

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 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
Gina LeClair	Councilwoman
Bob Prendergast	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent:

Todd Kusnierz	Councilman
---------------	------------

Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Joe Patricke, Building Inspector; Steve Gram, Recreation Director; Steve Barody, Highway Superintendent; Martin D. Auffredou, Attorney for the Town; Town Residents, Bob Kory, Adele Kurtz, Shannon Kenny, Karen Spoor; Village Residents, Joseph E. Orlow and Michael Linehan; General Public, Laurie LaFond

Supervisor Jenkins led the Pledge of Allegiance.

MINUTES:

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

January 15th, 22nd, 27th and 29th

MINUTES – JANUARY 15, 2009 – WORKSHOP OUTDOOR WOOD BURNING FURNACES:

No comments or corrections.

MINUTES – JANUARY 22, 2009 – SPECIAL TOWN BOARD MEETING – HIGH WATER TABLE:

No comments or corrections.

MINUTES – JANUARY 27, 2009 – REGULAR TOWN BOARD MEETING:

Correction Page 70 – Town Board Members Present – Add: Preston Jenkins, Supervisor

No other comments or corrections.

MINUTES – JANUARY 29, 2009 – MONTH-END AUDIT MEETING:

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve all the minutes presented by the Town Clerk with the correction(s) so noted.

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED:

The month-end meeting of the Town Board was scheduled for February 26, 2009 at 4:30 p.m. in Town Hall.

The Town Board Members attempted to schedule a public hearing on proposed Local Law No. 2 of 2009 regulating outdoor wood burning furnaces when the following discussion ensued:

Attorney Auffredou noted as a point of procedure that this proposed local law would require another review by the Town Planning Board and County Planning Board.

Supervisor Jenkins preferred to send out the draft for review to these agencies first.

Councilman Cumm added that Joe Patricke has to talk to DEC first also.

Supervisor Jenkins wanted to make sure all the board members approved of the proposed law so he suggested they go to public hearing with it and find out if they all agree or not.

Attorney Auffredou said they could do this and hold the public hearing open until comments have been received from the Town & County Planning Boards.

Supervisor Jenkins asked if February 24th at 6:30 p.m. would be okay to hold the public hearing.

Attorney Auffredou said the problem with that date is that this is a quasi zoning law and he preferred to take the conservative approach and advertise the public hearing in the newspaper at least ten days prior so they were looking at the first meeting in March.

Supervisor Jenkins said that would be March 10th.

Councilman Prendergast said that since this involves zoning, which can be an emotional subject, he wondered if it would be best to get all the comments first before the public hearing.

Attorney Auffredou said this wasn't necessary as long as the board keeps the public hearing open.

Councilman Cumm asked if shouldn't they have an approved final draft first before going to public hearing.

Attorney Auffredou replied no. The law reads that the text of the law itself must be on the desks of the Town Board Members no later than seven days prior to the public hearing.

Councilman Cumm asked if they could change the law after the public hearing.

Attorney Auffredou replied that changes could be made during the public hearing as long as they were not substantive changes. If they are substantive then the public hearing may have to be re-advertised.

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said that the context of this proposed law is, he believes, a compromise.

Councilman Cumm asked if the public hearing was going to be March 10th at 6:40 p.m. and Supervisor Jenkins replied yes.

Joe Patricke asked for clarification about the referral process involved with this proposed law.

Attorney Auffredou stated that the proposed local law would be referred to the Town & County Planning Boards after a consensus of the Town Board Members has been reached and the proposed law is something they can all agree on. This means the referral may not take place until after the public hearing.

This concluded the discussion on the public hearing on a proposed local law regulating outdoor wood burning furnaces.

The public hearing was scheduled for March 10, 2009 at 6:40 p.m.

15 MINUTE PUBLIC COMMENT PERIOD:

Adele Kurtz asked if Rec. was having a winter carnival and Councilwoman LeClair replied yes, there is a poster on the cork board.

Adele Kurtz asked if it was being advertised and Steve Gram replied that it went to the Post Star and Chronicle.

Mike Linehan asked if the Planning Board position was filled and Joe Patricke stated that there isn't an opening on the Planning Board, but there is one on the Zoning Board and that was what Mike Linehan meant to refer to.

Supervisor Jenkins advised Mike Linehan that the personnel committee will be looking at the applications and interview applicants.

This concluded the first public comment period.

WATER DISTRICT 4 – EXTENSION 1:

Attorney Auffredou advised that Extension 1 of Water District 4 was subject to a permissive referendum. The 30-day permissive referendum period expired on February 2nd and he asked the Town Clerk if any petitions have been filed and the Town Clerk replied no.

Attorney Auffredou advised that the Town Board has been through the public hearing and SEQR process and the final action that has to be taken is authorization from the Town Board for the Town Clerk to file all the necessary documents to establish Extension 1 of Water District 4.

Attorney Auffredou read the prepared resolution.

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

WHEREAS, the Town Board of the Town of Moreau conducted a public hearing on November 12, 2008 for the creation of Extension No. 1 of Water District No. 4 in the Town of Moreau; and

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, by resolution dated December 23, 2008 the Town Board approved the establishment of Extension No. 1 of Water District No. 4 including the boundaries thereof as set forth in the Map, Plan and Report for Extension No. 1 of Water District No. 4, and authorized the construction of the necessary water supply improvements; and

WHEREAS, no Town funds or Town indebtedness is necessary to create the Extension No. 1 of Water District No. 4, and

WHEREAS, the resolution was subject to a permissive referendum as provided in Section 209-e of the Town Law; and

WHEREAS, said resolution establishing Extension No. 1 of Water District No. 4 was published in the legal advertising section of the Glens Falls Post Star on January 3, 2009; and

WHEREAS, no petition for a permissive referendum has been filed with respect to the establishment of said water district;

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Town Law Section 209-f, that Extension No. 1 of Water District No. 4 of the Town of Moreau is hereby established. A copy of the general description of the boundaries of Extension No. 1 of Water District No. 4 in the Town of Moreau is annexed hereto and incorporated into this final order; and

IT IS FURTHER ORDERED, that the Supervisor and Town Clerk are authorized to execute all necessary documents for the establishment of Extension No. 1 of Water District No. 4.

DESCRIPTION OF THE AREA
OF THE PROPOSED EXTENSION NO. 1
OF THE TOWN OF MOREAU WATER DISTRICT NO. 4

All those certain tracts, pieces or parcels of land situate in the Town of Moreau, County of Saratoga, and State of New York lying east of Fort Edward Road (County Road No. 28), west of Sisson Road and being further bounded and described as follows:

(PARCEL 1)

Beginning at the point of intersection of the north line of William Street with the east line of Fort Edward Road (County Road No. 28), said point being a southeast corner of the Village of South Glens Falls and of Main Street in South Glens Falls; Thence from said point of beginning along the east line of Main Street in a northerly direction 150 ± feet to a point being the northeast corner of tax map parcel number 50.1-1-7 of the Saratoga County Real Property Tax Maps for the Town of Moreau dated March 2008; Thence' along the common division line of said tax map parcel number 50.1-1-7 to the south and the St. Mary's Cemetery to the north also being the division line between the Village of South Glens Falls to the north and the Town of Moreau to the south in an easterly direction, 830 ± feet to a point being the northeast corner of said tax map parcel number 50.1-1-7; Thence along the common division line of said tax map parcel number 50.1-1-7 to the west and tax map parcel number 50.-2-2.1 to the east in a southerly direction, 110 +/- feet to a point being the southeast corner of tax map parcel number 50.1-1-7, the southwest corner of tax map parcel number 50.-2-2.1, the northwest corner of tax map parcel number 50.1-1-45 and the northeast corner of tax map parcel number 50.1-1-11; Thence along the common division line of tax map parcel number 50.1-1-7 to the north and tax map parcel numbers 50.1-1-11, 50.1-1-10, 50.1-1-9, 50.1-1-8 and 50.1-1-6 to the south in a westerly direction, 660 +/- feet to a point located 125 feet easterly of the centerline of Fort Edward Road (County Road No. 28), said point also being in the east line the Town of Moreau Water District No. 4; Thence in a northerly direction parallel to and 125 feet easterly from the centerline of Fort Edward Road (County Road

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

No. 28) and being along the easterly line of the Town of Moreau Water District No. 4, approximately 50 ± feet to a point being the northeast corner of the Town of Moreau Water District No. 4; Thence in a westerly direction along the north line of the Town of Moreau Water District No. 4, approximately 110 ± feet to a point in the east line of Fort Edward Road (County Road No. 28) at the intersection of the centerline of William Street; Thence along said east line in a northerly direction, 30 ± feet to the point or place of beginning.
Parcel No. 1 intending to include the remaining portion of tax map parcel number 50.1-1-7 that is not already in the Town of Moreau Water District No. 4.

(PARCEL 2)

Beginning at the point of intersection of the south line of Grover Avenue with the east line of the Town of Moreau Water District No. 4, said point being located approximately 125 ± feet east of the center line of Fort Edward Road (County Road No. 28) and also being in the north line of tax map parcel number 50.1-1-25 of the Saratoga County Real Property Tax Maps for the Town of Moreau dated March 2008; Thence from said point of beginning along said south line of Grover Avenue in an easterly direction, 80 ± feet to the point of intersection of said south line of Grover Avenue with the common division line tax map parcel number 50.1-1-25 to the west and tax map parcel number 50.1-1-24 to the east; Thence along said common division line in a southerly direction, 100 ± feet to the point of intersection of said common division line with the north line of tax map parcel number 50.1-1-23; Thence along said north line in a westerly direction, 50 ± feet to a point in the east line of the Town of Moreau Water District No. 4 and being 125 ± feet east of the centerline of Fort Edward Road (County Road No. 28); Thence along said east line passing through tax map parcel number 50.1-1-25 in a northerly direction, 100 ± feet to the point or place of beginning being the remaining portion of tax map parcel number 50.1-1-25 that is not already in the Town of Moreau Water District No. 4.
Parcel No. 2 intending to include the remaining portion of tax map parcel number 50.1-1-25 that is not already in the Town of Moreau Water District No. 4.

(PARCEL 3)

Beginning at the point of intersection of the northeasterly line of the Town of Moreau Water District No. 4 being located 125 feet northeasterly of the centerline of Fort Edward Road (County Road No. 28) with the southerly line of Adams Road, said point of beginning also being in the northerly line of tax map parcel number 50.1-1-27 of the Saratoga County Real Property Tax Maps for the Town of Moreau dated March 2008; Thence from said point of beginning along said south line of Adams Road in an easterly direction, 90 ± feet to the point of intersection of said south line with the common division line of tax map parcel number 50.11-27 to the west and tax map parcel number 50.1-1-28 to the east; Thence along said common division line and the common division line of tax map parcel numbers 50.1-1-42, 50.1-1-41 and 50.1-1-39 to the west and tax map parcel numbers 50.1-1-40.112 and 50.1-1-40.2 to the east in a southerly direction, 420 +/- feet to the southwest corner of said tax map parcel number 50.1-1-40.2, said point also being in the north line of tax map parcel number 50.1-1-38; Thence along the common division line of tax map parcel number 50.1-1-38 to the south and tax map parcel numbers 50.1-1-40.2, 50.1-1-40.12, 50.1-1-35, 50.1-1-36 and 50.1-1-37.1 to the north in an easterly direction, 450 ± feet to the point of intersection of the common division line of tax map parcel number 50.1-1-37.1 to the north and tax map parcel number 50.1-1-38 to the south with the west line of tax map parcel number 50.-2-1.11; Thence along the common division line of tax map parcel number 50.1-1-37.1 to the west and tax map parcel numbers 50.-2-1.11 and 50.-2-2.1 to the east in a northerly direction, 320 ± feet to a point being the most northerly corner of tax map parcel number 50.1-1-37.1; thence through tax map parcel number 50.-2-2.1 and continuing along the common division line of tax map parcel numbers 37.-1-14 and 37.-115.12 to the north and tax map parcel number 50.-2-1.11 to the south in an easterly direction, 960 ± feet to the point of intersection of the south line of tax map parcel number 37.-1-15.12 with the common division line of tax map parcel number 50.-2-1.11 to the west and tax map parcel number 50.-2-100.1 to the east; Thence along said common division line

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

and crossing tax map parcel number 50.-2-2.1 in a southerly direction, 300 ± feet to a point in the south line of said tax map parcel number 50.-2-2.1 and also being the northwest corner of tax map parcel number 50.-2-100.1; Thence along the common division line of tax map parcel number 50.-2-2.1 to the north and tax map parcel numbers 50.-2-100.1, 50.-2-3, 50.-2-100.1 to the south in an easterly direction, 1,890 ± feet to a point in the west line of Sisson Road; Thence crossing Sisson Road in an easterly direction, 50 ± feet to the point of intersection of the east line of Sisson Road with the common division line of tax map parcel number 50.-2-2.1 to the north and tax map parcel number 50.-2-100.1 to the south; Thence along said common division line in an easterly direction, 320 ± feet to a point in the north line of Bluebird Road (County Road No. 27); Thence along said north line in a northeasterly direction, 770 ± feet to the point of intersection of said north line with the common division line of tax map parcel number 50.-2100.5 to the west and tax map parcel number 50.-2-100.6 to the east; Thence crossing Bluebird Road (County Road No. 27) in a southerly direction, 60 ± feet to the point of intersection of the south line of Bluebird Road (County Road No. 27) with the common division line of tax map parcel number 50.-2-15 to the east and tax map parcel number 50.-2-100.3 to the west; Thence along said common division line in a southerly direction, 170 ± feet to an angle point; Thence continuing along said common division line in an easterly direction, 110 ± feet to the point of intersection of said common division line with the west line of tax map parcel number 50.-41.31; Thence along said west line in a southerly direction, 210 ± feet to the point of intersection of the west line of Farnan Road with the common division line of tax map parcel number 50.-2-100.3 to the north and tax map parcel number 50.-2-2.1 to the south; Thence along the west line of Farnan Road as it fronts tax map parcel number 50.-2-2.1 in a southerly direction, 280 +/- feet to the point of intersection of said west line with the common division line of tax map parcel number 50.-2-7.2 to the west and tax map parcel number, 50.-4-93 to the east; Thence along said common division line in a southerly direction, 707 ± feet to the point of intersection of said common division line with the common division line of tax map parcel number 50.-27.2 to the north and tax map parcel number 50.-4-30 to the south; Thence along said common division line in a southwesterly direction, 159 ± feet to the point of intersection of said common division line with the common division line of tax map parcel number 50.-2-7.2 to the north and tax map parcel number 50.-2-96 to the south; Thence along the common division line of tax map parcel number 50.-2-96 and tax map parcel number 50.-2-17 to the south and tax map parcel number 50.-2-7.2 to the north in a westerly direction, 1,230 ± feet to the point of intersection of said common division line with the east line of Sisson Road; Thence along said east line in a northerly direction, 49 ± feet to the point of intersection of said east line with the common division line of tax map parcel number 50.-2-7.2 to the south and tax map parcel 50.-216 to the north; Thence crossing Sisson Road in a westerly direction, 60+/- feet to an angle point in the southwest corner of the intersection of Sisson Road and Bluebird Road (County Road No. 27); Thence along the west line of Sisson Road and also being the east line of tax map parcel number 50.-2-97 in a southerly direction, 320 ± feet to the point of intersection of said west line of Sisson Road with the common division line of tax map parcel number 50.-2-97 to the north and tax map parcel number 50.-2-7.12 to the south; Thence along said common division line in a westerly direction, 170 ± feet to the point of intersection of said common division line with the common division line of tax map parcel number 50.-2-101 to the north and tax map parcel number 50.-2-7.12 to the south; Thence along the common division line of tax map parcel number 50.-2-7.12 to the south and tax map parcel numbers 50.-2-101 and 50.-2-80 to the north in a westerly direction, 270 ± feet to a point in the east line of tax map parcel number 50.-2-19.2; Thence along the common division line of tax map parcel numbers 50.-219.2 and 50.-2-19.1 to the west and tax map parcel numbers 50.-2-7.12, 50.-2-98 and 50.-2-99 to the east in a southerly direction, 740 ± feet to a point in the west line of Sisson Road; Thence along said west line and being the east line of tax map parcel number 50.-2-19.1 in a southerly direction, 310 ± feet to the point of intersection of said west line with the common division line of tax map parcel number 50.-2-19.1 to the north and tax map parcel number 50.-2-88 to the south; Thence along said common division line in a general southwesterly direction along a curve to the left an arc length of 560 ± feet to an angle point in said common division line; Thence continuing along said common division line in a southwest direction, 230 +/- feet to the point of intersection of

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

said common division line with the east line of the old Delaware & Hudson Railroad Spur running to the Village of South Glens Falls, now known as tax map parcel number 65.-1-16.2; Thence crossing said old Delaware & Hudson Railroad spur being tax map parcel number 65.-1-16.2 in a westerly direction, 60 +/- feet to the point of intersection of the west line of tax map parcel number 65.-1-16.2 with the common division line of tax map parcel number 50.-2-75.112 to the north and tax map parcel number 50.-2-72.111 to the south; Thence along the common division line of tax map parcel numbers 50.-2-72.111 to the west and said tax map parcel number 65.-1-16.2 to the east in a southerly direction, 1,050 ± feet to the point of intersection of the west line of tax map parcel number 65.-1-16.2 with the common division line of tax map parcel number 50.-2-72.111 to the north and tax map parcel number 50.-2-71 to the south; Thence along the common division line of tax map parcel number 65.-116.2 to the east and tax map parcel number 50.-2-71 to the west in a southerly direction, 320 +/- feet to a point being the southeast corner of tax map parcel number 50.-2-71; Thence along the common division line of tax map parcel numbers 50.-2-69 and 50.-2-70 to the south and tax map parcel number 50.-2-71 to the north in a westerly direction, 550 ± feet to a point being the northwest corner of tax map parcel number 50.-2-70; Thence along the common division line of tax map parcel number 50.-2-70 to the east and tax map parcel number 50.-2-71 to the west in a southerly direction, 40 ± feet to a point on the northeast right of way line of Fort Edward Road (County Road No. 28); Thence along said northeast right of way line in a northwesterly direction, 30 ± feet to the point of intersection of said northeast right of way line with the easterly line of Existing Town of Moreau Water District No. 4; Thence along said easterly line of said Town of Moreau Water District No. 4 and at nearly a right angle to said right of way line through tax map parcel number 50.-2-71 in a northerly direction, 100 ± feet to a point; Thence continuing along the northeasterly line of said existing Town of Moreau Water District No. 4 and running parallel to and 125 ± feet northeasterly of the center line of Fort Edward Road (County Road No. 28) in a general northwesterly direction passing through tax map parcel numbers 50.-2-71, 50.-2-72.112, 50.-2-72.111, 50.-2-72.2, 50.-2-75.2, 50.-2-75.3, 50.-275.111, 50.-2-75.12, 50.-2-87, 50.-2-77, 50.-2-78, crossing Bluebird Road, 50.-2-1.11, 50.-21.2, 63.-4-1.11, 50.-2-1.11, 50.1-1-38, 50.1-1-39, 50.1-1-41, 50.1-1-42 and 50.1-1-27, 4,600 feet to the point or place of beginning.

Parcel No. 3 intending to include the following tax map parcel numbers:

All of 50.-2-1.12, 50.-2-79.1, 50.-2-75.112, 50.-2-72.12, 50.-2-7.2 part of 50.-2-2.1, 65.-1-16.2, 50.-2-100.1, 50.-2-3, 50.-2-4, 50.-2-5, 50.-2-6, 50.-2-100.3, 50.-2-16, 50.-2-97, 50.-2-101, 50.-2-80, 50.-2-19.2, 50.-2-19.1 and remaining parts of 50.1-1-27, 50.1-1-42, 50.1-1-41, 50.1-1-39, 50.1-1-38, 50.-2-1.11, 63.-4-1.11, 50.-2-1.2, 50.-2-78, 50.-2-77, 50.-2-87, 50.-2-75.12, 50.-275.111, 50.-2-75.3, 50.-2-75.2, 50.-2-72:2, 50.-2-72.111, 50.-2-72.112 and 50.-2-71.

Roll call vote resulted as follows:

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

INTERNET SERVICE:

Cornerstone Telephone Company Representatives planned to be in attendance to present to the Town Board a proposal to provide internet service to the Town Office Buildings. They were unable to attend this meeting. This topic was tabled until a later meeting.

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

HIGHWAY DEPARTMENT REQUESTS:

The Highway Department submitted a request to purchase rock salt from American Rock Salt under county contract #08-PWS-10R in the amount of \$35,000.00 out of account DB5142.490 that had a balance of \$70,000.00 as of 1/30/09.

Councilman Prendergast asked if we should be going out to bid for this and the reply was no, because it is under county contract.

Councilman Prendergast asked how much rock salt is on hand and Steve Barody replied the bins are ¾ full. "The last purchase order is done."

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of rock salt from American Rock Salt under county contract #08-PWS-10R in an amount not to exceed \$35,000.00.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported that the principal account clerk is questioning action taken by the Town Board at the January 13th meeting. The resolutions that were made at that meeting are as follows:

A motion was made by Councilman Kusnierz to purchase diesel fuel from Shepard Oil Company at a cost not to exceed \$15,000.00 subject to receiving a minimum of two prices and going with the lowest price.

Councilwoman LeClair seconded the motion.

Roll call vote resulted as follows:

Councilman Prendergast	No
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes Absent [Amended 2/24/09 by Town Board]
Councilman Cumm	Yes
Supervisor Jenkins	Yes

A motion was made by Councilman Cumm authorizing the purchase of gasoline from Main Care Energy at a cost not to exceed \$6,000.00 or a lower price per gallon from another distributor.

Motion was seconded by Councilwoman LeClair.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes Absent [Amended 2/24/09 by Town Board]
Councilman Cumm	Yes
Councilman Prendergast	No

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins Yes

In order to process the two purchase orders the Principal Account Clerk needs clarification as to whether or not the fuel is going to be purchased under state contract.

Supervisor Jenkins asked if the purchase has been made already or not and Steve Barody replied part of it has.

Discussion followed on how to write an advertisement to go out to bid so it is linked to state contract price and Attorney Auffredou said this couldn't be done.

In order to resolve any confusion the following action was taken:

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of diesel fuel up to an amount not to exceed \$15,000.00 and gasoline up to an amount not to exceed \$6,000.00 under state contract until the matter of how to advertise for bid is resolved.

Roll call vote resulted as follows:

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

Discussion followed on the advertisement for bid and a bid opening date.

Councilman Prendergast asked if it would be feasible to include the village in our bidding process, because it could save both municipalities money.

Steve Barody said he would check with the village to see if they are interested in going out to bid with the Town.

RECREATION DEPARTMENT REQUESTS:

The copier in the Rec. Department is not working. Recent repairs were made to the copier and we are facing further repairs now. A new copier would cost \$750.00 under state contract. We can purchase one that is three years old for \$500.00 that comes with a one year warranty and the person who repaired it will give us a credit for the repairs just made.

Councilman Prendergast wondered if another department could use a new one and give their old one to the Rec. Department.

Discussion followed on whether or not the court has a copier that they may be replacing with new equipment obtained through a grant from the State.

A motion was made by Supervisor Jenkins and seconded by Councilman Prendergast authorizing the purchase of a used copier in the amount of \$500.00 with a one year warranty if one is not available from the court or another department.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
------------------------	-----

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The recreation director obtained three quotes for the removal of garbage from the Rec. Park and beach area and additional pick ups as follows:

Springer Waste Management	Park	\$175.00 per month
	Beach	\$ 75.00 per month
	Additional	\$100.00 per pick up
Waste Management	Park	\$174.00 per month
	Beach	\$ 65.00 per month
	Additional	\$ 42.00/\$96.00
Carpenter Waste/County Waste	Park	Won't pick up there
	Beach	\$75.00 per month

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the proposal from Waste Management.

Roll call vote resulted as follows:

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

The recreation director obtained the following quotes for the rental of two regular portable toilets and one portable handicapped toilet:

IBS Septic	Regular	\$85.00 per month
	Handicapped	\$100.00 per month
Stone Industries	Regular	\$89.00 per month
	Handicapped	\$170.00 per month
Gotta Go	Contacted - No quote submitted	
Royal – Let, Inc.	Contacted – No quote submitted	

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the quote from IBS Septic.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The recreation director obtained the following quotes for two windows with sliders on the bottom and picture window on top for the quad building:

Home Improvement	\$1,540.00
Bartlett Enterprises	\$1,550.00
Rich Aluminum	\$1,412.00
Mike LaRose	\$1,300.00
Andy Sweet	\$1,755.00

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from Mike LaRose.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUEST – METER READER:

The water superintendent requested that the Town Board appoint Christine Clifton as a water meter reader and her employment would be subject to successful completion of a pre-employment physical.

Councilman Cumm asked if this position was advertised and the answer was no.

Councilman Prendergast asked when they read meters and the Town Clerk advised that they just finished districts 3, 4, 5 and 6. They will read meters in Water District 2 in March.

Councilman Cumm asked why we wouldn't use somebody that was already employed by us.

Councilman Prendergast suggested they table this until it could be discussed with Mike Shaver.

WATER SUPERINTENDENT POSITION:

Supervisor Jenkins stated that the Board Members have met with Jesse Fish who applied for the position of water superintendent. It is a civil service position and civil service has lowered the requirement of ten years of experience to six years of experience. Jesse Fish is qualified for the position under these new requirements. There are currently no listed people for the job at the county. Mike Shaver is retiring in April and it is time to get somebody on board.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire Jesse Fish as Water Superintendent effective February 23rd on a six month probationary period at \$42,000.00 per year subject to successful completion of a civil service exam.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz	Absent
Supervisor Jenkins	Yes

D. A. COLLINS MINING PERMIT RENEWAL:

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the issuance of a mining permit to D. A. Collins for the old Shaw Pit off Route 9 in the Town of Moreau for the period of 7/1/08-6/30/09.

Roll call vote resulted as follows:

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

Councilman Cumm said it was his understanding that there are other outstanding permits.

The Town Clerk replied that the Finch, Pruyn mining permit hasn't been renewed for the last two years and the Peter Barden permit for Hiram Hollow hasn't been issued for 7/1/08-6/30/09.

Joe Patricke advised that the Peter Barden permit hasn't been changed over from his father's name yet and the same with his certificate of insurance. As for Finch, Pruyn the name hasn't been changed to Excess Lands, LLC. He also advised that Cranesville never renews their permit and it isn't fair to make the others renew theirs and let Cranesville ignore us.

Councilman Prendergast asked Attorney Auffredou what they could do.

Attorney Auffredou said he preferred to discuss it in executive session.

C. T. MALE 2009 LANDFILL MONITORING CONTRACT:

C. T. Male submitted their quote for landfill monitoring in 2009 in the amount of \$9,590.00 plus mileage.

Councilman Prendergast asked the Supervisor to consider including in any motion that the mileage rate they charge will not exceed the rate set by IRS.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the proposal from C. T. Male for landfill monitoring for the year 2009 at an amount not to exceed \$9,590.00 and that the mileage rate they charge will not exceed the rate set by IRS.

Supervisor Jenkins asked if the motion should include authorization for him to sign the agreement with C. T. Male and Attorney Auffredou said that is implied in the motion.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

SEWER STUDY FUNDING:

Supervisor Jenkins reported that last summer Tim Burley worked on a study for sewer on Route 9 and Jim Mitchell also did some work in that area so Tim Burley and Jim Mitchell feel that together they can get information ready to submit to the State so we are shovel ready for a sewer line along Route 9. The total cost for both engineers to do this work would be \$7,000.00 and how they bill it would be between them. This would put everything in place for funding in 2010. The funding would be either 30% or 40% in grants and 50% to 70% interest free loans. The sewer line would help with commercial development along Route 9 and it would be designed so the main could service many residential areas in the future. He asked for authorization to engage the services of Tim Burley from Burley & Guminiak and Jim Mitchell from EDP at a cost not to exceed \$7,000.00 to accomplish this task.

Councilman Cumm asked if this cost would come out of the economic development fund and Supervisor Jenkins said yes.

Councilman Prendergast agreed that we should be ready and Tim Burley has a good track record as far as his knowledge of what is out there. His only concern is that he would like to see some sort of proposal in writing of what these people are going to supply for the money.

Supervisor Jenkins said the cost is \$7,000.00 combined and would include filing with the State to be considered.

Councilman Prendergast asked how much would go to Jim Mitchell and how much to Tim Burley.

Supervisor Jenkins assumed most would go to Tim Burley, because Jim Mitchell has quite a bit done. The two gentlemen agreed between the two of them that they could get it together. Tim Burley has all the information from Water District 6 studies, etc... that was done in 2006. Jim Mitchell has some work he did for a client.

Attorney Auffredou said typically Tim would supply something and he would want something. He didn't know if Tim would be hiring Jim as a sub-contractor or how that would work, but as long as you go in that direction with the understanding that Tim will get you something in writing you will be okay.

Supervisor Jenkins said it has to be filed by February 17th.

Joe Patricke said he thought Tim would be willing to send something by e-mail tomorrow.

Councilman Prendergast said he has a lot of confidence in Tim Burley. He has done a lot of impressive things for the Town. He would be willing to vote for this if it includes a report and it is submitted by the date.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to engage the services of Tim Burley from Burley & Guminiak and Jim Mitchell from Environmental Design Partnership at a cost not to exceed \$7,000.00 for them to submit the necessary documents for funding for sewer along Route 9 with the understanding that an engagement e-mail will be received from Tim Burley and it has to be submitted by that date.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz	Absent
Councilman Cumm	Yes
Supervisor Jenkins	Yes

2009 EDP RATES:

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair approving the following rate schedule for 2009 for Environmental Design Partnership and that the mileage rate will not exceed the rate set by IRS:

2MC	2 Man Survey Crew	\$116.00 per hour
BF	Brandon Ferguson	\$ 50.00 per hour
EDF	E. Daniel Fuller	\$ 80.00 per hour
JAF	Jeffrey Ferguson	\$ 55.00 per hour
JCD	Joseph Dannible	\$ 80.00 per hour
JEM	James Mitchell	\$ 80.00 per hour
MSM	Michael McNamara	\$ 80.00 per hour
PLO	Paul Olund	\$ 80.00 per hour
TM	Travis Mitchell	\$ 80.00 per hour
TSH	Thomas Hurtt	\$ 55.00 per hour

Mileage rate .45/mile

Roll call vote resulted as follows:

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

LIQUOR LICENSE RENEWAL – JOHNNY O’S PUB:

The Town Clerk is in receipt by certified mail return receipt requested from the proprietor’s of Johnny O’s Pub located at 1498 Route 9 in the Town of Moreau of their intent to apply for a renewal of their liquor license through the New York State Liquor Authority. This notice was remitted to the Town Board Members for consideration.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast that the Town Board of the Town of Moreau does not express any opinion in the matter of this renewal liquor license.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

2008 ANNUAL UPDATE DOCUMENT:

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Whittemore, Downen and Ricciardelli to prepare the 2008 Annual Update Document for the Town of Moreau at a cost not to exceed \$2,520.00.

Roll call vote resulted as follows:

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

MARATHON DANCE PROCLAMATION:

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair adopting the following proclamation:

WHEREAS, for the 32nd consecutive year the South Glens Falls High School is hosting the annual South High Marathon Dance to raise funds to benefit local charities, organizations and individuals in the community and tri-county area; and

WHEREAS, the first South High Marathon Dance was held in 1978 with about fifty dancers participating and has grown to an astounding 700 plus dance participants, and

WHEREAS, the first marathon dance raised \$1,500 and this amount has increased to \$245,141 the amount raised in 2008 for a grand total over the years of over \$1.88 million, and

WHEREAS, over the past 31 years the funds raised by the marathon dance have been distributed to over 105 causes and individuals, and

WHEREAS, the recipients chosen to benefit from the proceeds raised by this year's dance are as follows; Willem Bernard Hladun, MD Anderson Cancer Center, Sheila D'Avignon, Victoria Darrah, Louis Gilbert Delisle, Keegan Hendrick, Patrick Osick, Benjamin Gabelman, Allison Bain, Tammy DeLancey, Jill Warrington, Tyler Woods, Ryan Pariseau, Christine Carew, Penny Hatch, St. Joseph's House of Grace, World Awareness Children's Museum, Aids Council of Northeast New York, Cindy's Comfort Camp, Tammy Twitchel Crafts, Washington County Action Angels and Rebuilding Together, and

WHEREAS, the dance marathon has become a tradition which brings the whole community together in an emotional, exciting and gratifying experience that will stay with those involved for the rest of their lives, and

WHEREAS, the Town Board of the Town of Moreau, extends their sincere gratitude to all those involved and especially to the students who devote their time and effort to making the Marathon Dance a success, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby proclaims March 6th and 7th "Dance Marathon Weekend" as a tribute to our community.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
------------------------	-----

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

COMMITTEE REPORTS:

None

SUPERVISOR'S ITEMS:

Supervisor Jenkins advised that the printer in the Supervisor's Office isn't working properly. It is five years old and needs a \$125.00 part plus routine maintenance. The question is should it be repaired or replaced. Jim Keysor said HP printers are good machines and are worth fixing. Supervisor Jenkins said that the amount doesn't require authorization. He just wanted the Board to be aware of this.

15 MINUTE PUBLIC COMMENT PERIOD:

No one wished to be heard.

SUPERVISOR'S ITEMS CONTINUED:

Rudy Klick recommended that the Supervisor obtain approval from the Board to pay Ed Robbins \$1,100.00 a month through July until the contract issue can be worked out.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the payment of \$1,100.00 per month to Ed Robbins through the month of July.

Attorney Auffredou recommended that Ed Robbins and the Supervisor hand write and initial in the current standing contract that this is so agreed upon just to protect the Town.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the assessor's clerk, Linda Blackburn, to attend an exemptions administration class at the Clarion in Albany on February 27, 2009 and for the \$110.00 registration fee plus mileage to be a proper town charge.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A lot of applications have been received for the position of laborer in the Recreation Department and Supervisor Jenkins asked that Councilman Cumm and Councilman Kusnierz who serve on the Personnel Committee together review the applications and narrow the list down to the five top candidates and then the Town Board can interview these candidates.

Attorney Auffredou advised that he and Joe have fine tuned proposed revisions to the Sand, Gravel and Mining Law, Chapter 113, of the Town of Moreau that they want the Town Board to review and consider for adoption at a later date.

He further advised that it would be a comprehensive revision to the Town Zoning Law. In 2008 when the Town Board was finalizing the Master Plan they made some representations and references in the Master Plan as to what they wanted to do with the Mining Law. One of the objectives was that there would be no new mining operations in the Town of Moreau. These proposed revisions to the Mining Law would accomplish this. This new law would read that no new mining operations would be allowed in the town. Where the tricky part comes in is with the new mining operations. In the Master Plan and Negative SEQR Declaration it was the Board's intent to limit expansions of existing facilities. This law as drafted would essentially say that mining operations approved by DEC and approved by the Town will be able to modify and expand within what is already permitted, but they won't be able to expand outside the parameters of what is already permitted. He asked the Board to be mindful of this while they are reviewing the draft law. There will be more discussion on this as time goes along. It is in draft form just for the Board's review and consideration at this point in time.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 8:26 p.m. to discuss an Article 7 involving National Grid, Brookfield Properties, Erie Blvd., etal., contract negotiation with an unnamed employee, potential enforcement matter involving Cranesville Aggregate, litigation involving Fitzgerald Bros. and to discuss the employment history and/or performance of a particular unnamed person(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 9:22 p.m.

Roll call vote resulted as follows:

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

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

A regular meeting of the Town Board of the Town of Moreau was held on February 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Supervisor Jenkins to adjourn the regular meeting at 9:22 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk