

A regular meeting of the Town Board of the Town of Moreau was held on December 27, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:30 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Jesse Fish, Water Superintendent; Malcolm O'Hara, Attorney for the Town; Reed Antis, Alternate Member of the Planning Board and Town Resident; Elizabeth Lanfear, Member of the Recreation Commission and Town Board; Robert J. Vittengl, Jr., Member of the Recreation Commission and Town Resident; and John Reilly from Northeast Electronics Recycling

Supervisor Jenkins led the Pledge of Allegiance.

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

**MINUTES**

The minutes of December 13, 2011 were presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – DECEMBER 13, 2011 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of December 13<sup>th</sup> as presented.

Roll call vote resulted as follows:

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

**MEETINGS/WORKSHOPS SCHEDULED**

The 2012 Town Board Organizational Meeting was scheduled for January 3, 2012 at 7:00 p.m. in Town Hall.

Supervisor Jenkins informed everyone that there would be a swearing in ceremony for newly elected and re-elected officials on January 1, 2012 at 12 noon in Town Hall. Refreshments will be served.

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Public Hearings on the Moreau Emergency Squad Contract and South Glens Falls Fire Company Contract for the Year 2012 were scheduled for January 5, 2012 at 7:00 p.m. in Town Hall. The Public Hearings scheduled for December 21, 2011 had to be cancelled due to an error in the advertisements.

### **15 MINUTE PUBLIC COMMENT**

Elizabeth Lanfear asked why she didn't receive a response to her e-mail regarding basketball pictures being scheduled on the same night as a school concert.

Supervisor Jenkins advised Ms. Lanfear that he spoke with Steve Gram about this and according to Steve Gram there were only two teams impacted. Photo sessions for the two teams would be rescheduled.

According to Ms. Lanfear, Steve Gram should have looked at the school's schedules and she asked when the Town Board was going to stand up for the families in this community. She said that the parents are tired of this nonsense.

Supervisor Jenkins advised Ms. Lanfear that he wasn't going to discuss the activities of any employees in public session and she was welcome to join the Town Board in an executive session at the end of the meeting to discuss employee activities.

Ms. Lanfear said she was allowed to give positive and negative comments per the Open Meetings Law.

Supervisor Jenkins told her that it was not proper.

Attorney O'Hara opined that if the discussion was of a personal nature then it should be discussed in executive session and that the Town Board offered Ms. Lanfear an opportunity to discuss it in executive session.

Councilman Kusnierz asked Ms. Lanfear if she wanted to go into an executive session to discuss this and Ms. Lanfear replied that she did not. Not until the Town Board does something to back up the families in this Town.

Reed Antis asked about the recreation commission and if they are involved in the process or not and Supervisor Jenkins replied that some of the members are and some aren't.

Reed Antis asked why there is a recreation commission then and Councilman Cumm and Supervisor Jenkins replied that was a good question. The commission was established at a time when there wasn't a full-time director for the recreation department.

Supervisor Jenkins stated that in the Town Code regarding the recreation commission there is one paragraph that virtually eliminates the intent of the code and gives the Town Board final authority over the commission.

Reed Antis asked why there needs to be a recreation commission when there is a recreation director running the programs.

Supervisor Jenkins said that was a good question.

Reed Antis asked the board if they were ever going to deal with it.

Councilman Kusnierz said in answer to his question, that there is a recreation commission, because the code provides for one.

The public comment period was concluded.

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### **JOHN REILLY – NORTHEAST ELECTRONICS RECYCLING**

John Reilly of Northeast Electronics Recycling was present to offer his services to the Town to provide recycling options to the Town Hall and residents in the Town to get rid of their electronic equipment. He has contracts with the Town of Colonie, Warrensburg, Bolton, Glens Falls and Queensbury. Unwanted electronic equipment will be picked up weekly from a recycling container placed in the Town. He is willing to provide the container if the Town isn't able to.

Councilman Kusnierz asked if retailers are required to accept electronic equipment for recycling under the E-Waste Recycling Law that was adopted in 2010 and Mr. Reilly replied yes, but a lot of retailers aren't equipped to do so.

Councilwoman LeClair asked Mr. Reilly if he required a contract and Mr. Reilly replied no.

Supervisor Jenkins told Mr. Reilly that the contract he gave him needed to be changed.

Councilman Kusnierz suggested that Mr. Reilly read over the section on liability.

Councilman Cumm offered a motion to go ahead with this service contingent upon the attorney for the Town approving of the contract.

Councilman Prendergast advised that he hasn't seen the contract yet and once our attorney finalizes the contract and it is agreeable to Mr. Reilly and the board then the board could act on it.

Attorney O'Hara agreed that the board should read the contract first and then authorize it.

Councilman Kusnierz asked Mr. Reilly how he is set up in other Town's now.

Mr. Reilly stated that he has a 7'x12' contractor's trailer that is pulled behind a pickup truck.

Councilman Cumm advised Mr. Reilly that the Town doesn't have a container or facility to store the electronics in so Mr. Reilly would have to provide one.

It was the consensus of the board to move ahead with this and get the contract revised to the satisfaction of the board, Mr. Reilly and the attorney for the Town.

### **HIGHWAY DEPARTMENT REQUEST**

The highway superintendent submitted a request to purchase four (4) rear drive tires for truck #6 from Adirondack Tire Center under state contract at the quoted price of \$1,173.16 out of account DB5130.492 that had a balance of \$18,825.05 as of 12/2/11.

Councilman Kusnierz advised that the same tires can be purchased from Warren Tire at a cost of \$1,167.80 including metal valve stems and installation.

He encouraged all department heads to obtain three quotes even if an item is on county or state contract, because county and state contract is not always the cheapest way to go anymore.

Councilman Prendergast suggested that the board ask Paul Joseph, Highway Superintendent, to obtain three quotes on the tires and come back with his request.

No objections were raised to this suggestion.

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**RECREATION DEPARTMENT REQUESTS**

None

**WATER DEPARTMENT REQUESTS**

None

**PURCHASE OF 180 FEET OF 4 FOOT SCHEDULE 80 PVC CONDUIT FOR PHONE SYSTEM AND CABLE AT NEW HIGHWAY GARAGE**

According to Supervisor Jenkins the Town Board Members, all except Councilman Kusnierz, gave verbal approval to purchase 180 feet of 4 foot schedule 80 PVC conduit for the phone system and cable at the new highway garage.

Councilman Kusnierz noted that he did call Terry McGuire back to discuss this with her, but she was out to lunch. He wanted to know what the emergency was and why it couldn't wait for a meeting. He then asked if there were going to be any additional purchases that Paul Joseph, Highway Superintendent, would need to make before the next meeting.

Supervisor Jenkins said he would find out.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of 180 feet of 4 foot schedule 80 PVC conduit for the phone system and cable at the new highway garage.

Roll call vote resulted as follows:

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

**AMENDMENTS TO LEGAL SERVICES AGREEMENT FOR WATER DISTRICT 1 EXTENSION 2 PROJECT**

The amendment to the legal services agreement with Bartlett, Pontiff, Stewart & Rhodes for the Water District 1 Extension 2 project is something that the EFC is requiring. It spells out the hourly rates for legal staff at Bartlett, Pontiff, Stewart & Rhodes for services they are rendering in the Water District 1 Extension 2 project. Supervisor Jenkins wanted authorization to sign the amendment to the legal services agreement.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the supervisor to sign the amendment to the legal services agreement with Bartlett, Pontiff, Stewart & Rhodes for the Water District 1 Extension 2 Project.

Roll call vote resulted as follows:

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

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### **SEWER DISTRICT RATES**

Supervisor Jenkins said he wasn't looking for approval on the sewer rates at this meeting, but wanted to present some information on it.

He stated that Tim Burley came up with a 2 ½ page schedule on which there is an annual sewer charge of \$257.87. Tim Burley recommends that we use \$260.00 per EDU (Equivalent Dwelling Unit). Anybody on the sewer system would be billed on January 1<sup>st</sup> of each year. Anybody coming onto the system in the interim, once they got a C.O. or were hooked or whatever the case may be, they would pay a pro-rated amount for that year and then on January 1<sup>st</sup> the following year they would pay for a full year. They would also pay a hook up cost of \$1,750.00 per EDU to hook into the sewer system.

Supervisor Jenkins advised that about two years ago we approved about \$8,000.00 for Tim Burley and Jim Mitchell to work on this and what they came up with was that to complete the sewer mains and pumping stations required from Exit 17 to Bluebird Road to Fort Edward Road is estimated at \$3.5 million and they are estimating future EDU costs at \$2,000.00 and this is how they came up with the \$1,750.00 cost.

Councilman Kusnierz asked about a commercial enterprise.

Supervisor Jenkins said the state has a chart they use to calculate EDU's based on economic factors. He said that in the case of the Home of the Good Shepherd project it is estimated at 21 EDU's and that is based on the estimated septic that would be put out into the system. It was based on the readings that they took at their place in Wilton.

Councilman Kusnierz asked if there is a formula for big box stores.

Supervisor Jenkins replied the state has a schedule and it explains how to calculate it. He said the annual usage is estimated. We can monitor it by water use. In the future we may require that if someone wants to hook into the sewer system then they will have to hook into the water system, because that is the only way we can have any control over their usage. We may also require all future users to have the installation done by the Town. The water superintendent will have to come up with our costs for installation. They would have to pay for their own grinder pump and a few other things, he would assume.

Supervisor Jenkins said the board should look at the information and he will put it on the agenda for the next meeting. The board should decide soon on the rates, because we have some developments that will be coming on-line in the near future and they will be paying some pretty decent dollars. The only charge we have established is \$805.00 per EDU for buy-in of purchased capacity.

### **RFP's for AUD**

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to send out RFP's to accounting firms to prepare the Town's Annual AUD.

Roll call vote resulted as follows:

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

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

Elizabeth Lanfear asked if there is a problem with a Planning Board Member, would that have to be discussed in executive session also. Planning Board Members are not employees.

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Attorney O'Hara replied that if it is of a personal nature about that Town Official then it would go to executive session.

**COMMITTEE REPORTS**

None

**SUPERVISOR'S ITEMS**

None

This being the last meeting that Councilman Cumm would attend as his term ends 12/31/11 as Councilman the Town Board Members each gave a farewell gesture to him. [The comments can be heard on the audio of the meeting.]

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn the meeting at 8:18 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk