items last year and we normally don't do that and what Councilman Kusnierz said is true. If we had equipment issues we could amend the current budget, because we were well under the tax cap. We can re-appropriate funds, but we don't normally do that and he understands what Councilman Kusnierz is saying."

Jesse Fish stated that we sometimes forget to thank people for things when things happen and last week we put 700 feet of water line into the new municipal building and Paul Joseph sent over Chris Abrams, Chris Scarincio and Mike Montgomery to help and they did a great job. Also, Jack Dixon from the Village DPW and a part-timer for the Town's Water Dept. helped out and it was done in three days. He said they did a really nice job and it is ready to go and he wanted to thank them for their help.

Councilwoman LeClair said they never set a time for the moving committee meeting. The time set to meet was 9:30 a.m. at Town Hall.

COMMITTEE REPORTS

Councilman Vittengl stated that no money was budgeted for repairs and equipment in the recreation dept. He said maybe they could talk about re-appropriating funds at the next meeting.

Supervisor Jenkins asked about the Chevy truck.

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Councilman Vittengl stated that the plow truck with the diesel engine down at the rec. park has body rust and the step up came off of it, but it is still a good work truck. He thinks we should take the body off the truck and get some quotes to put a flatbed body on it either wood or metal and keep it working and then it can go through inspection. It is a good truck if we put a little bit of money into it.

Supervisor Jenkins said it may need brakes, but they need prices to do this.

Councilman Vittengl stated that it shouldn't cost more than \$1,500.00 to \$2,000.00, but Royce Pixley can get prices.

Councilman Vittengl stated that they should put some money into the rec. equipment budget that they inadvertently left at zero in the budget. He said they should discuss that in the future.

Councilwoman LeClair said she gave the board copies of two quotes to clean the bird feces from the rafters and ceiling area of the compactor. She is trying to get a third quote. One of the quotes is about \$800.00 and the other quote was about \$8,000.00. The one for \$8,000.00 includes netting and netting is needed, because once we clean it we want to keep the birds out. She was going to ask All-Pro who quoted the \$800.00 if they could price out netting. She wanted the board to know that she is working on this. If anyone knows of anybody else who is eligible to do this to let her know.

Councilwoman LeClair provided the board members with a map of the rec. park and highlighted the area that is the new land. Also on the map is the large area of land that is owned by the Village of Fort Edward that is adjacent to our park. She said they are hoping to walk the area in yellow and map trails. However, we don't know where the property lines are and it was suggested that we contact the Village of Fort Edward and see if they want to join the Town of Moreau in mapping trails and if they have areas within their property that they would like to open up for trails and do it as a joint project. She said it isn't an expensive project. We would need some colored markers for trees and some signage.

Supervisor Jenkins said he thought there was a survey and Councilwoman LeClair said the staff didn't think it was marked, because the ATV trails kind of go back and forth through the two properties.

Councilwoman LeClair asked the board members if they objected to her calling the Village of Fort Edward and asking if they would be interested in working with us on it, because their citizens would be benefitted as well as others from the expanded areas.

Supervisor Jenkins asked Councilwoman LeClair if she called the Stillwater Supervisor yet and Councilwoman LeClair replied she hasn't yet. Supervisor Jenkins stated that he is the chairman of the trail committee at the county and they will actually come in and do signage and they have volunteers who will come in and do stuff.

Councilwoman LeClair asked the board members if they objected to her calling the Village of Fort Edward. There were no objections raised. Councilman Kusnierz stated that they may have some concerns, because their water shed is in there.

Councilwoman LeClair said she would like to request again that the board allow signs to be put up in the playground area of the rec. park indicating that dogs are not allowed in the playground area and in the garden area. She said nobody wants to think that their vegetables were visited by a dog that needed to use the bathroom. She said there have been occurrences where people have had their dogs on the playground off their leashes. There is dog feces in many areas of the playground. Last year when she walked around the edges of the playground looking for places to plant flower beds you couldn't look up, you had to look down the whole time you were walking or you would be cleaning your shoes when you were done. We put the playground in for children and then we have to be concerned about dogs and children and that is not always necessarily a good thing.

Supervisor Jenkins said he didn't have a problem with this. There are plenty of other places for people to walk their dogs there.

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Councilwoman LeClair said that would be great. It gives the staff the ability to say "hey, you can't have your dog over here with the kids" and if people question them they can point to the sign.

Reed Antis asked if there is still a problem with dogs off their leashes in the park and Royce Pixley replied yes.

Reed Antis asked if wasn't that going to be an enforcement issue.

Councilwoman LeClair said that she talked to Dan Styczynski the Dog Control Officer and the staff in the park and she asked the staff to keep a record. There is a person who brings in two large dogs and lets them run in the park and then they are looking for them minutes after they have let them loose. Staff is keeping track of activities in the park involving dogs and hopefully within the next couple of days Dan will be in touch with the staff so they can figure something out and Dan can go in and talk to people and if necessary issue citations.

Supervisor Jenkins stated that if citations are issued and they are enforced properly maybe people will stop doing that and until then people are ignoring it. It has been ongoing for a long time.

Councilman Kusnierz said they could minimize the issue if they wanted to revisit the dog park issue.

Councilwoman LeClair said she was willing to revisit it, but not where there are children and not near the play fields.

Councilwoman LeClair stated that someone who has a garden bed spoke with Gorman Rich who lives just off Feeder Dam Road and who has a large flower garden and he is removing some of his perennials and he has offered them to the town to be used in the vicinity of the community garden. Councilwoman LeClair said she was asking permission to utilize rec. staff with the assistance of the gardeners of the community garden and dig up the flowers in Mr. Rich's garden. There was no objection voiced by the board members.

Councilwoman LeClair reported that Erin Trombley is having a problem with scheduling her work hours between the Girl Scouts and time spent in the rec. park in the mornings. Erin would like to put in her time in the rec. park in the afternoons and maybe evenings after she gets out of her job at the Girl Scouts and also on Saturdays. Councilwoman LeClair said she didn't have the exact times, but she assumed between 4:00 p.m. and 7:00 p.m. Councilwoman LeClair said she thought it would be a plus for us, because after school is when we have the most children in the park anyway. She asked if this would be a problem.

Supervisor Jenkins stated that it is something the recreation committee should consider and then said it shouldn't be a problem unless we start getting complaints. He said he didn't have a problem trying it.

Councilman Vittengl said he didn't think it would be a problem.

Councilwoman LeClair stated that we haven't gotten the playground equipment that we were supposed to get anytime now through the grant program through the school. After going back and forth with Nick Fitzgerald at the school it was found that the playground equipment was submitted, but it was held and they were never told to release it. She said that she and Councilman Vittengl went to meet with Nick thinking we were all set with the playground equipment and that it was going to be delivered this spring and that was our second year's benefit from the program, but over the weekend it became clear that is not how it went. Nick Fitzgerald thought that she and Councilman Vittengl went there to tell him to stop the order for playground equipment for this year and move into programming. We have this year and next year so we can still do both, but we have to make a decision immediately if we want to go back and pick playground equipment or move forward with programming that we also proposed to him. Nick Fitzgerald has all the information on the programming, but he needs to know as soon as possible what we want to do. If we do the programming and we don't have the enrollment that we thought we would have we won't lose the money. We will still be able to use it on other items. There is no playground equipment waiting to be delivered or on its way. It was submitted, but they were never told to release it. Nick made the assumption that we were changing and we made the assumption that we were doing our third year's worth of playground equipment.

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Councilman Vittengl said what happened was that we picked it out and Steve Gram was going to order it and he said let's wait until the beginning of the year and he meant the beginning of the school year and Steve thought the beginning of the year and that is where it got lost in translation.

Supervisor Jenkins asked if didn't they approve that last year?

Councilman Vittengl said they approved it last year. They can only do one thing a year and that is what Councilwoman LeClair is saying.

Councilwoman LeClair stated that it is either the programming or the equipment this year and then there will be money next year for the other.

Supervisor Jenkins said he wasn't sure what the programming was.

Councilwoman Leclair replied that we were going to have a gardening program for children and a gardening coach. We were going to purchase two or three GPS devices to be used for geo caching training and for use on the trails. We were going to do bird watching with binoculars and guide books would be left at rec. to be loaned out to people and they were going to do day hikes with families in the vicinity of a half hour's drive.

Supervisor Jenkins stated that one of the most important issues they talked about last year was the need for playground equipment near the softball field for children. We had talked about fencing the area too. He said this doesn't mean that they can't do the programs with the school money, because we could buy the playground equipment with the capital project funds if that is what the board decides to do. He said we really need the playground equipment for that area.

Councilman Kusnierz stated that he thought they established that as a priority and Supervisor Jenkins said they did and the board authorized the purchase of the playground equipment, but it never got ordered. We can still order the playground equipment, it has already been approved and we have the funds. He said the question is do we want to approve the programs.

Councilman Kusnierz asked what the town's contribution was and the answer was \$12,000.00. Councilman Kusnierz asked what the total cost was and the answer was about \$48,000.00.

Councilman Vittengl said the good thing about not ordering the playground equipment is that there is a new catalog out and there are some really exciting things we can get. He told Councilman Kusnierz that maybe they could get together and go through the catalog and come up with a recommendation for the next meeting and maybe we can get it ordered.

Councilman Kusnierz asked how much money was being allotted through the school grant and Councilwoman LeClair replied under \$10,000.00. She said again that the board needs to decide if they want to use the grant money for programming or playground equipment. If the board wants to go with the playground equipment Nick needs the information immediately on what we want, because she has already given him three quotes on everything, even hand trowels for the garden program.

Supervisor Jenkins stated that Councilwoman LeClair has already done a lot of work on the programs so maybe we should give that a shot. He said there is \$231,000.00 in the recreation capital projects fund so he suggested that we see what the prices are for the playground equipment and take another look at it for the next meeting.

Councilwoman LeClair said there is still one more year under the school's grant up to \$12,000.00. She asked if she could let Nick Fitzgerald know tomorrow that we are moving forward with the programming and there was an audible response of yes from Councilman Vittengl and no audible objections from the rest of the board members.

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SUPERVISOR'S ITEMS

Supervisor Jenkins reported on a thank you letter from Ed Murray who lives on Snowberry Lane. He thanked the highway department for a good job done on the roads and good service and in the spring they do a good job cleaning the roads.

Supervisor Jenkins stated that one thing that has come up and that Councilwoman LeClair brought up is that on school snow days the amount of money taken in at the transfer station is around \$60.00. He asked the board members to think about whether they want to close the transfer station when the school district announces a snow day or not. He said the board could think about it and maybe decide at the next meeting. He said to keep in mind that there will probably be complaints if they do it.

Supervisor Jenkins stated that there are 14 or 15 old voting machines in the old highway garage that nobody wants. He suggested that they be scrapped. Paul Joseph stated that there is 598 pounds each of scrap value. Supervisor Jenkins asked Paul if his crew could take them to the scrap yard and Paul said they could use a loader to get rid of them. He said there is also the old safe door from the current town hall and he doesn't know how much that has in scrap value. The Town Clerk said they may want to consider the antique value to the old safe door. Councilman Prendergast said they could say the same thing about the voting machines and the Town Clerk replied that she doubted any antique dealers would want an old voting machine, but there are people who buy old safes and old safe doors.

Supervisor Jenkins reported that T-Mobile is pulling their lease on the water tower effective September 30th. He has had three different companies approach him for information about locating towers on the new water tower off Sisson Road. Supervisor Jenkins will talk with them and see what they have to offer and there was no objections voiced by the board members.

Councilman Kusnierz said he wanted to back up to committee reports and report that Reed and Mary Antis have located the Bancroft Cemetery and they have GPS readings on just about all the cemeteries that they found and there are four they haven't located yet.

Supervisor Jenkins noted that they have a Facebook page too and Reed Antis stated the Facebook page was "Friends of Moreau Cemeteries".

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn to executive session at 9:10 p.m. to discuss contract negotiations with an unnamed party, to discuss an easement issue involving the Killian property, to discuss a potential employee and to discuss the employment history/performance of a court employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn the executive session and re-open the regular meeting at 9:45 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

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Councilman Prendergast	Yes
Councilman Vittengl	Yes
Supervisor Jenkins	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire Robert Roberts as a full-time, seasonal laborer to work between the recreation department and the transfer station at the hourly budgeted rate and subject to successful completion of a pre-employment physical and to hire the following part-time, on-call, seasonal laborers to work between the recreation department and transfer station at the budgeted hourly rate and subject to successful completion of a pre-employment physical:

William Cook
Patrick ~~Daley~~ **Daly [Amended 4/23/13 jf]**
Tim Johnston

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing a payment of \$3,000.00 to Pat Killian for a temporary and permanent easement on his property, as described in easement documents, to work on the Clark Road Culvert.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl to adjourn the meeting.

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk