

A regular meeting of the Town Board of the Town of Moreau was held on December 30, 2013 in the Town of Moreau Municipal Building, 351 Reynolds, Moreau, New York, 12828.

Supervisor Jenkins called the meeting to order at 7:05 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 L. Jenkins, Jr.	Supervisor

Town Board Members Absent

None

Also present: Jeanne Fleury, Town Clerk; Stefanie DiLallo-Bitter, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Amanda Metzger, Post Star Reporter; Reed Antis, Town Resident and Planning Board Member; Gerald Fitzgerald, Village of South Glens Falls Resident; Gardner Congdon, Town Resident; Adele Kurtz, Town Resident; J. R. Petteys from P.S. Technical Services

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

November 26th, December 9th, December 10th, December 12th, December 13th, December 17th (2 Sets)

MINUTES – NOVEMBER 26, 2013 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes of November 26th as prepared.

Roll call vote resulted as follows:

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

MINUTES – DECEMBER 10, 2013 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A regular meeting of the Town Board of the Town of Moreau was held on December 30, 2013 in the Town of Moreau Municipal Building, 351 Reynolds, Moreau, New York, 12828.

MINUTES – DECEMBER 17, 2013 – PUBLIC HEARING 6:30 P.M. – MOREAU EMERGENCY SQUAD CONTRACT

No comments or corrections.

MINUTES – DECEMBER 17, 2013 – PUBLIC HEARING 7:31 P.M. – SOUTH GLENS FALLS FIRE CO. CONTRACT

No comments or corrections.

MINUTES – DECEMBER 17, 2013 - SPECIAL MEETING OF THE TOWN BOARD – 8:31 P.M. – CONTRACTS FOR MOREAU EMERGENCY SQUAD AND SOUTH GLENS FALLS FIRE COMPANY

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes dated December 10th and all three sets of minutes dated December 17th as prepared.

Roll call vote resulted as follows:

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

MINUTES – DECEMBER 9, 2013 – INFORMATIONAL MEETING – EXTENSION 4 TO SEWER DISTRICT 1

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of December 9th as prepared.

Roll call vote resulted as follows:

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

MINUTES – DECEMBER 12, 2012 – SPECIAL TOWN BOARD MEETING TO SCHEDULE PUBLIC HEARING ON EXTENSION 4 TO SEWER DISTRICT 1

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the minutes of December 12th as prepared.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Abstain

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Councilwoman LeClair	Yes
Councilman Vittengl	Yes
Supervisor Jenkins	Yes

MINUTES – DECEMBER 13, 2013 – BID OPENING – USED BUCKET TRUCK

No comments or corrections.

Minutes were received and filed

MEETINGS/WORKSHOPS SCHEDULED

The Organizational Meeting of the Town Board was scheduled for January 2, 2014 at 7:00 p.m.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked when the solar panels were going to be installed.

Supervisor Jenkins said the contract is signed. The State of New York funds so much each month.

Councilman Vittengl said he sent a text to the company today and they are waiting for the next round of funding and he hopes to hear back from them later in the week. They increased the size they would fund from 50 kw to 200 kw and a whole bunch of big projects jumped on board and the money ran out quick, so the Town should be in the next round of funding.

Reed Antis asked Councilman Vittengl if he set up a meeting with the Village of South Glens Falls for sometime in January regarding the sandbar beach property and Councilman Vittengl replied he did not.

Reed Antis asked if the Town Board Members have met with the Moreau Emergency Squad yet and if not has something been scheduled.

Supervisor Jenkins replied no and they haven't received a signed contract yet.

Reed Antis asked if the Moreau Emergency Squad has made an effort to set a date.

Supervisor Jenkins replied that the Town Board was waiting on a signed contract and the attorney for the squad has indicated that they were likely to sign it, but it hasn't been received yet.

Reed Antis asked Councilman Prendergast if he was going to set up an e-mail account as part of his campaign promises.

Councilman Prendergast replied that he didn't make that promise.

Reed Antis asked if he was going to use a computer to communicate.

Councilman Prendergast replied that he doesn't want to tell the public anything that he isn't able to perform. That is the worst thing he could do. He said if he looks at the schedule of hours he has worked this past week, we wouldn't be able to do it unless he wanted to go without sleep before going to work.

Reed Antis asked Councilman Prendergast how he has time to communicate in other means if he doesn't have time to communicate via the computer.

Councilman Prendergast replied that he receives phone calls and he returns the calls. He said it isn't that he doesn't want to do it, but he doesn't want to tell the people that he is going to do something and not have the time to do it. He said his job is very demanding time wise, he works hours that most people don't work and he doesn't have the luxury of time that some people have.

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Reed Antis asked how he has time to be Councilman then.

Councilman Prendergast said he missed a meeting the other night, because of work and he was very upset about that.

Reed Antis asked if isn't a lot of the work of a councilman done through committees and working with other members of the Board.

Councilman Prendergast replied yes and he does that on his days off. He comes into the municipal building on his days off. He said he could spend a whole day on the computer on his days off, but he is in the municipal building instead. He isn't ignoring his duties.

Councilwoman LeClair spoke in defense of Councilman Prendergast by saying that a while back she was talking with Terry McGuire and it came up in conversation how Councilman Prendergast checks in everyday with Terry to find out what is going on and if there is anything that he should know about. She has personally seen him in the municipal building when she is in the building, so he is checking in and making contacts.

Adele Kurtz said that at the meeting she attended on the creation of Extension 4 to Sewer District 1 and the Bond Resolution, Supervisor Jenkins said that it wasn't going to be mandatory for everyone to hook up, but the article in the newspaper read that everybody in the entire Sewer District 1 will be paying on the debt for Extension 4 of Sewer District 1.

Supervisor Jenkins replied that everybody in the district will pay on the debt and interest. If you hook up there is a fee. The first amount pays for principle and interest and is actually a sewer tax that will be tax deductible.

Adele Kurtz asked who will be paying for the debt service.

Supervisor Jenkins replied all of the people in Sewer District 1 will be paying based on EDU's.

Adele Kurtz asked if it would be all of Sewer District 1 including all the extensions and Supervisor Jenkins acknowledged this was correct.

Adele Kurtz asked if it would be by ad valorem tax or benefit based.

Supervisor Jenkins said it is a special district tax just like a water district tax and it will be based on usage. Right now the estimate is \$431.00 a year. If you have a two unit building it might be two EDU's. A mobile home park is something like 1.84 per unit and vacant lots are 1/2.

Adele Kurtz read from the bond resolution as follows: "Such serial bonds are to be payable from amounts which shall be paid from the users of Sewer District No. 1 in the Town of Moreau and/or ad valorem rates and/or amounts which shall be annually levied on all of the taxable real property in said Town....". She asked if that included her.

Attorney DiLallo-Bitter replied that the way the resolution is formulized is so that the Town can have flexibility, because the way the last sentence reads the Town is completely on the hook for this debt. So if the users of Sewer District 1 default the Town has to have the ability to make good on the debt.

Adele Kurtz asked again if she is on the hook for it and Attorney DiLallo-Bitter acknowledged that this was correct.

Adele Kurtz asked if a person was to go out and get signatures under the permissive referendum, would they get signatures from people in the entire Town, since they are all on the hook for the debt and would the number of signatures required have to equal 5% of the last number of votes cast in the last gubernatorial or is it 5% of Sewer District 1.

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Attorney DiLallo-Bitter sent a text to Attorney Paltrowitz and/or Attorney Buettner in her office trying to get an answer to this question.

Supervisor Jenkins stated that what this sentence means is that ultimately if for some reason the payments stop then we would collect from every taxpayer/parcel in the Town.

Councilman Vittengl said it was the same as for lighting districts right and Supervisor Jenkins said lighting districts are special districts and when those districts were formed that basic language was there.

Adele Kurtz stated that her concern was that this is a \$14 million debt and she is going to possibly be on the hook for this debt for the next 30 years and she isn't going to receive any benefit. She said that there are 286 parcels in Extension 4 of Sewer District 1 and she saw where there were notices sent to those 286 property owners and she asked if the property owners in Extensions 1, 2 and 3 of Sewer District 1 received notices of the informational meeting also.

Supervisor Jenkins said he wasn't sure what she was asking. He stated that this isn't any different than any other special district we have right now and that language existed when those districts were formed.

Adele Kurtz stated that there were 286 notices that were sent out informing the owners of the 286 properties that there was an informational meeting that was going to be held in November. During that informational meeting it was said that it was only for Extension 4 and if you don't sign up you don't have to pay and that has changed.

Supervisor Jenkins replied "it was discussed both ways in that meeting".

Adele Kurtz stated it was very clear on the record.

Supervisor Jenkins replied that he is the one who said it. He also said that Councilman Kusnierz raised another issue that made a lot of sense and that was what happens if somebody doesn't hook up and ten years from now they decide to hook up, what happens? Supervisor Jenkins replied that they will pay their share of debt for ten years and that would be the same for anybody who hooks up to the system ten years from now.

Councilman Kusnierz stated that the general feeling of the Board was that if you don't want to sign up then you aren't going to have to pay the debt service, so the question he raised to Tim Burley our Town Engineer was is it unusual, the fact that we seem to be taking care of this in reverse of what is typically done in other communities and Tim's response was that it was unusual the way we were going at it and Councilman Kusnierz said he was paraphrasing what Tim Burley said. After that conversation he thinks the resolution was modified to read that all members in the district would have to pay the debt service.

Supervisor Jenkins said that was pretty much how it happened.

Adele Kurtz asked if the 1,800 EDU's was for the entire district or just the extension. It makes a difference with the price.

Supervisor Jenkins replied it is the entire Sewer District 1. It may be adjusted, because there are some "situations" in the district where "they" have already paid some buy-in costs.

Adele Kurtz asked how "they" know what "they" are going to pay. If adjustments have to be made for people who have already bought-in they shouldn't have to buy-in again. How does anybody know what they are going to have to pay on this?

Supervisor Jenkins replied "That decision hasn't been made yet. It's an open item. The question is, does the rate stay the same or does it change?"

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Adele Kurtz asked if shouldn't people know that before they commit to \$14 million.

Supervisor Jenkins said he understands. He is just telling her where it is at.

Gerald Fitzgerald who lives in the Village of South Glens Falls said he has a concern about an item in the resolution that was passed and published in the newspaper. The resolution was passed at a Special Meeting and not a Regular Meeting and the paper read that it was a Regular Meeting.

Supervisor Jenkins said he didn't write the article. It was scheduled as a Special Meeting and it was published.

Gerald Fitzgerald stated that the "area" surrounding the payment on this issue was very vague as far as he was concerned. He said it read that the money was going to be paid by the users. He said it also reads that the money was also going to be raised "and/or by ad valorem". He said the statement was made it was going to be the entire Town. Is it going to include the Village?

Supervisor Jenkins stated it won't have any effect on the Village unless the district ceases to exist and a debt exists then the Village could be responsible for part of it, but he doesn't think that will happen.

Gerald Fitzgerald also wondered if the passage of the resolution was legal. "Town Law says that an issue that is by petition for permissive referendum is required by law 2/3 of all the Town Board." He said that at that meeting there weren't 100% of the Board Members present. There were only three Board Members present or 60%.

Supervisor Jenkins replied that there were two resolutions. The first resolution forming the district only required a majority vote of the Board. The second resolution on the bond issue that was passed has to be rescinded and they know that. He got this information earlier today from the attorneys and they suggested it be voted on again tonight. It isn't on the agenda, because this information came in late this morning. He contacted the Board Members so they were aware of it. There wasn't much he could do about contacting the public.

Gerald Fitzgerald said it will be up to the Attorney General whether it passes or not. The Town has to notify the Attorney General and the Attorney General has to approve it. [Later in the meeting Gerald Fitzgerald corrected this statement by saying that it is the State Comptroller that has to approve it and not the Attorney General.]

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of rock salt by the Highway Department under County Contract #12-PWS-10R from American Rock Salt in an amount not to exceed \$10,000.00 out of account DB5142.490.

Roll call vote resulted as follows:

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

On December 13th a bid opening was held for the purchase of a used bucket truck for the Highway Department. Only one bid was received and it was as follows:

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Cassone Leasing
1950 Lakeland Avenue
Ronkonkoma, NY 11779

\$20,050.00 2002 GMC C-8500 Bucket Truck

Paul Joseph explained how the Notice to Bidders was advertised and how bid packets were mailed out and yet one bid was received. He said he has received service records on the truck and it appears to be a decent deal.

Councilman Kusnierz asked if this truck was purchased would the Highway Department be able to take down some of the trees in the Town's right-of-ways and save on the cost for tree removal.

Paul Joseph stated that yes they could take down some of the "dangerous trees".

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the purchase of the 2002 GMC C-8500 Bucket Truck from Cassone Leasing in an amount not to exceed \$20,050.00 per their bid.

Roll call vote resulted as follows:

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

The Highway Superintendent requested that the hourly rate for the part-time, as-needed, wing people be increased from \$10.00 per hour to \$12.00 per hour starting 1/1/14. It is getting harder to find people that are available at any time of day or night and the increase in hourly rate may be more appealing to some people. Also, the hourly rate for water meter readers was increased by the Town Board to \$12.00 an hour. There is money budgeted for this in accounts DB5110.1 and DB5142.1.

Councilman Kusnierz asked if there are any people who are employed by the Town who also work as wing people and the answer was yes.

Councilman Kusnierz asked if there are any laborers who make less than \$12.00 an hour and Supervisor Jenkins replied no and then said not many.

Councilman Kusnierz asked why this wasn't discussed at budget time and Paul Joseph replied that he planned for it in his budget, but it wasn't discussed.

Supervisor Jenkins asked how many hours does a wing person typically work and Paul Joseph said it varies with the weather. In the last day they worked 11 hours.

Councilman Kusnierz asked why he was asking for \$12.00 an hour and not \$11.00 an hour.

Paul Joseph replied that he was trying to be consistent with other part-time people and he added that minimum wage is increasing to \$8.00 an hour.

Councilwoman LeClair said that she would make the motion to increase the hourly rate for wing people from \$10.00 per hour to \$12.00 per hour. She stated that it is not easy to find people who are willing to come in to work in the middle of the night when called.

Councilman Vittengl seconded the motion.

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Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

None

WATER DEPARTMENT REQUESTS

None

BUILDING INSPECTOR'S REQUESTS

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast granting permission for Joe Patricke, Building Inspector/Code Enforcement Officer, to attend an educational conference held by the Northern Adirondack Code Enforcement Officials Association, March 2nd through 6th, 2014 in Lake Placid, New York, and for the Registration Fee, Annual Dues and Hotel Expense totaling \$677.00 along with all necessary mileage and meals expenses to be a proper town charge.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast granting permission for Ben Marcantonio, Assistant Building Inspector/Code Enforcement Officer, to attend New York State Code Enforcement Training Classes on February 11-13, March 18-20, April 22-24, May 20-22, June 24-26 and July 29-31 in Lake George, New York, and for any and all necessary mileage and lunch expenses to be a proper town charge.

Roll call vote resulted as follows:

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

MOREAU COMMUNITY CENTER BINGO LICENSE

The questions in the Findings and Determinations Statement for the Moreau Community Center Bingo License Application were all answered "Yes" by the Town Board.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Moreau Community Center Bingo License Application to be approved and authorizing the Town Clerk to issue the Bingo License to the Moreau Community Center.

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Roll call vote resulted as follows:

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

REAPPOINT JOHN ARNOLD TO THE PLANNING BOARD FOR ANOTHER 7 YEAR TERM

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to reappoint John Arnold as a Member of the Town of Moreau Planning Board for another seven (7) year term that will expire 12/31/2020.

Roll call vote resulted as follows:

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

REAPPOINT JOHN ENGLAND TO THE ZONING BOARD OF APPEALS FOR ANOTHER 5 YEAR TERM

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to reappoint John England as a Member of the Town of Moreau Zoning Board of Appeals for another five (5) year term that will expire 12/31/2018.

Roll call vote resulted as follows:

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

QUOTE FOR IT SERVICES

Supervisor Jenkins stated that IT firms would be interviewed in executive session.

SARATOGA LAND MANAGEMENT CORP. – APPROVAL FOR SUPERVISOR TO SIGN CONTRACT

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Supervisor to sign an agreement with Saratoga Land Management Corp., subject to attorney review and approval, in an amount not to exceed \$75.00 per hour for a maximum amount not to exceed of \$1,500.00.

Roll call vote resulted as follows:

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

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APPRAISAL QUOTES FOR TOWN'S WILLIAM STREET AND HUDSON STREET PROPERTIES

The following quotes were received for an appraisal of the Town's Hudson Street and William Street properties:

Upstate Appraisal Services, Inc.	\$2,000.00 for both properties
Empire State Appraisal Consultants, Inc.	\$4,500.00 for both properties

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Supervisor to sign an agreement with Upstate Appraisal Services, Inc. in an amount not to exceed \$2,000.00 to provide the Town with an appraisal on the Town's Hudson Street and William Street properties.

Roll call vote resulted as follows:

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

C2ae - CHANGE ORDER NO. 5-3 – CONTRACT #1 – WATER DISTRIBUTION SYSTEM EXTENSION 3 OF WATER DISTRICT 1 - SISSON ROAD

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Supervisor to sign Change Order No. 5-3 for Contract #1 – Water District 1 Extension 3 (Sisson Road) – in an amount not to exceed \$5,505.98 for additional work that was performed by R&J Kerr, Inc.

Roll call vote resulted as follows:

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

RAGNAR RELAY REQUEST TO ALLOW RELAY RACE THOROUGH TOWN OF MOREAU

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the Ragnar Relay Race to pass through the Town of Moreau, utilizing Town Highways, September 26th through 27th, 2014.

Roll call vote resulted as follows:

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

RESOLUTION AUTHORIZING LETTER OF SUPPORT FOR CASINO'S IN THE TOWN OF MOREAU TO BE SENT TO THE GOVERNOR'S OFFICE

The Town Clerk read the following resolution:

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RESOLUTION IN SUPPORT OF CASINOS IN THE TOWN OF MOREAU

WHEREAS, under the Upstate New York Gaming and Economic Development Act at least one casino will be sited in the Capital District and possibly a second casino will be sited in the future, and

WHEREAS, it is projected that casino(s) would produce \$238 million annually in additional aid for education or property tax relief across the entire state, plus an additional \$192 million in annual local government aid, and

WHEREAS, it is projected that over \$11 million would be distributed to Saratoga County and be passed on through to local governments and through to school districts in Saratoga County, and

WHEREAS, it is projected that over 1,000 jobs will be created during the construction phase of the casino(s), and

WHEREAS, Mt. McGregor located in the Town of Moreau is being considered as one possible site for a casino and if sited there it would possibly create over 1,000 jobs, and

WHEREAS, on November 5, 2013 voters in the Town of Moreau cast 55% of their votes in favor of casinos, and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau Town Board does hereby authorize the Town Supervisor to send a letter on behalf of the Town Board to Governor Andrew Cuomo expressing their support of a casino being sited in the Town of Moreau.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adopt the resolution.

Councilman Prendergast stated that he was concerned, because when he went door to door during election time he didn't hear from a lot of people in support of casinos.

Supervisor Jenkins stated that 55% of the voters in Moreau voted in favor of Proposition #1.

Councilman Prendergast stated again that this isn't what he heard from the people he talked with.

Supervisor Jenkins stated that the Mt. McGregor is closing in July 2014 and it is a good site in that there are no residential areas in close proximity to the site. Any other use of the property won't bring in the jobs that a Casino will bring.

Councilwoman LeClair said she isn't a gambler and she doesn't support gambling on a personal level, but it is a good site for a casino and it will bring tax relief to the taxpayers in Moreau.

Councilman Vittengl stated that it would be an entertainment/shopping Mecca and the increase in property tax and sales tax revenues would be huge. The site is 1,200 acres with two lakes and two miles from Exit 16 and about 4 miles from Exit 17. It is quite an opportunity he said and would bring an economic boom to the Capital District.

Councilman Kusnierz said he agreed with the comments from Councilman Prendergast. When he was campaigning he had the opportunity to visit every corner of the Town of Moreau and the people he talked with felt strongly one way or the other and the one thing they are craving is commercial development to lower taxes in the future. He referred to the \$14 million bond resolution and how if the Town gets the financing for sewer it will bring commercial development to the Town. A casino on the other hand, will change the character of the Town forever.

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Roll call vote on the resolution resulted as follows:

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

DOG CONTROL OFFICER – DISCUSS AND POSSIBLY APPOINT

Councilwoman LeClair, Councilman Kusnierz and Supervisor Jenkins interviewed candidates for the position of Dog Control Officer. They felt that Dexter Baker was by far the best candidate for the position from those they interviewed. He has excellent credentials and is a Part-Time Dog Control Officer for the Town of Thurman and does work for the SPCA.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to hire Dexter Baker as Part-Time, On-Call, Dog Control Officer for the Town of Moreau at \$12.00 per hour, effective 1/2/13 and subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

Councilwoman LeClair stated that the Board had talked about possibly hiring two part-time people to serve as Dog Control Officer so they could fill in for each other and when this was discussed with Dexter he liked and supported the idea and is willing to work with whomever the Board hires. She asked if the Board wanted to hire a second part-time person and if so she had a recommendation.

Councilman Prendergast said he thinks the public will like this idea.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to hire David DeLong as a backup, Part-Time, On-Call, Dog Control Officer for the Town of Moreau at \$12.00 per hour, effective 1/2/13 and subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked if there isn't a contract in place by 1/1/14 with the Moreau Emergency Squad will they continue to respond to calls or will mutual aid respond.

Supervisor Jenkins replied that the Moreau Emergency Squad holds a Certificate of Need in the Town of Moreau so they will respond to a 911 call and according to NYS DOH as long as they continue to hold a Certificate of Need they are required to respond to 911 calls.

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Adele Kurtz asked when the Board was going to vote on a revised bond resolution.

Supervisor Jenkins replied that it would be under Supervisor's Items.

Adele Kurtz asked if the Town Board had considered sending the bond resolution to public vote.

Supervisor Jenkins replied that he would rather that it did go to mandatory referendum, but one can't be scheduled in time for the Town to still apply by February 3rd for funding. He explained the ranking process and how Moreau scored 13 and that 91 municipalities received funding, etc. The Town was only on the list this year by a "quirk" and the Town just found out about two weeks ago that we are eligible to apply for funding.

Adele Kurtz asked again why the Board doesn't allow the public to vote on this.

Supervisor Jenkins stated that by her asking the Board to do this, she was asking them to put this off and Adele Kurtz said, no, she wasn't. She was asking the Board to put it out to public vote.

Supervisor Jenkins stated again that it takes at least 30 days for a referendum and we don't have time to do that and meet the February 3rd deadline.

Adele Kurtz mentioned the Buck Group and how she heard that their project fell through, because they were unable to get financing for sewer along Route 9 and that they could potentially come back if sewer was put in down there. She asked if there is any Town Board Member who would stand to earn hundreds of thousands of dollars if sewer were to go in along Route 9. She asked full disclosure.

Supervisor Jenkins said he was part owner of a piece of property along Route 9, but he doesn't see the value increasing a lot. It is what it already is.

Adele Kurtz asked if it was the Stepmar Building and Supervisor Jenkins replied yes. Supervisor Jenkins then stated that he supposes there is a potential to build another building on the property, but he doubts that as the property has already been split once. The property was sold to Glens Falls Hospital to put a medical facility there. He doesn't see the value going up significantly if sewer goes in.

Councilman Kusnierz and Councilman Prendergast said they don't own any property in the project area.

Councilwoman LeClair stated she owns a 1 acre parcel on Sisson Road.

Councilman Vittengl said he owns 6 acres in the vicinity of Route 197 and Route 9 and he has no contracts or deals pending.

Adele Kurtz asked if this property was going to be part of the Buck Group project and Councilman Vittengl said part of it was going to be, but last he heard the Buck Group lost their financing.

Gerald Fitzgerald stated that he wanted to correct something he said at the beginning of the meeting when he mentioned the Attorney General and said he meant to say the State Comptroller.

COMMITTEE REPORTS

Councilwoman LeClair stated that she talked with Supervisor Jenkins last week about some sort of Veteran's recognition at the municipal building. She asked if the Board Members would have any objections to her contacting RPI and EFS who have landscape/architect programs to see if they have any students who would be interested in helping us come up with a design. No objections were voiced.

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Councilwoman LeClair said there has been a lot of interest in the park trails that they have been working on and she thought it would be nice to allow these people to come in and talk to us about their visions and ideas for the project. No objections were voiced.

SUPERVISOR'S ITEMS

Supervisor Jenkins stated that the Board had before them a revised Bond Resolution that he wanted the Board to consider re-voting on. He asked the Town Clerk to read the Bond Resolution, which she did as follows:

SERIAL BOND RESOLUTION DATED DECEMBER 30, 2013

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$14,115,000 SERIAL BONDS OF THE TOWN OF MOREAU, SARATOGA COUNTY, NEW YORK FOR THE CONSTRUCTION OF SEWER DISTRICT NO. 1 EXTENSION NO. 4 IN THE TOWN OF MOREAU, AND ALL NECESSARY INFRASTRUCTURE, APPURTENANCES, AND APPARATUS.

WHEREAS, on December 30, 2013, the Town Board of the Town of Moreau adopted a resolution authorizing the construction of Sewer District No. 1, Extension No. 4 in the Town of Moreau, and all necessary infrastructure, appurtenances, and apparatus and to provide for the financing thereof, at a maximum cost of \$14,115,000, or so much thereof as may be necessary to be paid from the proceeds of the obligations issued pursuant to the Local Finance Law; and

WHEREAS, the total project cost is now estimated to be \$14,115,000; and

WHEREAS, the Town Board has applied for funding for the project through the New York Clean Water and State Revolving Fund ("CWSRF") and the New York State Environmental Facilities Corporation ("EFC"); and

WHEREAS, in order to fulfill the requirements of the CWSRF application, the Town is required to pass a bond resolution authorizing the issuance of serial bonds to finance the project through CWSRF and EFC; and

WHEREAS, the maximum cost of the project is estimated to be \$14,115,000, with the sum of \$14,115,000 to be paid from the proceeds of obligations issued pursuant to the Local Finance Law; and

WHEREAS, the Town Board desires to authorize such payment and to provide for the financing thereof through the CWSRF and EFC;

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Moreau, Saratoga County, New York, hereby authorizes the construction of Sewer District No. 1, Extension No. 4 in the Town of Moreau and all necessary infrastructure, appurtenances and apparatus located in the Town of Moreau at a maximum cost of \$14,115,000.
2. The specific object or purpose for which obligations are to be issued pursuant to this resolution is the construction of Sewer District No. 1, Extension No. 4 in the Town of Moreau and all necessary infrastructure, appurtenances, and apparatus located in the Town of Moreau, New York.
3. The current maximum cost of the aforesaid specific object or purpose is \$14,115,000, and shall be financed up to a \$14,115,000 30 year zero percent or low interest loan, CWSRF loan, including the necessary construction loan financing

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and the balance thereof, if any, shall be paid through other available sources of funding. The issuance of serial bonds of the Town of Moreau in the amount of \$14,115,000 is hereby authorized to be issued pursuant to the Local Finance Law. Such serial bonds are to be payable from amounts which shall be paid from the users of Sewer District No. 1 in the Town of Moreau and/or ad valorem rates and/or amounts which shall be annually levied on all of the taxable real property in said Town, and the faith and credit of the Town of Moreau, Saratoga County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision 1 of Paragraph A of Section 11.00 of the Local Finance Law of the State of New York.
5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor of the Town of Moreau, the chief fiscal officer, or in his absence, the Deputy Town Supervisor, who is the substituted chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be determined by said Town Supervisor or Deputy Town Supervisor pursuant to and consistent with the provisions of the Local Finance Law.
6. This resolution is not subject to a permissive referendum pursuant to Section 35 of the Local Finance Law and Article 7 of the Town Law of the State of New York.
7. The validity of such bonds and bond anticipation notes may be contested only if:
 - a. Such obligations are authorized for an object or purpose for which said Town Board is not authorized to spend money; or
 - b. The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
 - c. Such obligations are authorized in violation of the provisions of the Constitution.
8. This notice and resolution shall be published in full within ten (10) days after its adoption in the Post Star, which is hereby designated as the official newspaper of the Town for such purpose. This resolution shall take effect thirty (30) days after its adoption and thereafter shall be published in full in the Post Star, together with a notice of the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adopt this resolution.

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Councilman Kusnierz stated that there is language in the resolution regarding the Town of Moreau being on the hook for repayment and that ad valorem rates shall be annually levied on all of the taxable real property in said Town. He stated that under NYS Agriculture and Markets Law, municipalities are prohibited from assessing special district taxes, ad valorem levies and other rates and fees on farmland in agricultural districts and almost 1/2 of the Town's land mass is in within an agricultural district. Therefore, this language contradicts State Law.

Gerald Fitzgerald stated that Town Law excludes all properties within the Village of South Glens Falls.

Attorney DiLallo-Bitter said she wanted to check with her office and she sent a text to Attorney Paltrowitz and asked that a vote on this resolution be delayed until she received an answer from him. She asked that they go on to the next item on the agenda while she awaited an answer.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn to executive session at 8:28 p.m. to interview IT firms.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 9:21 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.

Attorney DiLallo-Bitter received a response back from Attorney Paltrowitz. Excluding those parcels that are subject to Agriculture & Markets Law 305, Section 5, Paragraph 3 would be appropriate and can be done.

Attorney DiLallo-Bitter said the exclusion would be added in Paragraph 3 of the resolution under Now, Therefore, Be It Resolved, after the wording "Such serial bonds are to be payable from amounts which shall be paid from the users of Sewer District No. 1 in the Town of Moreau and/or ad valorem rates and/or amounts which shall be annually levied on all of the taxable real property in said Town."

Attorney DiLallo-Bitter stated that with that change a motion could be made to adopt the resolution.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adopt the resolution pending official language change as recommended by Counsel.

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Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn the meeting at 9:24 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk