

A regular meeting of the Town Board of the Town of Moreau was held on August 24, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins opened the meeting at 7:00 p.m.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

**Town Board Members Present**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Jeff McCabe, Town Justice; Joe Patricke, Building Inspector (arrived at 7:20 p.m.); Martin D. Auffredou, Attorney for the Town; Town Residents: Reed Antis, Christine Whorf, Jim Whorf, Ed Loftus, Adele Kurtz, Elizabeth Lanfear; and David Taube, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins asked everyone present to turn off or put on vibrate all electronic communication devices.

**MINUTES**

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

July 13<sup>th</sup> (2 Sets), August 10<sup>th</sup> (3 Sets)

**MINUTES – JULY 13, 2010 – TOWN BOARD INFORMATIONAL MEETING RE: WATER DISTRICT 1 EXTENSION 2**

Correction: Councilman Cumm noted that the Town Clerk informed us that the regular meeting on July 13, 2010 was held at the Route 197 building not at Town Hall as the heading on the minutes previously read.

**MINUTES – JULY 13, 2010 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve both sets of minutes dated July 13, 2010 with the above correction so noted.

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Roll call vote resulted as follows:

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

#### **MINUTES – AUGUST 10, 2010 – TOWN BOARD EXECUTIVE SESSION 6:00 P.M.**

No comments or corrections.

#### **MINUTES – AUGUST 10, 2010 – PUBLIC HEARING RE: WATER DISTRICT 1 EXTENSION 2**

No comments or corrections.

#### **MINUTES – AUGUST 10, 2010 – REGULAR TOWN BOARD MEETING**

Corrections: Page 437 – 4<sup>th</sup> paragraph – 2<sup>nd</sup> line – change the words “receive ours” to “receive the other ½”

Page 443 – last paragraph – 2<sup>nd</sup> line – change the word “done” to “down”

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve all three sets of minutes dated August 10<sup>th</sup>, with the above corrections so noted.

Roll call vote resulted as follows:

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

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

Supervisor Jenkins reminded everyone that the Month-End Audit Meeting of the Town Board will be held on August 26<sup>th</sup> at 4:30 p.m. in Town Hall with a workshop between the Town Board and the Recreation Commission to be held at 5:00 p.m. on August 26<sup>th</sup>.

A workshop was also scheduled by the Town Board for September 14<sup>th</sup> at 6:30 p.m. regarding water meter standardization and water hookup fees.

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

Jim Whorf who resides at 15 McHugh Street in the Village of South Glens Falls stated that he has been a parent volunteer/assistant coach for the Town of Moreau recreation soccer program for the last couple

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years. He signed his daughter up to play soccer and hasn't heard anything from anybody about what team his daughter will be playing on or if she is even playing or when it starts. The other coach, Jean Dishon, who has been working with him the past couple of years hasn't heard anything either. The last couple of years his daughter has been on the team headed by Mr. Dishon and himself. He has left messages for Steve Gram to call him and his wife has left messages and Steve Gram has not returned their phone calls. Mr. Whorf vented his frustration to Ed Tracy who works at the recreation park and Ed Tracy was not able to help him, but apparently Ed Tracy spoke to Steve Gram about this issue and Steve Gram has yet to call him. Mr. Dishon rather than having his own team has been placed as an assistant coach with another coach unbeknownst to him until he got a call from this coach. They checked the roster and found they had the only Harrison Avenue team of 3<sup>rd</sup> graders and his daughter is not on the list. His wife signed his daughter up and paid by check and the check was cashed. Mr. Whorf further stated that he had to jockey his work schedule so he could be free on Wednesdays to be available to help his daughter and the other kids he coaches. He is concerned that he has heard from other parents that there has been a lack of follow up on the part of Steve Gram in regards to the soccer program. Mr. Whorf explained how last year he had to run all around trying to locate the soccer shirts for his group and how ridiculous it was. All of his daughter's eight year old friends have received phone calls about the program and know what teams they are on and his daughter hasn't. He stated that Steve Gram has been blatantly disrespectful. He stated that Mr. Gram has a monopoly whereby he is the only one who can answer the questions and is in charge of the whole thing. If he can't do the job then he should either get help or find somebody who can do the job correctly.

Supervisor Jenkins said he would follow through on this issue tomorrow and find out what is happening and get back to him with an answer and have Steve Gram talk to him also.

Mr. Dishon stated he has found out that ultimately Mr. Gram is accountable to the Town Board and that is the reason he is addressing his questions and concerns to the Town Board.

Councilman Cumm asked Mr. Dishon if the girls on the team are the same ones who have played the last few years.

Mr. Dishon replied yes. He then stated that the last few years there has been a core group, a co-ed team. It has been the same five or six kids and a few new ones that join sporadically.

Again, Supervisor Jenkins stated that he would get to the bottom of it.

Councilwoman LeClair thanked him for his comments and stated that if he didn't tell them they wouldn't know.

Mr. Dishon stated that he has been told that other people have encountered this same problem, but he is the only one willing to come forward. There are other individuals who have the same concerns over the way this program is run.

Councilman Kusnierz stated that this isn't the first time he has heard this from the community and it is unacceptable that he was treated that way and he apologized on behalf of the Town. Nobody should be treated that way.

Councilman Kusnierz asked where the recreation director was and why he wasn't at this meeting. The board has a policy whereby the department heads are supposed to be in attendance at Town Board meetings for questions that arise just like this. The board members responded that they didn't know why he wasn't at the meeting.

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Councilman Kusnierz asked if the recreation director called any board member and told them that he wouldn't be able to make the meeting. The board members replied no. Councilman Kusnierz said that was unacceptable.

Mr. Dishon stated that he was told by Mr. Tracy that he has the day off.

Councilman Kusnierz said that didn't matter he is a salaried department head.

Councilman Kusnierz asked Mr. Dishon to let the board members know if he wasn't satisfied with the follow up.

Adele Kurtz stated that her husband is coaching the first grade soccer team this year and she sent an e-mail to everyone on the list about when the pictures would be taken, etc. and out of the ten children on the list two were signed up for football and she was curious how that happened. Also, the t-shirts aren't ready yet. She also stated that they got three calls from either Ed Tracy or Steve Gram saying that her husband was required to attend the coaching class. Her husband travels during the week and he can't make it. She asked if that meant he couldn't coach. Ed Tracy said he would have to get back to her. She never got any response about whether it was mandatory or not. He told three other family members that do coach that it is mandatory.

Supervisor Jenkins stated that this board did not make it mandatory. The board provided funding for these courses at ACC.

Mr. Dishon said it was conveyed to him by a very good friend who is a coach of a fourth grade team and another one who is a coach of a fifth grade team that they were told it is mandatory. When they got to the course the actual instructor who is the head soccer coach for ACC thanked them all for coming on a volunteer basis, because it is not mandatory.

Supervisor Jenkins stated that in his opinion it is an excellent program for our youth coaches to go through, but it is not mandatory. We understand that all these coaches are volunteers.

Mr. Dishon agreed it is a wonderful program that might help the coaches, but it is overkill to make it mandatory when individuals have other aspects of their lives that they have to attend to.

Elizabeth Lanfear read the following statement:

My name is Elizabeth (Carayiannis) Lanfear and I live on Gansevoort Road. For the last two and a half years, I have listened, taken notes, learned, spoken and asked questions at many Town Board meetings. However, so as not to be misquoted, I have decided to read a prepared statement this evening.

First, I would like to read the first of a series of quotes from an advisory opinion issued by Mr. Bob Freeman, Executive Director for the Committee on Open Government:

"First, while the Open Meetings Law clearly provides the public with the right "to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy" (see Open Meetings Law, §100), the Law is silent with respect to public participation. Consequently, by means of example, if a public body, such as the City Council, does not want to answer questions or permit the public to speak or otherwise participate at its meetings, I do not believe that it would be obliged to do so. On the other hand, a public body may choose to answer questions and permit public

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participation, and many do so. When a public body does permit the public to speak, I believe that it should do so based upon reasonable rules that treat members of the public equally."

As we can all see from the agenda tonight, the Town Board of the Town of Moreau has allotted two sections of the meeting to be used for public comment.

Mr. Freeman's opinion continues:

"Although public bodies have the right to adopt rules to govern their own proceedings (see e.g., Education Law, §1709), the courts have found in a variety of contexts that such rules must be reasonable. For example, although a board of education may "adopt by laws and rules for its government and operations", in a case in which a board's rule prohibited the use of tape recorders at its meetings, the Appellate Division found that the rule was unreasonable, stating that the authority to adopt rules "is not unbridled" and that "unreasonable rules will not be sanctioned" [see *Mitchell v. Garden City Union Free School District*, 113 AD 2d 924, 925 (1985)]. Similarly, if by rule, a public body chose to permit certain citizens to address it for ten minutes while permitting others to address it for three, or not at all, such a rule, in my view, would be unreasonable."

Therefore, I would like to state that at previous Town Board meetings, the Town Supervisor has demonstrated an unfair bias with regards to public comment. On April 13, 2010, I wanted to ask a question at the end of the public comment period, and was told by the Supervisor that could have just a couple of minutes, while others had had longer. In addition, at a subsequent meeting, I attempted to comment after another town resident had spoken for a great deal of time, and was told by the Supervisor, "You have had your five minutes." Supervisor Jenkins went on to state that he presides over the meeting, so in a nutshell, what he says goes. Mr. Freeman addresses this situation as well in his advisory opinion:

"From my perspective, the President of the Council presides over Council meetings. It is questionable, however, whether he may validly determine unilaterally whether the subject matter of comment proposed by a person desiring to speak involves City Council business. He is but one member of the Council, and I believe that the Council, if necessary, should determine by means of a majority vote of its total membership (see General Construction Law, §41) if there is a question or disagreement regarding whether a subject relates to City Council business. I believe that the Council in that circumstance should determine whether the subject may be raised, rather than the President of the Council reaching a determination alone."

Simply because a member or members of the Town Board do not like what a resident has to say is no excuse for this behavior. The Town Board is elected to serve the best interest of the residents and taxpayers of our town. That being said, I do hold a great deal of respect for the elected seats you all hold. I believe it takes a great deal of courage to run for public office and to serve the people. However, I have no respect for individuals who take advantage of their position in an attempt to intimidate, unduly influence or bully members of their electorate.

I was born in the Glens Falls Hospital, raised in the Town of Moreau, and have decided with my husband, to now raise our family in this town. As a young adult, I learned an important lesson from my father: If you are going to argue a point with someone, do your homework, write everything down, and make sure you are right. That is why I spoke with an attorney from the Committee on Open Government this morning, and that is why I have opted to cite their Advisory Opinions.

As another matter of clarification, Mr. Bob Freeman states:

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"I note that there are federal court decisions indicating that if commentary is permitted within a certain subject area, negative commentary in the same area cannot be prohibited. It has been held by the United States Supreme Court that a school board meeting in which the public may speak is a "limited" public forum, and that limited public fora involve "public property which the State has opened for use by the public as a place for expressive activity" [Perry Education Association v. Perry Local Educators' Association, 460 US 37, 103. S.Ct. 954 (1939); also see *Baca v. Moreno Valley Unified School District*, 936 F. Supp. 719 (1996)]. In *Baca*, a federal court invalidated a bylaw that "allows expression of two points of view (laudatory and neutral) while prohibiting a different point of view (negatively critical) on a particular subject matter (District employees' conduct or performance)" (id., 730). That prohibition "engenders discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialogue and ultimately, dynamic political change" [*Leventhal v. Vista Unified School District*, 973 F.Supp. 951, 960 (1997)]."

In February of this year, as a member of the Recreation Commission and as a taxpayer, I wrote a letter to the Town Board in which I made a complaint about the Recreation Director. It was certainly not the first time I had raised questions or criticized his job performance and not the first time I had put it on paper to the Town Board. This time was a bit different because it involved my family.

The Rec Director, after singling out our oldest son on two occasions, was asked to leave our child alone by my husband. I later found out that the Rec Director called two members of the Town Board and then called the Sheriff's Department to press charges against my husband based on statements fabricated by Steve Gram. What is significant about the fact that two members were called is that in order to pass any motion, a majority of the Board is required. A majority is three. As my husband decided not to take this false accusation lying down the matter was brought before a judge.

In the time since the charges were pressed, my family has had to deal with more than five months of a restraining order which prohibited my husband from attending our daughter's softball games and our son's tee ball games at the Rec Park. We had to tolerate a nasty letter to the editor from Steve Gram's girlfriend as well as a letter she wrote to the School Superintendent and Town Supervisor with a fabricated complaint about something I never did or said. I had to bother two stand-up gentlemen and unfortunately involve them in Steve Gram's pattern of vindictive behavior, in order to ask them to take their time to put on paper, the truth, since members of the Town Board would not believe me otherwise. Nothing ever came as a result of that letter, since it was false. My husband had to tolerate the embarrassment of being called out of a Town Board meeting by two SGF Village Police Officers. After inappropriately consulting with the Town's Attorney, on Town time, during the middle of a Town meeting, about a private, personal matter, Rec Director Steve Gram called the police to state that my husband had violated the restraining order he had in place. He then left the meeting before the police even arrived. My husband had not violated anything, and returned to the meeting shortly after speaking with the officers. My husband and I have had to pay an attorney for our legal representation and consultation. We do not receive it for free from the Town's counsel.

According to Steve Gram, under oath in our Town Court, the two Town Board members he called that day in February told him to have my husband arrested and charged with harassment, which happens to be a non-criminal violation. This situation had nothing to do with the Town Board; it is simply a personal vendetta because Steve Gram does not like the fact that I will not stand for his sub-par approach to his job. I am a taxpayer here, a resident of this town and a parent. Steve Gram is none of the above. For some reason, members of this Town Board not only allow his mistreatment of town residents, but encourage it. My husband and I will no longer stand for Steve Gram's harassment of our family.

After writing the letter this February, I was subsequently asked to the executive session at the next meeting. I made the assumption that we would have a discussion about my letter and the Board would listen to what I had to say. Boy, was I wrong! What happened during that executive session was appalling. Rather than listening to me or conversing with me, I was reprimanded by certain members of the Board and told to change my attitude or I would be removed from the Recreation Commission. It was made clear to me, in no uncertain terms, that my word did not matter and that I needed "corroboration" if I was to be

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believed. I have learned that it is not my attitude members of this Town Board have a problem with. It is simply the fact that I speak my mind and will not accept being condescended to or told "We'll fix it next year," or "You're overreacting," when I discuss programs, finances, communication and our children's safety.

In December of 2008 I had done some looking into adult programs which were being touted by the Rec Director as "Town" programs. What I discovered was that he not only exaggerated the truth, but was trying to manipulate the people who had run these adult programs as Independent groups for years. When I brought the facts to light, Steve Gram told me that I was "pissing people off" and that I had better "watch my back." In retrospect, it scares me that I had informed Councilwoman Gina LeClair of that conversation, and nothing was done about it.

More recently, I have been asking questions about the collaborative "Camp Moreau." Once again, I encountered gross exaggerations and outright false statements by Steve Gram. Once again, my words and actions were distorted. I think Donna Nichols is doing a commendable job trying to dig the Community Center out of its current funk. She is leading the charge and looking outside the box. She is straightforward and enthusiastic about her job. My questions arise from the lack of communication and transparency from the Town Board. We are told that the Town's involvement won't cost a thing. However, at a Rec Commission meeting, Steve Gram said he could not get his Director's Report together because he was busy teaching children for the Camp. Our tax dollars pay his salary. He was being paid by the Town to work for someone else. How is that not black and white? How can I be criticized for asking questions, exercising my first amendment rights and being a concerned citizen? How can members of this Town Board sit there and reprimand me for bringing up the questions you should be asking?

In the last seven months, I have learned a great deal about the Open Meetings Law and the FOIL Law. I have submitted FOIL requests to the Town, only to have some denied. When I appealed, and later asked questions, I learned that Supervisor Jenkins, Councilman Cumm and Councilwoman LeClair knew exactly what I had requested, but were hell bent on stonewalling me and had lied by omission during a Town Board meeting when I asked if they had seen or had possession of a specific document. When asked if he had possession of this specific document, Councilman Cumm refused to answer. As a matter of fact and per statements, under oath, by a SGF school district employee, Councilwoman LeClair had requested that specific document from the school and received it immediately. It was brought to the Town Hall addressed to her.

As per the Open Meetings Law, a public body may enter into executive session for a variety of reasons, but is not always obligated to do so. One of those purposes is "the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation." That being said, when I was appointed to the Recreation Commission, the "matters leading to" my appointment were discussed in the public session of a Town Board meeting. I was unaware that conversation was slated to take place; most likely because it was at a month end audit meeting, not a regular meeting.

Last week, I received a call summoning me to the executive session of tonight's meeting. Though I had been summoned, and I chose that word carefully, I had not been told why. When I finally spoke with the Supervisor yesterday, he informed me that he could not tell me what would be discussed in executive session, but it had something to do with my conduct and things had said. Supervisor Jenkins also mentioned something about being prepared for it. I found this interesting because I wondered how I could be prepared for something I knew nothing about. Therefore, I have decided to waive my right to a discussion in executive session. As I am the individual to be discussed, I would prefer it to be in public session so it will be a matter of record. I have no desire for certain members of this Town Board to once again take advantage of curtain of executive session to bully me for being passionate about the Rec Park I grew up at or for demanding better for our children. I grew up with a principal and a teacher. I know the difference between being scolded and being bullied.

As I was not permitted to know what was to be discussed in tonight's executive session, I can only speculate. For instance, perhaps it could be that at the last Recreation Commission meeting, I had a disagreement with the Rec Director, Steve Gram. It seems that there is simply not enough money to provide first aid kits to the coaches in the Town's Fall Soccer program. It is a subject that is significant to me. My husband and I have five

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children and three currently play in the program which involves over 700 children. I have seen kids bump heads and need an ice pack. Many parents dig into coolers or some coaches bring their own. Mr. Gram said it would be sufficient to have some ice packs in the maintenance building and he would tell the coaches about it. As any parent knows, when your child bumps their head or falls and hurts a wrist, the time to run across the park to an empty maintenance building is an eternity. The SGF Girls' Softball program provides first aid kits to the coaches. They are a proactive and child-centered program. At the end of the season, SGFGS collects the first aid kits. Last year, our Rec Director just gave them out. I would think money could have been saved had the kits been collected, inventoried, and restocked. I think first aid kits are a small price to pay for the safety and security of our children during a sporting event, especially when the Chairman of the Rec Commission wants to use funds to build a pole barn to store equipment.

Mr. Gram and I have butted heads on this and other subject matters over the last few years.

At the same Rec Commission meeting, I also brought up the fact that the registration flyers for the Fall Football program stated on them that there would be no late sign ups after July 1<sup>st</sup> in 2009, the Rec Director was specifically told by the Town Supervisor, that there will be late sign ups and that no child who wants to participate would be turned away. I could not imagine having a job and blatantly ignoring my superior when things were spelled out for me.

I have been told by Councilwoman Gina LeClair that she does not have a problem with what I say, but rather, how I say it. I ask you this Councilwoman: How long did I have to bring up the subject of stumps on the playground and throughout the park before some were finally tended to? The answer is more than two years. What was Steve Grams' solution, after ignoring me for more than a year? Paint them red or put a picnic table over them. I didn't want a monument erected. I wanted a safety hazard fixed. Any reasonable adult would raise their tone of voice when they have asked another adult who is paid to do a job, to simply do that job and put the safety of our children at the top of the priority list. How many times have I said that there is a bench at the playground behind field #1 that is inches off the ground and tilted at a severe angle? Too many. When does it end? When do our town residents get the care they deserve? Long gone are the days of Mr. Betar and lollipops from the golf cart.

A friend made a comment to me the other day that really hit home for me, and motivated me to sit down and get my thoughts in order. He said that it was a shame that though I have good intentions and want to see good things happen, my reputation was being ruined by a few people in powerful positions. It is a shame.

In addition, I am in the process of having a hard copy of the court proceeding transcribed so others can read that if you question authority and write a letter to the editor criticizing the actions of the majority of the Town Board, while supporting a candidate of the minority of the Board, you should be prepared for some down-home retribution. In addition, you should ready yourself for a phone call from the Supervisor's wife, scolding you for writing a letter, even though it was based on fact and cited the meeting minutes.

For at least one Board member, this pattern was set in motion before I was even appointed to the Recreation Commission. I was appointed on January 31, 2008. Councilman Cumm and Councilwoman LeClair were making the recommendations to the Rec Commission. Councilwoman LeClair willingly stated that aside from one of the candidates, she knew no one who had put their names in for the Commission. Councilman Cumm, therefore made the recommendations. Twice, he stated that I should be the alternate. It was only after pressure from three other board members, did he finally concede and make the motion listing me as a member.

During the public discussion, some disgusting things were said. Unlike, Councilwoman LeClair, I am not afraid to say out loud that I have a problem with what was said. Councilman Cumm made some chauvinistic remarks were absolutely uncalled for. What is more disgusting is that when he was called out about the comments by Councilman Kusnierz at a public meeting, the Councilman Cumm denied he ever said anything like it. What is more, he approached me at the conclusion of that meeting, in front of witnesses, and denied it to me personally and told me I was the best Rec Commissioner we had.

At the next meeting, Councilman Kusnierz stated that he had gone back to the audio of the January 31, 2008 meeting, and quoted Councilman Cumm chapter and verse. Unfortunately, I am unable to repeat that quote,

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verbatim, as it does not appear in any minutes that I could find. The general idea stated was that I shouldn't be on the Rec Commission because I had four small children (at the time) and someone should be staying home with them. To this day, I have yet to receive an apology. At this point, nothing but a public apology would be acceptable to me and my family, since he made the comments and denied them, publicly. I am the only female on the Rec Commission. I can't help but wonder if Councilman Cumm's antiquated, Leave-it-To-Beaver-era thinking has something to do with things or if it is simply politics.

So I ask this of the Town Board of the Town of Moreau: Are you really in it to serve the people of this town or simply to clear an easy path and surround yourselves with people who will "yes" you all day? Are you strong enough individuals to have an honest debate or conversation and, at times, agree to simply disagree? I have no doubt in my mind that members of this Town Board want me removed from the Rec Commission. I am sure by statute you are allowed to do what you wish, as long as there is a majority consensus. I am sure you will do as you wish at the end of this evening, since you view me as a thorn in your sides. However, I was not raised to be a doormat. I was raised to be respectful, and I believe I have been, although I have not been treated with much respect myself. I am not here to play games or pull punches. I will not dignify your executive session this evening with my presence since you would not tell me the purpose. According to Supervisor Jenkins, I was discussed at the executive session of the last meeting. The motion to enter into executive session states that it was, among other things, to discuss an "unnamed employee." I am not an employee. Therefore, you were completely out of line to discuss me in the first place. If you have something to say to me, I will now listen to your comments as you have listened to mine.

Thank you for your time.

Supervisor Jenkins asked if anyone on the board wanted to comment.

Councilman Kusnierz thanked Ms. Lanfear for making her public comments for the record. Any kind of dialogue from the public is most appreciated by him and other members of the board, maybe some more than others. It is important to have that dialogue so we can better serve our community so thank you for taking the time.

Councilwoman LeClair said she would be happy to respond at the next meeting after she has had a chance to read the minutes and the comments made by Ms. Lanfear and go back through them and respond.

Supervisor Jenkins stated the public comment period was over.

### **HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Paul Joseph, Highway Superintendent, to attend an Association of Towns Highway Conference September 14<sup>th</sup> – 17<sup>th</sup> at the Saratoga Springs City Center and for the \$99.00 registration fee to be a proper town charge.

Roll call vote resulted as follows:

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

Paul Joseph submitted the following three quotes for four (4) grader tires including installation:

Adirondack Tire Center	\$1,961.00
Warren Tire	\$2,416.00
Terry-Haggerty Tire Co.	\$2,000.00

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The purchase would be made out of account DB5130.405 that had a balance of \$61,278.19 as of 8/1/10.

Councilman Prendergast asked if these tires could be purchased under state contract and Paul Joseph replied not these tires.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of four (4) grader tires from Adirondack Tire Center at a cost not to exceed \$1,961.00 out of account DB5130.405.

Roll call vote resulted as follows:

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

Paul Joseph informed the Town Board by way of a memo about repair work being done to the 2008 New Holland Tractor/Mower. The a/c was not working in the cab and it was found that the receiver/dryer was bad, but it cannot be serviced and a whole "unit" had to be purchased. While this was being done it was also found that the splines on the hydraulic pump & drive shaft were badly worn again after approximately 150 hours of use. Paul Joseph called Saratoga County DPW and found that they have the same tractor and they are on their third repair of the same problem. He also called Alamo and Capital Tractor to troubleshoot this mechanical problem. Both parties had a couple of different remedies. The tractor was taken to Capital Tractor for diagnostic testing on the hydraulics and while it was there they fixed the a/c unit. It was cheaper to follow this route than to pay a service person to come to the highway garage and make the necessary repair. A cost for the repair is not known at this time.

Brief discussion followed between the board members and Paul Joseph.

### **COURT REQUESTS**

Jeff McCabe, Town Justice, explained how he has obtained six quotes on a new phone system. The phone system in use now is about 18 to 19 years old and it can't be repaired and parts are not available. There are a total of seventeen (17) units that need replacing. Eleven (11) are in the Town Court and six (6) are at the Highway Garage. There was \$8,029.00 allocated in the budget for a phone system. He has been working on this in conjunction with the highway superintendent. The best price received was \$3,600.00. However, it doesn't include some of the options that the \$5,400.00 phone system offers.

Justice McCabe explained that he requested funding for the phone system through the JCAP grant, but it wasn't approved. There is \$2,100.00 remaining from the JCAP funds and he requested permission to use this money towards a phone system and it has been approved.

Justice McCabe explained how the quote from Cornerstone came in at \$8,000.00 to \$11,000.00. The Village of South Glens Falls has a twenty five (25) phone system and they have had a good track record with Cornerstone.

Justice McCabe also noted that the board members didn't have to make a decision on this at this meeting. He wanted to present them with the information to review.

Supervisor Jenkins asked Justice McCabe if the phone system could be relocated if the Town Court was relocated to another location and Justice McCabe replied that he inquired about this and all the phone systems quoted could be relocated.

Justice McCabe then spoke with the board about the proposed "walk-thru" of the court facility. He explained how he has major concerns about allowing the general public to walk through the court facility. It could be

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detrimental to the safety of the court personnel and security of the building. He stated that he would love to have a board meeting held in the court room and he has no problem allowing the board members to walk through the court building, but again he stated that he has great concern over the general public walking through all parts of the building. He stated that it has nothing to do with anyone hiding anything, but it has to do with the safety of the personnel.

He also noted that the judicial conference is coming up in September.

Justice McCabe advised that he has received prices for new windows for the court building. The prices range from \$180.00 to \$200.00 per window. However, the companies he called for quotes do not want to remove the current windows due to the age of the building and the possibility of lead and asbestos. There are EPA regulations governing this and Hazmat would be involved.

Councilman Cumm stated that the board could approach the owner of the building and ask what he can do to help.

Justice McCabe also noted that the electric bill for the court was \$489.00 last month.

Councilman Prendergast stated that they were meeting with Mr. Hillman on Friday.

Reed Antis suggested a public informational meeting to inform the public about the need for a new court building. He stated that he was in favor of one.

Justice McCabe said he wouldn't have a problem with a public informational meeting being held and it would be okay to hold it at the court building.

Councilman Cumm stated he wouldn't be able to attend a meeting there. There is too much mold and mildew and he is allergic to mold and mildew.

Supervisor Jenkins said the board could schedule a public informational meeting at their next Town Board meeting and it could be held near the end of September.

Adele Kurtz stated that she thought a workshop would be helpful and suggested that the square footage needed and services be available for the workshop.

Justice McCabe stated that the square footage they have currently is adequate and they weren't asking for more. They also have information about the layout of a building and what they would need.

Reed Antis suggested that they bring to the workshop a list of what the State will mandate in terms of a building.

Jeff McCabe replied that list will be huge.

#### **WATER DEPARTMENT REQUESTS**

None

#### **RECREATION DEPARTMENT REQUESTS**

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz ratifying the position of swim instructor held by Kevin Donahue retro-active from 7/19/10 at an hourly rate of \$10.00 per hour with no pre-employment physical required.

Roll call vote resulted as follows:

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

### **MOREAU EMERGENCY SQUAD**

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign the contract between the Town of Moreau and Moreau Emergency Squad for the month of September and authorizing the Supervisor to pay \$14,750.00 to Moreau Emergency Squad as ordered by the court.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that there has been discussion about cutting checks to the Moreau Emergency Squad pre-audit and asked if we were all set to do that.

Supervisor Jenkins replied that he was only given authority to do that once. He also stated that the board still hasn't received information requested that the Moreau Emergency Squad agreed to provide and then said they wanted to review it with their legal counsel. However, in a letter from the Moreau Emergency Squad it sounds like we are all on the right track.

Councilman Kusnierz stated that he spoke with Andre Delvaux last week and the squad doesn't have a problem submitting reports in the same format as the Moreau Community Center.

Supervisor Jenkins stated that in addition the squad was going to give the board the billing information as part of that.

Councilman Kusnierz asked if they were all set then with the money going forward and Supervisor Jenkins replied that the board would have to approve that. He didn't have a problem with that, because the money is sitting in a savings account and forwarded to the Town by the Moreau Emergency Squad and the Town gives it back to them. It has nothing to do with the contract between the Town and the squad and the contractual amount we pay them. The squad does their insurance claim/money processing every two weeks and it would help facilitate their cash flow.

Councilman Kusnierz said the board should memorialize the pre-audit authorization at least for the month of August.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing pre-payment, pre-audit of the insurance money for the month of August to the Moreau Emergency Squad.

Roll call vote resulted as follows:

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

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In response to a question from Reed Antis, Supervisor Jenkins stated that the contract with the Moreau Emergency Squad hasn't been finalized and we haven't received anything from the court about finalizing the case. This whole issue started in January 2008 when Wayne Bruce came to him and claimed that the COO of the organization was making over \$90,000.00 a year in 2008 and for the Town Board to ignore this claim would not have been good. We still haven't received that payroll information, but there is clarification of what kind of information the board wants to receive and the board will be able to understand their financial situation through the balance sheets the Town Board is going to receive on both the paid and unpaid groups, which really will tell us financially where they are. How much is being paid by payroll is essentially the responsibility of their board and not this one, but it certainly has been a concern to this whole board that, that seems quite high for that position for someone who was a volunteer shortly before. This board has discussed that issue. There isn't any reason why we can't discuss it in public it came to us from the public. There is no reason why we can't disclose that information. We don't have verification on that. We have asked for information and haven't received it. Primarily we have an agreement that we will be able to move forward with, but it hasn't been finalized. We are still waiting for the court.

Councilman Cumm mentioned the Thurman settlement with the emergency squad in Thurman. He stated that Thurman settled with their emergency squad and their payment will be less legal fees that were incurred by the Town Board in fighting the emergency squad. This is something we should consider here. We only have so much money budgeted for the Moreau Emergency Squad and we not only incurred our legal fees, but the legal fees that they are incurring are being paid by the Town. He suggested the Town Board decide if they wanted to subtract all legal fees from our final payment to them or not. If we don't, we will be over budget.

Attorney Auffredou said he wanted to clarify for the record that the statement just made that their legal fees are being paid by the Town. That isn't pursuant to any court order or anything like that. What Councilman Cumm is saying, for clarification, is that since the emergency squad derives all of its funding from either the contract, which is payment by Town dollars, or third party billings, which are also Town property and presumably they are paying their attorney from those Town funds. He wanted to clarify that never will there be any court finding that the Town owes them their attorney fees.

Supervisor Jenkins advised that the board never resolved the question of whether we want to move ahead with the pre-payment and have them submit every two weeks for reimbursement of the insurance monies. He preferred to hold off on this until we see some of the information we are going to get.

No objections were raised by the board members.

## **DOG LICENSING**

Effective January 1<sup>st</sup> State of New York Department of Agriculture & Markets is no longer going to be involved in the licensing of dogs. It will be up to each municipality to send out dog license renewals and the municipalities will keep 100% of the dog licensing fees collected with the exception of a \$1.00 animal control population program fee for spayed and neutered dogs licensed and a \$3.00 animal control population program fee for unspayed/unneutered dogs licensed. The animal control population program fees collected will go to an agency that the State contracts with to monitor and administer the animal population control program. The animal population control program provides low cost spaying and neutering for dogs whose owners qualify. The Town Clerk provided the Town Board with a memo on August 9<sup>th</sup> that outlined all the decisions that the board was facing some of which are; adoption of a local law regulating dog licensing, fees, types of licenses, period of licensing, etc. The Town Clerk was also looking for the Town Board to request that Attorney Auffredou commence drafting a local law or revising the current dog law on the books to coincide with this new law. This all has to be in place by December. The Town Clerk will have to send out license renewal forms in December for January renewals.

Supervisor Jenkins asked Attorney Auffredou if the Town could amend the current dog law or draft a new law.

Attorney Auffredou said he would have to review this. He suggested that he discuss this with the Town Clerk and come up with a recommendation by the next Town Board meeting.

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The Town Clerk asked for authorization to order dog tags. It takes 8 to 12 weeks to get them. She received the following quotes:

Ketchum Manufacturing	\$314.00 for 2,000 tags
IDS	\$460.00 for 2,000 tags
Hasco	\$227.68 for 2,000 tags

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of 2,000 dog tags from Hasco at a cost of \$227.68.

Councilman Kusnierz suggested the Town Board review the fee schedule, because now that the localities are going to be keeping a majority of the fees we may be able to adjust them down.

Councilman Kusnierz asked the Town Clerk to provide the board with the amount of money generated from dog license fees now. The Town Clerk said she would do that.

Roll call vote resulted as follows:

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

### **BRUSH FEES**

Councilman Cumm stated that Brian Abare, Village DPW Superintendent, has suggested that the Village split the cost of grinding the brush at the Transfer Station with the Town and then they could dump for free.

Supervisor Jenkins stated that it seems fair.

Councilman Cumm stated he would like to put this in the form of a motion.

Supervisor Jenkins stated there is still the question of charging fees.

Councilman Prendergast stated that we charge the Town people to bring in brush and we were going to have to pay to have it ground up. Now the Village would be able to bring in the brush for free and they would pay half the price of grinding.

Councilwoman LeClair stated that the Village has never charged for brush pick up. They pick up the brush from the curb and they were dumping it at a site in the village and then were told by DEC they couldn't dump there anymore.

Councilman Prendergast asked what would prevent someone from the Town from saying "don't charge us we will just grind, but charge the people in the village".

Councilwoman LeClair and Councilman Cumm stated that the people in the village are already paying for it through their taxes.

Councilman Kusnierz added that if they pay for half the cost of grinding then the people in the village would be paying for it.

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Supervisor Jenkins stated that right now if a citizen from the village goes to the Transfer Station with a small load of brush they are charged \$15.00 and they also are taxed to get rid of it. We would raise funds in outside village to pay our share of it.

Councilman Kusnierz said it is a user fee based fund.

Supervisor Jenkins stated this started from a complaint from a person who said they were bringing brush to the Transfer Station themselves and paying for it and yet the people in the village get their brush picked up and don't have to pay for it. We can say they pay for it through their taxes, but they don't pay the cost to get rid of it at the Transfer Station and under this scenario they would pay one half the cost of grinding the brush. It is his opinion that we go back to no charge and limit the size. If the load is too big then the clerk at the Transfer Station can turn them away. Nancy Ryan said she could do this. It doesn't generate a lot of money and it has caused more problems and time than it should.

Councilwoman LeClair stated that the Village doesn't pick up huge piles of brush from their residents. They aren't doing a brush removal service in the amount we are seeing brought in.

Supervisor Jenkins stated they pick up anything in the road.

Jesse Fish stated that when he worked for the DPW a village resident could clear two or three trees and put them in the street and the DPW would pick it up.

Councilman Prendergast stated that the Village picks up all year-round. He grew up in the Village and if you mowed your grass and put the grass clippings out by the road the Village would pick them up every week. He didn't agree that this is a service government should provide. In his opinion they should adopt a policy whereby a couple times a year they help out their residents and other than that it isn't a government's job to do it.

Councilman Kusnierz stated that right now a Village resident could take their brush down to the Transfer Station and pay a fee and nothing is changing there, but they are looking to pay one half of the grinding fee and they will collect from any Village resident brush that is put out by the curb and deposit it for free in the Transfer Station. If we keep it to a per truck load cost it keeps the program in place and makes it fair for everybody.

Supervisor Jenkins stated that the Village isn't going to agree to that and Councilman Kusnierz said that is their decision.

Supervisor Jenkins stated if we allow the Village to pay one half of the grinding costs it will amount to more than what we raise in collections right now.

Councilman Cumm stated the other problem with eliminating the brush fee is that the Transfer Station would be receiving a lot more brush and would the Village be willing to split the cost of grinding if there is more brush coming in and their one half goes up.

Councilman Kusnierz asked if he heard Supervisor Jenkins say that he would consider eliminating all fees and the Village would pay half of the grinding cost. If so, how would we pay the Town Outside.

Supervisor Jenkins stated that the Village would pay us and we would put that money into the Town Outside fund and we would estimate for budget purposes the cost to grind.

Councilman Kusnierz stated he didn't agree with going from a user based fee service to everyone paying. If a person doesn't use the service then they shouldn't have to pay.

Councilman Cumm stated that if we eliminate the fees then the Town of Moreau residents will start bringing in brush the way they used to before and we will have three times as much brush.

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Councilman Kusnierz stated that he doesn't bring brush to the Transfer Station so he has a problem paying for everybody else who does.

Supervisor Jenkins stated the alternative is to keep the fees as they are and work a deal with the Village.

Councilwoman LeClair stated the Village people are paying for it in their taxes.

Supervisor Jenkins agreed, but the Village people are also getting it picked up in front of their yard. He wished that he could get his picked up every week, but we couldn't afford to do that. We would have to put on extra crews.

Councilman Cumm agreed with Councilman Kusnierz about the user fee based issue and everybody in Town shouldn't be paying for the brush. How do we get around the Village situation?

Supervisor Jenkins stated that we don't have to get around anything. The Village would pay for one half of the cost of grinding and the Town would pay for the other one half with the revenues raised brush fees and if there is a small balance due then the Town Outside Fund would pay for it.

Councilman Kusnierz asked why we don't agree to split the fee and they can bring in twenty truck loads and then they pay per truck load after that.

Councilman Prendergast stated the Village has to decide whether or not they can continue to pick up all summer. There is a cost for everything today. Nothing is for free. The Village used to dump for free and the State came in and said they can't do that anymore. We have to operate and there is a charge for it.

Supervisor Jenkins stated that right now our policy is \$90.00 a truck load for the Village and they are stockpiling it. We told them if they grind they can bring it in for nothing.

Councilman Cumm stated that is cost prohibitive for them. It takes too much manpower and time.

Supervisor Jenkins then suggested they leave it as is for now, because it appears the Town Board isn't ready to move on this right now. He said he would put it on the agenda for the next meeting.

Councilman Cumm stated that the Village residents are Town of Moreau residents also. The Village is willing to pay for one half of the cost of grinding the brush we have at the Transfer Station right now, which is about \$1,600.00 and that is \$1,600.00 we are saving.

Supervisor Jenkins asked what will happen next week when they bring in more brush.

Councilman Kusnierz stated that if we put a limit on the number of trucks they can come in with then they will re-evaluate their policy.

Councilman Cumm said he would like to limit the truck loads the Village can bring into the Transfer Station in a year.

Supervisor Jenkins asked Jesse Fish how many truck loads the Village would normally pick up at the end of the month.

Jesse Fish replied about two trucks in a two day period.

Supervisor Jenkins asked if it would be fifty truck loads a year and Jesse said he was probably close.

Supervisor Jenkins asked the Board if they wanted to allow the Village to bring in 50 truck loads a year and after that they would pay \$90.00 a truck load.

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Councilman Kusnierz stated he was at twenty truck loads.

Jesse Fish said if the Town charges the Village \$90.00 for six yards and they pack a truck full and get 10 to 12 yards in one then they are getting a bargain at \$90.00.

Supervisor Jenkins asked if anyone wanted to make a motion.

Supervisor Jenkins then stated that twenty truck loads cover the \$1,600.00 and after that we would charge them \$90.00 a truck load.

Jesse Fish stated that if the Town wants to allow Town residents to bring in brush for free then let the Village residents do the same thing and then the Village DPW can stop picking up altogether.

No action was taken by the Board.

#### **TEMPORARY CLERK FOR ASSESSOR'S OFFICE**

Supervisor Jenkins stated the Town Board verbally agreed on the hiring of Lisa Ackley as temporary clerk for the assessor's office for up to 60 days at \$10.00 per hour without benefits and it does not involve civil service at this point. She has all the qualifications and has completed her physical. The Town Board needs to ratify this hiring at this meeting.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair ratifying the hiring of Lisa Ackley as temporary clerk for the assessor's office for up to 60 days at \$10.00 per hour without benefits.

Roll call vote resulted as follows:

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

#### **FLOATER CLERK**

Supervisor Jenkins stated that they have done quite a bit of research on whether or not we have enough work for a "Floater Clerk". He stated that the clerks employed by the Town have a total of about 26 weeks of vacation days and there is a "shortage of clerk status" primarily during vacations. There will also be additional work downstairs in Town Hall relative to the health care reform, the highway superintendent has additional recordkeeping in regards to storm water management, the recreation department doesn't have any clerical help so the floater would be available there to make copies of documents instead of having the recreation director come to Town Hall to make copies. We would go by the annual rate for this year which is \$26,088.00 based on the 2010 Budget. The Board discussed this issue. We have a current employee who is out on disability that is coming back and who would be interested in this position. He further stated that civil service has approved the position if we want to do it as a full-time position and they approved this current employee to transfer to this position with civil service credits and all without losing civil service status. There is a shortage of staff in every department and filing is behind in every department. The highway department may need a person for twelve hours one week and six hours another week. It is an interesting position, we don't know how it will work out, but civil service did say we could go with it.

Councilman Prendergast stated it would fill a gap that we have had for quite a while and cross train an employee to be able to fill in on a moment's notice once training is completed and still get quality work. We are constantly looking for somebody to fill in.

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Supervisor Jenkins stated that he received four complaints in the last few weeks. There wasn't anybody in the building department. The assistant was out on sick leave, the clerk was on vacation and the building inspector was out working in the field. The assessor has been alone for four months and whenever she is out of the office the office isn't covered. There is a temp working in her office now, which will help. He further stated that during the month of December there is hardly anybody here.

Councilman Kusnierz asked if "floater clerk" is an official civil service title.

Supervisor Jenkins replied that he didn't have that information with him, but he thought that was how it was characterized and that is what we told them we wanted to do. Primarily, they would be assigned downstairs and scheduling with other departments would be assigned and controlled by one office. It is workable.

Supervisor Jenkins stated the employee who would fill the "floater clerk" position has worked in the assessor's office and the clerk's office and is capable of doing most of the assignments we have without a lot of training. He stated that obviously we don't have anybody to fill Fran's accounting function, but Terry covers some of that now so he is short of help when that happens and from a budget viewpoint he didn't think it was a major issue, it makes sense to him. There are benefits involved. If we can get through this year then during the budget process they could take care of next year.

Councilman Kusnierz thought it was a good idea and it is a position that could work well with all the various departments, but he asked if the creation of this new position was going to be advertised.

Supervisor Jenkins said it would be advertised, because it is a civil service position and it would go by the listing. It was his understanding that right now there aren't any current listings. The person we are talking about would be eligible to do it, because their level of testing is above what this would be.

Councilman Kusnierz said he understood this and said they weren't creating a promotional spot, but rather a new position and he understood what they were trying to accomplish, but as part of our hiring policy we are an equal opportunity employer so we will have to advertise for it.

Supervisor Jenkins said the first step was to notify civil service and they will publish it and whether we have to advertise it or not he wasn't sure yet. It is going to be civil service subject to testing and we would post the job here. He told Councilman Kusnierz that he didn't have a problem advertising it if that is what he wanted to do and we could state in the ad that it is a civil service position.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to establish a new position in the Town of Floater Clerk with an annual salary of \$26,088.00 for the 2010 fiscal year with benefits.

Roll call vote resulted as follows:

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

Attorney Auffredou asked Supervisor Jenkins if since there is an employee who is ready, willing and able and has expressed an interest in filling this position if there is anything wrong with asking civil service if the current employee could fill the new position temporarily subject to the posting.

Supervisor Jenkins stated he thought they could temporarily and it would have to be posted.

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### **CHANGE ORDER FOR LIGHTING GRANT**

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing Change Order No. 1 to the contract with McBain Electric in the amount of \$5,849.62 for the lighting project in the Harry J. Betar Recreational Park.

Roll call vote resulted as follows:

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

\*Councilman Cumm abstained from the vote, because he was on vacation and not involved in this and he didn't have any information on it.

### **LANDFILL FINANCIAL ASSURANCE RFP**

Supervisor Jenkins stated that the cost to do the Landfill Financial Assurance was estimated to cost between \$500.00 and \$800.00. When we sent out RFP's for the AUD we only got two quotes and one was twice as much as the other one. The Landfill Financial Assurance is basically a statement based on an auditor's opinion that we are financially stable enough to support our landfill situation. It isn't much more than a letter. We could use the firm who prepared our AUD.

Councilman Kusnierz asked if we have a rate from them.

Supervisor Jenkins replied no, but he could request it. Fran based this estimate of \$500.00 to \$800.00 on what we paid last year and that was \$750.00 and that was to Whittemore & Downen, but they didn't quote on the AUD work.

Supervisor Jenkins stated that we know our landfill reserve requirement is about \$800,000.00 +/- and we can cover that from any fund, but we have \$1 million set aside in the Landfill Betterment Fund for this. It is just a matter of having a CPA make this written statement.

Councilman Kusnierz stated he realized it wasn't a lot of money, but if the Board went ahead tonight and approved a figure not to exceed any smart firm is going to look and see what the Board approved so he suggested they send out RFP's.

Supervisor Jenkins said okay and it was fine with him.

### **DISCUSS RFP FOR HEALTH INSURANCE**

Supervisor Jenkins advised that they previously sent out an RFP looking for someone to help us with an RFP for health insurance benefits. In reality an RFP would be to schedule an interview, because they all sell the same product and same prices so the difference is what can one do for us that another one can't. He recommended that an interview process be held. An RFP would be mailed out and interviews scheduled with those who submit proposals.

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

Reed Antis asked how many years the recreation director is appointed for.

Councilman Kusnierz replied that the Town Board appoints the director, but it is a civil service position.

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Adele Kurtz asked how many tax certioraris have been filed.

Peggy Jenkins, Assessor, replied eight or nine and stated that the hydros filed notices of discontinuance.

Attorney Auffredou advised that they call them protective filings until they see that the equalization rate is at 100% and then they discontinue the filing.

Adele Kurtz asked who is handling the tax certioraris that were filed.

Peggy Jenkins replied Attorney Auffredou.

Peggy Jenkins stated there are 6,033 parcels and there were 702 informal revaluation hearings and 154 grievances and eight or nine Article 7's.

Attorney Auffredou stated that Moreau doesn't have very many Article 7's filed in comparison to other Towns considering it is a reval year.

Councilman Kusnierz stated that the people haven't gotten their school tax bills yet.

Peggy Jenkins also noted that two of the Article 7's have been pending from the past two years.

### **COMMITTEE REPORTS**

Councilwoman LeClair stated there is a Parks & Recreation Grant out that she would like the Board to issue a letter of support for. She will get the Board the information as soon as she receives it.

Attorney Auffredou reported that at the last Planning Board meeting the Schermerhorn residential subdivision project was before the board and it is nearing its' final stages and there were a number of concerns expressed by the public regarding the speed limit on the Fort Edward Road and Joe Patricke and he would be remiss if they didn't bring this up to the Town Board. His understanding is that the Town Board previously requested, through Saratoga County DPW, a reduction in speed on Fort Edward Road and it was denied. He and Joe told the Planning Board that they would bring these concerns to the Town Board to see if the Town Board thought it worthwhile to pursue another request for a speed limit reduction through Saratoga County DPW.

It was the consensus of the Board to submit another request for a speed limit reduction on Fort Edward Road.

Supervisor Jenkins said he would prepare a letter to go along with the request that the Town Clerk was going to mail to the county.

Reed Antis stated that the established speed limit in the Fernwood-Hudson Valley speed zone could possibly help this area of Fort Edward Road. He gave the Supervisor before the meeting information from Town Board minutes from 1968 and 1971 on this.

Reed Antis suggested the installation of stop signs at the intersection of Fort Edward Road and Reservoir Road and Fort Edward Road and the entrance to Winterberry Woods perhaps would help slow traffic down.

Supervisor Jenkins stated that this would be tougher to get approved by the county.

### **SUPERVISOR'S ITEMS**

The Town Board was copied on information from other Towns on how they handle sick day accumulation for employees who are out on disability. It varies from Town to Town, but in most Towns employees who are out on disability are considered inactive so they don't get an additional sick day each month. Saratoga County gives a sick day if the employee worked ½ of the month.

Supervisor Jenkins stated we don't have a policy on this.

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He stated the other question raised was that we have an employee out on disability and we were taking 5% out of that employee's paycheck when that employee was using their sick time and getting their full salary and now that they are on disability pay what do we do about the 5% co-pay.

Councilman Prendergast stated that the Personnel Committee reviewed the question about accumulation of sick days and their recommendation is that if an employee is out on disability they should not accumulate additional sick time.

Supervisor Jenkins stated that Fran is now asking if she should send a bill for the 5% co-pay or 100% for the months the employee is on disability.

It was the consensus of the Board that the employee should pay the 5% while on disability and not the 100% and while an employee is out on disability they should not accumulate additional sick time.

Councilman Cumm asked that this policy be included in the employee handbook.

Attorney Auffredou suggested that it be included in the organizational meeting agenda for 2011 also.

Supervisor Jenkins asked the Transfer Station Committee to review the Transfer Station revenues. The revenues are down and he asked the Transfer Station Committee to look into how to deal with that.

Supervisor Jenkins reported on a letter received from the President of Little League. He reminded the Board that they are going to be meeting with the Recreation Commission on Thursday at which time Little League wants to talk about a concession stand and that is not the purpose of the meeting on Thursday. The meeting is to discuss fees. Depending on how long the meeting takes the Board could allow Little League to have their say.

Discussion followed between the Supervisor and a member of the public that was in attendance about the letter from little league.

Discussion followed on a poll that was on the Morearec.org website that was created by Garth Baker and linked to the Town of Moreau website.

Councilman Cumm stated he thought the Board gave him permission to create the website, but he didn't think the Board gave him permission to put up polls.

Elizabeth Lanfear said she wouldn't say it was a Recreation Commission website and she hasn't had any say as a Recreation Commission member as to what goes on it. Garth Baker created the website.

Councilman Kusnierz asked if the website was created at the direction of the Recreation Commission Members.

Elizabeth Lanfear said it was discussed at the joint meeting we had here back in March.

Supervisor Jenkins stated that the Board agreed to allow the site to be linked to the Town's website.

Councilwoman LeClair said the purpose of the site was supposed to be to put pictures of the recreation park on it and list activities at the rec. park.

Elizabeth Lanfear stated the signup sheets aren't on the website and the purpose of the website was supposed to be to allow parents access to signups for the soccer and basketball program.

Councilman Kusnierz asked who put the poll on the website and Elizabeth Lanfear replied Garth Baker.

Supervisor Jenkins stated that it wasn't anything personal, but he wanted to comment on an article that was in the Chronicle this week and a comment made by Councilman Kusnierz that was in the article about the excess funds being used for emergency purposes. He stated that we have been told numerous times that if we do those

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things it would be a misdemeanor of the law. Some of the funds were originally loaned to a public authority, the industrial park. It is different than a loan to a Town fund in that the money has to be paid back. If something like that happened there would have to be assurance that it would be paid back and that isn't to say that it couldn't happen. The law has been explained to us several times by Attorney Auffredou as to what we can and can't do with the money and he told Councilman Kusnierz that he talks a lot about transparency and statements like that are negative to that.

Councilman Kusnierz stated the funds are in one account and he knows that they can't use the money for anything they want to and he is aware of counsel's opinion and the State Comptroller's opinion. However, once we take some or all of the money and dedicate it to a reserve fund that money is no longer going to be able to be used for any other reserve fund. That was the point he was trying to make.

Supervisor Jenkins stated the facts are hard enough to get out. The voters may vote no on both issues and we won't have to worry about it.

Attorney Auffredou stated the bottom line is the Town has to find a way to get the funds into a legally established use fund.

Supervisor Jenkins stated that right now it is headed for an unknown reserve, because it is separated from the maintenance for the landfill.

Attorney Auffredou stated that it has to come out of that fund and go into other legally established general municipal reserve funds.

Supervisor Jenkins stated that if the voters say no then we have to come up with something else.

Councilman Cumm asked if once the money goes into a reserve fund can we transfer it into another reserve fund for a different purpose if it is approved by the voters.

Attorney Auffredou said yes.

Councilman Cumm stated for the record that the money cannot be used to lower fees at the Transfer Station nor can it be used to pay for grinding of the brush at the Transfer Station.

Supervisor Jenkins stated nor can it be used for any operational expenses.

Adele Kurtz asked how the capital reserve fund for the highway garage can be used if the capital project has to be for the betterment of the whole Town. The Village has its own highway department.

Supervisor Jenkins stated that the highway garage is part of the general fund by state law so the Village taxpayers get to pay for our highway department too along with our highway superintendent's salary and his clerk's salary, any site maintenance, property improvements.

Adele Kurtz asked what benefit they receive from this and Supervisor Jenkins replied none. It is state law.

Elizabeth Lanfear asked if the money can be used for the rec. park.

Supervisor Jenkins replied yes.

Elizabeth Lanfear asked how much money is allocated to build the pole barn in the rec. park.

Supervisor Jenkins replied we have funds now for a capital project and there will be more money coming in next year from developers.

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Elizabeth Lanfear stated that there are a lot of improvements that can be done in the rec. park that are safety issues and she wondered if some of the money can be allocated from the landfill betterment fund towards the rec. park.

Supervisor Jenkins stated the money could be used for capital projects in the rec. park.

Discussion followed between the Supervisor and Elizabeth Lanfear about the capital reserve funds.

Councilman Kusnierz addressed Paul Joseph about work the highway department was doing on Selfridge Road and it appears there is a staked proposed driveway apron where there are two culverts going in and he asked Paul if the Town is still installing aprons.

Paul Joseph replied yes when they are installing culverts and ditch lines so the aprons are installed properly. It has been done for years.

Councilman Kusnierz said he has a major problem with taxpayers subsidizing culverts and aprons for either developers or homeowners, because the taxpayers don't derive a benefit from it and it requires Town personnel to install them. There is a permit process and as part of the permit process the developer or homeowner should be given an option to pay a little more and have the Town do the work. He asked Paul if he would consider altering the policy in place now. The state doesn't do it and they have deeper pockets than the Town.

Paul Joseph replied the Town installs it the first time and if the homeowner wants to change it they can. They buy the culvert and the Town installs it and we bring in the stone. This way we know it is at the proper elevation.

Councilman Kusnierz said that on a state highway the homeowner or developer is responsible for making that determination. If there is a permit then they would have to sign off that it is properly installed. He asked if there is a limit on the size of the driveway and Paul replied 30 feet.

Councilman Kusnierz asked Paul if he would consider changing the policy and Paul said he would consider it.

Councilman Kusnierz asked Paul if he would put together a proposal that is fair to the property owner and the Town.

Paul said he could, but the problem we will end up with is a homeowner dropping a pipe in the ditch and thinking it looks okay, because the ditch line wasn't clean out. When the highway department installs it they clean the ditch line and makes sure the water runs properly.

Councilman Kusnierz also mentioned Burt Road and Paul interjected that there was ice back up there last winter and Councilman Kusnierz asked if the right-of-way was 25 feet and Paul said yes. Councilman Kusnierz stated the work exceeded that by at least five feet. The reason he knows this is because a property owner complained to him. He told Paul Joseph that he should at least offer the property owner the spoils rather than trucking it away since they are paying taxes on it.

Councilman Cumm asked why we can't come up with a price for installation and Councilman Kusnierz said with material.

Joe Patricke said they could.

Supervisor Jenkins stated it was a Board decision.

Councilman Kusnierz said that is why he asked Paul to come up with a proposal.

Paul Joseph advised that he has one scheduled for the end of this week and asked if he should go ahead and put them in.

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Councilman Kusnierz said if he referred to the minutes from the last meeting when Paul Joseph wanted blanket authority to purchase stone he asked if it was being used for this purpose.

Paul Joseph replied that he was using different stone.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 9:40 p.m. to discuss an unnamed member of the Recreation Commission, Midtown Article 7, CSEA contract negotiations and the history and/or performance of a particular unnamed employee(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 11:20 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the regular meeting at 11:20 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

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