

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Steve Gram, Recreation Director; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:25 p.m.); John Bonn, First Responder with the Moreau Emergency Squad; Steven VanGuilder, President/CEO of the Moreau Emergency Squad; Town Residents: Madeline Duxbury, Tom Cosey and Paul Downen; Reed Antis, Town Resident and Alternate Planning Board Member

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.

**MINUTES**

The minutes of November 13<sup>th</sup>, November 15<sup>th</sup> and two sets for November 27<sup>th</sup> were prepared and presented to the Town Board Members in advance of the meeting for their review, comment, correction and approval.

**MINUTES – NOVEMBER 13, 2012 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – NOVEMBER 15, 2012 – SPECIAL TOWN BOARD MEETING – CONTINUATION OF PUBLIC HEARING ON 2013 BUDGET**

No comments or corrections.

**MINUTES – NOVEMBER 27, 2012 – MONTH-END AUDIT MEETING & REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve all four sets of minutes above as prepared.

Councilwoman LeClair said she would be abstaining from the vote on the November 27<sup>th</sup> minutes as she was not present.

Roll call vote resulted as follows:

|                      |   |
|----------------------|---|
| Councilwoman LeClair | Yes to the minutes of 11/13 & 11/15 and Abstain on the minutes of 11/27 |
|----------------------|---|

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|                        |     |
|------------------------|-----|
| Councilman Kusnierz    | Yes |
| Councilman Vittengl    | Yes |
| Councilman Prendergast | Yes |
| Supervisor Jenkins     | Yes |

### **SET FUTURE MEETINGS/WORKSHOPS**

A Public Hearing on the proposed contract between the South Glens Falls Fire Company and the Town of Moreau for the Year 2013 was scheduled for December 27<sup>th</sup> at 6:55 p.m. in Town Hall.

The second Regular Town Board Meeting for the month of December will be held on December 27<sup>th</sup> at 7:00 p.m. in Town Hall rather than on the fourth Tuesday of the month since that will be Christmas Day.

The employment applications for the position of part-time Recreation Program Director were discussed briefly. It was decided that a special meeting of the Town Board to interview candidates sometime in early January would be scheduled at the December 27<sup>th</sup> Town Board Meeting. The Personnel Committee Members will review the applications and select the applicants they want to interview. The rest of the Town Board Members can submit names of applicants that they want to interview and they will be added to the list.

Councilman Kusnierz asked if a Public Hearing was being scheduled only on the Fire Company contract.

Supervisor Jenkins replied yes, because the contract figures and contract with the Moreau Emergency Squad have not been discussed yet.

Councilman Kusnierz asked if they were going to discuss the contract tonight and Supervisor Jenkins replied that he had it scheduled for executive session.

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

Reed Antis referred to an article that was in the Post Star recently that reported on an action taken by the Board of Trustees for the Village of South Glens Falls whereby they ordered the Village Attorney to obtain a court order for the removal of the burned out house located at 8 Baker Avenue. He wondered why the Town of Moreau couldn't have obtained a court order to remove the burned out house at 15 Woodlawn Avenue.

Supervisor Jenkins said the situation with the house at 15 Woodlawn Avenue was different. In the case of the 15 Woodlawn Avenue property the owner passed away without a will, the house was foreclosed on and there was only one heir and it took until recently for a Judge to give her rights to the property. In the case of the house at 8 Baker Avenue the Village is taking action against the owner of the property.

Reed Antis stated that if the Town Board had been more forthright in February 2011 when the house burned perhaps the people who held the mortgage at that point may have been held responsible for the property.

Supervisor Jenkins replied that we didn't know who held the mortgage. The only contact that we had was the company who collected and paid the taxes on the property for the mortgage company. There were three different companies involved during this time period.

Reed Antis thought that since it was a dangerous situation a court order could have been issued to demolish the remains of the house.

Supervisor Jenkins said the deed to the house was transferred to the company that held the mortgage and not the person who died in the fire and not his heir. The mortgage company foreclosed on the property.

Attorney Buettner stated that in February 2011 when the house burned and Mr. Caputo died in the fire, the bank did not own the property. The bank never finished the foreclosure proceedings. If we had gone to court and asked a Judge to issue an order to demolish the building the Judge would have asked who is it against and we

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would not have known who that person was. She stated that she understands that this has been a long process and unfortunately sometimes the legal system is as slow as a snail. However, there are laws that have to be followed and due process that has to be followed and the Town is doing everything it can do legally.

Madeline Duxbury asked where we stand now.

Supervisor Jenkins said the RFP's have gone out for contractors to do the removal and at the same time the new owner has applied for a demolition permit. He doesn't know if the permit has been issued or not, but he picked up the permit application. If the new owner doesn't comply with what the Town Board has said then we will do what we have the authority to do.

Madeline Duxbury stated that the Town Board gave the new owner two weeks via a letter that was sent out a week ago Friday.

Supervisor Jenkins said that we will get prices for removal. If the new owner doesn't do it then the Town will.

Madeline Duxbury said she met the new owner and he said the house would have come down the day he signed the papers, but he said the Town is giving him a hard time.

Attorney Buettner replied that the confusion is that there is asbestos presumed in the structure and the Department of Labor has ordered that whoever takes down the building has to do it with an asbestos contractor. In order for the new owner to obtain a demolition permit he must first go through the asbestos inspection per Part 56. That is the process.

Supervisor Jenkins said he spoke to the new owner when he was in the Assessor's office and nobody gave him a hard time. He was told what he had to do. He has to use a contractor who is certified in asbestos removal. We have to follow the law.

Madeline Duxbury said that when the snow comes it will collapse. She asked if the building will be gone when she comes back from Florida in May.

Supervisor Jenkins said he hopes so.

Tom Cosey who resides at 255 White Birch Estates is the President of a Fellowship Softball League and he was present to ask how the Town Board arrived at the Recreation Park field usage fees for resident vs. non-resident.

Supervisor Jenkins replied that the policy is that there is no charge for field usage if a team is made up of 50% or more of Town residents.

Steve Gram said this was incorrect and the percentage is 75% or more per the Recreation Commission and approved by the Town Board.

Tom Cosey said he used to pay \$25.00 and now he has to pay \$50.00. He said that the church he belongs to is located in Glens Falls, but 75% or more of his team members live in the Town of Moreau so they shouldn't have to pay a fee. He also said he doesn't know how it is determined what percentage of the people on a team are from the Town of Moreau when no one is required to fill out a roster or write down the addresses of the people on a team.

Steve Gram stated that it depends on where the organization is located as to whether the resident or non-resident fees apply.

Tom Cosey stated that the fee schedule needs to be clearer. He said the fees are not in the rules and regulations for the park.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said it wouldn't be fair to the taxpayers in the Town to pay for maintenance of the fields when non-residents are using them.

Tom Cosey said that if a majority of the team members live in the Town of Moreau then they shouldn't be charged a fee.

Supervisor Jenkins said perhaps the Town Board can take another look at the 75% factor. He said that two members of the Town Board are on the Recreation Committee and he would ask them to take a look at this.

Councilman Kusnierz said that Mr. Cosey's point is well taken. The fee schedule is not clear on the application form. He said that he and Councilman Vittengl would take a look at the fees that were established and the criteria and get back to Mr. Cosey.

Councilman Prendergast stated that the Town Board could modify the form to coincide with the policy passed, but he didn't think that was Mr. Cosey's issue. His issue is that he doesn't feel his organization should have to pay a fee for field usage when a majority of the members of his organization live in the Town of Moreau. He asked where the cut-off point is. It has been discussed before that one non-resident person could apply to use a field and bring in a bunch of people that are non-residents and not be charged a fee and the board didn't feel this was fair.

The Recreation Committee and Town Board will review the fee schedule.

#### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted a request to purchase two steering tires for the 2008 New Holland Tractor. He submitted the following quotes:

|                  |          |
|------------------|----------|
| Rouse Tire Sales | \$756.00 |
| Adirondack Tire  | \$868.00 |
| Warren Tire      | \$928.00 |

The purchase would be made out of account DB5130.405 that had a balance of \$7,681.81 as of 12/5/12.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of two tires from Rouse Tire Sales for the 2008 New Holland Tractor at a cost not to exceed \$756.00.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to purchase two steering tires for the John Deere Grader. He submitted the following quotes:

|                  |            |
|------------------|------------|
| Rouse Tire Sales | \$ 970.00  |
| Warren Tire      | \$1,088.00 |
| Adirondack Tire  | \$1,298.00 |

This purchase would be made out of account DB5130.405 that had a balance of \$7,681.81 as of 12/5/12.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of two tires for the John Deere Grader from Rouse Tire Sales at a cost not to exceed \$970.00.

Roll call vote resulted as follows:

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

The highway superintendent and water superintendent submitted a request to purchase a generator service contract. The cost would come out of the highway account A5132.407 and the water accounts and sewer account.

The following quotes were received:

|                         |            |
|-------------------------|------------|
| Don Beagle              | \$ 840.00  |
| Kinsley Power Systems   | \$1,480.00 |
| Cummins Northeast, Inc. | \$1,760.00 |

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a generator service contract in the amount of \$840.00 from Don Beagle with \$420.00 being paid out of A5132.407 and \$420.00 being paid out of the water district accounts and sewer account.

Roll call vote resulted as follows:

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

A request was received from the highway superintendent to have eight electrical outlets installed in the shop and parts room of the new highway garage.

The following quotes were obtained:

|                            |            |
|----------------------------|------------|
| Don Beagle                 | \$1,900.00 |
| McKinney Emergency Service | \$2,525.00 |
| Gross Electric, Inc.       | \$7,700.00 |

The highway superintendent also requested quotes from A.K. Dion and Terry Colvin and did not receive a response.

The cost for these outlets would come out of account HH1620.2 that had a balance of \$38,137.91 as of 12/5/12.

Councilman Prendergast asked if this was the same account the paving would come out of and Paul Joseph replied yes.

Councilman Prendergast said this would mean less paving and Paul Joseph said yes.

Councilman Kusnierz asked Paul Joseph if he was done spending out of this account and Paul Joseph replied that he hoped so.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz said he has heard this every time a request has come before the board.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase and installation of eight electrical outlets in the shop and parts room of the new highway garage at a cost not to exceed \$1,900.00 from Don Beagle.

Councilman Kusnierz asked Paul Joseph again if this was the last expenditure from this account and Paul Joseph replied that he hoped so.

Councilman Kusnierz then said never mind he was going to vote no.

Supervisor Jenkins said it wouldn't be the last expenditure from the account.

Roll call vote resulted as follows:

|                        |     |
|------------------------|-----|
| Councilwoman LeClair   | Yes |
| Councilman Kusnierz    | No  |
| Councilman Vittengl    | Yes |
| Councilman Prendergast | Yes |
| Supervisor Jenkins     | Yes |

A request was received from the highway superintendent to purchase 150 gallons of Kendall Hyken 052 10W-20 Hydraulic Oil from Farrell Oil Co. at a cost not to exceed \$1,693.50. This purchase would be made out of account DB5130.492 that had a balance of \$13,846.13 as of 12/5/12.

The request indicated that the highway department has used Kendall Oil for over 20 years, with good results. The two bulk oil tanks are on loan from Farrell Oil Co. at no cost to the Town. Farrell Oil Co. also offers free oil sampling.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of 150 gallons of Kendall Hyken 052 10W-20 Hydraulic Oil from Farrell Oil Co. at a cost not to exceed \$1,693.50.

Roll call vote resulted as follows:

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

A request was received from the highway superintendent to purchase 150 gallons of Kendall Super DXA (Ti) 15X-40 Synthetic Blend Oil from Farrell Oil Co. at a cost not to exceed \$1,788.00 out of account DB5130.492 that had a balance of \$13,846.13 as of 12/5/12.

The request indicated that the highway department has used Kendall Oil for over 20 years, with good results. The two bulk oil tanks are on loan from Farrell Oil Co. at no cost to the Town. Farrell Oil Co. also offers free oil sampling.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of 150 gallons of Kendall Super DXA (Ti) 15X-40 Synthetic Blend Oil from Farrell Oil Co. at a cost not to exceed \$1,788.00.

|                     |     |
|---------------------|-----|
| Councilman Vittengl | Yes |
|---------------------|-----|

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

**WATER DEPARTMENT REQUESTS**

The water superintendent submitted a request for the board to authorize the installation of a 12” tap and 8” valve for the water main that is going into the new municipal building located off Route 197.

The following quotes were obtained:

|                |          |
|----------------|----------|
| T. K. Flaherty | \$700.00 |
| Vellano Bros.  | \$725.00 |
| Davis Valve’s  | \$750.00 |

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the installation of a 12” tap and 8” valve on the water main for the new municipal building by T. K. Flaherty at a cost not to exceed \$700.00.

Roll call vote resulted as follows:

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

The water superintendent submitted a request for the purchase of pipe and parts needed to complete the water line installation for the new municipal center off Route 197.

The following quotes were received:

|                     |             |
|---------------------|-------------|
| Ferguson Waterworks | \$11,942.71 |
| E. J. Prescott      | No Response |
| Vellano Bros.       | \$12,722.31 |

This purchase would be made out account HC1620.2 that had a balance of \$2,313,000.00. The installation of the pipe would be done by the water department.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the purchase of pipe and parts needed to complete the water line install for the new municipal complex off Route 197 from Ferguson Waterworks at a cost not to exceed \$11,942.71.

Roll call vote resulted as follows:

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

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz referred to a letter from a resident on Reservoir Road who wanted to hook up to the water system at a reduced fee. He asked if anyone has followed up on this letter and given the people a response.

Supervisor Jenkins said he had not, but he would. He said the request is similar to the one received previously from another resident on Reservoir Road and the board decided with that request not to reduce the hook up fee. He said the board felt that what they did for one they had to do for all.

### **HRA RESOLUTION**

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

RESOLVED, that the form of the HRA effective December 1, 2012, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrative Agent of the HRA one or more counterparts of the HRA, and

RESOLVED, that the Employer shall be the Sponsor of the HRA and shall be the Administrator of the HRA for purposes of ERISA, and

RESOLVED, that the Employer hereby appoints the Administrative Agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related thereto, and

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA, and to set up adequate accounting and administrative procedures to provide benefits under the HRA, and

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the Employee of the Employer of the adoption of the HRA by delivering to each Employee a copy of the summary description of the HRA in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

Roll call vote resulted as follows:

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

### **PRINCIPLE ACCOUNT CLERK'S REQUEST**

The principle account clerk submitted a request to purchase a computer. The following quotes were obtained:

|                 |            |
|-----------------|------------|
| Hewlett Packard | \$1,558.98 |
| Staples         | \$1,568.98 |
| Quill           | \$1,568.98 |

The purchase would be made out of account A1220.2 that had a balance of \$5,500.00.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of a computer for the principle account clerk from Hewlett Packard at a cost not to exceed \$1,558.98.

Roll call vote resulted as follows:

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

**ASSESSOR’S REQUEST**

The assessor submitted a request to purchase two computers for her office. The following quotes were obtained:

|                           |            |
|---------------------------|------------|
| HP Government NYS Pricing | \$2,695.98 |
| Staples                   | \$3,137.96 |
| Quill                     | \$3,137.96 |

This purchase would require a budget transfer from account A1355.4 into A1355.2 in the amount of \$3,000.00.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the transfer of \$3,000.00 from the assessor’s contractual account A1355.4 into the assessor’s equipment account A1355.2 for the purchase of two computers for the assessor’s office.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the purchase of two computers for the assessor’s office from Hewlett Packard at a cost not to exceed \$2,695.98.

Roll call vote resulted as follows:

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

**DISCUSS AND/OR CHANGE WATER RATES IN DISTRICTS 3 & 6**

Supervisor Jenkins recommended changing the water rates in Water District 3 from \$2.08 per 1,000 to \$2.75 per 1,000 and in Water District 6 from \$3.50 per 1,000 to \$4.00 per 1,000 gallons and for the minimum rate for the first 10,000 gallons of water used in Water District 6 to be changed from \$35.00 to \$40.00.

Supervisor Jenkins asked the board members to consider this change in rates and he would put it on the agenda for the December 27<sup>th</sup> Town Board Meeting for discussion and possible action.

**REAPPOINT CATHERINE KNAPP AS A MEMBER OF THE ETHICS ADVISORY COUNCIL**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to reappoint Catherine Knapp as a member of the Ethics Advisory Council for another five year term that will expire 12/31/2017.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

**REAPPOINT CHARLENE ENDAL AS A MEMBER OF THE ETHICS ADVISORY COUNCIL**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to reappoint Charlene Endal as a member of the Ethics Advisory Council for another five year term that will expire 12/31/2017.

Roll call vote resulted as follows:

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

**REAPPOINT ROBERT BRAYMAN AS A MEMBER OF THE ETHICS BOARD**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to reappoint Robert Brayman as a member of the Ethics Board for another four year term that will expire 12/31/2016.

Roll call vote resulted as follows:

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

**REAPPOINT KEVIN ELMS AS A MEMBER OF THE ZONING BOARD OF APPEALS**

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to reappoint Kevin Elms as a member of the Zoning Board of Appeals for another five year term that will expire 12/31/2017.

Roll call vote resulted as follows:

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

**MOREAU COMMUNITY CENTER BINGO LICENSE**

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the Supervisor to sign the Findings and Determinations Statement for the Moreau Community Center Bingo License Renewal and authorizing the Town Clerk to sign and issue the bingo license.

Roll call vote resulted as follows:

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

**DISCUSS/POSSIBLY APPOINT HEAD WRESTLING COACH AND ASSISTANT WRESTLING COACH**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to re-hire Ron King as Head Wrestling Coach on a temporary, part-time basis, at \$13.68 per hour and to hire Orin Thompson as Assistant Wrestling Coach on a temporary, part-time basis, at \$8.42 per hour for the Town of Moreau Recreation Department Youth Wrestling Program with no pre-employment physical being required.

Roll call vote resulted as follows:

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

Steve Gram was asked how many hours they will work and Steve Gram replied 2 ½ hours twice a week for approximately 13 weeks.

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked the board to expand on what is going on with the entrance and concrete at the new highway garage.

Supervisor Jenkins explained how the original bid documents for the building included concrete about six feet up and around the sides of the building and instead of this a change order was approved to extend the roof line out farther so the concrete wasn't needed. The change order was actually a credit. When the rain runs off the roof it falls onto the concrete pad and it will create an icing issue.

Joe Patricke stated that the estimated cost was \$762.00 and that is to cut out the concrete pad.

Councilman Prendergast asked if the board was going to be presented with something again, because they have to do something about this.

Joe Patricke replied that the board was presented with a proposal about one month or six weeks ago. The proposal hasn't changed. However, it was his understanding that the board wanted to look into putting up concrete walls along the sides of the building rather than cutting the concrete up.

Councilman Prendergast asked if they could come to a decision at the meeting on December 27<sup>th</sup>.

Joe Patricke said he would get the board a price on the concrete walls for the next meeting.

Reed Antis asked how often committee meetings are held. He said they discussed field usage fees earlier and how Councilman Vittengl and Councilman Kusnierz were going to meet and discuss the fees. He asked if they will present a report at the end of the next meeting or will it be an agenda item.

Supervisor Jenkins said it could be done either way.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Reed Antis stated that it seems like there are very few committee reports presented at the end of meetings. He said that he presumes that they meet between the regular meetings and that it is important to meet face to face and to talk on the phone.

Supervisor Jenkins said most committee reports end up as agenda items. He said that Councilwoman LeClair has been really active in certain areas and has given committee reports to the board.

Councilman Prendergast said he hasn't met with anybody in the last two weeks.

Supervisor Jenkins said they meet when it is needed.

Reed Antis stated that it seems like when they get to committee reports on the agenda it is "deadly silent" lately. It is an important part of moving the government forward between meetings. He wondered if it was being utilized properly by the board.

Councilman Kusnierz said it is hard to report on something that never took place and no action was taken.

Reed Antis said that perhaps action should be done so that there are better decisions being made at the board meetings.

Supervisor Jenkins said that most of the committee meeting reports have been done as agenda items.

Reed Antis stated it seems like there are very few committee meetings between regular meetings in the last ten months. He said he attends meetings regularly and he does observe.

Supervisor Jenkins said the board doesn't normally vote on something that isn't on the agenda, but they have done it a handful of times.

Reed Antis said he wasn't referring specifically to voting on something. He said the committees are supposed to bring information to the board though.

Councilman Prendergast said that committee meetings are held so they can get something on the agenda so they can make a decision.

Supervisor Jenkins stated that as an example the Personnel Committee is going to review applications and they will get back to the board members with a list of names and the full board will interview candidates probably in executive session. When there was a Recreation Commission Councilman Kusnierz and Councilwoman LeClair were the liaisons and they reported back to the board at almost every meeting.

### **COMMITTEE REPORTS**

Councilwoman LeClair recalled how a few meetings ago she was trying to get a definitive answer as to who owns the remnant sites. She has contacted the EPA, National Grid, Behan Communications, the Canal Corp. and Andy LaBruzzo contacted her saying that he contacted the Canal Corp. and the feeling is that National Grid owns the property. In a conversation with National Grid about a month and a half ago National Grid said they would be more than happy to grant access across any of their properties, but they don't know if they own the remnant sites or not. She said that she and Karla have talked about having a title search done. She would like the board to authorize Karla to hire an abstracting company to do a title search.

Supervisor Jenkins asked if they would have to do that with the old Route 197 or could the Town quit claim deed it over. [Town Clerk's Note: Supervisor Jenkins was referring to the old Route 197 that runs in front of Jim Hooper's house that is more like a driveway to his property.]

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said the Town transferred the property to the county about three years ago. All we did was a quit claim deed, because there was no deed in existence and the records showed that we owned it. He said it would be foolish to spend money on finding out who owns it, because nobody wants to own it anyway.

Attorney Buettner stated that when she discussed this with Peggy Jenkins they had no idea who owns it. The State and County say they don't own it. The Town may own it in fee or as an easement. The Town can quit claim over to Mr. Hooper whatever the Town owns.

Supervisor Jenkins said he thought they had to abandon the road first.

Attorney Buettner said the Town can abandon the maintenance of the road.

Supervisor Jenkins said normally if you abandon a road ownership goes to the property owner who abuts the road.

Attorney Buettner said it depends on how you own it.

Supervisor Jenkins said all he was saying is to offer a quit claim deed. He said he doesn't want to have to pave it. It is virtually just a driveway.

Attorney Buettner said a quit claim deed basically says that we will give Mr. Hooper whatever interest we have in it, whether it be the highway right-of-way over it or the underlying fee. He would take it knowing he doesn't know what he is getting.

Supervisor Jenkins said he had research done on Old Bend Road and Martin Auffredou the Attorney for the Town at the time said that if it has been abandoned then the adjacent property owner owns it.

Attorney Buettner said there is a definition of abandoned also.

Supervisor Jenkins said you can't even drive on it. It is an entrance to someone's property and to a farm stand.

Councilman Vittengl asked if the first step would be for the Town to stop maintaining the road.

Attorney Buettner said the board would adopt a resolution to abandon the maintenance of it and then the board would adopt a resolution authorizing her to draft a quit claim deed.

Attorney Buettner said they were talking about National Grid and the remnant sites before this discussion and Supervisor Jenkins said he just wanted to bring this up, because he had no problem doing this, because they were going to use that site (he was referring to the remnant sites).

Discussion reverted back to the discussion started by Councilwoman LeClair on the remnant sites.

Attorney Buettner said that was a different situation, because we wouldn't be quit claiming anything, we would be using somebody else's property.

Councilwoman LeClair stated that nobody is claiming ownership. The EPA said it was NYS or National Grid, but they had nothing when they did the encapsulation and the person at Behan said they couldn't find anything that shows ownership.

Supervisor Jenkins said it was land that didn't exist basically. Attorney Buettner asked if it was under water and Supervisor Jenkins said it was an inlet in the river and in the process of PCB's settling and where the river turns they did removal and encapsulated what was there and this is the result. That is why he said the property didn't exist before. It was built up over time.

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Councilwoman LeClair said she is thinking that National Grid may own it, because if you look at the larger most southern site it is owned by National Grid backed by General Electric's large holding. It is a narrow strip of land that is only wide enough to hold power line poles.

Supervisor Jenkins asked what a title search will find.

Peggy Jenkins said she didn't know. It has been researched by her, the County and Councilwoman LeClair going back as far as they can and there is no deed on file.

Councilman Vittengl stated that doesn't the owner go to the high water mark?

Councilwoman LeClair replied that the dam throws that off. She stated that if it is State property the State will continue to give us grants to develop it and if it is owned by National Grid then they will not. The State said they will pay for half of the cost of a search out of the grant that we currently have.

Supervisor Jenkins said he would want to know what the cost for the search would be before they proceed, because we could search for a long time and end up not proving very much.

Attorney Buettner said she could get quotes for a deed search.

Councilman Kusnierz stated for the record that to the best of knowledge the Cable TV, Cemetery, Insurance and Mosquito Control Committees have not met since last time.

### **SUPERVISOR'S ITEMS**

The Principle Account Clerk asked the Supervisor to find out if the board wants to send out RFP's for accounting services for the 2012 AUD and the Landfill Financial Assurance.

Supervisor Jenkins said he assumed they would want to send out RFP's and there were no objections or comments voiced by any of the board members.

The Principle Account Clerk also asked the Supervisor to find out if the board wanted to keep C.T. Male on as the engineer to assist a CPA Firm with the Landfill Financial Assurance of Estimated Costs.

Supervisor Jenkins said the board has used C.T. Male since he has been on the Town Board and Liz Rovers has done a very good job and the price has always been reasonable. He said this is an appointment they usually make at the Organizational Meeting in January. There were no objections voiced by any of the board members.

Supervisor Jenkins said he would send out RFP's for accounting services for the 2012 AUD and Landfill Financial Assurance.

Supervisor Jenkins reported that the Village of South Glens Falls has notified the Town of Moreau, as an interested party, that the Village Planning Board has declared themselves as lead agency pursuant to NYS SEQRA for the final review of map amendments and storm water erosion and sediment control measures for the Pine Crest Subdivision, which is tax map number 49.35-2-1 and there is a Public Hearing scheduled on the subdivision for 12/18/12 at 7:05 p.m. There are drawings for review on file at the Village Office Building.

The Moreau Community Center has acquired a new bus via grant money and they would like to use a portion of the old highway garage on William Street to store it in. Supervisor Jenkins said that before permission is granted the board should consider whether or not they want to store some of the recreation department equipment in the old highway garage and also the old voting machines are stored there and they need to be disposed of. They have scrap value.

Supervisor Jenkins said he had some items for executive session. One is to discuss contract negotiations with unnamed parties (there are two) and to discuss CSEA negotiations.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast made a motion to go into executive session for the purposes stated and the motion was seconded by Councilman Vittengl.

Councilman Kusnierz asked if don't they have to name the contracts.

Attorney Buettner stated that to talk about contracts are not executive session material. She said they could talk about applicable negotiations.

Supervisor Jenkins said that he said negotiations and Attorney Buettner said for collective bargaining only.

Supervisor Jenkins said he wanted to talk about negotiations. If he is negotiating with a party he can't discuss in public what he wants to do.

Councilman Kusnierz said he thinks they are talking about different things. He was talking about emergency services and asked Supervisor Jenkins if that is one of the items he was referring to.

Supervisor Jenkins replied it is the same thing as we have sent out RFP's.

Councilman Kusnierz said we don't negotiate those, we have the numbers available and they can be FOILED and we can discuss them.

Supervisor Jenkins said we have to discuss the contract price we currently have from them. He said RFP's don't have to be accepted. He won't accept the RFP that he received as it is almost a 30% increase and we don't have the money budgeted to accept it.

Attorney Buettner said it is not proper material for executive session. The law reads collective negotiations pursuant to Article 14 of the Civil Service Law. She said that is the Taylor Law.

Supervisor Jenkins said he was going to have to negotiate a contract with them, because he wasn't going to pay them the number they are asking. If that is not negotiations then he doesn't know what is.

Attorney Buettner said she didn't want to split hairs, but the law reads that you can talk about Taylor Law negotiations and any other contract negotiations aren't executive session material.

Supervisor Jenkins said if he has an offer from them for a contract and there is no way we are going to accept it and he wanted to talk to the board about what they should do isn't that for executive session.

Attorney Buettner said that is not executive session material.

Supervisor Jenkins said he wasn't going to talk about it tonight then, because he isn't going to talk about it in public. He asked what the difference is between that or if they wanted to discuss the purchase of a piece of property.

Attorney Buettner replied the statute specifically spells out "the proposed acquisition, sale or lease of real property".

Councilman Kusnierz said they have to talk about emergency services. RFP's were sent out and we received how many? The Town Clerk replied one response was received. Councilman Kusnierz said that would be for public discussion.

Supervisor Jenkins said we are still in open session and we can ask everyone to come back into the meeting.

At this point the only member of the public left in the building was Reed Antis and reentered the meeting.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated that we have a budget of \$200,000.00 for emergency services and the only proposal we received was in the amount of \$255,000.00 which is about a 28% increase over last year. He will never vote for that. If we don't have a contract then we will depend on 911 and Moreau Emergency Squad responds to those calls anyway. He said in the RFP it was very clear that they have to give us all their data and they won't agree to that anyway. They have said that many times. They took \$200,000.00 instead of \$235,000.00 last year.

Councilman Prendergast said someone has to contact them and find out if it is their drop dead price or not and it is either a drop dead price for us or not or we won't have a contract.

Supervisor Jenkins stated that there were two people on this board last time who voted not to approve the \$200,000.00 contract. There is no way he was going to accept \$255,000.00. He said he can't complain about all of their services. However, he received an e-mail that was sent to him by Councilwoman LeClair regarding an accident at one of the elementary schools and how they called 911 and no one responded and ½ hour later they called 911 again and he doesn't know who eventually responded.

Councilwoman LeClair asked Terry McGuire to request records from the County.

Supervisor Jenkins said in their contract they say that they have three vehicles loaded and ready to go 24/7 and any day of the week he drives by and there are only one or two vehicles on-site. He isn't against having a contract with them, but he isn't going to vote for \$255,000.00. He said if they wanted to negotiate and agree to the current contract and price then he would agree to that. He doesn't have any other choice.

Councilwoman LeClair said she received a call saying that another squad is interested, but they have questions and they needed to speak with the Supervisor. They don't currently have a Certificate of Need, but the Town could get one.

Supervisor Jenkins stated that if you read the law you can get a temporary Certificate of Need and Attorney Buettner said it is fairly simple for a Town to get one. He said the board could vote right now if they wanted to. The contract is the same as last year.

Attorney Buettner said they couldn't accept a contract without a public hearing.

Supervisor Jenkins said the board could agree to accept it and present it at the Public Hearing. He asked if any board member wanted to make a motion.

There was no response until Councilman Prendergast stated no and said that he didn't want it publicized in the newspaper that we don't have services for the people.

Councilman Kusnierz stated that he wanted to make his position perfectly clear in regards to the Certificate of Need, he will never vote to have the Town pick up the Certificate of Need. He doesn't want the Town residents/taxpayers responsible for anything that could happen at the squad, because we decided to change how we are going to operate and handle the Certificate of Need, and make us medically responsible for anything that may go wrong. He will never do that.

Supervisor Jenkins said he didn't necessarily disagree with this. However, he isn't willing to accept the \$255,000.00 or even bring it to a Public Hearing and offer it to the public.

Councilman Kusnierz suggested a public workshop and that we invite the Moreau Emergency Squad and their Attorney and have an open discussion.

Supervisor Jenkins stated that the only thing he would agree to is the amount budgeted and he guesses he will have to accept the existing contract.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz said what we have in the budget is the same as last year right? Supervisor Jenkins said yes \$200,000.00. Councilman Kusnierz said everyone else we have contracts with got increases so he wouldn't accept that figure. It should be a corresponding percentage increase with what we have done with the others, the Fire Company and Moreau Community Center. The extra \$50,000.00 over what they received last year, he hasn't received documentation that warrants that increase.

Supervisor Jenkins said he had a brief discussion with the President on the telephone and he said the increase wasn't that much, because it would have been \$235,000.00 last year.

Supervisor Jenkins said he was going to have a very difficult time voting for it at all. We have a budgeted amount and he wasn't prepared to adjust it.

Councilman Kusnierz stated they have to have some sort of ongoing discussion as the contract is about to run out.

Supervisor Jenkins said a workshop won't help, because we have been through many of them and nobody is happy when they leave. It is simple, we have "X" number of dollars to give them.

Councilman Prendergast stated that January 1<sup>st</sup> is right around the corner and he asked Supervisor Jenkins what he was prepared to tell the public.

Supervisor Jenkins replied that 95% of the calls come from 911 that they respond to. He wasn't saying they shouldn't agree. If any board member wants to make a motion they can.

Councilman Kusnierz and Councilman Prendergast asked what the motion would be for.

Supervisor Jenkins said the motion would be for him to go back to them and say this is the best we can do and ask if they want to agree to the contract.

Councilman Kusnierz asked if he was referring to the \$200,000.00 and Supervisor Jenkins replied yes.

Councilman Kusnierz said he didn't think that was the best we can do. He said we have been giving increases to other entities that serve the community and their costs are going up just like everybody else and it is a little disingenuous.

Councilman Vittengl asked Councilman Kusnierz if he was thinking about a 1% or 2% increase.

Councilman Kusnierz said yes. He then said that the Fire Company got 2% so that is what he would be in line with.

Councilman Vittengl said that would be \$204,000.00 then and Councilman Kusnierz replied yes.

Councilwoman LeClair stated that if you went to the Fire Company and said this is what we want we would expect to get it from them and the same with the Moreau Community Center and we have never gotten that from the Moreau Emergency Squad.

Councilman Vittengl asked what would happen if we don't have a contract.

Councilman Kusnierz and Councilwoman LeClair said they wouldn't have to respond.

Councilman Vittengl asked who would respond then.

Councilwoman LeClair replied Mutual Aid, anyone around the area. That is why she wanted the County records to show how often Mutual Aid is coming into our Town.

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated that they would still be the primary agency to receive notification from 911 and if they didn't respond then Empire may respond or Wilton.

Councilwoman LeClair added that Fort Edward or Glens Falls could respond. Any EMS around the area could respond to a Mutual Aid call.

Attorney Buettner stated that a few years ago when we went through this there were month-to-month contracts.

Councilman Kusnierz said as far as mutual aid he wasn't prepared to jeopardize somebody's life because we are going through Mutual Aid and bringing in someone farther away who may not have the same level of care that we have right in our community, over \$4,000.00.

Supervisor Jenkins said he was asking if somebody wanted to make a motion authorizing him to offer \$204,000.00 to the Moreau Emergency Squad.

Councilman Kusnierz and Councilman Prendergast said they didn't have a problem with that.

Supervisor Jenkins said that if the Moreau Emergency Squad agrees to the \$204,000.00 then a Public Hearing could be held on December 27<sup>th</sup> at 6:50 p.m. There were no objections voiced to this.

Councilwoman LeClair stated that she is not for it until they open their books. She wanted to go on record saying this.

Councilman Kusnierz asked Councilwoman LeClair if she wanted to do something different.

Councilwoman LeClair stated that the board needed to hear what the conversation was in Albany and she thinks it would make her standing even stronger.

Councilman Kusnierz asked if they needed a resolution or were they just scheduling it and Attorney Buettner asked if he was talking about scheduling a Public Hearing or was the Supervisor going to talk to them.

Supervisor Jenkins said he was going to talk to them and if they find it acceptable then the Public Hearing could be held on the 27<sup>th</sup> of December and the contract could be authorized to be signed at the Regular Town Board Meeting that will follow the Public Hearing.

Attorney Buettner said a resolution should be adopted authorizing the Supervisor to talk to the Moreau Emergency Squad and offer the \$204,000.00 and then the Public Hearing could be scheduled.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Supervisor to engage the Moreau Emergency Squad in discussions over a contract for the 2013 Fiscal Year in the amount of \$204,000.00 for the term of the contract.

Roll call vote resulted as follows:

|                        |     |
|------------------------|-----|
| Councilman Prendergast | Yes |
| Councilman Kusnierz    | Yes |
| Councilwoman LeClair   | No  |
| Councilman Vittengl    | Yes |
| Supervisor Jenkins     | Yes |

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn to executive session to discuss CSEA Contract Negotiations and potential litigation.

Roll call vote resulted as follows:

A regular meeting of the Town of Moreau Town Board was held on December 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the executive session and re-open the regular meeting at 9:14 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the regular meeting at 9:16 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