

A regular meeting of the Town Board of the Town of Moreau was held on August 9, 2011 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 for attendance.

**Town Board Members Present**

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

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Joe Patricke, Building Inspector/Code Enforcement Officer; Peggy Jenkins, Assessor; Stefanie Bitter, Attorney for the Town from Bartlett, Pontiff, Stewart & Rhodes; Village Residents: Brittany Creel and Kadyne Creel; Town Resident: Howe Stanton

Supervisor Jenkins led the pledge of allegiance.

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

**MINUTES**

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

July 20<sup>th</sup>, July 26<sup>th</sup> (2Sets)

**MINUTES – JULY 20, 2011 – SPECIAL MEETING RE: WATER DISTRICT 1 EXTENSION 2**

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of July 20<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

**MINUTES – JULY 26, 2011 – TOWN BOARD MONTH-END AUDIT MEETING**

No comments or corrections.

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**MINUTES – JULY 26, 2011 – TOWN BOARD REGULAR MEETING**

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve both sets of minutes dated July 26<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

**SET FUTURE MEETINGS/WORKSHOPS**

No meetings or workshops were scheduled.

**15 MINUTE PUBLIC COMMENT PERIOD**

Brittany Creel asked the board if they have taken any steps towards updating the dog law for the town. Ms. Creel's daughter was bitten by a dog on Feeder Dam Road and has been at previous meetings discussing the chain of events with the board and has requested that the board consider amending the town dog law to include a one bite rule.

Supervisor Jenkins advised her that that nothing has been done yet to amend the dog law and he needs to discuss this with the town's attorney.

Ms. Creel explained again how she wanted to file for a dangerous dog hearing on her own and was denied and how the dog did not have its' rabies shots at the time it bit her daughter. She questioned the duties and responsibilities of the dog control officer for the town.

Discussion followed on the dog licensing procedure and proof of rabies vaccinations.

Ms. Creel said it isn't her intent to attend every meeting of the board regarding this issue, but it is a big concern of hers and she wants to make sure it doesn't happen to anybody else.

**HIGHWAY DEPARTMENT REQUEST**

The highway superintendent submitted a request to contract with Richard Sears Tree Experts for the removal of 48 trees of various sizes and eight stumps located along Anderson Road, Fedor Road, Hatchery Road, Mott Road, Mountain Road, Old Saratoga Road, Old West Road, Palmer Road, Reservoir Road, Selfridge Road, South Road, and Van Buren Road in the Town of Moreau at a cost of \$11,900.00. There is money allocated for this in account DB5110.457 that had a balance of \$14,600.00 as of 7/31/11.

At a meeting of the Town Board held on June 28, 2011 the board voted to authorize the supervisor to sign a one year extension to the contract between the Town and Richard Sears Tree Experts for tree and stump removal in Town right-of-ways. The vote was four yes and one no vote from Councilman Kusnierz. Councilman Kusnierz voted no on the extension to the contract with Sears, because he thought that a request for proposals should go out every year.

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A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the removal of 48 trees and eight stumps from town right-of-ways by Richard Sears Tree Experts per their proposal at a cost not to exceed \$11,900.00.

Roll call vote resulted as follows:

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

Councilman Kusnierz voted no to be consistent with his no vote at the meeting held on June 28<sup>th</sup> when the extension to the contract with Richard Sears Tree Experts was authorized by the board. As he said at the June 28<sup>th</sup> meeting, it is his opinion that a request for proposals should go out every year for this service.

Supervisor Jenkins noted that there is a large branch on a tree in the Rice Cemetery that is up against a headstone and liable to topple the headstone and it needs to be removed. He advised that prices would be obtained for the removal of the tree branch.

#### **RECREATION DEPARTMENT REQUEST**

A 14 year old person wants to volunteer with the arts and crafts program in the rec. park and there was discussion on whether or not there was any problem allowing this person to do so.

The attorney for the town was of the opinion that the board should set a policy before opening the door to this.

Supervisor Jenkins stated he checked with the town's insurance carrier and this person would be covered under the town's insurance. He didn't think there was any problem as far as the labor law goes, since the person is volunteering.

It was the consensus of the board that a policy was not needed and that they should address this on a case by case basis. It was the consensus of the board that this person should be allowed to volunteer with the arts and crafts program in the park.

#### **WATER DEPARTMENT REQUEST**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing a purchase order in the amount of \$1,200.24 made out to Rozell Industries for repair to the sewer pumps in the industrial park on an emergency basis.

Roll call vote resulted as follows:

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

Jesse Fish, Water Superintendent, reported that a bill would be coming in for replacement of a fire hydrant on Route 9 that was hit by a vehicle. The cost will be reimbursed by the person's insurance carrier. It is in excess of \$1,000.00.

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**ASSESSOR’S REQUEST**

Peggy Jenkins, Assessor, requested permission to attend the New York State Assessor’s Association Annual Seminar on Assessment Administration, September 10<sup>th</sup> through the 14<sup>th</sup>, in Buffalo and for any and all necessary expenses to be a proper Town charge. Her memo stated that her office would be covered during that time frame.

When asked what the cost would be, Peggy advised that she estimated the cost to be around \$1,300.00.

Councilman Kusnierz asked if this cost would be reimbursed by the state and Peggy replied that she did not know. There is a possibility that it may not be reimbursed due to the state’s financial situation.

Supervisor Jenkins stated that the Town of Moreau is one of three town’s in Saratoga County that has maintained its’ assessments at 100%. He said the board discussed previously hiring additional help for the assessor’s office to help maintain the roll and Peggy has been able to do this herself and he thanked Peggy for doing this.

Councilman Kusnierz asked if there as an itinerary and if Peggy had to attend all four days of the seminar.

Peggy Jenkins replied she did have to attend all four days and if she didn’t it would cost more to attend just a few of the sessions rather than all of them and she noted that she does receive credits for attending.

Councilman Kusnierz asked how many credits she needs each year and Peggy replied 24 credits annually.

Councilman Kusnierz asked how many credits she would earn from this seminar and Peggy replied 12 credits.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the assessor to attend the New York State’s Assessor’s Association Annual Seminar on Assessment Administration, between September 10<sup>th</sup> and September 14<sup>th</sup>, in Buffalo, New York, and for all necessary and proper expenses incurred to be a proper town charge.

Roll call vote resulted as follows:

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

Councilman Kusnierz said he may have voted yes, but there wasn’t enough information provided to support a yes vote from him.

**LIQUOR LICENSE APPLICATION – FEEDER DAM GOOD DELI – LUEDDERS LTD.**

A notice of intent to renew an alcoholic beverage license for the Feeder Dam Good Deli by Luedders Ltd. was received on August 5, 2011. A request was included for a waiver of the 30-day waiting period by the Town Board, pursuant to the NYS Liquor Law.

Councilwoman LeClair asked if anyone was aware of any problems with this business. She referred to the previous meeting when the board considered an application from another business and it was pointed out at that meeting by Reed Antis that the business had violations against it for selling alcohol to minors.

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Joe Patricke replied that Luedders is the new owner of the deli. The previous owner moved their business to the Half Time Bar and Grill on Route 9. He doesn't have any knowledge good or bad about Luedders. This is a new application.

Supervisor Jenkins noted that the NYS Liquor Authority is the entity that will be granting or denying the liquor license. The Town Board only has to decide whether they want to waive the 30 day waiting period or not.

It was the consensus of the board that they would waive the 30 day waiting period.

**TRANSFER OF FUNDS – TOWN CLERK**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the transfer of \$90.00 from A1410.4 the Town Clerk's Contractual Account into A1410.2 the Town Clerk's Equipment Account for the purchase of a shredder.

Roll call vote resulted as follows:

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

**GRINDING OF BRUSH PROPOSALS – TRANSFER STATION**

A request for proposals was mailed out on July 21<sup>st</sup> to seven businesses seeking sealed quotes for the grinding of brush at the town's transfer station. The return date for the proposals was August 4<sup>th</sup>. Three sealed proposals were received and they were opened by the Town Clerk's Office on August 5<sup>th</sup> and the board was copied on the proposals. The three proposals received were as follows:

SM Gallivan, LLC	\$4,875.00
Galusha & Sons, LLC	\$3,990.00
Wood Waste Reductions Services	\$9,000.00

Councilman Cumm noted that the lowest quote was from Galusha and it was a little higher than the last time, but there is more brush this time.

Councilman Kusnierz asked if we had a contract last time and the answer was yes and that we would use the same contract, but update it.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the supervisor to enter into a contract with Galusha & Sons, LLC in an amount not to exceed \$3,990.00 to grind brush at the transfer station.

Roll call vote resulted as follows:

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

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**REQUEST FROM RELIGIOUS ORGANIZATION TO RENT TOWN'S ROUTE 197 BUILDING**

A request was received from Pastor Wayne Mattison to rent the town's building on Route 197, on a temporary basis, to conduct church services in it on Saturdays from 10:30 a.m. until 1:30 p.m. or 2:30 p.m.

It was the consensus of the board that they did not want to rent the building due to the fact that we do not know what our plans are for the building yet and due to the fact that other entities have requested to rent the building and their requests have been rejected.

Supervisor Jenkins said he would let Pastor Mattison know of the board's decision.

**TD BANK MASTER SIGNER'S CERTIFICATE RESOLUTION**

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz authorizing the supervisor and deputy supervisor to sign the annual master signer's certificate for TD Bank.

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

No comments.

**COMMITTEE REPORTS**

Councilwoman LeClair stated that she came up with a check list with Fran and Terry's assistant for the recreation department to utilize in keeping the bathrooms at the beach clean.

**SUPERVISOR'S ITEMS**

A truck load of shingles was dumped illegally on property owned by National Grid in the Moreau Industrial Park. Joe Patricke agreed to call National Grid and alert them to this fact and ask them to remove them.

Supervisor Jenkins reported on a proposal to fix up the handicap ramp at Town Hall and apply a platinum protective coating at a cost of \$3,500.00. He then asked Joe Patricke to find out what the warranty is on this coating and bring the information back to the board for the next meeting.

Supervisor Jenkins read a letter from Christine Strough in support of the Home of the Good Shepherd that is slated to be built off Bluebird Road.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 7:46 p.m. to discuss the employment history and/or performance of a particular unnamed employee(s).

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

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

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

The regular meeting was adjourned following the executive session at 8:15 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk