

A regular meeting of the Town Board of the Town of Moreau was held on August 13, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Reed Antis, Town Resident and Planning Board Member; Travis Mitchell, Engineer, Representing Rick Schermerhorn; Rick Schermerhorn, Developer; Town Residents: Midge Duxbury, Bobbie Spaulding, Theresa Saddlemire, Elizabeth Lanfear, Michael & Ryan Winkelman; and Village Resident: Harry G. Gutheil, Jr.

Supervisor Jenkins led the Pledge of Allegiance.

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

Supervisor Jenkins announced that this would be the last Town Board Meeting held in the 61 Hudson Street facility and that the building has historical significance and has been a great meeting place for many years.

**MINUTES**

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

July 23<sup>rd</sup> and July 30<sup>th</sup>

**MINUTES – JULY 23, 2013 – REGULAR TOWN BOARD MEETING**

Correction: Page 303 – 1<sup>st</sup> line – Change “A1620.4” to “A1620.2”

**MINUTES – JULY 30, 2013 – MONTH-END AUDIT MEETING**

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes of July 23<sup>rd</sup> and July 30<sup>th</sup> with the above correction so noted.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes to the Minutes of July 23 <sup>rd</sup> and Abstain on the Minutes of July 30 <sup>th</sup>
Councilman Vittengl	Yes
Councilman Prendergast	Yes

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Supervisor Jenkins

Yes to the Minutes of July 23<sup>rd</sup> and Abstain on the Minutes of July 30<sup>th</sup>

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

A Town Board Workshop re: Water Consolidation, Budgetary Issues, Rates, Etc... was scheduled for August 26<sup>th</sup> at 6:30 p.m. at the New Town Municipal Building located at 351 Reynolds Road.

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

Reed Antis asked if Erin Trombley the Part-Time Recreation Director resigned and Supervisor Jenkins replied no she was terminated.

Reed Antis asked if her termination was related to the purchase of the computer for the Recreation Department and asked if there is a working computer in that department.

Councilwoman LeClair replied that Jeremy Tripp fixed the computer.

Reed Antis said he noticed on Facebook that some of the programs at Rec. have been cancelled and he wondered why.

Councilwoman LeClair replied it was from lack of participation.

Harry Gutheil stated that at the Month-End Audit Meeting he asked the three Town Board Members present at that meeting to schedule a Special Town Board Meeting to rescind the vote on the Saratoga County Water Authority (SCWA) Contract and he was reiterating his comments so that the other two members who weren't at that meeting and are present now to be aware of this request. He was told that the contract was signed and he since found out that the contract was only signed by one party. He asked if the Board Members have revisited the contract.

Councilwoman LeClair replied that she had.

Harry Gutheil stated that the Town will be paying the SCWA \$2.112 per 1,000 gallons for water and the Town is currently paying the Town of Queensbury 96 cents per 1,000 for water.

Supervisor Jenkins replied that the rate is closer to \$1.14 per 1,000 without the capital improvements costs that the Town had to pay to the Town of Queensbury.

Harry Gutheil said he was told that we gave the Town of Queensbury a lot of money for upgrades, but he went back to the day when the Town of Moreau started buying water from the Town of Queensbury and we purchased 2,000,000 gallons of water and he said that if we had given them \$100,000.00 that would equate to a nickel a 1,000 gallons and he has always been told that is the reason we want an alternate source of water. He said they won't find an alternative cheaper than the Town of Queensbury.

Supervisor Jenkins replied that isn't the only reason. The other reasons are that we would have had to do another river crossing, which would have cost more than the hook up to the County and it supplies us with a redundant supply of water so if there is a long-term failure with the system or if there are future contract issues it will put us in a much stronger position. When this decision was made the only Board Member who wasn't on the Board at the time was Councilman Vittengl.

Harry Gutheil said he didn't think they were giving themselves leverage with contract negotiations with Queensbury if the Board has publicized that they are willing to pay over \$2.11 per 1,000 gallons for water. What kind of a message are we sending them? He said it was a bad decision. He said the County business plan and this contract calls for an increase of 1 ½% per year. He wondered how the Board intended to deal with that. He sees value in a redundant source, but they need to put a price and a value on it. He figured if they guaranteed them 150,000 gallons per day minimum for 365 days per year for ten years

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then that makes the contract worth over \$1 million. He didn't recall seeing it on the agenda for meetings when this was discussed. He doesn't see anything in the minutes about it either. He said if they take the difference between what the increases have been from the Town of Queensbury since we started taking their water and the 1 ½% from the County we will be paying \$1.35 at the end of ten years unless the County has done upgrades or improvements and that means the Town will have spent over \$860,000 more for water and that would have more than paid for another river crossing whether it be with Queensbury, Glens Falls or whomever. He said it wasn't well thought out and there wasn't any opportunity to review it beforehand. When he spoke against it at the meeting when the contract was voted on he hadn't even seen the contract yet.

Supervisor Jenkins stated that Harry Gutheil had two more minutes to address the Board.

Harry Gutheil read the following from the SCWA Contract "The Town acknowledges that it is aware of the SCWA water capacity and disinfect and byproducts issues and despite those matters, which it acknowledges that it has been given the opportunity to make inquiry about prior to executing this contract, it still desires to enter into this contract." He asked why the Town Board would guarantee to purchase 540,000,000 gallons of water with these conditions in the contract.

Supervisor Jenkins replied "basically if they have problems again, when they had it the last time those people didn't pay for water and they weren't required to pay for water. The issue primarily was because of the lack of water on the northern end."

Harry Gutheil stated that the contract also calls for the Town to pay for their bond counsel. He asked if the Town Board knew what that was going to cost. He said the contract calls for things that may have to be done at their plant. He also stated that the Town spent or will be spending over \$250,000 to build a pump station. He said if they amortized this cost over the 540,000,000 gallons of water that the Town will be buying over a ten year period then that is another 47 cents per 1,000 gallons of water to pay for that. He said it was a bad decision. The Town Board should have negotiated more firmly with the Saratoga County Water Authority and we shouldn't have had to build the pump station when they can pump water some 26 miles south through Malta and to Ballston and Clifton Park. We get no host benefit and it is tax exempt.

Supervisor Jenkins said it is a ten year contract and we would purchase about \$62,000 worth of water a year and if the County makes 50% on that money then that comes out to \$250,000 over a ten year period and it is a break even at best for the County. That is the other side of the equation. He said this isn't something they have done overnight. They have been working on it for three years and it has been on the recommendation of our Engineer who felt it was the right way to go with a redundant source of water. He said DOH thought it was the right thing to do and we still have the lowest water rates in the State of New York.

Harry Gutheil stated that he doesn't think anybody is going to argue about a redundant source, but engineers are not always right and the Town paid for a crossing under the Northway at a cost of about \$500,000 and to run a line up Spier Falls Road. He said he thought they would have more attractive options if they looked into it. He said the City of Glens Falls is begging to sell water. The Town of Queensbury can expand up to 50,000,000 gallons per day. He asked if there were any negotiations with them.

Supervisor Jenkins replied that the City of Glens Falls doesn't have the water to supply us with. He told Harry Gutheil that his time was up.

Reed Antis asked how much it was going to cost the taxpayers to buy water from the SCWA each year.

Supervisor Jenkins replied that it isn't going to cost the taxpayers anything. It would be the users. He said from a cost analysis based on volume our average cost last year was about \$2.72 per 1,000 gallons if you factor in all labor, debt and all other issues. That is a very low water rate.

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Councilman Kusnierz asked if the contract has been executed.

Supervisor Jenkins replied that as far as he knows it has been. A copy has been sent to the EFC.

Theresa Saddlemire asked why if there is a provision in the Town Code for dogs to be confined or leashed at all times dogs are still off their leashes in the Town of Moreau.

Supervisor Jenkins stated that is a matter of our DCO being there when they are loose and when he is then he picks them up.

Mrs. Saddlemire stated that the current DCO works for the "jailhouse" and is afraid of "a dog" and yet he works with inmates. She said that there have been three "dog catchers" since she has lived in the Town and none of them pushed the issue. They have come into the park she lives in and have made sure the dogs are licensed, but the dogs still run loose and come running up on her and into her yard and she is afraid she is going to be bitten.

Supervisor Jenkins told Mrs. Saddlemire to call the Town and we will send the DCO there, but the issue is if the dog(s) are there when he arrives or not. All she has to do is call.

Mrs. Saddlemire said she has called the Town for three years and the dogs still run loose. None of the DCO's have done anything about it except for Tom. He would come down and knock on all the doors and tell the owners of the dogs to leash their dogs or keep them confined. There has already been a dog attack.

Supervisor Jenkins asked Mrs. Saddlemire to give him the addresses where the dogs come from and "we" will call on the households and discuss it with them.

Elizabeth Lanfear asked if people have dogs off leashes what are the consequences.

Supervisor Jenkins said they are ordered to put them on a leash. If we have an issue then there is usually a warning given and sometimes a ticket is issued, but the court doesn't always prosecute.

Elizabeth Lanfear wondered when the last time was that a person was fined for a dog running loose, because she stated that there are dogs loose in the Rec. Park all the time.

Supervisor Jenkins stated if a dog is loose it usually ends up going to the shelter and the owner has to redeem it there, but he doesn't think they are fined.

Elizabeth Lanfear noted that Supervisor Jenkins said that Mr. Gutheil had five minutes left to speak and she asked Supervisor Jenkins if he changed the rules and did the Town Board adopt a policy regarding the five minutes.

Supervisor Jenkins replied yes and Elizabeth Lanfear asked Supervisor Jenkins when that happened and Supervisor Jenkins stated that it doesn't have to be a policy it is part of running the meeting. This is a legislative session. It is a public meeting not a public hearing and there is a big difference and the 15 minutes is up.

Elizabeth Lanfear asked Supervisor Jenkins if he has a timer and Supervisor Jenkins replied no, he looks at the clock and somebody may run over a couple of minutes. He tries to give them a couple extra minutes to wrap up what they are saying.

Elizabeth Lanfear said the Board doesn't have a policy then about how long a person can speak.

Supervisor Jenkins replied that if he has to start using a timer he will.

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Elizabeth Lanfear said that some people in the past have gone on for 15 or 20 minutes and she and Mr. Gutheil have been cut off and she wondered if the Town Board set a policy, because the Open Meetings Law states that everyone has an equal opportunity to speak regardless of the subject matter.

Supervisor Jenkins said it isn't a public hearing and Elizabeth Lanfear replied that it doesn't matter, it is an open meeting.

Supervisor Jenkins said that this is a legislative session and they don't have to allow anyone to speak if they choose not to and Elizabeth Lanfear said they do, because the agenda says so in the fact that on the agenda there is a public comment period so they have to allow everyone to speak.

Supervisor Jenkins stated that they are trying to allow people to speak, but if they speak too long then they may have to enforce the five minute time period as we only have a 15 minute public comment period and tonight we have had four speakers and right now we have used up 24 minutes.

Supervisor Jenkins stated that the next item was a presentation from Travis Mitchell, Engineer, who is representing Rich Schermerhorn the Developer.

Travis Mitchell from Environmental Design Partnership said he was present to represent Rich Schermerhorn and to talk about a conceptual residential use project that Mr. Schermerhorn is proposing at the northeast quadrant corner where Harrison Avenue and Bluebird Road intersect. The property is zoned M1 and it is adjacent to the UR Zone. Harrison Avenue is along the north side of the property and Bluebird Road is to the south. The self-storage units are to the west of the property. He described where the industrial park and surrounding apartment complexes were situated in relation to this site. He said there are actually three parcels. The corner parcel is a couple of acres of wetlands. On the western parcel Mr. Schermerhorn proposes 116 garden style apartment units and in the center parcel he proposes a single building with 70 units for seniors. The garden style apartment units would be similar to those under construction at Bluebird Village and would be around 1,000 square feet with modern appliances, air conditioning, washer/dryer hookups and 24 hour maintenance. Three of the senior community buildings are operating now. One is in Hudson Falls and two are in Queensbury. They will be similar to the garden style apartments except they will cater to seniors and will have a gathering center, large meeting room, fitness center and all units are elevator accessible. Utilities are available to extend to the site. There is a sewer force main that comes out of the industrial park and up Sisson Road and down Harrison Avenue and another that comes from the Bluebird Village site and along Bluebird Road. This sewer force main could be extended along Harrison Avenue and into the project site. There is also a water main that could be extended into the property. This project would require a zoning change or a Planned Unit Development District (PUD). The conceptual plan before the Town Board was based on the neighboring UR Multi-Family Apartment Zone and in that zone density is allowed at one unit per 5,000 square feet and they have roughly 25 acres with a few acres of wetlands, which equates to 185 units and it is what they are proposing in their conceptual plan. There is a high water table in the area so the buildings would be slab on grade. It was their intent at this meeting to present the conceptual plan and get the Board Members feelings and if the Board receives it favorably then they will talk about a potential path to a zoning change or a PUD amendment.

Councilman Prendergast asked if they have been before the Zoning Board of Appeals and the answer was no.

Councilman Prendergast asked what the height would be on the senior apartment complex and the answer was that it would be a three story building similar to the one in Queensbury on the Boulevard.

Rich Schermerhorn said the question will arise, do we need more multi-family buildings. He said there has been a demand for apartments in Moreau and South Glens Falls. People from Colonie, Malta, Clifton Park and Saratoga are moving northward. He has been able to fill the Bluebird Village apartments as soon as he builds them and he has been able to keep the rents reasonable. He said he knows that there is

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always a concern about the impact on the school district and he has spoken with the Superintendent of the South Glens Falls School District and the enrollment is starting to go down. A lot of people are looking for senior housing and in particular affordable senior housing. He has been able to accomplish this with the three projects he has developed around the area and in Hudson Falls with the complex he built on the Boulevard he has been able to keep two bedroom units at \$750.00 a month. The units are a little over 1,000 square feet and they have a community room, a rec. room/game room and they are all handicapped accessible. He is not asking for a PILOT plan and they will not be subsidized. They are marketed under the Fair Housing Act. He doesn't discriminate, but a rental application has to be filled out and if a person has a really bad track record then he has the right to refuse them. They carefully screen everybody.

Supervisor Jenkins stated that as a PUD there is nothing in the concept at this point that qualifies for a PUD. If the water line is extended down Bluebird Road to the intersection with Harrison Avenue Extension then that would create a loop that would be very important and that may be something that the Town Board Members would be interested in to let the PUD move forward.

Councilwoman LeClair stated that there are more homes on Bluebird Road to be serviced, but there aren't any homes on Harrison Avenue Extension to be serviced.

Supervisor Jenkins said the purpose is to create a loop to improve the whole system. The entire east side of Bluebird Road is zoned for industry and it would open up possibilities in that area too.

Councilman Kusnierz asked how they know that they will get a senior in there. Do they have to attest to their age?

Mr. Schermerhorn stated that with the two complexes in Queensbury people have to be 55 or older to reside there. In the U.S. 55 is considered a senior. He bought the project in Hudson Falls and the approvals were already done and the minimum age was set at 62. He hasn't had the Town come and check, but the people have to fill out a rental application and show their driver's license. He regulates it himself.

Councilman Kusnierz asked if with his senior housing anybody 55 or older could rent from him.

Mr. Schermerhorn replied yes. Under the Federal Guidelines you do not have to allow children to reside in a senior housing complex for 55 years of age or older. They are allowed to stay overnight.

Councilwoman LeClair asked if the \$750.00 a month included utilities and the answer was no. Mr. Schermerhorn stated the utilities have been running \$75.00 to \$105.00 per month.

Councilwoman LeClair asked if Mr. Schermerhorn does any subsidized housing, because even at \$750.00 a month for rent plus \$100.00 a month for utilities that can be a lot of money for some seniors who are living on \$18,000 to \$24,000 a year.

Mr. Schermerhorn replied that he doesn't do subsidized housing, because you have to deal with the Federal Government and PILOTS and tax plans, etc. At the rent level his units are at it is probably hitting a large margin in the area that can afford that. He does agree that there is another whole market out there that can't afford \$750.00 a month. He does have one bedroom apartments in Hudson Falls that rent for \$650.00 a month. He agreed that people can't live on social security alone today. However, the feedback he is getting is that they are affordable.

Supervisor Jenkins thanked Mr. Schermerhorn for his presentation and said it gives the Town Board something to think about.

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### **HIGHWAY DEPARTMENT REQUESTS**

Paul Joseph, Highway Superintendent, submitted a memo to the Town Board outlining the cost to repair 620 feet of Old State Route 197 that runs in front of Mr. Hooper's house. To do a quick repair with stone and asphalt the cost would be approximately \$3,100.00 and to properly repair the 620 feet of road would cost approximately \$6,950.00. There is a south west section of road (320') that is never used and he would not consider repairing it at all. Old State Route 197 has been in need of repair for a very long time per Paul Joseph.

Councilwoman LeClair asked if they could lift up the asphalt and make it a dirt access road.

Councilman Kusnierz asked Supervisor Jenkins if he was saying that he didn't want to do anything with it this year.

Supervisor Jenkins said he wasn't saying that, but they should take a look at the highway budget and talk to Paul Joseph about this. He thought that Paul was on vacation this week so perhaps they could take this up with him in a couple of weeks.

Councilman Kusnierz said that he has concerns over the livestock that are in the trailers going in and out of Mr. Hooper's property. He said that race horses can be quite valuable. He thought they had an obligation to somehow fix the road.

Paul Joseph, Highway Superintendent, requested permission to attend the Annual NYS Association of Towns Superintendents of Highway Annual Conference, Education & Expo in Lake Placid, New York, on September 17<sup>th</sup> through the 20<sup>th</sup>. The rate for three nights is \$773.66, which includes lodging and most meals. A deposit of \$200.00 is required to reserve a room. There are funds allocated for this in account A5010.401, which has a balance of \$1,253.33.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing Paul Joseph to attend the NYS Association of Towns Superintendent of Highway Annual Conference in Lake Placid September 17<sup>th</sup> – 20<sup>th</sup> and for the lodging/meals charge of \$773.66 and a \$200.00 deposit and all necessary and proper expenses to be a proper Town Charge.

Roll call vote resulted as follows:

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

### **WATER DEPARTMENT REQUESTS**

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the purchase of 10 one inch water meters for Bluebird Village from Vellano Bros. at a cost of \$305.00 each for a total cost of \$3,050.00.

[Note: Bluebird Village will pay the difference between the cost of a 5/8" – 3/4" meter that costs \$197.00 and a 1" meter that costs \$305.00.]

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

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Councilman Kusnierz            Yes  
Supervisor Jenkins            Yes

Jesse Fish, Water Superintendent, requested permission to purchase tires for the Water Department Truck out of the water accounts 8310.2 that had a balance of \$38,022.00.

Jesse Fish stated that he tried to obtain quotes that were apples to apples, but there were a lot of variations so Ron Gilligan put the tire prices together for him. One quote was obtained as follows:

Warren Tire	\$790.92
Queensbury Tire	No Quote
Adirondack Tire	No Quote

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the purchase of four tires from Warren Tire at a cost not to exceed \$790.92.

Roll call vote resulted as follows:

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

**REQUEST FROM MARATHON DANCE COMMITTEE TO WAIVE FIELD USE FEE AND INSURANCE REQUIREMENT**

Tim Johnston, Maintenance Director for the Recreation Department, submitted a memo to the Town Board indicating that he received a request from the South High Marathon Dance Committee to use the athletic fields for a co-ed softball tournament to benefit the Marathon Dance on September 21<sup>st</sup> with September 22<sup>nd</sup> as their rain date. They requested a waiver of the insurance requirement and a waiver of the field usage fee. Tim Johnston recommended that they sign a waiver of liability.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the South High Marathon Dance Committee to use the athletic fields on September 21<sup>st</sup> with a rain date of September 22<sup>nd</sup> and for the insurance requirement and fee requirement to be waived with the understanding that they are to sign a waiver of liability.

Roll call vote resulted as follows:

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

**AUTHORIZE SUPERVISOR TO SIGN PESTICIDE REGISTRATION APPLICATION FOR RECREATION PARK**

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the Supervisor to sign an application for renewal of our Pesticide License with the names of Jeremy Tripp on the license as the applicator with Bruce Siergrey and Timothy Johnston as his apprentices.

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Councilman Kusnierz asked that if an application is filed for restricted use that the Town Board be notified beforehand.

Roll call vote resulted as follows:

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

### **FIRE EXTINGUISHER INSPECTION/RECHARGE QUOTES**

At the Month-End Audit Meeting the Town Board accepted a quote from New York Fire & Signal for maintenance of our fire extinguishers. Since then a quote was also received from American Safety Products that was lower than New York Fire & Signal. The Town Board discussed this quote and during the discussion it was noted that the Highway Department had problems in prior years with American Safety Products in that they took new fire extinguishers from them and replaced them with used fire extinguishers that weren't in very good condition. For this reason and since the Town Board Members already acted upon the quote from New York Fire & Signal at the Month-End Audit Meeting the Town Board Members chose not to rescind that action and not to accept the quote from American Safety Products.

### **ALARM SYSTEM QUOTES FOR NEW MUNICIPAL BUILDING**

The following quotes were received for an alarm system for the new municipal building:

New York Fire & Signal	\$9,151.00
Foresight Electronics	\$4,946.52
Time Warner	Do not do commercial

Councilman Prendergast asked if anyone has looked at the quotes that know something about alarm systems. He asked this because there is a big difference in price between the two quotes.

Councilwoman LeClair said she knows someone who would know.

Councilman Prendergast asked why Mahoney Notifiers wouldn't quote and Supervisor Jenkins said he didn't know. They were contacted at least twice by Terry McGuire.

A decision was tabled until more information on both systems quoted on was obtained.

### **BOND LIMIT FOR RECEIVER OF TAXES**

The Town Board Members discussed increasing the bond limit for Receiver of Taxes since the Receiver of Taxes is going to be collecting school taxes for all three Towns in the School District now. Supervisor Jenkins said he would get a quote and get back to the Town Board with it.

### **TEMPORARY MOBILE HOME PERMIT**

Jim Hooper attended a previous Town Board Meeting and talked to the Board about a permit he wanted to allow a mobile home to remain on his property until a new modular was put on the site. The Supervisor asked the Town Clerk to research the minutes back to a time when the Town Board authorized a temporary mobile home permit for someone who was building a house on a piece of property. The minutes were provided to the Town Board Members. The people didn't end up needing the temporary

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mobile home permit that the Town Board authorized. It was noted that Jim Hooper has code violations on his property so it is a different issue than the last time the Town Board approved a temporary mobile home permit.

Attorney Buettner stated that Mr. Hooper is not going to reside in the modular home that he is proposing to place on his property. The Town Code allows the Town Board to issue a temporary mobile home permit for people to live in a mobile home temporarily while they are building a house on their property that they intend to live in. Mr. Hooper isn't going to live in the modular home so it is a different set of circumstances. Also, Mr. Hooper would have to clear up his zoning violations first. She also noted that Mr. Hooper has not filed an application before the Board.

Councilman Prendergast asked if Mr. Hooper is aware of the zoning violations and that he has to clear them up.

Attorney Buettner said she assumes so. She reiterated that the purpose of the Town Code was to allow a person to build a house for them to live in and to obtain a permit for a temporary mobile home to live in for up to one year while they are building the house.

Reed Antis, Planning Board Member, stated that Mr. Hooper has his workers living in the mobile home on his property and they aren't financially able to move and Mr. Hooper claims he isn't financially able to move them until he sells the land so he wants the Town to allow them to stay there until he can sell the land and build a home so that he can afford to have them leave. Mr. Hooper feels that if we ask the people to leave before we move on with the permit then we are putting that family in harm's way.

Attorney Buettner stated that the Town Code doesn't permit Jim Hooper to do what he wants to do.

Reed Antis said this was correct, but Mr. Hooper thinks the Planning Board is being difficult and uncaring for these people.

#### **DISCUSS FURNITURE FOR CONFERENCE ROOM IN NEW MUNICIPAL BUILDING**

Supervisor Jenkins stated that quotes were obtained for a table and chairs for the conference room in the new municipal building that will also serve as a jury room. The purchase would be made from Accounts A1110.2 and A1220.2. The quotes were as follows:

<b>10' laminated table</b>	
Charlie's Office Furniture	\$495.00
Office Furniture	\$599.00
National Business Furniture	\$995.00
Seeley Office Systems	\$1,600.00

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to accept the quote from Charlie's Office Furniture for a 10' laminated table at a cost not to exceed \$495.00.

Roll call vote resulted as follows:

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

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<b>12 chairs</b>	
Charlie's Office Furniture	\$1,536.00
National Business Furniture	\$1,908.00
Staples	\$2,388.00

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to accept the quote from Charlie's Office Furniture for 12 chairs at a cost not to exceed \$1,536.00.

Roll call vote resulted as follows:

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

**CHANGE ORDERS 2 THROUGH 8 FROM CDE ELECTRIC, INC. FOR NEW MUNICIPAL BUILDING**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the following change orders to the electrical contract with CDE Electric for the new municipal complex:

Change Order No. 2	Install a 320 amp self contained meter	\$1,892.12
Change Order No. 3	Add two flag pole lights at the south entrance using deleted HC fixtures	\$386.06
Change Order No. 4	Relocate floor boxes in court room	\$776.25
Change Order No. 5	Install power to three window louvers	\$1,667.67
Change Order No. 6	Install time clock for ERU and power louvers in attic	\$517.81
Change Order No. 7	Install wiring for two flag pole lights at the east entrance	\$679.31
Change Order No. 8	Install two additional exit signs	\$535.33

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Midge Duxbury stated that she hasn't seen any action at 15 Woodlawn Avenue in regards to a fence being installed around the swimming pool. She said it is a dangerous situation.

Supervisor Jenkins said he would talk to Joe Patricke about it in the morning.

Reed Antis asked what the status was of the Burt Road Culvert Project.

Supervisor Jenkins said he was told it would be done this fall.

Reed Antis asked if the work would interfere with the Killian Farm Harvesting Operation. It was an issue last fall.

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Councilman Prendergast said that the Highway Superintendent resolved the issue and it won't interfere with the harvesting of their crops.

Reed Antis asked if Tim Johnston's job description has changed and Supervisor Jenkins replied no.

Reed Antis said he isn't the Rec. Director as was mentioned then.

Councilwoman LeClair said she may have gotten the title wrong.

Reed Antis said they should be careful about that, because there isn't any rec. department head and all that Tim Johnston's job is, is to direct the people down there if he understands correctly.

Supervisor Jenkins said part of his job is scheduling of the fields, because his people down there maintain the fields.

Reed Antis asked if the Board had any plans to hire someone for programs.

Councilwoman LeClair said the Board hired Amy Alfonso at the Month-End Audit Meeting.

Reed Antis asked if we have been able to get out of the lease with Mr. Hillman.

Supervisor Jenkins said the Town had a month to month lease and documentation has been submitted to him.

Attorney Buettner stated that at this point Mr. Hillman knows that we have left and he said that we owe money coming up and she said they would talk about that and he hasn't come back to her.

Reed Antis asked if we spent less money on furniture for the new municipal building vs. the new highway building.

Councilwoman LeClair advised that the Town received a donation of almost 200 chairs and filing cabinets and other office items and it cost about \$500.00 to go and get them.

Reed Antis asked about the vending machines for the rec. park.

Councilwoman LeClair stated that Fitzgerald Bros. hasn't responded to the proposed contract so it is a dead issue for this year.

Harry Gutheil pointed out for the record that he was the only one singled out tonight in open session who was restricted to five minutes. He asked Supervisor Jenkins if it was his policy or the Board's policy.

Supervisor Jenkins replied that it is his policy. He said there is 15 minutes to share with the public twice in one meeting and he told Harry Gutheil that he is the only one who had more than five minutes to speak.

Harry Gutheil stated that there were others who weren't on the agenda who were longer than fifteen minutes.

Supervisor Jenkins replied that they weren't on the agenda, because the computers were down, but they were invited to speak.

Harry Gutheil asked if any Board Member was willing to reconsider the SCWA contract other than the two who voted against it originally and has it definitely been signed. He understands that it is at the bond counsel awaiting their approval. It may not be too late to rescind it.

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Councilwoman LeClair stated that she reread the contract again and she agrees with some of his points both the negative and the positive, but she would like to move ahead with the contract.

Councilman Kusnierz asked Attorney Buettner if the contract has been signed.

Attorney Buettner said she didn't have a signed copy.

Supervisor Jenkins replied that it was his understanding that it has been signed and has been mailed to the EFC. He said he could check again tomorrow.

Harry Gutheil said it was a moot point unless one of the three Board Members who voted for it is willing to reconsider it.

Supervisor Jenkins said he wasn't willing to reconsider it. We made a long term decision a long time ago and we already spent a lot of money on it.

Councilman Vittengl said his decision is to go ahead with the contract.

Harry Gutheil said the Board authorized a million dollar contract with no appropriations or budget provisions to pay for it. Who is going to pay for it?

Supervisor Jenkins said they haven't purchased any water yet, but they will amend the budget when the hook up is done.

Harry Gutheil asked what water district it will come out of.

Supervisor Jenkins said that is the problem they have with all the districts. It will be shared by all districts. He would have consolidated districts five years ago and we still haven't done it.

Harry Gutheil said that he would oppose it. It is unfair. There are two districts with almost a million dollar fund balance and to share it with other districts is morally wrong and maybe that is why they haven't done it yet.

Supervisor Jenkins said he hasn't done it, because this Board has not agreed to it. They have discussed it many times and we don't know what to do. Some think we should establish reserves by the current districts and then do consolidation and all that would do is preserve the monies that are currently in District 2. If we consolidate then everybody would pay the same water rate. It is a complex issue.

Harry Gutheil asked why they haven't reduced the water rates in the districts that have excess fund balances. He said the Town was ripped up and down by the State Comptroller for having excess fund balances and the Supervisor's response to the State Comptroller was that they would reduce rates.

Supervisor Jenkins said it is a difficult decision. Who pays for the water tank? Who pays for the county hook up? Everybody is going to be using some of that water. Everybody is using the water that goes through the Water District 6 tank and yet only those in Water District 6 have to pay for it.

Harry Gutheil told Supervisor Jenkins that he knew that when he responded to the State Comptroller. He said he wasn't sure the Board Members were involved in that response. He asked the Board Members if they were involved in the response.

Supervisor Jenkins said he was the one who sent the response to the State Comptroller, but the Board Members received a copy.

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In response to a comment from Harry Gutheil, Supervisor Jenkins replied that before the water is turned on at the county hook up the budget will have to be adjusted.

Elizabeth Lanfear asked why Amy Alfonso was hired at the Month-End Audit Meeting.

Supervisor Jenkins replied that they made a decision the week before in executive session. All five Board Members were at the meeting on the 23<sup>rd</sup> and we virtually made the decision that night and all five Board Members agreed it was the right thing to do and he and Councilman Kusnierz knew they were going to be away and they told the other Board Members that they wouldn't have a problem if they made that decision.

Elizabeth Lanfear asked what he meant by "the right thing to do" and Supervisor Jenkins replied to terminate and also to hire the second person who was interviewed earlier on in the process.

Elizabeth Lanfear said they terminated the employee, didn't repost the position and hired the person who had applied for it months before and it was done at an audit meeting. She asked if this was correct.

Councilwoman LeClair replied that when they interviewed the first time they narrowed it down to the person they hired and the person we just fired. They had a hard time deciding between the two. They both had a lot to offer. They made the decision that Mrs. Trombley didn't have what they had hoped she would have to offer and they decided to go with Amy and give Amy a chance to see if maybe we made the wrong decision originally and that perhaps we should have hired Amy originally.

Elizabeth Lanfear stated that there was a vacancy and they didn't put it out to the public. She stated that perhaps in five or six months since Erin was hired there may have been someone else who may have wanted to apply for the position that was qualified.

Councilman Prendergast stated that they decided to change direction from Recreation Director and they posted the position to the public, set up interviews, he doesn't know how many meetings they had in between and all of that time he received phone calls from people who use the park with questions. They wanted to know who they should call and he couldn't answer them. He said that it wasn't a good feeling. When someone asks him a question and he doesn't have the answer it makes him very uncomfortable and it makes him feel like he isn't serving the public. He didn't want to go through that again. They put it out to the public and when they interviewed it could have gone to Erin or Amy. We tried Erin and it didn't work out.

Elizabeth recalled the chain of events back in December when the position of Full-Time Recreation Director was eliminated.

Supervisor Jenkins stated that county approval was required and that took time. Five names were submitted to the Saratoga County Personnel Office and two of the five people had degrees in the field and one was not qualified and the other one was Amy who was one of the two that they recommended was eligible for the job based on her qualifications.

Councilwoman LeClair said that it wasn't a matter of them not caring about this. She said they needed to come up with job descriptions for both positions. We went back and forth. Fran worked with the County to come up with a job description. It took a lot longer than they intended it to.

Councilman Prendergast stated that they have made appointments **& hired** in the past without reposting or re-advertising. **[Amended 8/27/13 jf]**

### **COMMITTEE REPORTS**

Councilwoman LeClair stated that Paul Joseph is looking into confined space training for his staff, the Transfer Station staff, Recreation Staff and the Water Superintendent.

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Councilwoman LeClair asked Attorney Buettner to check the contract for hydro-seeding around the new municipal building and if it is for all of the property around the municipal center. She said nothing has been decided yet and she doesn't know where they are at yet. We have to decide where the solar panels are going so we don't hydro-seed that area.

Attorney Buettner replied that it was her understanding that the contract hasn't been signed yet. The contract for the solar panels is almost ready to be signed. She doesn't believe there is a sketch of where the solar panels are going to be placed.

Supervisor Jenkins said he knows about where they are going to go.

Attorney Buettner stated that there isn't any hydro-seeding plan yet and Supervisor Jenkins said there is.

Councilwoman LeClair stated that we are committed to the square footage or can we say wait a minute we don't want to hydro-seed where the solar panels are going to go.

Supervisor Jenkins stated that they could get a change order to do less square footage. The price is based on square footage.

Councilwoman LeClair stated that she had a note about interviews for part-time cleaner. She said there are a lot of applications. She asked if they wanted to do this now or wait until they find out how long it is going to take to clean the new building.

Supervisor Jenkins stated that Councilman Kusnierz mentioned another alternative and that was to hire a cleaning service to come in and do a thorough cleaning once a week and maybe our part-time cleaner can do the maintenance in between. He said we received about 50 applications for employment. He didn't have a problem putting the interviews on hold and see what happens, but he doesn't think Ted can handle it alone. Just to keep the hallways clean is going to be a major job and he doesn't think he can do it in 19 hours a week. He said they could send out RFP's to cleaning services for once a week or three times a month.

Councilwoman LeClair said she is trying to catch up with Amy to discuss her job and introduce her to employees she will be interacting with. She said the Board has to decide where they want to go with this. It isn't that we didn't try programming with Erin. We had one person sign up for the hiking program and one person sign up for the cooking program. We need to think about a different approach. People are busy and maybe they aren't looking for programming, but rather services. Maybe we need to look into what we can offer at our facility. She is going to ask Amy to attend the open house nights at the school and talk to parents and spend some time at the Moreau Community Center and see what people want for programming.

Councilman Prendergast stated that this last round seemed like more is always better and it isn't. Maybe we should people fill out a questionnaire and find out what they want and then supply what they want.

Councilman Kusnierz asked if they could do an on-line poll on the Town's website.

Councilman Vittengl said that Ron Lennox said years ago that developing a program for the sake of a program doesn't work. Find out what the needs are and then address the needs. Go to the schools or whatever part of the community that has needs and try to address them. Then you know you are filling the hole.

Councilwoman LeClair said perhaps they could help the Boy Scouts and Girl Scouts work on their badges and allow other children to participate.

Councilman Prendergast stated that it is critical to have Tim Burley attend the meeting on August 26<sup>th</sup> regarding water.

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### **SUPERVISOR'S ITEMS**

Supervisor Jenkins asked for a motion to allow the Saratoga County Sheriff's Department to use the building at 353 Reynolds Road that is out in front of the new municipal building.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Saratoga County Sheriff's Department to use the building at 353 Reynolds Road that is out in front of the new municipal building.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported on an e-mail from Jean Linehan who lives at 603 Gansevoort Road in which she requested a reduction in the speed limit on Gansevoort Road (Route 32) between Bluebird Road and the Village of South Glens Falls line. Right now it is 45 mph. Supervisor Jenkins said we requested a speed limit reduction about two or three years ago and it was rejected. Maybe we can ask them to reduce it to 40 mph. They continue to say it is an enforcement issue.

The Town Clerk said she would check, but she thought we just requested a speed limit reduction this year. She will check and if it hasn't been done she will submit a request.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn to executive session at 8:50 p.m. to discuss lease negotiations with A.T. & T. Mobile.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 9:02 p.m.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept a lease agreement from A.T. & T. Mobile for space on the Town's new water tower at a rate of \$775.00 a month and authorizing the Supervisor to sign the agreement subject to review and approval of the final lease agreement by the attorney for the Town.

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Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of 24 water meters at \$197.00 per meter.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the regular meeting at 9:05 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk