

A regular meeting of the Town Board of the Town of Moreau was held on December 8, 2009 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, which resulted in the following Town Board Members being present or absent:

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; Nancy Ryan, Transfer Station Clerk; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Martin D. Auffredou, Attorney for the Town (arrived at 7:10 p.m.); Joe Patricke, Building Inspector (arrived at 7:22 p.m.); Paul Post, Reporter for the Saratogian; Nick Reisman, Reporter for the Post Star (arrived at 7:50 p.m.); Town Residents: Adele Kurtz, Reed Antis, Ramona Bearor, Nathan Manell and Mike Speziale; and Meagan Shippee from Corinth and Jeremy Ives

Supervisor Jenkins led the Pledge of Allegiance.

MINUTES

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

November 24th and 25th

MINUTES – NOVEMBER 24, 2009 – REGULAR TOWN BOARD MEETING

Corrections:

Page 603 – 5th line under heading “Propane Delivery Supplier” change the word “market” to “mark”

Page 608 – 5th paragraph from top of page – The following statement in the minutes was clarified: “Mike Montgomery was going to step one up and Fran Thibodeau didn’t go any farther with it to step somebody up.” Fran Thibodeau clarified this statement as follows: “Fran Thibodeau did not get a request by anyone from the Highway Department to step up anyone to an MEO position.” The Town Clerk also spoke with Paul Joseph, Highway Superintendent, on 12/8/09 and he stated that Mike Montgomery is the one who didn’t go any farther with the stepping up of laborer to MEO.

Page 609 – 6th whereas clause change it to read “WHEREAS, Preston Leroy Jenkins passed away on February 4, 2000 in South Glens Falls, New York and was predeceased by two daughters Lois and Patricia and is survived by his wife Lorraine and children Preston L. Jenkins, Jr., Albert Jenkins, Timothy Jenkins, Trudi Moyer, Beth Simpson, Florence Marie Beecher, Catherine Fleming and Lorraine Mahan and his nieces and nephews and grandchildren, and”

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of November 24th as corrected.

Roll call vote resulted as follows:

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

MINUTES – NOVEMBER 25, 2009 – MONTH-END TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of November 25th as prepared and submitted.

Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED

Supervisor Jenkins asked for a public hearing to be set on the Time Warner contract for public presentation on what the proposed contract offers at this point. He had a conversation with the Public Service Commission and they would like the Town to have a mediator. He said the only thing we are really working on is the mileage how many units per mile and it is already lower than what is required so he didn't see how a mediator would do anything for us. We are four years without a contract and losing some revenue by not adopting a new contract which has some new language in it for additional funding.

Councilman Kusnierz asked what the public hearing was on.

Supervisor Jenkins replied to discuss the proposed contract.

Councilman Kusnierz asked if they had a draft.

Supervisor Jenkins replied yes it is the same one they had last May. He could forward another copy to the Town Board Members.

Councilman Kusnierz said that if they were going to have a public hearing he wanted to know what they were having the public hearing on and he didn't realize they were at that stage. This is an ongoing issue. There are only two things a municipality ~~have~~ has the authority to negotiate one is the build out rate and the other is the franchise fee agreement up to 5% per state law. He asked if they had any discussion regarding working with Time Warner to offset the franchise fees with an agreement to build out or lower the build out rate so we include more of our Town residents. **[Amended 12/22/09 jf]**

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Supervisor Jenkins said they had discussions with them, but we never had any formal offers as to what they would do or how they would do it, which we requested.

Councilman Kusnierz said the comment was made that we are losing revenue by not having the contract in place. The argument can be made that we would have additional revenue by bringing on additional users in the community, which would benefit the Town. Before the public hearing he would like to see either an offer extended on our behalf or on behalf of Time Warner so we can have documented evidence that we negotiated.

Supervisor Jenkins said he would need a ruling from the State Comptroller on whether or not we can use the franchise fees for this purpose since they are in the general fund. He will find out.

Supervisor Jenkins said they will wait until December 22nd to schedule the public hearing.

The month-end meeting of the Town Board was scheduled for December 29th at 4:30 p.m. in Town Hall.

Councilman Kusnierz stated the Month-End Meetings are essentially a third meeting of the Board and normally they don't last more than ½ hour and one of the arguments in the past for having it in the daytime was because we had our department heads there and they were on the clock or shortly off the clock. As a matter of efficiency perhaps we should hold the meeting ½ hour before a Regular Town Board Meeting, because we do require department heads to attend regular meetings and then it wouldn't be necessary to have an additional meeting. His work day is 9 -5 in Albany and many times there are unforeseen things that come up during the day that preclude him from being here. He said going forward it is food for thought.

Councilman Cumm stated that the only problem would be that in many cases bills may not even be in yet so some may not be paid until the following month.

Supervisor Jenkins said that in some months it may be difficult, but we can decide month by month.

Councilman Kusnierz said that Rudy may have a better feel for if it will work or not.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis addressed the Board and mentioned that in campaign literature from Supervisor Jenkins he referred to Fernwood as a section rather than a hamlet. Reed asked him if he could try and get the reference to Fernwood as a "hamlet" taken off the county website. He asked him to bring it up at a meeting of the County Board of Supervisors.

Supervisor Jenkins said he could do that.

Reed Antis then asked Councilman Kusnierz if he received any word back from the NYS Tax Department.

Councilman Kusnierz replied that the response from the NYS Tax Department was that the codes are on-line and their position is that they should find the code and enter it.

Reed Antis said then that it was the responsibility of the business and Councilman Kusnierz said yes.

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CONSERVATION COMMITTEE PRESENTATION

Ramona Bearor a member of the Town of Moreau Conservation Advisory Council was in attendance to give a presentation to the Town Board on invasive species. She gave the following report:

The spread of invasive species has caused environmental damage. The definition of invasive species is as follows: A species that is non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

The Conservation Committee wants to look strictly at invasive plant species. They aren't looking at wetland invasive at this time.

The reasons why invasive plants are a threat to native plants is that they lack pathogens which keep them in check and they have actually altered soil makeup. This is a proven fact. Some of the invasive plant species when they develop colonies alter the native soil and this is a deterrent to native species thriving and spreading. They bloom earlier and create shade earlier in the season and cause native species to not get the start they normally would get earlier in the season. Some invasive species cross pollinate with native species. Native plants unlike invasive species support a lot of insects and birds and are responsible in part for clean air and water. They need less water and maintenance, which means you need to use less toxins and pesticides in order for them to survive. They save time and money.

Ms. Bearor said the committee is asking for the Town Board's support in their efforts to control the introduction and spread of invasive species in our Town. They would like to educate the citizens and local businesses through the Town's website. There is a lot of educational material available that could be put on the website and made available to thousands of people. They would also like to advise the Planning Board of this problem and make educational materials available to them to use in planning for future developments. They would also like to work with the Town Highway Department to help them identify problem areas in the Town and help mitigate the problems. They think this an important opportunity for the Town to be the first Town in Saratoga County to address this problem in this way. As far as they can find out no other Town in Saratoga County has done anything of this nature and they hope the Town Board will back them in their efforts and take a leadership role in the county.

Councilman Kusnierz asked what some of the invasive species are in the Town.

Ms. Bearor replied Japanese Knotweed referred to as American Bamboo. It takes over often roadsides and wetland areas. Japanese Barberry that is sold by just about every local nursery and is used by local developers in common areas of developments and the burning bush that is extremely harmful and is one that can change soil composition and crowd out native species. She stated the handout she gave to the Board described just one instance of how you can replace an alien invasive with a native species that will accomplish the same thing in a landscape without being harmful.

Councilman Prendergast asked how an invasive species gets on the list.

Ms. Bearor replied that there are a number of organizations who monitor these things and study them and when they reach a threshold in the studies and they determine how easily they spread and how much damage they do they are put on the list. Some of the organizations are federal and state and Cornell University has their own list. Also, New England Wildflower Society has a list, NYS DEC has a list and NYS DOT has a list. She said the committee would like to develop their own list, not necessarily an extensive one, but comprehensive for homeowners and businesses to follow as a guideline.

Supervisor Jenkins asked Attorney Auffredou if it was a zoning issue or local law issue.

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Attorney Auffredou said for developers it could be handled at the Planning Board level, but in order to say that you can't introduce a particular plant into Moreau and in order to enforce it, it would have to be a local law.

Supervisor Jenkins then explained to Ms. Bearor that a local law would require a public hearing process and it is something the Board could consider.

Ms. Bearor stated that the committee was looking at a lot of things right now, but the first and foremost is education. They also are considering a resolution. She stated that Westchester County has a county-wide resolution banning the sale of certain things and she wasn't sure our committee was ready for that. That isn't to say that we won't be in the future.

Supervisor Jenkins said if we did it through Planning Board it would only affect developers and not individual residents. That would be much harder to do. He didn't see a problem with the committee using the internet as an educational tool directing people to information and websites. Any information that went on the website would have to be approved by the Town Board first.

Councilwoman LeClair stated that her concern when it was discussed with the committee was that we have developers that will be ready to plant this spring and if we are going to make a comment on this or recommendation on what to plant and not to plant then now is the time to do it. If we wait it will be too late, because the developers will already have purchased thousands of dollars worth of plants and we won't be able to tell them they can't use them.

Councilman Kusnierz stated that he supported the educational element and voluntary recommendations, but it would be difficult for him to establish a mandate to outlaw something that is not already regulated by State DEC. He wasn't sure he would be on board with that.

Councilwoman LeClair stated that Toadflax has a display of native plants and it is a lot larger than last year. So it is something the public must be interested in or Toadflax wouldn't be offering a larger selection of native species.

Councilman Kusnierz said it should be offered if there is a demand for it.

Supervisor Jenkins said it is a difficult problem. The question is whether or not the Planning Board would be willing to listen to the Conservation Committee for a few minutes like we did tonight. He asked Joe Patricke this question and Joe Patricke responded, he thought so. Supervisor Jenkins asked if the Conservation Committee would schedule that through him and Joe Patricke said yes, they could be on the agenda for a Planning Board Meeting.

Councilwoman LeClair said the Conservation Committee could come up with a list of suggested plants that would replace invasive species and ask the developers to consider using them.

Ms. Bearor said the committee didn't want to invest a lot of time and effort into something the Town Board wasn't going to support. If they feel the Town Board is behind them on combating this problem in anyway then they will move ahead creating educational materials, speaking to the Planning Board and operating in any capacity the Town Board would like them to operate in.

Supervisor Jenkins said that was the right way to start. Any local law that was passed this year could be changed next year. If they move ahead with the educational aspect and see what interest there is and how involved people get then the Board could make a better decision.

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RECREATION SUBDIVISION FEES – SCHERMERHORN ROUTE 32 PROJECT

Supervisor Jenkins stated that this topic was concerning the Schermerhorn proposed project at the corner of Route 32 and Bluebird Road and rather than subdivision fees does the Board want Schermerhorn to use some of the fees to acquire some land that would be used as an access into the Town's recreation park in lieu of fees.

Joe Patricke added that the Town Code reads that the Town Board can accept land or fees in lieu of land. In the past the Board has advised that they want to review subdivisions and depending on the location the Board may want to take land or fees. The project isn't approved yet, but as we progress the developer will need to know what we want him to do.

Councilman Prendergast asked if there is a piece of land we have our eye on.

Joe Patricke replied that the subdivision proposed is two pieces of land with one strip of land between the park and the subdivision. The Planning Board and everyone feel that there should be a connection to the park so the people from the subdivision don't have to go out onto Bluebird Road to get to it. They could access the park from walking distance.

Councilman Kusnierz asked what the size of the parcel was.

Joe Patricke stated 20 or 30 foot strip an access path.

Councilwoman LeClair said they would come in on a corner. It wouldn't increase the size of our park. If we forego the fees it would allow the builder to put in access to our park from the development if he was able to acquire an additional piece of land from an adjacent property owner otherwise it is four corners and they only touch at the corner. We are looking at \$53,000.00 in developer fees if we decide to accept the fees and she feels the fees would be a better choice.

Steve Gram said all it would be is a walkway through and he would prefer to take the fees.

Councilman Kusnierz stated without looking at the amount of land they were talking about and on the surface \$53,000.00 would be more of a benefit to the Town. It would also be a selling point for a developer to be able to advertise that there is access directly into a recreation park and if he still wants to do that he can, but he would be more inclined to accept the \$53,000.00 at this point.

Councilman Prendergast said that when it was first explained to him he could see the advantage to the developer and in his head he was trying to see the advantage to the Town and he doesn't see it.

Councilman Cumm said that we may be able to buy a small piece of land from one of the adjacent property owners a lot cheaper than \$53,000.00 after the fact.

Joe Patricke said it isn't the land or \$53,000.00. It is the land whatever it costs and the balance paid to the Town in fees.

Councilman Kusnierz asked if the developer was willing to put that in writing so the Board could evaluate it before making a decision.

Joe Patricke stated he probably would, but he wasn't proposing this he was prepared to pay the fees. The Board about 7 or 8 years ago said he had to come before the Board and ask if they wanted land or fees. The developer will do anything we request him to do. He isn't interested in the strip of land himself. He would have to go to two different people to try and buy it.

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Councilwoman LeClair said our Rec. Department would have to maintain that strip of land.

Joe Patricke replied it would be the homeowner's association who would own it.

Supervisor Jenkins said to Joe Patricke that he thought he just said it would be the Town that would get the land.

Joe Patricke said it would be whatever the Town Board wants.

Supervisor Jenkins said if we take the land then we have to maintain it.

Councilman Kusnierz asked if any portion of development was contiguous to the park and the answer was no, one little corner.

Supervisor Jenkins asked why the developer couldn't talk with the landowners to see if he can acquire a piece anyway to make this happen.

Joe Patricke stated that he didn't think that any parties involved would be interested in selling land to the developer.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept fees from the developer in lieu of land.

Roll call vote resulted as follows:

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

ASSESSOR'S REQUESTS

Supervisor Jenkins said there was a request from the assessor for the purchase of a scanner.

The following quotes were obtained:

Gov Connection Fujitsu fi-6130 Sheet-Fed Scanner	\$929.00
CDW Fujitsu fi-6130 Scanner	\$925.99
Dell Fujitsu fi-6130 Scanner	\$900.14
W. B. Mason Fujitsu fi-6130 Scanner	\$885.00 includes s/h and set up
Fujitsu Computer Products of American Fujitsu fi-6130 Scanner	\$895.00

The assessor recommends purchasing from W.B. Mason not to exceed \$885.00.

Councilman Kusnierz asked what it is for. Is it replacing one she has now?

Supervisor Jenkins stated he thought that the quality has diminished on the one she has now according to the current technology she is putting on her system. It is part of the current year budget.

Councilman Prendergast asked if it was under state contract. This question could not be answered at this meeting.

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Supervisor Jenkins stated that Peggy Jenkins the Assessor is out of town at a seminar.

Councilman Prendergast said the only concern he had was whether it was under state contract or not.

Supervisor Jenkins said they could table it until December 22nd.

The second request from the assessor was for the purchase of a laptop computer under state contract.

The assessor obtained the following quotes:

Dell	Latitude E5500	\$1,362.00
Lenovo	ThinkPad T500	\$ 939.00
Dell	Vostro 1720	\$1,090.00

It is the assessor's recommendation to purchase the Latitude E5500 for \$1,362.00.

Councilman Cumm stated that according to NYS ORPS if the laptop left the building then there wouldn't be any other computer in the building that could access the hard drive on the laptop. He would prefer that the assessor purchase a desktop pc that remains in the building so that Linda can access the hard drive.

Supervisor Jenkins said that doesn't make a lot of sense when she has a server.

Councilman Cumm said the laptop won't have a server.

Supervisor Jenkins said he couldn't imagine why she would put all that data on a laptop.

Supervisor Jenkins stated that they could table this request until December 22nd.

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the following transfers for the purchase of winter sand:

\$4,664.82 from DB5112.493.4 into DB5142.491
\$2,692.50 from DB5110.494 into DB5142.491

Roll call vote resulted as follows:

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

The next request was for the purchase of 130 gallons of bulk motor oil from Farrell Oil Co. Inc. in the amount of \$1,284.40 out of account DB5130.4 that had a balance of \$18,475.92 as of 11/30/09.

Councilman Kusnierz asked if DB5130.4 was the equipment repair account that they just transferred money into at the audit meeting and Paul Joseph said yes. He asked if we usually purchase oil out of that account and he thought they had a separate account for oil. Paul Joseph replied that he didn't know the answer to that. He isn't up on all the account codes yet.

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Discussion followed on what account to take this out of and finally Supervisor Jenkins said he would make sure it was taken from the right account.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of motor oil from Farrell Oil Co. Inc. at a cost not to exceed \$1,284.40.

Roll call vote resulted as follows:

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

The next request was for the purchase of hydraulic oil from Farrell Oil Co., Inc. in the amount of \$1,241.50 out of account DB5130.4 that had a balance of \$18,475.92 as of 11/30/09.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of hydraulic oil from Farrell Oil Co., Inc. at a cost not to exceed \$1,241.50.

Supervisor Jenkins said he would make sure this was charged to the right account also.

Roll call vote resulted as follows:

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

The next request was for the purchase of an eight foot Fisher plow installed on truck #1 a 2005 Ford F-350 out of DB5130.2 that has a balance of \$9,310.01.

Three requests for proposals were attempted and two quotes were obtained as follows:

Falls Farm & Garden	They no longer sell plows.
T & T Equipment	\$3,719.00
Arrowhead Equipment	\$4,300.00

Councilman Kusnierz asked why they needed a Fisher and Paul Joseph replied they wanted a Fisher, because they use the same parts that they already have in stock so they are interchangeable.

Councilman Kusnierz asked if they went on Fisher's website and Paul Joseph said they did, but the next closest dealer was quite a ways away.

Councilman Kusnierz said there are twenty dealers in Fisher plows within 100 miles of the South Glens Falls zip code. There is a difference of \$600.00 between just the two quotes that the Highway Department got.

Paul Joseph noted that T&T was only holding their quote for this month and then it goes up to \$4,200.00.

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Councilman Kusnierz asked Paul to check in the future with the next closest dealer for a quote when a local dealer doesn't quote.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of an eight foot Fisher plow from T & T Equipment at a cost not to exceed \$3,719.00 for truck #1 a 2005 Ford F-350.

Roll call vote resulted as follows:

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

Truck #14 is up at Arrowhead Equipment having work done on it and it has been discovered that the fuel tank is rusted and it almost fell off the bottom of the truck when Arrowhead was working on the truck and fuel started leaking on the floor. The following quotes for a new fuel tank are as follows:

Delurey Sales and Service	\$766.64	New Tank
Metro Ford	\$740.00	New Tank
North Country Radiator	\$550.00 to \$700.00	Repair Tank (depending on condition)

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of a new fuel tank from Metro Ford in the amount not to exceed \$740.00.

Roll call vote resulted as follows:

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

Councilman Prendergast asked Paul Joseph if he needed a truck for tomorrow and Paul replied yes and he would like to borrow one from the Recreation Department. This was arranged at this meeting between Paul Joseph, Highway Superintendent and Steve Gram, Recreation Director.

The Highway Department submitted an inter office memo giving an update on truck #14. Paul Joseph and Ron Gilligan went up to Arrowhead to inspect the frame rail situation on the truck. The top inner rail on the right hand side of the truck in front of the tandem axle was rusted almost completely through. The left side rail is okay. They discussed the condition of the rail with Arrowhead and it was agreed that the inner frame rail was weak in that one particular area but not bad enough to warrant replacing the entire rail. The best option was to clean it up, undercoat, put on a heavier outer rail and then put an outer wrap on the stress area.

Paul Joseph said it cost less than the projected total.

WATER DEPARTMENT REQUESTS

No requests.

Supervisor Jenkins received a notice on fire hydrants and asked Jesse Fish if he received a copy. Jesse Fish said he hadn't as of this date. It was a notice on some fire hydrants that may not be working properly. He will see that he gets a copy.

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Councilman Prendergast asked Jesse Fish if the fire hydrant they had a problem with was repaired.

Jesse Fish replied that he repaired two and the third one has a 2 ½ inch side coupling that is cracked. It is operable. He isn't sure yet if he has to change the barrel or threading out.

Councilman Prendergast asked if Clear completed his work and Jesse said he hasn't started yet. He is supposed to do it this week.

RECREATION DEPARTMENT REQUESTS

The Recreation Director recommended the following people for employment:

Ron King, Wrestling Specialist - 2009 rate \$12.50 ph 2010 rate \$12.88 ph – no pre-employment physical required

Patrick Lyons, Wrestling Specialist Asst. – 2010 rate \$8.25 ph – no pre-employment physical

Councilman Prendergast asked if these two individuals worked for the Town before.

Steve Gram replied yes. Ron King has worked for the Town for three years and Patrick Lyons did baseball.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the hiring of Ron King and Patrick Lyons for the above positions and at the above pay rates.

Councilman Kusnierz asked if anyone else knew about these positions being available.

Steve Gram replied that what he normally does is hire the same people back. They are certified coaches who work at the high school.

Councilman Kusnierz said that is fine, but we have an equal opportunity employment policy and it is good that we have the individuals lined up, but the public has to be aware that we have the positions available and anybody is entitled to apply and it should be put on the Town's website.

Steve Gram asked him if he wanted it redone each year. Ron King has been doing it for the last few years.

Councilman Kusnierz stated that what he is saying is that anytime the Town is going to expend funds for employee service the Town should make it known to the public.

Supervisor Jenkins said that the website should be adequate for these types of services that are part-time, because the ads are running us \$250.00 or \$300.00 each time we run them. He could see advertising in the paper for full-time positions.

Councilman Kusnierz said "right". He thinks it is important that it not be a done deal and the public understand that the positions are open to other people.

Councilman Kusnierz asked Steve Gram to make sure that his monthly report be placed in his mailbox in Town Hall before the Board Meeting and not the day of the meeting.

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Councilman Prendergast	Yes
Councilwoman LeClair	Yes

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Councilman Kusnierz	Yes
Councilman Cumm	Yes
Supervisor Jenkins	Yes

PLANNING BOARD RE-APPOINTMENT

Keith Osborne's position as member of the Town of Moreau Planning Board expires 12/31/09 and he submitted a letter requesting re-appointment.

Councilman Kusnierz asked if it was put on the website and Supervisor Jenkins said yes and add that this is just a re-appointment.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to re-appoint Keith Osborne a member of the Planning Board for a seven year term.

Roll call vote resulted as follows:

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

ZONING BOARD OF APPEALS UPCOMING VACANCY

Chester Joslin submitted his letter of resignation from the Zoning Board effective 12/31/09. Supervisor Jenkins stated that the Board should plan on discussing it and scheduling interviews at the next meeting. We requested applications from persons interested already.

Councilman Prendergast asked if there is going to be one vacancy and the answer was yes.

Councilman Kusnierz asked if any applications were received and the Town Clerk replied only the one from Adele Kurtz that she submitted just before the meeting started.

CURB YOUR DOG SIGN

Supervisor Jenkins stated that a request was received for a "curb your dog" sign on Snowberry Lane. He said he wasn't sure how this could be done without a local law and there is a process for that.

Attorney Auffredou thought the Town already had a law on the books similar to this.

The Town Clerk replied no. It has been discussed over the years, but former Boards and legal counsels said it would be too difficult to enforce.

Councilman Kusnierz asked if there was a complaint and the Town Clerk replied yes she copied the Board on the e-mail. A complaint was received about a neighbor throwing their dog's feces over onto the property line so they requested a "curb your dog sign". She asked the person who complained what the sign meant and she was told it was actually a pooper scooper law.

Supervisor Jenkins asked how that would stop them from throwing it over the fence.

The Town Clerk said she didn't know. She was simply relaying the request.

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The Town Clerk asked how the Board wanted to respond to this request.

Supervisor Jenkins said he would reply to her e-mail and state that if we adopted a law to this effect we wouldn't have any way to enforce it and he will suggest that she try and work it out with her neighbor.

The Town Clerk advised that she did ask the complainant if she tried to talk to her neighbor and she replied no, that was her next course of action.

Joe Patricke added that it has been a two year battle between neighbors.

TOWN HALL HOLIDAY PARTY

Supervisor Jenkins stated that last year the Board allowed the departments of the Town to close early so employees could attend a holiday party at Town Hall. He said this year the date was December 18th at 2:00 p.m. in Town Hall. He said all employees were invited. He asked if the Board wanted to do this and if so he asked for a motion to close all departments of the Town at 2:00 p.m. on the 18th of December for this purpose.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing all Town Departments to close at 2:00 p.m. on December 18th to allow employees to attend a holiday party at Town Hall.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Supervisor Jenkins asked if anyone wished to be heard. There was no response.

COMMITTEE REPORTS

Councilwoman LeClair stated she had a conversation with Jesse Fish about an individual shooting in the Moreau Industrial Park. She asked Jesse to relay what he told her.

Jesse Fish said he was inside the "service station" and when he came out heard gun shots one after the other and they were really close. He yelled to the person and received a response that is how close they were.

Supervisor Jenkins said the land is not legally posted right now so they follow state regulations, which is 500 feet from any structure and it doesn't sound like they were. He was aware that people were hunting down there and taking game from there. The other problem is that there are parcels owned by the Town and others owned by a limited liability company and another by someone else. It wouldn't be easy to post. We could post our property.

Attorney Auffredou said they could create an area and include the property owned by an LLC.

Councilwoman LeClair said they are also shooting at the landfill.

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Attorney Auffredou said they could post the property.

Supervisor Jenkins said he would rather have a local law. He wants people to visit the park and if we post it then we are restricting everyone.

Attorney Auffredou advised that the Board could enact a local law prohibiting this with penalties for non-compliance.

Discussion followed on how to post it and there was discussion about signage regarding no discharge of firearms in the Rec. Park also.

Supervisor Jenkins stated that he didn't think a law was needed to limit access to the property with firearms.

Attorney Auffredou replied that if you don't enact a law then what is the penalty for non-compliance.

Supervisor Jenkins said even if we had a penalty there wouldn't be anybody to arrest and Attorney Auffredou responded that there isn't any reason to enact a local law then.

Supervisor Jenkins said we could post a sign reading "no firearms" and that would be the easiest way and that means you can't trespass either. We want people to visit the park and hopefully put a business there.

Attorney Auffredou said they could do that.

Councilwoman LeClair said that the Recreation Commission talked about erecting a sign at the entrance to the beach and by-way and banner advertising when signups are for Recreation programs, etc. Keith Kreppin offered to make a large carved sign. His company would donate it. If the Board wants to do this she approach the village for permission and also to allow his company to put on the sign that it was donated by his company?

Supervisor Jenkins said she should contact the Village. It is their property where the sign would go.

Councilwoman LeClair also reported that there are times when people are allowing their dogs to run loose in the Harry J. Betar Jr. Recreation Park and at times seven, ten, eleven or twelve dogs. She asked if Steve Gram can issue citations and the answer was no.

Councilman Kusnierz said Rec. Personnel have the authority to tell them to leave.

Supervisor Jenkins stated that they could also ban them from the park.

Councilman Cumm said there is one person in particular that has been told many times not to let their dogs run loose. He counted as many as eight dogs at one time running loose down there.

Steve Gram stated that the other day a person was there playing Frisbee with their dog and it was ripping up the grass on the ball field.

Reed Antis asked why he couldn't write down the license plate number and turn it into the Sheriff.

Steve Gram said he asked the person to leash his dog and the person left with his dog. He said it is getting worse every day. He said some of them aren't cleaning up after their dogs either. He said one man comes in with five dogs and one is an aggressive Akita.

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Reed Antis asked if aren't they violating the law by allowing them off leash and Supervisor Jenkins said yes they are violating Town Law.

Supervisor Jenkins asked Steve Gram to give him a list of times when the people are there with their dogs and he will call the Sheriff and see if he can do anything.

Steve Gram said he did call the DCO and he came to the park, but he didn't stay very long.

Councilman Kusnierz said the DCO has the authority to issue a summons and he told Steve Gram that if he knows when the people with the dogs are there and they are there every day he could call the DCO and have him meet him there.

Steve Gram said the DCO isn't available in the mornings.

Councilwoman LeClair asked Steve Gram if didn't the former DCO speak to some of these people and Steve Gram said yes these are the same people.

Councilman Prendergast asked if we still employ a special police officer on-call. It used to be Wayne Bruce.

Supervisor Jenkins said we still do and there is money in the budget to pay him.

Councilman Prendergast stated he is a retired police officer and he can issue summons. He suggested that he be called in to give the people a warning. If they have already been warned then he should issue a summons.

Supervisor Jenkins asked if there were any other committee reports.

Councilman Prendergast said that the DCO contract expires at the end of the year.

Supervisor Jenkins said applications have been received.

Councilman Prendergast asked if the Board would be ready by January 1st

Supervisor Jenkins said the Personnel Committee should take a look at the applications.

Councilman Cumm said the whole Board should sit in on the interviews.

Supervisor Jenkins asked if there were any other committee reports.

There were none.

SUPERVISOR'S ITEMS

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign a Nutrition Agreement with the Office of the Aging in the amount of \$2,360.00.

Roll call vote resulted as follows:

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

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Supervisor Jenkins said the other item was a Bell Jar License Application from the South Glens Falls Fire Department and there is a Findings and Determinations Statement that the Board needs to complete.

The Town Clerk advised that per the attached memo it would be on the agenda for the December 22nd Meeting. The Town Board is supposed to conduct an investigation of the organization and application and they have seven days minimum to do this so they can't act on the license application until December 22nd.

Councilman Kusnierz stated that at the last meeting a workshop was scheduled for December 7th at the Fire Station and there were people who showed up for the meeting and weren't happy that the Town Board wasn't there. He knows this because he got a call. We had agreed to notify them in writing of when the meeting would take place and it must be that we didn't notify them that it was changed.

Supervisor Jenkins said we changed it on the website. As for the notification we were waiting for addresses from Tim Burley and we now have them. The only reason it was changed is because the Fire Station wasn't available that night.

Councilman Kusnierz stated that the people were at the meeting when it was scheduled and two of the individuals had to take time off from work. If we are going to make a change like that and we already published it in the newspaper then we should publish the change in the newspaper.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn to executive session at 8:25 p.m. to discuss the employment history and/or performance of a particular unnamed employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the executive session at 9:54 p.m. and re-open the regular meeting.

Roll call vote resulted as follows:

Councilman Cumm	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 Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the regular meeting at 9:56 p.m.

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Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk