

A regular meeting of the Town Board of the Town of Moreau was held on December 23, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

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

The Town Clerk called the roll.

**Town Board Members Present**

Todd Kusnierz	Councilman
Robert J. Vittengl, Jr.	Councilman
Preston L. Jenkins, Jr.	Supervisor

**Town Board Members Absent**

Bob Prendergast	Councilman
Gina LeClair	Councilwoman

**Also Present:** Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Pete Corlew, Recreation Department Laborer; Reed Antis, Planning Board Member and Town Resident; Dave Rogge, Town Resident; Terry Clark, Town Resident and Angela Wadsworth, Town Resident.

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.

**APPROVAL OF MINUTES**

The minutes from December 9, 2014 and December 16, 2014 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

This agenda item was tabled as there were only two Board Members in attendance that would be able to vote.

**SET FUTURE MEETINGS**

The 2015 Organization meeting was scheduled for January 5, 2015 at 7:00 p.m.

A public hearing on Sewer District 1, Extension 4, for the proposed Harrison Quarry-Bluebird Trace PUD was scheduled for January 5, 2015 at 7:30 p.m.

**15 MINUTE PUBLIC COMMENT PERIOD**

Terry Clark asked how his FOILs were coming along. Supervisor Jenkins stated that he had the costs to repair Larry Sweet’s water lines. He asked when the Town was going to start inspecting the water lines that were installed in Water District 1. Supervisor Jenkins stated that they are planning to do this but he isn’t the person that schedules the work. Terry asked when his H59 hearing was scheduled for and Attorney O’Hara stated that he isn’t the Attorney handling the case.

Reed Antis asked when we started selling water to the Village of South Glens Falls. Supervisor Jenkins wasn’t sure of the exact date. He spoke with the Mayor last Friday and as of that date they weren’t using the Town’s water. Reed asked how much we were charging the Village for the water and Supervisor Jenkins replied \$2.25 per thousand gallons, which is a little more than the rate the Town pays to the County.

Reed asked Councilman Vittengl about the water asset report from Tim Burley and asked if it had been completed. Councilman Vittengl stated that he knew that it was being worked on.

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Reed asked about the beach project. Councilman Vittengl replied that there has been progress. The Architect has met with Sandy and has taken measurements, so the project is in the works.

Terry Clark asked about the new Highway Garage building and what was going on with the leaking roof. Paul Joseph responded that it was in the Attorney's hands.

Dave Rogge asked about the Grant funding for the sewer project. Supervisor Jenkins stated that the Town didn't get the CFA funding. Dave asked what the next avenue was. Supervisor Jenkins stated that they have an application, which will have to change a bit, with the Empire State Development due to the prison closure. They finished a part of it and are waiting for more information. They will be forming a committee that makes the decisions and we're looking at possibly getting money from them to just put in the mains and the pumping stations. Dave asked who the committee would be made up of. Supervisor Jenkins stated that it would be made up of someone at the Senate Financial Committee and the Supervisor's or someone from the municipalities located within the prison. This will all be done at the State level.

### **DAVE ROGGE – TRANSFER STATION REQUIREMENTS**

Dave stated that the present rules at the Transfer Station require nothing larger than 3" in diameter and nothing longer than 3' in length. He understands that if the Town has to pick up the brush, it would be a burden for it to be larger but if he's bringing it to the Transfer Station himself, it shouldn't matter what size it is. Paul Joseph stated that if the Transfer Station allowed people to bring in oversized brush, than they would also think it would be o.k. for the same lengths to put by the side of the road for the Highway Department to pick up and this would cause problems with the Highway Department.

Reed Antis asked if the Village abides by the 4' rule. Supervisor Jenkins stated that he assumes they do.

Dave Rogge stated that he's not asking to have the brush picked up at his park. He'll dump it himself. It would save him time not having to cut the brush into short lengths.

Supervisor Jenkins stated that the contractor that chips the brush should be able to handle larger limbs and said he would speak with him. His concern is that he doesn't want it to affect the Highway Department.

Councilman Vittengl stated that there will be a representative from Waste Zero coming to the next regular Town Board meeting on January 13, 2015 to discuss the landfill, recycling, best practices. We could bring this up to them and see what they would suggest.

### **RECREATION DEPARTMENT REQUESTS**

The Recreation Department is looking for approval to purchase a Graco Airless Paint Sprayer from Lowe's at a cost of \$389.00. This will be used to paint picnic tables, bleachers and concrete in the dugouts. Pete Corlew stated that this purchase would save the Department a lot of time. A Transfer would be needed in the amount of \$103.99 in order to purchase this equipment.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz that \$103.99 be transferred from A7140.4 General Fund-Playgrounds/Rec. Center-Contractual and \$103.99 be transferred to A7140.2 General Fund-Playgrounds/Rec. Center-Equipment.

Roll call vote resulted as follows:

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

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A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz approving the Recreation Department to purchase of a Graco Airless Paint Sprayer from Lowe's at a cost of \$389.99.

Roll call vote resulted as follows:

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

The Recreation Department is requesting a clothing allowance for Full-Time employees of \$500.00 to be split equally between employees.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz approving a \$250.00 clothing allowance per Full-time person. This would come out of account A7140.4.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

A request has been made by the Highway Superintendent for Reed Devitt, who is a member of the NYS Urban Search and Rescue Team, to be reimbursed by the Town for vacation time he used when he was deployed to Buffalo on Friday, 11/21/2014 to aid with the Buffalo Snow Emergency.

Councilman Kusnierz stated that many Municipalities across the State loan employees to deal with these issues and he didn't have a problem with this request but because he is an employee of the Union he asked if this would become a problem down the road, will it be considered an acceptable practice.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl to reimburse Reed Devitt, expended vacation time that was used to aid with the Buffalo Snow Emergency as a member of the NYS Urban Search and Rescue Team.

Roll call vote resulted as follows:

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

A request was made from the Highway Superintendent to transfer \$4,000.00 from Account DB5112.4934 (blacktop) to Account DB5142.491 (sand) due to all of the early snow storms experienced in the last few weeks.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to transfer \$4,000.00 from account DB5112,4934 (blacktop) with a balance of \$78,120.11 to account DB5142.491 (sand).

Roll call vote resulted as follows:

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

At a meeting held on December 9, 2014, it was approved to spend \$9,000.00 to have 216' of box beam guide rail installed on Sisson Road by Town & Country Bridge and Rail. The Highway Superintendent has learned this week that Town & Country Bridge and Rail has laid off their employees till the spring of 2015 due to the early winter conditions. The owner has agreed to honor his current price proposal for this project in the spring 2015. He's asking the Board to carry over the \$9,000.00 from 2014 to 2015 in account #DB5110.494. Supervisor Jenkins stated that this would have to be done in January.

Paul Joseph reported that he had received a denial letter from NYS DEC – Bureau of Water. Since the letter, he has been in contact with them and they've told him that there may be some award winners that are finding they are unable to do the project or make the necessary purchase required for the grant. If this does hold true, the Town may still be in the running to receive grant funding.

### **WATER DEPARTMENT REQUESTS**

None

### **BUILDING DEPARTMENT REQUESTS**

The Building Department has submitted a letter to the Town Board regarding the Irrevocable Letter of Credit from Canone Ventures, Inc. in the amount of \$40,000.00 issued by Saratoga National Bank and Trust that was needed to cover repairs and property maintenance to receive their Mobile Home Park Permit from the Town. Supervisor Jenkins stated that most of the work has been completed and that only about 10% of the work remains, that will be done in the spring. The Building Department is asking the Town to release this Letter of Credit of \$40,000.00.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to release the Letter of Credit in the amount of \$40,000.00 issued to Canone Ventures, Inc.

Roll call vote resulted as follows:

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

The Building Inspector has requested permission to attend an educational conference that will be held in Lake Placid from March 2, 2015 through March 5, 2015. The conference is sponsored by Northern Adirondack Code Enforcement Officials Association. By attending the course offered at this conference he can fulfill his entire requirements of 24 annual in service credit hours that is mandated by New York State to maintain his Certification for Building Inspector/Code Enforcement Officer. The estimated expenses for this conference would be \$603.00 plus reasonable and proper expenses including mileage and meals.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz approving the request of the Building Inspector to attend an educational conference to be held March 2 – March 5, 2015 at an estimated cost of \$603.00 plus reasonable and proper expenses including mileage and meals.

Roll call vote resulted as follows:

Councilwoman LeClair	Absent
Councilman Kusnierz	Yes

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Councilman Vittengl	Yes
Councilman Prendergast	Absent
Supervisor Jenkins	Yes

### **COURT REQUEST**

The Court is looking for approval to purchase two HP Officejet Pro X476DW Multifunction Printers out of the grant money received by the Court for 2014. They are recommending the units from WB Mason at a cost of \$499.00 each for a total of \$998.00.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl approving the purchase of two HP Officejet ProX476DW Multifunction Printers from WB Mason at a cost of \$998.00 from account ~~A1110.2~~ A1110.2F which has a balance of \$4119.06. [amended 1/13/15 lm]

Roll call vote resulted as follows:

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

### **MOREAU COMMUNITY CENTER BINGO LICENSE RENEWAL**

The Moreau Community Center has submitted their application for renewal. Before the license can be issued the Town must complete the Determinations and Findings. Supervisor Jenkins stated that he had a brief conversation with them over these questions and stated the Board would have to answer the questions starting with number 1. Councilman Kusnierz asked if this had to be approved tonight. The issue we're dealing with is that his office had checked with the Gaming Commission regarding background checks. He stated that some of the municipalities weren't doing them and asked the Commission if background checks had to be done and the answer was "Yes". He stated that the Town Board can't attest to whether or not any of the members have been convicted of a crime without a check. Supervisor Jenkins stated that this would be put on hold for another meeting.

### **RE-APPOINTMENT OF SONYA FOWLER TO ETHICS ADVISORY COUNCIL**

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl to re-appoint Sonya Fowler to the Ethics Advisory Council for another term.

Roll call vote resulted as follows:

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

### **BUILDING USE PERMIT APPLICATION**

The Attorney for the Town had prepared a Building Use Permit Application. The Supervisor has gone through the application and it talks about fees, deposits and refunds. It also talks about Commercial use, which is not the Town's intention. He's going to need to clarify the action and there are only three people here tonight. He would like to table this item until there is a full Board.

### **CEMETERY – PUBLIC USE**

A regular meeting of the Town Board of the Town of Moreau was held on December 23, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York

Reed Antis spoke regarding the cemeteries and stated that he wanted to keep the dialogue open. He hoped that everyone had an opportunity to look at the material he had provided them. He wanted to recap where they're at today. He stated that the Town has 18 cemeteries within its borders which would best be described as private/family cemeteries or public use cemeteries. He's only failed to find two cemeteries so far. One cemetery is still being maintained by the Smith family. The Town maintains six of the cemeteries. There are six family cemeteries that he has rediscovered but has yet to do any preservation work. Reed asked for the Town to step up on two different issues. Number one, as the volunteers turn these burial grounds back to being a nice place to visit the Town should upkeep them and maintain them for future generations. The second is that the Town is caretaker for the three largest cemeteries. He stated that when you have a cemetery people generally pay for burial plots. Griswald Cemetery is the most common cemetery that we've had burials. In his belief these are municipal cemeteries and over a long period of time the Town has been taking care of them. He stated that if the Town is giving up a piece of land for someone to be buried there should be a deed and that we need to be more forthcoming to these cemeteries.

Councilman Kusnierz stated that these are not municipal cemeteries but only by default. He stated that the Town shouldn't be involved with regulations. Reed stated that the Town should be in control of the public cemeteries. Councilman Kusnierz stated that Counsel has provided the Town with information relating to the Town's responsibilities and he doesn't have a problem at all with the requirements to maintain cemeteries that have been abandoned. He doesn't think the Town should be in the business of regulating these cemeteries.

Supervisor Jenkins asked if there is something that the Clerks' office issues for burial permits. The Town Clerk replied that requests are given to the Town Board as they come in and doesn't believe that there are any fees involved.

Supervisor Jenkins stated that cemeteries are important to communities, they are part of they're history. The law requires us to maintain the cemeteries two times per year but that wouldn't be good enough. Our cemeteries are maintained better than some of the private cemeteries right now.

Reed would like to see the Town take care of these cemeteries as they are fixed up. They have historical and ethical reasons why we should keep them up. He has a hard time understanding that Griswald is a cemetery that anyone can do whatever they want. The Town should manage and maintain the property.

Supervisor Jenkins stated that he thinks the law requires that approval be given before anyone can be buried in those cemeteries. Reed stated that it isn't a law, it was created as a policy so that the Town has more flexibility with changes as needed. Rogers is a very historical cemetery and we need to be able to get to it. There isn't an easy path to it and its overgrowth is tremendous. Because of the land that's been reclaimed by the PCP's the only practical way in is to cut a path through the boat landing road.

Paul Joseph stated that he has talked with GE to see if a gate could be put in.

Angela Wadsworth wanted to bring to the Board's attention that National Grid was at her house last week with an unknown work order again. They ended up coming and digging up where her gas shut off valve is at the end of her driveway. When they did this, they did more damage than good. She called National Grid and nobody knew who ordered this work to be done. They dug up the corner of her driveway and lowered the shut off valve. What happened after the work was done, it filled the hole completely up with water. When she called National Grid to complain they stated that this work is usually done in the spring. They had to come back and fix it. If she hadn't complained, the work that was done would have caused her driveway to be washed out. They still have to come back in the spring to finish the work.

Angela Wadsworth stated that she read the transcript of the December 2, 2014 meeting minutes and asked that the Town purchase a "Dragon" for the Town Clerk. She stated that the December 2, 2014 minutes were left out or misunderstood. She stated that if the Dragon were purchased it would print out word for word what is being said at the meetings. She stated that on the December 2, 2014 minutes, she was referring to her neighbors leaking leach field and not her own and asked that the minutes be corrected.

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Angela also made notice to the Town Board that when she attempted to hear the audio from the December 2 and December 9 meetings, they weren't on line.

Angela also stated that she contacted Ben Marcantonio, the Assistant Building Inspector, to come on to her property to look at the leach field as she was directed. Mr. Marcantonio told her that he wasn't able to come to her home as he had a meeting to attend and also stated that he was there last year and that the septic has already been documented as being too close to the surface.

Supervisor Jenkins stated that he thought Joe Patricke would be the only one qualified to do this inspection.

Angela again asked about National Grid being on her property and Supervisor Jenkins stated that he would speak with Mr. Murphy from National Grid to see what he can find out.

### **EXCESS SALES TAX REVENUE**

A memo was received from the Principal Account Clerk that the Town has received their final sales tax distribution from Saratoga County and have an excess of funds of \$3,799.00. The letter stated that the Highway and Outside Funds have received their budgeted 2014 revenues from the sales tax revenues. She asked where the Board would like for her to allocate the excess sales tax revenues.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl to allocate the excess Sales Tax Revenues in the amount of \$3,799.99 to the Town Outside Fund.

Roll call resulted as follows:

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

### **COMMITTEE REPORTS**

None

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported to the Board that there won't be enough funds to repay the Interfund Loan between Water District VI and Water District IV until sometime in February. Audit and Control states that all interfund loans should be paid in full by the end of the accounting year. The Supervisor can't see going out to borrow at a bank with interest right now.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl authorizing the Supervisor to sign the contract with the Moreau Community Center.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to adjourn the regular meeting at 8:03 p.m.

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Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk