

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 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; Ethan Hall, Architect for the Town; Peggy Jenkins, Assessor; Joe Patricke, Building Inspector; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director (arrived at approx. 8:00 p.m.); David Canfield, Post Star Reporter; Reed Antis, Town Resident and Alternate Member on the Planning Board; Town Residents: Roger & Cathy Fissette, Midge Duxbury, Annette Minnick, Angela Wadsworth, Elizabeth Lanfeer; Village Resident: Danny Shannon

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or put on vibrate all electronic communication devices.

**MINUTES**

The minutes dated July 24<sup>th</sup> and July 31<sup>st</sup> were prepared and presented to the Town Board in advance of the meeting for review, comment, correction and approval.

**MINUTES – JULY 24, 2012 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the minutes of July 24<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

**MINUTES – JULY 31, 2012 – MONTH-END TOWN BOARD AUDIT MEETING**

Corrections:

Page 359 – last paragraph – last line – change the amount of \$10,066.00 to \$1,066.00, change the amount of \$1,979.00 to \$1,706.00 and add the amounts of \$65.00 and \$208.00

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Page 360 – General Fund Claims Amount – Change from \$59,577.46 to \$59,977.46

Page 362 – After the listing of claims audited change the following wording: “Voucher numbers voided” to “Voucher numbers skipped by Info Fund” and add the wording “Voucher #1595 Voided

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of July 31<sup>st</sup> as corrected.

Roll call vote resulted as follows:

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

### **FUTURE MEETINGS AND WORKSHOPS SCHEDULED**

A workshop of the Town Board will be held on September 13<sup>th</sup> at 7:00 p.m. in Town Hall to discuss cemeteries.

The month-end meeting of the Town Board will be held on August 28<sup>th</sup> at 6:30 p.m. in Town Hall.

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

Reed Antis asked for an update on the sewer system install at the beach area.

Supervisor Jenkins said he didn't have any new information to provide. He then said that the last he knew they were waiting on the arrival of a grinder pump and he wasn't sure if it was received and installed yet or not.

Roger Fissette from 29 Hudson Drive asked if the Town uses a particular towing company for towing cars from no parking zones. Ultimately the answer that was given to Mr. Fissette was no, the Town can contact any towing company.

Midge Duxbury was present to ask for an update on the Caputo home that burned a year and a half ago that is located at 15 Woodlawn Avenue. Mrs. Duxbury stated that she spoke with the realtor that was quoted in the newspaper and she said that her attorney has found out who owns the property and they are about to close on it. If her lawyer can find out, why can't the Town find out who owns it and do something about it.

Supervisor Jenkins replied that according to the attorney for the Town there probably won't be a foreclosure and the mortgage company will be accepting the insurance money and write off any balance if there is any. We have been in contact with the person who we think will end up owning the property, which is Mr. Caputo's daughter. He will be asking the Town Board at this meeting to authorize a letter, that our attorney has prepared, to be sent to the daughter giving her 30 days to make improvements to the property or to tear the building down or the Town will do it. He said he was going to bring this up under supervisor's items, but the board can consider it right now. We have been putting this off and he would just as soon move on it now. He said it is possible the owner may give us the go ahead to get it done and if so the board will get prices and get it done.

Councilman Kusnierz asked Attorney Buettner if the information she provided to the board dated August 2<sup>nd</sup> was the most recent information.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Buettner replied yes. She then said that she just got an e-mail from counsel for the bank indicating that they need to find the owner as well, because they have an insurance check. There have been some title issues and the bank had started a foreclosure proceeding and they modified it, but never discontinued the foreclosure proceeding so they have to do that so they can clear the title for the daughter. However, the Town doesn't have to wait for that.

Mrs. Duxbury asked if wouldn't this be considered an "attractive nuisance".

Attorney Buettner replied that we have to go by the Town Law and give her notice and allow her to come and either fix it or tell us to fix it.

Councilman Kusnierz stated that once the letter is issued then the clock starts and she will have 30 days to correct the situation.

Attorney Buettner stated that she has scheduled it so that the daughter will appear before the Town Board on September 11<sup>th</sup> for a hearing. In her conversations with the daughter, the daughter indicated that there was some confusion prior and she had gotten different advice from legal counsel, not related to the Town, saying she didn't own it. At this point, September 11<sup>th</sup> is the date she will appear before the board. Her guess from speaking with the daughter is that she is going to tell the board to go ahead and do what they need to do and the Town will do it and put a lien against the property. Whoever purchases the property, if it is not through foreclosure, will be subject to that lien.

Councilman Kusnierz said he didn't have a copy of the letter that was prepared by Attorney Buettner and asked for a copy to read. He was given a copy to read and while he read the letter the board continued on with their public comment period.

Elizabeth Lanfear who resides at 161 Gansevoort Road asked if anyone could tell her if movie night was going on at the Route 197 building.

Supervisor Jenkins replied that there is a schedule of movie nights, but he wasn't sure what the dates were.

Elizabeth Lanfear asked if it was being run by the Town or the Village.

Supervisor Jenkins replied the Town Recreation Department was running it at the Route 197 building.

Elizabeth Lanfear handed the Town Board and Town Clerk copies of a flyer that advertised movie night that was handwritten in black marker and asked if the Town Board authorized the flyer to be distributed throughout the Town. If they didn't then she wanted to know who was responsible for it. She stated that she has kids in elementary school and her son who is going into first grade could have done just as good of a job.

Councilwoman LeClair stated that she hadn't seen the flyer before now.

Elizabeth Lanfear stated that she has seen it posted throughout the Town at businesses and she knows of businesses that wouldn't post it, because of what it looks like. She wants to know who distributed it and who approved it and how they could justify taxpayer's dollars going towards paying someone to do this and copying it and to pay someone to drive around and distribute it and who would take it seriously. She said that it does read "Provided by Moreau Rec and the Town and Village of South Glens Falls".

Supervisor Jenkins stated that he has no idea who did this and he has not seen it and did not approve it.

Elizabeth Lanfear said again that it was hung up in our Town.

Supervisor Jenkins said that he couldn't do anything about that. He didn't hang them up.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Elizabeth Lanfear asked if the Rec. Director is here to answer a question about it.

Supervisor Jenkins said he agreed it was not very nicely done and Elizabeth Lanfear replied that was the understatement of the year.

Supervisor Jenkins said he would have the Rec. Liaisons talk to Steve Gram and see if he knows who did this.

Councilman Vittengl said he would do some research into this.

Reed Antis stated that the Town's website is not up-to-date in regards to movie night. The last posting was for July.

Elizabeth Lanfear asked if there is any requirement about notifying people who live on a road that the road is going to be closed for paving or repairing.

Paul Joseph replied that the people on the road were notified last week that the road was going to be under construction and would be closed temporarily on certain days.

Elizabeth Lanfear stated that her mother lives on the road and she wasn't notified.

Paul Joseph stated everyone who lives on the road was notified. A flyer was put in their door. He walked part of the road and distributed the notification and his deputy walked the other part of the road and did the same.

Elizabeth Lanfear said her husband drove down Old West Road and the sign read one lane road, but the road was actually closed. It took him more than 15 minutes to get through. She said they had to wait for an escort vehicle that didn't show up and they had to call again. She said there is "something about public notification having to be submitted if the road is going to be closed for more than two minutes".

Councilman Kusnierz asked Attorney Buettner if there is a requirement under Town Law about this. Elizabeth Lanfear interjected that it is Highway Law.

Attorney Buettner said she didn't know off the top of her head. She said she was sure that they should have been noticed, but she didn't know what the notice should have been.

Elizabeth Lanfear asked what would have happened if an emergency vehicle had to get through.

Supervisor Jenkins asked Paul Joseph if Old West Road was closed.

Paul Joseph stated that Old West Road was never closed. There was a grinder from Gorman Bros. that was grinding the road and it broke down so the road was a little tied up, but if any vehicle had to get through, it would have gotten through.

This concluded the 15 minute public comment period.

#### **ETHAN HALL PRESENTATION RE: RECREATION CONCESSION STAND**

Ethan Hall, Architect, was present to show the Town Board a drawing of the proposed renovations to the existing concession stand in the Town's recreation park. He explained how the plan is to try and open the floor plan of the building by turning the stairway to the second floor by about 90 degrees. There is an open space underneath the upstairs balcony that isn't being utilized. He can only assume that it was an addition to the original building that was constructed at some point. The plan is to make this unused space part of the kitchen area. An outside serving area is proposed with three access windows. A closet for cleaning supplies is proposed to be constructed in the back part of the kitchen. The existing

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

handicapped bathroom will remain as is. The boys and girls bathrooms will be reconfigured so that the doors to the bathrooms do not open directly into the line of sight to provide more privacy. There will be a canopy around the outside of the building. Windows will be added to the upstairs portion of the building so there will be a view of the fields. The portions of the siding that are rotting will be replaced.

Councilman Kusnierz asked if it was possible to add another toilet in the girl's bathroom and Ethan Hall replied no, not without adding onto the building.

Councilwoman LeClair asked if the handicapped bathroom was unisex and Ethan Hall replied yes.

Councilwoman LeClair asked if the upstairs could be used for office space and Ethan Hall replied no. The building is not heated and it is not insulated. The object of this project is to clean up the building and prolong its life.

Supervisor Jenkins asked Ethan Hall if he had any idea of what the cost would be to do these renovations and Ethan Hall initially said he didn't have an estimate, but then said that he thought that the estimated cost would be about \$20,000.00. However, upgrades to the siding may push that cost up a little. He said the building is structurally sound.

Councilman Kusnierz stated that this plan is more conducive to the activities that take place at the park and for the money it is a better plan than a new building someplace else in the park.

Councilman Vittengl noted that Little League has raised money to put towards the renovations and he thought the amount was about \$8,000.00.

Supervisor Jenkins asked the board members if they were ready to move forward with the final drawings.

Councilwoman LeClair said she was and Councilman Vittengl said he was.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing Ethan Hall to proceed to the next step with the drawings and pricing.

Councilman Kusnierz asked Ethan Hall to share the plans with the primary users of the building and get their feedback.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for authorization allowing the Town's attorney to release a letter to Jean Carr regarding 15 Woodlawn Avenue.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the release of a letter to Jean Carr regarding the property at 15 Woodlawn Avenue.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins                      Yes

**HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted a memo to the Town Board indicating that he would be hiring Mark Aubrey to fill the vacant laborer position created by Mike Ruby who retired on 7/5/12. Mark's appointment would begin August 20<sup>th</sup>. Mark has filled in as a wing person for the last two years. Therefore, a pre-employment physical is not necessary. The memo read that he has proven himself to be a responsible and dependable worker. He has a class A license and has paving and heavy equipment operator experience.

Councilman Prendergast asked if he would be brought in as a laborer and Paul Joseph replied yes.

Councilman Kusnierz asked if Mark Aubrey lives in the Town of Moreau and the answer was yes.

Councilman Kusnierz asked how many applicants were interviewed.

Paul Joseph replied five. He said most of the applicants were from the Town of Queensbury or Hadley and there were a couple of applicants that were farther away than that.

Supervisor Jenkins stated that this is the highway superintendent's appointment. He asked for a motion to hire Mark Aubrey.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to hire Mark Aubrey as laborer for the Highway Department.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked if this would be subject to the terms of the existing contract and Paul Joseph replied yes.

The highway superintendent requested permission to purchase \$5,000.00 worth of gasoline from G. A. Bove under State Contract #PC64747 out of account DB5142.460 that had a balance of \$35,232.81 as of 8/1/12.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of gasoline from G. A. Bove under State Contract #PC64747 at a cost not to exceed \$5,000.00.

Councilman Kusnierz noted that there was \$90,000.00 budgeted in 2012 for gasoline and according to the information provided this is going to leave \$35,000.00 in the account and there is still 4 ½ months left in the year. He asked if there was another account that gasoline was paid for out of.

Paul Joseph replied it is also for diesel.

Councilman Kusnierz said that is our total fuel allotment for the year and asked if this was correct.

Paul Joseph replied yes.

Councilman Kusnierz asked if it was going to be enough.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Paul Joseph said he hoped so. It depends on what happens with oil prices.

Roll call vote resulted as follows:

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

### **TREE AND STUMP REMOVAL BIDS – AWARD BID**

On July 19<sup>th</sup> a bid opening was held to open bids received for tree and stump removal in the Town right-of-ways. [Refer to the minutes dated July 19, 2012 for the bid results.]

The low bidder was High Peaks Tree Removal, Inc. in the amount of \$14,450.00. The next low bidder was Richard Sears Tree Experts who bid \$15,115.00. Paul Joseph recommended accepting the bid from Richard Sears Tree Experts. Three years ago High Peaks was awarded the bid for this service and according to Paul Joseph he had to argue with them to just get the trees down. There were safety concerns. They did not use a crane to take the trees down. They dropped some of the trees on the highway and damaged the shoulders. Richard Sears got the contract the last time and they did a good job and when called in the middle of the night for an emergency tree removal they responded. When High Peaks was called in the middle night they couldn't respond for five hours.

Councilman Kusnierz asked what the percentage difference was between the two low bidder's prices.

Paul Joseph said he didn't figure that up.

Supervisor Jenkins stated that the difference in the bid prices was \$665.00.

Supervisor Jenkins stated that Richard Sears has done an excellent job. He has helped us out on a couple of issues and honored his contract prices with a couple of miscellaneous jobs. He said that Paul Joseph would like the board to accept the bid from Richard Sears Tree Experts in the amount of \$15,115.00.

Paul Joseph stated that there is only \$15,000.00 budgeted so he may have to remove a tree from the list.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the bid from Richard Sears Tree Experts at a cost not to exceed \$15,000.00.

Roll call vote resulted as follows:

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

### **CLARK ROAD CULVERT DAMAGED LAST SUMMER – FEMA**

Supervisor Jenkins stated that FEMA has done a study of the site and they have given an estimate of \$34,000.00 to restore the Clark Road Culvert to its pre-disaster condition. There would be a sub-grantee cost of \$260.00. There is also a Hazard Mitigation Proposal that would include a concrete slope, protection apron and toe wall, which would be \$20,000.00, but there is a credit of \$4,500.00. He stated

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

that FEMA will fund \$37,664.26 and the local share would be \$12,500.00. Tim Burley indicated that the State has budgeted money for local shares in FEMA projects. It doesn't mean we are assured of getting funding from the State.

Councilman Kusnierz thought that there had been some dialogue between the Town's legal counsel and the Town's insurance regarding liability on the part of the contractor who installed the culvert.

Attorney Buettner replied that she wasn't asked to look into that.

Supervisor Jenkins said the board could go in that direction. It is more likely a design issue than a contractor issue. The design was modified by DEC to protect the fish. He doesn't know where we are at legally. The recommendation from FEMA is for Burley & Guminiak to prepare the bid documents so a contract can be selected. Whether we will have to pay that local share or collect it from someone else or whether the State is going to give it to us we don't know, but FEMA will send us a check.

Councilman Kusnierz stated that we should move forward, but because we are building it to DEC's specifications then we should have our engineer, when he is applying for the State's portion of the FEMA money that would come back, point out that we are building this to DEC's specifications so if we don't receive the monies then we would want to pursue other avenues.

Supervisor Jenkins said three motions are needed. One to accept the FEMA money, another is to authorize Burley & Guminiak to prepare bid documents and the last is to authorize our attorney to look into a possible litigation issue.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl authorizing the acceptance of FEMA money in the amount of \$37,664.26.

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 authorizing Burley & Guminiak to prepare the bid documents.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the Town's legal counsel to move forward and determine if there is any liability against any party involved with the construction of that culvert.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

**RECREATION DEPARTMENT REQUESTS**

Supervisor Jenkins said there aren't any Recreation Department requests. He did say that Steve Gram provided the Town Board with copies of a Code of Conduct that he obtained from Town of Wilton and Queensbury. He asked for Councilman Vittengl and Councilman Kusnierz to take this information and meet with Steve Gram and develop our own Code of Conduct for coaches and volunteers.

**WATER DEPARTMENT REQUESTS**

None

**WATER RATES – DISTRICT 1 FENIMORE AND EXTENSION 2 AND 3 OF WATER DISTRICT 1**

Supervisor Jenkins stated that his recommendation for water rates would be to leave the rates as they are in Water District 1 for now until the Town Board can address rates in a month or two and allocation of costs and consolidation of districts.

Councilman Kusnierz asked if aren't there households that haven't received a water bill yet in this district.

The Town Clerk advised that there haven't been any water bills sent out yet in Extension 2 or 3 and some of the homes have been hooked up to the water system since last December and January.

Councilman Kusnierz said that when they get their first bill there could be a potential for sticker shock then and the Town Clerk replied that it was possible, especially at the current rate.

Supervisor Jenkins said he didn't have a problem using the rate of \$3.25.

Councilman Kusnierz said he didn't remember what the rates were in the other districts so the Town Clerk recited them for the board.

Councilman Kusnierz asked which districts have the significant fund balance and the answer was Districts 2 and 4.

Supervisor Jenkins added that District 5 has a significant balance compared to the number of users in that district.

Councilman Prendergast asked what the rate is in District 1 now and the Town Clerk replied \$73.50 minimum for up to 20,000 gallons of water used and \$3.25 per 1,000 gallons of water used over the 20,000 gallon minimum. She added that Water District 1 is billed twice a year right now.

Councilwoman LeClair asked if in effect this would be a double bill for these people and the Town Clerk replied yes. She said that the bills are for the prior six months and the first bill would have gone out in March and the second bill would go out September 1<sup>st</sup>.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said maybe they should take the \$3.675 rate for the first 20,000 gallons and take the time of service and pro-rate the bills and calculate that way. It would be a little complicated.

The Town Clerk said she would have to calculate the bills by hand that way.

Councilman Kusnierz asked why the bills should be pro-rated if they used the water and Supervisor Jenkins said after 20,000 it drops to \$3.25. He said it is actually giving them a little edge. They would only get it once with the \$3.675 rate. He said if we just do the first 20,000 and everything at \$3.25, which is what the current rates are then we won't have to change anything yet. We had a session on water and we will need another to try and figure out what to do.

It was the consensus of the board to leave the rates in Water District 1 as is for now.

**AUTHORIZE CHANGE IN POLLING PLACE FOR ELECTION DISTRICTS 1, 2, 3 TO MIDDLE SCHOOL FROM VILLAGE MUNICIPAL BUILDING**

Supervisor Jenkins stated that the Board of Elections has requested a change in polling place from the Village Municipal Building to the Middle School. He has dealt with the school and they don't have a problem with this. The Village Municipal Building doesn't have enough room for the new equipment and it will be difficult during the Presidential Election. He discussed this with the Board of Elections and they asked if we could get the school and the school has cooperated. The Board of Elections has asked for a resolution changing the polling place.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the polling place for Election Districts 1, 2 and 3 to be moved from the Village of South Glens Falls Municipal Building to the Oliver W. Winch Middle School located at 99 Hudson Street in the Village of South Glens Falls for all future elections, including the upcoming Primary Election on September 13<sup>th</sup> and the General Election on November 6<sup>th</sup>.

Councilman Kusnierz asked how the voters would be notified.

Supervisor Jenkins stated that the Board of Elections will send out notices.

Roll call vote resulted as follows:

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

**PROCLAMATION – TED MONSOUR**

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

WHEREAS, the New York State Office for the Aging, as part of a statewide event, selected seniors throughout the various counties in New York State based on their volunteer activities in their communities and honored these individuals on "Senior Citizens' Day" in May, and

WHEREAS, the Town Board of the Town of Moreau is proud to acknowledge that Ted Monsour, a resident of the Town of Moreau, was one of the individuals selected and honored by the New York State Office of the Aging for his contributions to his community, and

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, Ted Monsour volunteers countless hours at the Moreau Community Center by delivering meals to shut-ins, assisting with their annual garage sale, assisting with their monthly specialty dinners, luncheons, community breakfasts, packaging and serving meals at their congregate meal site, and is the Moreau Community Center's bingo caller on Thursday evenings, and

WHEREAS, Ted Monsour also volunteered 450 hours in 2011 to the Saratoga County Office for the Aging, he also donates blood on a regular basis, collects aluminum tabs for veterans, he is a lector for St. Michael's Church and St. Joseph's Church, he assists with dinners at the Knights of Columbus, he participates annually in a breakfast fundraiser for the South High Marathon Dance, and

WHEREAS, when Ted Monsour is not volunteering his time to all of the above he is helping those in need by shoveling sidewalks, picking up mail, taking seniors shopping, and

WHEREAS, Ted Monsour surprisingly finds time to work as a custodian for the Town of Moreau Office Buildings and is a dedicated employee who takes great pride in his work, and

NOW, THEREFORE, BE IT RESOLVED, that Ted Monsour is a genuine example of selflessness, dependability, integrity and he is a humble, sincere person who is willing to help those in need and who has shown great interest in his community, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau, by way of this proclamation, wishes to thank Ted Monsour for his devotion to his community and express their gratitude for his service to his community and fellow mankind.

Roll call vote resulted as follows:

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

**INCREASE REVENUES AND EXPENDITURES TOWN-WIDE RECREATION CAPITAL PROJECT FUND**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to increase revenues by \$35,000.00 in the Town-Wide Recreation Capital Project, Subdivision Recreation Fees Account HT2115 and increase expenditures by \$35,000.00 in the Town-Wide Recreation Capital Project, Administration, Contractual Account HT7180.4 to create a 2012 Capital Project Budget in the Town-Wide Recreation Capital Project Fund for installation of a grinder pump and force main for the beach area as approved by Town Board Resolution on May 8, 2012.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

**TRANSFER STATION HOLDING TANK/ELECTRICAL REPAIRS**

Supervisor Jenkins stated that leachate needs to be pumped out of the holding tanks at the Transfer Station, but prices haven't been obtained yet. When prices are obtained he will poll the board by phone to get authorization to have the tank pumped out.

Councilwoman LeClair stated that the company that pumped out the tank before is not interested in doing it again. Terry McGuire has played phone tag with another company in an attempt to get a price. We need to find out what other Towns do and who they hire to do this.

Supervisor Jenkins said that the county will accept leachate, but we need to find someone to haul it.

Supervisor Jenkins said this topic will have to be put on hold for now.

As for the electrical repairs, Terry McGuire called six electricians for quotes and two responded. The quotes are as follows:

Terry Colvin	Compactor Building	\$ 650.00
Gross Electric	Compactor Building	\$ 829.00
	Operator Building	\$1,173.00

This work would be paid for out of account TS8160.4 that had a balance of \$38,702.58.

Councilwoman LeClair stated that the price from Terry Colvin is for electrical work on the switches only, as per the pictures she shared with the board. Gross Electric actually went inside the operator building and Terry Colvin did not. At that point it was unknown that electrical work needed to be done inside the building. She asked Gross Electric to break out his quote into two parts, because Terry Colvin was not asked to quote on the work inside the building. The \$829.00 quote is for comparable work proposed by Terry Colvin at \$650.00. Councilwoman LeClair said she would like the board to authorize that work to be done. However, we are not ready tonight to act on the quote for the electrical work inside the operator building.

Councilman Kusnierz stated that without a detailed quote from Terry Colvin like the one presented by Gross Electric it is unknown whether the proposed work is comparable or not. Gross Electric could be proposing more extensive work. Hence, the higher quote.

Councilwoman LeClair didn't believe that Gross Electric was proposing to do additional work.

Supervisor Jenkins said that clarification is needed from Terry Colvin.

Councilman Kusnierz asked that Terry Colvin be contacted and that he be asked to submit a detailed quote on what he proposes to do.

Supervisor Jenkins stated that once this information was available he would call the board members and poll them on whether or not to proceed with this work.

**15 MINUTE PUBLIC COMMENT PERIOD**

Angela Wadsworth who resides at 504 Gansevoort Road started to say that she was present to discuss the e-mail that she sent the Town Board, when Supervisor Jenkins stopped her and told her that the rules of this legislative session do not allow any direct comments about any of our employees or certain issues. They will invite her into an executive session to make her statements, but she is not allowed to make these statements about employees in a public session.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Angela Wadsworth replied that it was just stated that the Town has to give 30 day notice before entering a person's property.

Attorney Buettner said that was specific to the unsafe buildings law and Town Law and Town Code with respect to due process.

Angela Wadsworth stated that she is a taxpayer and has been for two decades and she had a Town Official enter her property without permission, without a court order or without ordering a contractor to receive a court order.

Supervisor Jenkins told Ms. Wadsworth that the board would listen to this in executive session.

Councilman Kusnierz stated that she wasn't naming names.

Supervisor Jenkins stated that if she wants the public to know then she can go to the media.

Angela Wadsworth stated that it is keeping the Town of Moreau Residents from knowing what has occurred and she believes that she is here to protect everybody's interest so that this doesn't occur again.

Supervisor Jenkins stated that this is a legislative session and they do not allow it. He said they don't even have to allow public comment, but they do. They will not allow comments against any employee in this Town. He told her that he would be happy to listen to her in executive session in about 15 or 20 minutes.

Angela Wadsworth asked if they didn't want to listen to her about how a Town Employee damaged her property then she said she would talk about Casale, the contractor who installed a water line on her property and damaged her property.

A rather lengthy conversation ensued between Angela Wadsworth and Supervisor Jenkins about survey pins that were removed from her property, how a person stomped on her shut off valve, the damage done to her property when the water line was installed, water running onto her property as the result of a poor grading job and her concern over whether or not the water line through her property is leaking or not. A full context of this conversation can be heard on the audio of the meeting, on the Town's website [www.townofmoreau.org](http://www.townofmoreau.org).

Angela Wadsworth was advised that Toadflax would take care of grading her property and seeding it in the fall and Angela Wadsworth was already aware of this.

When Councilman Kusnierz asked Angela Wadsworth what Jesse Fish thought about her concern over a leak, Angela replied that Jesse thought it was odd that the ground was so damp.

Angela was advised that the survey pins would be replaced.

At the last meeting Angela Wadsworth was told that the shut off valve was found to be okay when inspected by Jesse Fish.

As for the water coming onto her property, Councilman Kusnierz asked Paul Joseph if he could get together with Jesse Fish and maybe bring in some topsoil temporarily. Angela Wadsworth said that they could see where it was eating up her blacktop.

Midge Duxbury asked if once the house on Woodlawn is demolished and the debris removed could the lot be built upon again.

Joe Patricke said he would have to look into this and call her.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Elizabeth Lanfear spoke next about the Open Meetings Law and how the Town Board doesn't have to allow public comment, but if they do then it has to be fair across the board and if positive comment is allowed then neutral or negative comment must be allowed also. She also said that the Town Board doesn't have to engage in conversation with the public. Comments can be allowed, but the Town Board doesn't have to engage in a conversation. She also wanted to know if there was a policy on the books that sets a time limit for public comment. Supervisor Jenkins said there isn't any written policy, but it is up to whoever runs the meeting. If a board member wanted to give a person more time to speak then he would be okay with that. A conversation ensued between Elizabeth Lanfear and Supervisor Jenkins about public comment at meetings. The full context of this conversation can be heard on the audio of the meeting on the Town's website at [www.townofmoreau.org](http://www.townofmoreau.org).

Elizabeth Lanfear asked if the Town Board could ask the Recreation Director, who is present now, about the flyer that was distributed about movie night.

Supervisor Jenkins asked Steve Gram if he knew where the flyer came from and Steve Gram said he didn't know anything about the flyer.

Danny Shannon from 12 Fifth Street in the Village of South Glens Falls said he wanted to make a positive comment. He said that he attended the Moreau Fun Days Event in the Rec. Park over the weekend and saw the Community Garden Beds and he commented on how nice they look and how full they were. He asked if the plan was to make the garden beds bigger next year.

Councilwoman LeClair stated that it depends on who wants to participate.

Councilman Kusnierz stated that there is a lot of room to expand down in the park.

Roger Fissette from 29 Hudson Drive commented on the no parking zones created in the vicinity of North Road and Hudson Drive. He said it has worked well. He said there was only one problem this summer compared to about 500 previously. He thanked the Town Board for their assistance.

#### COMMITTEE REPORTS

Councilwoman LeClair reported that the employees at the Transfer Station were asked if they would be willing to power wash and paint the building at the Transfer Station on off hours, but they haven't responded yet.

Councilwoman LeClair mentioned a letter that was mailed to residents in the Town of Moreau from a company offering to sell insurance for water lines. She said that letter was a little misleading. The letter tells people that they don't have coverage for maintaining and repairing their exterior water lines. She wondered if there was anything that could be done about the letter.

Supervisor Jenkins stated that Terry contacted the Attorney General's Office and received a reply from them. Supervisor Jenkins stated that he didn't know if they could do anything about. He stated that they are trying to sell something that has no value.

Councilwoman LeClair asked each board member to review the letter. A copy was given to Attorney Buettner.

#### SUPERVISOR'S ITEMS

Supervisor Jenkins asked for approval to send out a RFP for general liability insurance and health care insurance. He said the RFP for health care insurance has to go out fast, because that contract expires November 30<sup>th</sup>.

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 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 Councilwoman LeClair authorizing Supervisor Jenkins to send out RFP's for liability insurance and health care insurance.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn to executive session at 8:35 p.m. to discuss the employment history and/or performance of a particular unnamed employee(s), to discuss contractual negotiations with an unnamed contractor, to discuss an Article 7 Tax Certiorari regarding Epic Holdings and to discuss with Angela Wadsworth the employment history and/or performance of a particular unnamed employee.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
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.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

Discussion followed on the number of employees needed at the transfer station. The employees currently working will be asked if they want to work additional hours.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing a stipulation of settlement with Epic Holdings, LLC reducing their assessment as follows:

Year 2010	Reduced to \$1,600,000
Year 2011	Reduced to \$1,400,000
Year 2012	Reduced to \$1,400,000
Years 2013 through 2015	the assessment will be \$1,400,000

A regular meeting of the Town Board of the Town of Moreau was held on August 14, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

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

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk