

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 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, 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; Martin D. Auffredou, Attorney for the Town; Peggy Jenkins, Assessor; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:35 p.m.); Steve Gram, Recreation Director (arrived at 8:10 p.m.); Jesse Fish, Water Superintendent; Mike Montgomery, Deputy Highway Superintendent; Town Residents: Adele Kurtz, Reed Antis, Ray Fischer, John Telisky; Salinnah and Zaharah Badruddin, owners of Bluebird Terrace Mobile Home Park in the Town of Moreau; David Rogge, owner of Lamplighter Mobile Home Park in the Town of Moreau; Brigid Martin, Village Resident; Harry G. Gutheil, Jr., Village Resident; and Nick Reisman, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance to the Flag.

**[Note:** The Special Meeting scheduled for 6:30 p.m. on the proposed local law to regulate outdoor hydronic heaters was not held. The following discussion on this took place before the Public Hearing on the proposed moratorium extension on outdoor hydronic heaters and before the regularly scheduled meeting of the Board: Councilman Kusnierz asked if the Board was going to hold the special meeting as scheduled and Supervisor Jenkins stated that they couldn't hold the meeting the Board just received a new draft of the proposed law and the Board would probably be scheduling a public hearing on it. Councilman Kusnierz asked if the draft was the result of the last discussion the Board had on the proposed law and Supervisor Jenkins said yes. Councilman Kusnierz asked if the Board was going to hold a final workshop on the draft law before a public hearing was scheduled. Councilman Prendergast stated that was what he had asked for at the last meeting. Supervisor Jenkins said they could do that. This dialogue was inserted solely to let the public know why the special meeting scheduled for 6:30 p.m. wasn't held since it was an advertised meeting.]

**MINUTES**

The minutes of August 11<sup>th</sup> and August 13<sup>th</sup>, 2009 were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – APRIL 11, 2009 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – APRIL 13, 2009 – TOWN BOARD WORKSHOP RE: PROPOSED DOG PARK**

Corrections:

The Town Clerk changed the heading of the minutes to include purpose of the meeting.

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Page 381 – last paragraph – 2<sup>nd</sup> line – delete the words “so next year dogs won’t be allowed in the park during Moreau Fund Days” and add the following statement made by Councilwoman LeClair at the August 25<sup>th</sup> meeting “They will be requesting dogs not be allowed in the park during Moreau Fun Days. Moreau Fun Days Committee does not have the authority to disallow them, but they will be approaching the Board”.

Page 383 – next to the last paragraph – 1<sup>st</sup> and 2<sup>nd</sup> line – strike the sentence “A year ago in June the Town Board voted 5 – 0 for a temporary trial at 197.” Supervisor Jenkins made the following statement at the August 25<sup>th</sup> meeting “A vote wasn’t taken. There was discussion and a basic agreement.”

Page 384 – 4<sup>th</sup> paragraph – 7<sup>th</sup> line – strike the sentence that reads “That is the reason why the Board voted 5 – 0 last June to give this a chance.” At the August 25<sup>th</sup> meeting Supervisor Jenkins corrected this statement by saying that a vote wasn’t taken and there was discussion and a basic agreement.

Page 385 – 2<sup>nd</sup> paragraph – At the August 25<sup>th</sup> meeting Councilwoman LeClair added the following statement to this paragraph that she stated at the August 13<sup>th</sup> meeting “She agreed that she has had the same comments from the public that he has.”

Page 387 – 8<sup>th</sup> paragraph – At the August 25<sup>th</sup> meeting Councilwoman LeClair added the following statement to this paragraph that she stated at the August 13<sup>th</sup> meeting “She has lived adjacent to the park for 30 years and walked there with her children when they were young and her dog on a leash and never had a problem.”

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to approve the minutes of August 11<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of August 13<sup>th</sup> with corrections so noted.

Roll call vote resulted as follows:

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

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

A Town Board Workshop to discuss the proposed Outdoor Hydronic Heater Local Law was scheduled for September 10<sup>th</sup> at 7:00 p.m. in Town Hall.

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

Bypassed and held down the agenda further.

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

**LOCAL LAW NO. 3 OF 2009 – MORATORIUM EXTENSION ON OUTDOOR HYDRONIC HEATERS**

[Note: Local Law No. 3 of 2009 was originally proposed to consider the adoption of a local law to regulate outdoor hydronic heaters and the Town Board didn't go through with a public hearing for this purpose so Local Law No. 4 of 2009 on the extension to the moratorium became Local Law No. 3 of 2009 for filing purposes with the Secretary of State.]

Attorney Auffredou said this action is a SEQRA exempt action and the Board only needs to adopt the resolution he has prepared and presented to them in order to adopt Local Law No. 3 of 2009 that would extend a moratorium on Outdoor Hydronic Heaters for an additional 120 days.

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

WHEREAS, the Town Board maintains that outdoor wood burning furnaces can present adverse impacts to personal health, to the use and enjoyment of property and can be detrimental to the overall public health, safety and welfare of the residents of the Town of Moreau, and

WHEREAS, pursuant to Local Law No. 8 of 2008, the Town Board enacted a moratorium on the installation, use and operation of outdoor wood burning furnaces or Outdoor Hydronic Heaters (“OHH”) in the Town of Moreau for a period of 120 days. Thereafter the moratorium was extended through Local Law no. 1 and No. 2 of 2009 through August 28, 2009; and

WHEREAS, through the adoption of the moratorium and the necessary extensions of same, it is the purpose and intent of the Town Board to minimize air pollution and protect and preserve the public health, safety and welfare of the residents of the Town of Moreau from heavy smoke and dangerous particulates generated from the use of OHH and to protect and preserve the value of real property in the Town of Moreau; and

WHEREAS, the extension of the moratorium is set to expire on August 28, 2009; and

WHEREAS, the Town Board has conducted a public hearing and a workshop session on a draft substantive law, has engaged in extensive research, made internal revisions and continues to consider and refine a draft substantive law; and

WHEREAS, the Town Board requires additional time to revise and adopt a substantive local law; and

WHEREAS, the Town Board is considering the enactment of Law No. 3 of 2009 amending Chapter 75 of the Town of Moreau Code to extend the moratorium upon the installation, operation and use of OHH for an additional period of one hundred twenty (120) days; and

WHEREAS, the moratorium includes a prohibition on the issuance of permits from the Town of Moreau for the installation, use and operation of OHH; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 3 of 2009 was duly advertised, noticed and thereafter conducted on August 25, 2009 at 6:55 p.m. at the Town Hall; and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 3 of 2009; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 3 of 2009 is in the best interests of the Town of Moreau, is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

WHEREAS, the Attorney for the Town has prepared the documents necessary for filing the local law with the Secretary of State including the text of the law itself;

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law No. 3 of 2009 annexed hereto; and

BE IT FURTHER RESOLVED, that Local Law No. 3 of 2009 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file said documents as required by law and to take all the necessary actions for the promulgation thereof.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for a motion to close the regular meeting and go into a Public Hearing regarding a proposed lighting district to be known as the Pallette PUD Lighting District that was scheduled and advertised for 7:10 p.m.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the regular meeting and open a public hearing to consider the creation of a lighting district to be known as the Pallette PUD Lighting District.

Roll call vote resulted as follows:

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

The following Notice of Public Hearing appeared in the legal ad section of the Glens Falls Post Star Newspaper on August 12, 2009:

Town Board  
Town of Moreau  
Order Regarding Proposed Lighting District

WHEREAS, the Town Board of the Town of Moreau was presented with a petition pursuant to Town Law Article 12 for the establishment of a lighting district located in the Pallette Stone Planned Unit Development (PUD), also known as the Old Saratoga Road Subdivision located at Old Saratoga Road, Abbey Lane and Nancy's Way in the Town of Moreau, Saratoga County, State of New York to be known as the Pallette PUD Lighting District; and

WHEREAS, the petition was filed by the owner of the taxable real property located within the proposed lighting district; and

WHEREAS, according to National Grid and the property owner, a total of five (5) one hundred watt high-pressure sodium lights and two (2) two hundred and fifty watt high-pressure sodium lights will be installed in the lighting district; and

WHEREAS, according to National Grid, the yearly billing charge for the lights is approximately \$1,858.87; and

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, no dollars are proposed to be expended for the improvements; and

WHEREAS, the Town Board of the Town of Moreau desires to conduct a public hearing on August 25, 2009 at 7:10 p.m. at the Moreau Town Hall to consider the aforesaid petition and to hear all interested persons, and

NOW, THEREFORE, by resolution of the Town Board of the Town of Moreau, it is hereby ordered;

1. That the Town Board shall conduct a public hearing on August 25, 2009 at 7:10 p.m. at the Moreau Town Hall located at 61 Hudson Street, South Glens Falls, New York, to consider the petition for the creation of a lighting district within the Pallette Stone PUD; and
2. A copy of this Order, certified by the Town Clerk, is to be published at least one in the Post Star, the first publication thereof to be not less than ten (10) and no more than twenty (20) days before the day set herein for the hearing as aforesaid; and
3. A copy of this Order shall be posted on the sign board at the Town of Moreau Town Hall not less than ten (10) and no more than twenty (20) days before the day designated for the hearing as aforesaid; and
4. A detailed explanation of how the estimated costs were computed is available for public inspection with the Town Clerk.

Dated: August 11, 2009

Signed By: Preston L. Jenkins, Jr., Town Supervisor

Supervisor Jenkins asked if anyone present wished to be heard for or against this proposed lighting district.

Councilman Kusnierz asked if anyone verified the numbers that National Grid filed. He recalled that in the past we haven't always received accurate numbers.

Supervisor Jenkins said the lights in the lighting district won't be lighted until next year anyway. We budgeted accordingly so we should be fine.

Reed Antis asked where this subdivision was located and Supervisor Jenkins said about ½ mile past Moreau Lake State Park.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to close the public hearing.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to re-open the Regular Town Board Meeting.

Roll call vote resulted as follows:

Councilman Cumm	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 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

Reed Antis asked Supervisor Jenkins how the zip code was coming.

Supervisor Jenkins replied not very well. The Post Office is considering closing what post offices we have at this point.

Reed Antis asked if he spoke with our congressman or senator and Supervisor Jenkins said their answers were there is virtually no chance in having our Post Office changed, but they would be supportive of us getting some kind of zip code adjustment. He didn't know how Malta did it. He hasn't talked to them yet.

Reed Antis told Supervisor Jenkins that he promised he would talk to somebody and asked if he still promised and Supervisor Jenkins said yes.

Harry Gutheil asked if the Town Board has taken a position on the closing of the South Glens Falls Post Office. Is the Board going to protest the closing? He holds the public officials to the task of responding and doing what they can for the people. He said a resolution would be in order to oppose the closing of the South Glens Falls Post Office. A lot of people are dependent on this Post Office.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz opposing the closing of the South Glens Falls Post Office.

Roll call vote resulted as follows:

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

Councilman Cumm advised Reed Antis that he contacted Troy Hilts from the Saratoga County Planning Board and he is in the process of reading through the information provided by him regarding Fernwood.

### **ESTABLISHMENT OF PALLETTE PUD LIGHTING DISTRICT**

Attorney Auffredou stated this is a SEQRA unlisted action and the Board should have before them a short Environmental Assessment Form (EAF) and Negative Declaration form. He has taken the liberty, as he has in the past, to complete Part II of the short form EAF and the Board has this for their consideration.

There isn't any adverse environmental impact in the creation of a lighting district in his opinion. He stated that if the Board agreed with the answers to the questions in the short form EAF the Board could authorize the Supervisor to sign Part II of the short form EAF and issue a negative declaration and this could be done in one motion.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the Supervisor to sign Part II of the short form EAF and authorizing the issuance of a negative declaration under SEQRA.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adopt the following resolution creating the Pallette PUD Lighting District.

WHEREAS, the Town Board of the Town of Moreau (hereinafter the "Town Board") was presented with a petition pursuant to Town Law Article 12 for the establishment of a lighting district located in the Pallette Stone PUD, also known as the Old Saratoga Road Subdivision located at Old Saratoga Road, Abbey Lane and Nancy's Way in the Town of Moreau, Saratoga County, State of New York; and

WHEREAS, the Town Board issued an Order on August 11, 2009 directing that a public hearing be held to consider the petition and hear all interested persons concerning the proposed lighting district, and said hearing was held upon notice with evidence given thereat; and

WHEREAS, a certified copy of said Order was published in the Post Star on August 12, 2009; and

WHEREAS, all of the property and property owners now present or in the future within the proposed lighting district will benefit by the establishment of the Lighting District; and

WHEREAS, all of the property and property owners now present or in the future benefited are, and/or will be included within the limits of the proposed lighting district; and

WHEREAS, it is in the interest of the residents of the Town of Moreau to grant in whole the relief sought in the petition; and

WHEREAS, the annual estimated yearly billing charge of \$1,858.87 for the Lighting District will be paid for by the property owners within the lighting district;

AND WHEREAS, no public funding is required to establish or maintain the lighting district;

NOW, THEREFORE, it is hereby

RESOLVED, that the petition to create the Pallette Stone PUD Lighting District is granted, and the Town Clerk shall file a certified copy of this Resolution in the Office of the State Department of Audit and Control in Albany, New York, together with an application, in duplicate, for permission to establish the Pallette Stone PUD Lighting District within ten (10) days hereafter; and the Supervisor of the Town of Moreau is hereby authorized to execute and verify said application which shall include, a certified copy of the petition, an itemized statement complying with Town Law Section 194(3)(a) and a statement of the aggregate assessed valuation of the real property situated in the Pallette Stone PUD Lighting District, as such assessed valuations are shown on the last completed assessment roll of the Town of Moreau prior to the date of the application, and a statement of the average full valuation of the taxable real property of the Town and a statement as to the manner in which it is proposed to finance the cost of the improvements; and it is further

RESOLVED, that the Town Clerk shall cause a certified copy of this Resolution to be recorded in the Office of the County of Saratoga Clerk within ten (10) days hereafter.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

### **HIGHWAY DEPARTMENT REQUEST**

The Highway Department submitted a price quote summary sheet and information on a 2009 medium sized International truck they purchased from International Truck & Engine through H. L. Gage of Albany indicating that there has been a price increase adjustment in the amount of \$1,200.00 on this truck.

According to Mike Montgomery the reason for the price increase was because the price was based on "getting it signed in December and it wasn't signed until January".

Councilman Kusnierz asked when the Town Board approved it and Mike Montgomery said he thought February.

Councilman Kusnierz asked if it was February of the year in which the prices agreed to were still in effect.

Mike Montgomery replied that Steve Barody tried to get it through in December 2008 and it was approved in February 2009. The price was based on it being accepted in December 2008.

A motion was made by Councilman Cumm authorizing the price increase of \$1,200.00.

Harry Gutheil asked if it was the same year and model truck and the answer was yes. He stated they may be better off waiting for a 2010 truck.

Councilman Cumm recalled that we tried to get it approved in December 2008 and then had to retract it, because we couldn't approve it in 2008 for a budget item in 2009.

Mike Montgomery said they already received the truck.

Councilman Kusnierz asked if it was normal for a dealer to send a vehicle out when it isn't paid for. He said it appears we are holding all the "marbles".

Councilman Prendergast suggested someone call the dealer and tell them that we purchased the truck at the quoted price and it hasn't been paid for yet.

Mike Montgomery stated he understood that the reason the date ordered made the difference was because of a change in emissions resulting in price changes from year to year. If it had been approved in December there wouldn't be a \$1,200.00 increase.

Supervisor Jenkins asked when the truck came in and Mike Montgomery thought June, but would have to check.

Councilman Prendergast suggested they look into this more.

Mike Montgomery said he could.

Supervisor Jenkins asked Mike Montgomery to get together with him and they could call the dealer.

Councilman Kusnierz suggested they table this for now.

The next request from the Highway Department was a request to purchase asphalt concrete for driveway aprons from Pompa Bros., Inc. under county contract #09-PWAC-3R at a cost of \$6,000.00 out of account DB5110.493 that had a balance of \$17,874.34 as of 7/31/09.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of asphalt concrete for driveway aprons from Pompa Bros., Inc. under county contract #09-PWAC-3R at a cost not to exceed \$6,000.00 out of DB5110.493.

Roll call vote resulted as follows:

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

Councilman Prendergast mentioned the quote received from Mike Montgomery to overlay the section of Butler Road from Route 9 to the Transfer Station Exit a distance of 388 feet. The quote was \$7,560.00 and this was for the asphalt only. He stated there is money in the budget and he recommended they go ahead with this project.

Councilman Cumm stated he walked that section of roadway with Mike Montgomery last Thursday and it needs to be done.

Councilman Kusnierz asked what account the money was in. The answer was the paving budget. He asked if it would affect any of the projects that the Board agreed to pave this year.

Mike Montgomery stated this is a small section of roadway and with the funds left over they could finish Potter Road and do Butler Road. There were other roads on the list, but they are too large to do this year and not enough money so they will have to be done next year.

Harry Gutheil said the Adirondack Glens Falls Transportation did a Route 9 corridor study and recommended re-alignment of the intersection of Route 9 and Butler Road. He said it would be a shame to pave it now and next year have the State say they are going to change it. It is a question of when it is going to be done.

Mike Montgomery said if it was a question of line of sight then when the water line went in it opened up the line of sight a lot.

Supervisor Jenkins said we aren't on the State's list for this intersection anywhere in the near future. The next project we are in line for is the re-alignment of the intersection of Route 9 and Fortsville Road. He said he could talk to NYS DOT and ask them if they are willing to do some design work on the intersection of Route 9 and Butler Road and find out what the cost would be if we did some re-alignment. We don't have the funds to do it this year though.

Councilman Prendergast said he didn't mind getting a little more information on it, but if we can't get a time frame from somebody as to when it is going to be done then we have to move ahead and pave that section of Butler Road. It has been in the works already for years and we haven't seen any change down there. He asked the Town Clerk to put this on the agenda for the next meeting to take action.

A memo was received from Mike Montgomery recommending the appointment of Jeffery Backus, Jr. as a mechanic/welder contingent upon successful completion of a pre-employment physical and pre-employment drug testing.

Councilman Kusnierz asked if this gentleman lives in the Town of Moreau and Mike Montgomery replied that he lives in the Town of Northumberland.

Councilman Prendergast asked if he would be replacing Joe Reynolds who retired and the answer was yes.

Councilman Kusnierz asked what his title would be.

Mike Montgomery replied "laborer".

Councilman Kusnierz asked what Joe's title was and the answer was MEO.

Mike Montgomery stated that their job involves from operating equipment to manual work. He stated that generally an employee in the Highway Department is required to have a CDL license so he suggested the Board

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

think about setting a time frame such as six months after we hire employees when they would become MEO. They would still have two laborers.

Councilman Prendergast ~~as~~ asked if that was negotiable. **[Corrected 9/8/09 jf]**

Mike Montgomery said it isn't anything the union gets involved in. Chris Abrams was moved into MEO just a short time ago. He said it is something the Board should consider. Laborers are operating equipment at some point during the day. MEO is a 60 cent per hour increase.

Councilman Kusnierz asked if when a laborer is operating equipment if they are bumped up the 60 cents per hour and Mike Montgomery replied no. They have to work eight hours to qualify for that rate.

Mike Montgomery said it is a morale consideration also when someone is working and doing comparable work and getting paid less. He does physical labor whereby he blacktops and could be in a pay loader or the paver and then operating a truck. It is really an MEO type job.

Councilman Kusnierz asked Attorney Auffredou if this falls under the powers and duties of the Highway Superintendent and he wasn't sure the Town Board has authority over this.

Attorney Auffredou said it sounds like it to him. He said it would fall within the management rights clause in the collective bargaining agreement and he would give the Board his opinion after he reviewed it.

Supervisor Jenkins started to proceed on with the agenda when Councilman Kusnierz asked what the Board was going to do about the request to hire a laborer.

Supervisor Jenkins stated the Board has to appoint him.

Councilman Prendergast asked when he would start.

Mike Montgomery said he would have to give him two week's notice and Councilman Prendergast suggested a start date of September 14<sup>th</sup>. No objections were raised to this.

Councilman Kusnierz asked how many people were interviewed and Mike Montgomery replied two. There were about twenty applications. There weren't many with sufficient mechanical experience.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to hire Jeffery Backus, Jr. as laborer for the Highway Department effective September 14, 2009 and contingent upon successful completion of a pre-employment physical and pre-employment drug testing.

Roll call vote resulted as follows:

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

\*Councilman Kusnierz voted yes, but he wanted to make it clear that when we have openings that we give preference to Town Residents.

#### **RECREATION DEPARTMENT REQUEST**

The Recreation Director requested permission to purchase six (6) custom made soccer nets. He only obtained one quote from BSN Sports/Collegiate Pacific at a cost of \$499.90. This is the only company who makes these custom nets.

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said that Steve Gram wasn't present to answer questions.

Councilwoman LeClair talked to Steve Gram about this request and stated according to Steve Gram we got about ten years out of the current nets. He had hoped to use some of the old nets we replaced recently, but they have holes in them and are in bad shape. They were a type of twine netting. The new ones are made out of a heavier nylon and fit in and there won't be any bunching and we won't have to tie up a net that is too big.

Supervisor Jenkins stated that they apparently are a different size and were custom made and nobody else makes them.

Councilwoman LeClair stated that according to Steve Gram these custom nets are actually cheaper than buying the bigger nets and fitting them.

Councilman Prendergast recalled that at a previous meeting Steve Gram had prices on standard size nets and they were more expensive and these were custom made and he remembers them being ordered.

Councilman Cumm stated those were ten foot nets and these are twelve foot nets.

Councilwoman LeClair said the nets he purchased recently from this company fit nicely they don't bunch up.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of six (6) custom made soccer nets from BSN Sport/Collegiate Pacific at a cost not to exceed \$499.90.

Roll call vote resulted as follows:

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

#### **BUSINESS AUTOMATIONS SYSTEMS NEEDS ASSESSMENT PROPOSAL**

The Town Clerk submitted to the Town Board in advance of the meeting a proposal from Business Automations Systems (BAS) in the amount of \$1,000.00 to conduct a needs assessment of the computer network/infrastructure in all the Town's offices. They will do a formal review of network security configurations, domain policies, backup procedures, inventory of all computer equipment and software currently in use and they will document their findings and submit recommendations they feel beneficial to the Town. The needs assessment will provide the foundation for a phased implementation of the initial technology plan developed for the Town. Any new IT projects or services that may be required in the future will be added to the plan as priorities are established and budgets are approved.

The Town Clerk stated it is something that should have been done a long time ago. She wants to ensure that in the event of a catastrophic event that all the Town's data can be restored and over the years computer systems have been pieced together and she wants to ensure that the equipment in place and the networking is adequate.

Supervisor Jenkins stated there have been issues with the computers downstairs also.

Councilman Prendergast asked the Town Clerk if there are other vendors that she could go to for a quote and the Town Clerk replied that probably any computer company could provide this service, but she doesn't know where to go for quotes. This quote was the result of BAS sending her information on services they provide and her responding asking for a quote for the Town Board to consider. BAS is the company that sold the Town the Town Clerk's Software Program years ago so she is familiar with the company.

Supervisor Jenkins asked if this proposal was for an analysis of just the computer equipment in the Town Clerk's Office or all the offices including the court and the Town Clerk replied, all the offices.

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast stated that he didn't disagree with her concern and Councilwoman LeClair concurred.

Councilman Prendergast said he would like to know if this company would do a good job and accomplish what we need.

The Town Clerk said that the Town of Stillwater is one Town that BAS has done work for.

Supervisor Jenkins asked the Town Clerk to get a name of somebody they could talk to from Stillwater.

Councilman Kusnierz said it was a good idea, but he would like a couple more quotes. He is a little sensitive going with a company that is going to make recommendations on our system when we already are doing business with them and we would buy from them.

The Town Clerk stated that BAS doesn't sell computer hardware.

Councilman Kusnierz asked what the business relationship is that we have with them.

The Town Clerk stated that they sold the Town a software program.

Councilman Kusnierz asked if when they make recommendations would they try to sell those products or how to achieve any resolutions to problems found.

The Town Clerk thought the only thing they might do is what they did for Stillwater and that is provide IT support if the Town wants it or the Town could get somebody else. They won't try to sell us computer equipment.

Supervisor Jenkins agreed with Councilman Kusnierz in that we should get a couple more prices and his concern is that we don't have one system now, we have four systems and so we are probably looking at something that is going to be costly.

Councilman Prendergast agreed that things have been piece mealed and it seems that when things have been fixed in one place problems are created in another.

Councilman Kusnierz said that during the next budget cycle perhaps they should discuss budgeting for a consistent system throughout the Town.

#### **WATER DEPARTMENT REQUEST**

Jesse Fish, the Water Superintendent requested permission for himself and his assistant, Earl Ruff, to attend a six hour course toward their yearly certification at a cost of \$21.00 each in October at the Double H Hole in the Woods.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Jesse Fish and Earl Ruff to attend a six hour course towards their yearly certification in October at the Double H Hole in the Woods at a cost of \$21.00 each.

Roll call vote resulted as follows:

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

A application to hook up to the Water District 6 as an outside user has been received from Acclaim Property Managers LLC who own property at 452 Gansevoort Road.

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Jesse Fish stated that an application has been received, but a fee hasn't been paid yet. He brought it to the Board for approval.

Councilman Prendergast asked what fee we charged Mr. Reynolds and Jesse Fish replied, \$900.00 a long tap fee.

Councilman Prendergast asked if this hook up would have to go under the road and Jesse Fish replied yes. Tom Flaherty was down there looking at it and has already discussed this with this company.

Councilman Prendergast asked if the applicant is willing to pay the costs to do this and Jesse Fish replied yes they have to.

Joe Patricke asked what the type of user was and Jesse Fish replied residential, one family.

Attorney Auffredou said he doesn't have a problem with this request.

Councilman Prendergast asked if they should make sure it is going to be a residential use and Joe Patricke thought so.

Attorney Auffredou said they could make a motion to approve this with a condition that it is going to be used for residential use.

Supervisor Jenkins said he would rather that this be confirmed and the application brought back to the Board for approval after it is verified that it is a residential use.

Jesse Fish said it was brought to his attention that after Mr. Reynolds agreed to all the fees to hook up to the public water he was billed \$100 plus for legal fees for a letter drafted by the Town Attorney and given to him. If this is going to be the case then we need to let applicants know this beforehand.

Supervisor Jenkins thought it was around \$12.00 and it went into Trust and Agency.

Jesse Fish said that he received a call from Rudy and said he called Mike Shaver and spoke to him about this and Mike informed him that the outside user should pay the fee. If this is the case then we need to let the people know ahead of time.

Supervisor Jenkins said he would check with Rudy and get back to him.

#### **DOG CONTROL SERVICES/PAYMENT**

Supervisor Jenkins stated that the Dog Control Officer for the past thirteen months has been paid at the end of the month by way of voucher approved by the Board and the contract stated other than that. The contract can be amended to reflect what we have been doing and this can be done by lining out one sentence in the contract and have the Dog Control Officer initial it. The contract currently reads "within ten days after the close of the month of which the payment is sought the Town shall review, audit and pay said voucher within thirty (30) days of receipt." We've been paying him at the end of the month that he served. He asked for a motion to eliminate this sentence.

A motion was made by Councilwoman LeClair authorizing the Dog Control Officer's Contract to be amended by lining out the sentence in the contract so noted above and having the Dog Control Officer and Supervisor initial the amendment.

Motion was seconded by Councilman Prendergast.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Councilman Kusnierz stated that he was looking at the 2009 contract and noticed subtle changes in it from the 2008 contract mainly under the additional terms where we eliminated the requirement whereby he is to provide the Town with a pager number and a taped message on an answering machine with the pager number on it. In the new contract he is required to provide the Town with a cell phone number and for a taped message with a cell phone number on it. He didn't recall any discussion amongst the Board Members on this change and asked how it came about.

Supervisor Jenkins thought it was because that was what he was using for equipment.

Attorney Auffredou stated that there was a year when he drafted the contract and there was a change during the year that he didn't draft and then he was responsible to work with Terry to draft the new contract so it was probably his doing.

Councilman Kusnierz said he didn't know if the dog control officer has a cell phone number that he is willing to have the added expense of using it for Town purposes if the Town is not going to reimburse him for that. He has a home phone and has no problem with that.

Supervisor Jenkins said it is part of the contract that he has to provide all his own equipment.

Councilman Kusnierz said right, but we changed the contract inadvertently he thought.

Attorney Auffredou asked if he was requesting a modification.

Supervisor Jenkins stated he doesn't have a pager so that is why it was changed.

Councilman Kusnierz said it is an issue he contacted him about and he was trying to find out how we got from the old contract language to the new contract language without any conversation with the Board.

Attorney Auffredou said it was through him.

Councilwoman LeClair said he has a cell phone.

Councilman Kusnierz said he knows he has a cell phone, but it is an added expense to him if non-elected officials are going to call him on it when he can be reached all the time on his home phone. It is cheaper to use his home phone.

Councilwoman LeClair thought that was the experience last week when Rec. had a problem reaching him on his home phone.

Councilman Kusnierz said regardless of what the experience is it isn't fair to the individual to change the language and it was changed without the Town Board reviewing it.

Attorney Auffredou said in defense of that it is not uncommon and it is very typical for there to be simply a resolution authorizing the contract and he drafts the contract and he and the Supervisor have some discussion on it. He will take responsibility for it, but he wasn't aware that there was need to bring the terms of the contract back to the Town Board. It isn't typically his practice with the Town. He drafts a contract and Terry and he goes through some discussions and changes and he reviews it. She does a lot of drafting these days and he reviews it as a cost savings measure and then we go from there. He wasn't aware that any contract once authorized has to come back to the Town Board for review.

Councilman Kusnierz said he was usurping the powers of the Board. He would have thought it was going to be the same contract as previous years, maybe the monetary amount would be changed, but he didn't think it did, so it

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

would be essentially the same contract and it is not exactly the same contract. The person who is doing the job brought it to his attention and he was bringing it to the Board's attention so he would make a motion to retain the language that was contained in the previous year's contract since, we already adjusted the contract in a motion prior to this one.

Councilman Cumm stated that he didn't have the contract with him and started to ask how the language read and then said that regardless of how it reads we need to be able to contact him by cell phone. There was a situation last Monday where he was unable to pick up a dog for eight hours and a business had to hold a dog for eight hours.

Councilman Kusnierz said according to Councilwoman LeClair he does have a cell phone and he didn't think he had a problem with Town Board Member having access to the cell phone number.

Supervisor Jenkins stated that the Village police and the county animal shelter have the number.

Mike Montgomery stated that where he was last Monday he didn't have cell service.

Supervisor Jenkins asked Councilman Kusnierz what he wanted to do with the contract and Councilman Kusnierz said he wanted the same language as last year for Section C & D. That was what his motion was for.

Councilman Cumm asked if the old language said anything about a cell phone.

Attorney Auffredou read the following language from the old contract "a tape message on Robbins answering machine shall be a pager number where he can be reached at all times for dog control services. Robbins shall provide the Town with a pager number where Robbins or qualified representative can be reached on a 24 hour basis." The new contract reads "Robbins shall provide the Town with a cell phone number where Robbins or qualified representative can be reached on a 24 hour basis. The taped message on Robbins telephone answering machine shall indicate a cell phone number where Robbins can be reached at all times for dog control services."

Councilman Kusnierz said that is where the issue is.

Supervisor Jenkins said he has an issue with that, because he received a letter from a citizen where they tried to reach him and it took him 2 ½ hours to get there. He wasn't blaming him, but if he had his cell phone number on his answering machine then potentially this person could have connected with him. The animal ended up dying and it certainly wasn't his fault the animal had been mistreated. The owners went to court and the Town Justice ended up letting them off very easy and now the dog is dead and the other dog was taken away and the wife arrested. We have his cell phone number, but it isn't on his recording and to him it makes it an issue. There may be extra charges on his cell phone, but that is something that could be dealt with. We need the opportunity to contact him. This was a case where the Sheriff wouldn't respond, Ed Robbins couldn't be located, they called Save-a-Stray and SPCA and a local vet and there was no response. If they had called the county animal shelter they are a back up for Ed. We need to look at how to correct this so it doesn't happen again. It is an unfortunate thing. It was a pregnant dog that was out in 90 degree heat and a horrible situation. The woman even gave it water. The children witnessed this horrible death. There was lack of connection, not just with Ed and his cell phone, but with who is going to back it up. Normally it would be the county.

Councilman Kusnierz said we provide all our department heads with a cell phone maybe we should give one to our dog control officer.

Supervisor Jenkins stated there are two in the building available to be used.

Councilwoman LeClair stated it was a customary expense of the job. He can write it off on his taxes and he signed the contract. He had time to comment on the contract before he signed it. Why are we approximately a month later looking at it?

Councilman Kusnierz said he couldn't say why he signed it or didn't sign it he was just telling them it was brought to his attention. He provides his own gas, over 10% of the fee he receives from the Town goes toward his liability insurance and the Town doesn't even cover the summons forms he uses and that is ridiculous. The Town should be

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

paying for the materials that go with the job. It is a municipal job. We are nickel and diming him to death and if he decides not to do it you won't find anybody else to do it for this price.

Councilwoman LeClair stated that there were two other applications.

Councilman Kusnierz asked what happened to them and Councilwoman LeClair said the Board chose to hire Ed.

Councilman Kusnierz said he thought the other two weren't interested.

Councilwoman LeClair said one was very interested and they are a Town Resident.

Councilman Kusnierz thought the Town should buy him a Town cell phone if it is an issue and no one wants to change the contract.

Councilman Cumm said every other department head is an employee of the Town and he is a contracted individual.

Supervisor Jenkins stated he understands his position about wanting to protect his privacy at home, but if he had a Town cell phone he could deal with it very easily.

Councilman Kusnierz asked how many Board Members have issue with providing their personal cell phone number to the public.

Councilman Cumm said he had no problem. In fact he got a call on vacation.

Councilman Kusnierz said he knew some who did.

Brigid Martin asked how many calls the Dog Warden gets and Councilman Kusnierz replied that he picked up 56 dogs last year.

Supervisor Jenkins said he would support something Councilman Kusnierz said and that last month Ed picked up some kittens as the result of a call from the Sheriff and he took them to the animal shelter in Ballston Spa and he didn't get reimbursed for that mileage. He was just filling in and he does a lot of things like this.

Councilwoman LeClair asked why he couldn't put the animal shelter number on his answering machine.

Supervisor Jenkins said maybe he could.

Councilman Prendergast said that we should give him a cell phone to use.

Councilman Cumm said if we are going to do this then he has to be told it is to be used for Town business only.

Councilman Kusnierz said that every audit Rudy checks them all.

Councilman Kusnierz rescinded his previous motion.

Councilman Prendergast made a motion to provide Ed Robbins, Dog Control Officer, with a Town cell phone to be used for Town business and supply him with summons forms.

Motion was seconded by Councilman Cumm.

Roll call vote resulted as follows:

Councilwoman LeClair	No to supplying him with a cell phone and yes to supplying him with summons forms
Councilman Kusnierz	Yes
Councilman Cumm	Yes

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast	Yes
Supervisor Jenkins	Yes

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

John Telisky asked if we have a disaster recovery plan for the Town. He said when you go out to the IT people, especially software people, they are going to try and "up sell" you. The new server should have been integrated with the new computers you got. You need to create an RFP to "pigeon hole" what you want. You don't leave it where they are going to give you a proposal, because they are going to say you need this and that. He spoke about what occurred recently where he works. He suggested the Town check with their insurance company to see if they require a recovery plan in the event of a disaster in order to be covered.

Reed Antis asked about the "landfill revenue stream" now that we have fees for brush. Has the revenue stream dropped and is it going to affect the revenue stream used to support the landfill?

Councilman Cumm stated we took in \$695.00.

Supervisor Jenkins stated this was for the first month. He stated he assumes that this is going to help us get rid of the brush being brought in and if we lost some business we weren't getting any money for it anyway so it is a good deal.

Adele Kurtz asked what the status was of the Pilot Project.

Supervisor Jenkins stated that the Pilot Corporation went through a sale or merger and they withdrew the deposit they had on the property so at this point it doesn't look like they will be coming to Town.

Harry Gutheil asked who the Article 7 was with and was there action taken.

Supervisor Jenkins stated no action was taken and it was with Brookfield Power.

Harry Gutheil asked what the status was with the re-zoning.

Joe Patricke reported that Re-Zoning Committee "separated from consultant for the time being" while our Planning Board is reviewing the proposed plan and they are reviewing site plan review, PUD's and special use permits. Next Monday night the Planning Board is holding a workshop to work on that and when they are done it will go back to the Re-Zoning Committee. He suspected that the Planning Board will want to hold at least two workshops on this.

#### **PUBLIC WORKS MUTUAL AID AGREEMENT**

Supervisor Jenkins stated that this subject was already addressed by the Board at a previous meeting. It was already approved.

#### **COMMITTEE REPORTS**

Councilwoman LeClair reported that we received an application from an individual interested in serving on the Recreation Commission. She stated that she spoke with two other people who she thought were going to apply, but they haven't.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to appoint Garth Baker to the Recreation Commission to fill the unexpired term of Loni Hubinsky.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

Steve Gram, Recreation Director, stated that last weekend there was a fundraiser held in the Rec. Park and they used a field and the usage fee was waived by the Board. Mike Sullivan is going to be using the park for a fundraiser for the Heart Association and he asked if the Board was going to waive the fees for them also. They are going to use a field and pavilion.

Councilwoman LeClair asked if it was a comparable event.

Steve Gram stated he thought so.

Councilman Kusnierz asked where the money goes that is generated.

Steve Gram replied the Heart Association.

Councilwoman LeClair asked if the Rec. staff will have to line the fields or are they going to do it.

Steve Gram said his staff could line them.

Supervisor Jenkins stated it makes a difference if we have to line the fields and have extra staff there and it costs us money. Last week it didn't cost us anything, they lined the fields. If we need extra staff it is going to cost us in overtime and expenses.

Councilman Prendergast stated it was a lot easier to get all the specifics when the other group appeared before the Board.

Supervisor Jenkins stated the Board is meeting again Thursday and if Steve Gram could get some more information to the Board they may be able to act on it then.

Councilman Cumm asked Steve Gram if they approached him with this request in writing.

Steve Gram said no. It has been advertised on the radio for the last month. They still haven't filled out the paperwork to use the fields. They have filled out the paperwork for the pavilion.

#### **SUPERVISOR'S ITEMS**

A request was received from the Town Court that inadvertently didn't make the agenda. Court Clerks, Lori Pike, Colleen Nichols and Susan MacMore requested permission to attend the Annual Magistrates Court Clerks Annual Conference from October 4, 2009 through Wednesday, October 7, 2009 at the Holiday Inn Albany on Wolf Road in Albany, New York. The approximate cost will be \$471.70.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Lori Pike, Colleen Nichols and Susan MacMore to attend the Annual Magistrates Court Clerks Annual Conference from October 4, 2009 through Wednesday, October 7, 2009 at the Holiday Inn Albany on Wolf Road in Albany, New York and for the estimated cost of \$471.70 to be a proper Town charge.

Roll call vote resulted as follows:

Councilman Cumm	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 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins reported receiving information from Selective Insurance regarding the proposed dog park. If we have a dog park all dogs must be licensed and have current shot records and be leashed at all times and dog owners must sign waivers. He stated that if all dogs have to be leashed then the Dog Park Committee probably won't want a dog park.

The attic stairs are broken and can't be used. It was suggested that Andy Sweet be contacted for a quote.

Supervisor Jenkins stated that we have been paying our attorney for appearing in court on dog cases and we didn't have a resolution or include it in the organizational minutes. He has been charging \$150.00 per dog case. We should have a resolution for the record.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Town's legal counsel to be paid \$150.00 per dog case.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that Attorney Auffredou had a discussion with Carol McTygue from the Public Service Commission (PSC) over the definition of cable mile. She has offered to come and talk to the Board and has offered services as a mediator. Supervisor Jenkins stated that Time Warner isn't interested in doing anything and not willing to add services in the Town so he wasn't sure what good a mediator would be.

Attorney Auffredou stated we have gotten a lot of fluffy, meaningless language.

Supervisor Jenkins stated that we can take Ms. McTygue up on her offer, but it isn't going to change the thinking of the Board Members.

Councilman Kusnierz stated that under State law there is only two things municipalities can negotiate and that is build out and franchise fees and we are already at the maximum of 5% for the franchise fees. In a Town our size that includes an incorporated Village and not be able to provide cable along all roads in Town at our day and age is an economic development issue. We are the fifth largest Town in Saratoga County. There are people who need high speed internet for home businesses.

Supervisor Jenkins asked John Mucha seven months ago for a price to supply cable down Route 32 to Clark Road and Clark Road to the railroad tracks and he has never given him the information.

Councilman Kusnierz stated that what Time Warner is proposing we don't get an inch more of cable anywhere in the Town.

Councilman Cumm asked when the current extension of the contract runs out.

Attorney Auffredou said that from time to time we get something from the PSC and he didn't know what the extension term was.

Supervisor Jenkins stated they just renewed it until November he thought.

Councilman Cumm stated that November 2006 was the last time a contract was in effect and here we are three years later.

Councilman Kusnierz said there are law firms that specialize in getting services for the Town as part of the negotiated franchise agreement.

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins asked Councilman Kusnierz to get the Board some information on this and he would put it on the agenda for September 8<sup>th</sup>.

Harry Gutheil stated that in the files there should be some information from firms who have solicited the Town prior. He said it was ridiculous that Time Warner completely ignores the needs of this community in this regards. The Town should look into financing to get the infrastructure in place, because the Town is losing out on revenues.

Supervisor Jenkins stated there are federal funds available to do this, but most likely it would have to be an arrangement with Time Warner, because they would probably do the construction. It would ultimately have to go through the USDA.

Harry Gutheil said it may be time for the Town to draw the specifications and put it out to bid to find out what it will cost the Town. You have to push these people or they won't do anything.

Councilman Cumm stated that the PSC is supposed to be protecting the public against organizations like this and they aren't representing the public.

Councilman Kusnierz stated there used to be cable television commission that would stand alone from the PSC and under Governor Cuomo that was eliminated and their powers and duties were rolled into the PSC.

Councilman Cumm stated they side with the cable company on every issue and continue to renew their contract and don't ask for any input from the municipalities or anyone.

Harry Gutheil stated the Town should insist on the "Favored Nations Clause".

Councilman Kusnierz said that he would be willing put it out to contract and see who bids.

Supervisor Jenkins stated he had some numbers that he sent into the State, but it wouldn't cover all areas of the Town. We'd have to have Time Warner provide us with information where the service would be needed. We could request this information and tell them we are considering looking at a Rural Facilities Grant.

Councilman Kusnierz said that Time Warner's equipment is within the Town's right-of-way so we should have some position for bargaining, because if we don't allow them in our right-of-ways then they can't provide the service. Are they guaranteed to be allowed in per the franchise agreement? He mentioned the "Evergreen Clause" in the franchise agreement.

Attorney Auffredou said the PSC keeps extending it.

Supervisor Jenkins said he would contact John Mucha and see if he can provide the Town with this information.

Next under Supervisor's items was a letter signed by Yasmin Badruddin requesting that the Town Board consider allowing Bluebird Terrace Mobile Home Park on Bluebird Road to be hooked up to the Town sewer that is already in place on the corner of Fort Edward Road and Bluebird Road in place of their septic systems in the park. They also requested that they be allowed to use funds from the New York State Environmental Facilities Corp. to do this.

Supervisor Jenkins stated there have been septic issues in Bluebird Terrace and the Assemblywoman Sayward told the owners, the Badruddins, that there are funds through the Environmental Facility Corp. (EFC). He said this was basically true, but it would be many years down the road. The way the system works is that you file an application to do something and everything is weighted on a points system and there is no way to tell how long it would take. The Town has an application into the EFC (a financial arm of the Department of Health (DOH)) to provide sewer and one area included would be Bluebird Road from Route 32 to Fort Edward Road. For the Badruddins to file for a single project like what has been requested would be very difficult unless the Badruddins personally approached DOH with the health and environmental issues they have and maybe DOH would have some way to help them on an emergency basis, but it doesn't happen very often. We also have a potential developer that may run sewer lines along Route 32 in the future. If this occurred and people wanted to hook into it they would probably pay a buy-in cost. There will be sewers, but he isn't sure when. It won't happen overnight. He told the Badruddins that if they

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

paid to hook into the sewer it would cost about \$200,000.00 to \$250,000.00 to tie into the existing system at Bluebird Road and Fort Edward Road.

Councilman Kusnierz asked Attorney Auffredou if once the sewer lines were in would the process to be included in the sewer district be the same as a water district and Attorney Auffredou said yes.

Councilman Kusnierz also told the Badruddins that the cut off to submit applications to the EFC is September 6<sup>th</sup> and it would be impossible to get the paperwork ready in that short of time.

Councilman Prendergast said sewer is crucial to this Town for both residential and commercial and any opportunity we get to get sewer we should jump on it.

Also under Supervisor's items, Supervisor Jenkins stated that previously the Town Board authorized engaging Whittemore, Dowen & Ricciardelli to do an audit of the court's records for \$2,400.00 and since then it has been discovered that all that is required is a two page check list and there isn't any reason the Town Board can't do this.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to rescind the prior motion made to engage the services of Whittemore, Dowen and Ricciardelli to do an audit of the court's records.

Roll call vote resulted as follows:

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

The assessor, Peggy Jenkins, requested permission to attend the NYS Assessor's Association Seminar on Assessment and Administration September 27<sup>th</sup> – 30<sup>th</sup> in Saratoga Springs at a cost of \$175.00.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the assessor to attend the NYS Assessor's Association Seminar on Assessment and Administration September 27<sup>th</sup> – 30<sup>th</sup> in Saratoga Springs at a cost of \$175.00.

Roll call vote resulted as follows:

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

A voucher was in for audit on August 27<sup>th</sup> from Kingsbury Printing Company in the amount of \$695.39 for newsletters printed for the Town of Moreau. The amount approved by the Board on June 25, 2009 for the newsletter was \$520.17. The actual cost of printing and folding the Town of Moreau Newsletter was \$422.94 and this amount is covered under the approved amount of \$520.17. According to Supervisor Jenkins the additional amount to be paid out of A7550.4 in the amount of \$273.39 will be reimbursed by the Moreau Fun Days Committee. He asked for a motion to this effect.

Councilman Prendergast so moved this and it was seconded by Councilwoman LeClair.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Peggy Jenkins, Assessor, reminded the Board not to lose sight of the fact that they have an appraisal exchange date coming up in November. She has two quotes.

Supervisor Jenkins said they could make a decision on September 8<sup>th</sup>.

There being no further business to conduct a motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the meeting at 9:00 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on August 25, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.