

A regular meeting of the Town Board of the Town of Moreau was held on February 24, 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 Deputy Town Clerk called the roll, which resulted in the following Town Board Members Being present or absent:

**Town Board Members Present:**

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

**Town Board Members Absent:**

None

**Also Present:** Barbara Porter, Deputy Town Clerk; Peggy Jenkins, Assessor; Mike Shaver, Water Superintendent; Joe Patrick, Building Inspector; Martin D. Auffredou, Esq., attorney for the Town (arrived at 8:00 p.m.); Jen Seelye with the Tobacco-Free Coalition; Aaron Epling with NYS Deferred Compensation Plan; Carrie Lanoir with Girl Scout Troop 3027 and three Cadet's; Town and Village residents, Robert Lyons, Adele Kurtz and Colleen Boyle.

Supervisor Jenkins led the Pledge of Allegiance to the Flag and then welcomed everybody to the meeting.

**MINUTES:**

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

February 10, 2009

**MINUTES-FEBRUARY 10, 2009—REGULAR TOWN BOARD MEETING**

Correction Page 101—2<sup>nd</sup> and 4<sup>th</sup> resolutions should show Councilman Kusnierz as absent.

Roll call resulted as follows:

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

Councilman Kusnierz asked if there had been any new developments with the cable TV franchise renewal.

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Supervisor Jenkins added that there had not been any new developments, but that funding was coming from the Federal Government for broadband expansion in rural areas. Supervisor Jenkins will check with the Governor's office regarding this matter.

Councilman Cumm stated that his cable bill has increased by about \$8.00 per month and he doesn't believe we are getting much for our money.

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

No Comments.

### **CADETTE GIRL SCOUT TROOP #3027 PROJECT**

Troop 3027 would like to earn their silver awards by doing projects at our Sand Bar Beach. They would like to paint and repair the pavilion, stain picnic tables, new nets for the basketball hoop, paint the backboard, paint the snack bar and changing area and rake up the area.

Councilman Prendergast asked if they were going to need supplies.

When they can get down to the beach they will be able to make up a list of the of the items that need to be done.

Councilman Cumm stated that the pavilion needed structural repair and that they did not expect the Cadettes to take care of this.

Councilwoman LeClair and Councilman Kusnierz will be the liaison with the Recreation Department.

They will need some supplies and plan on budgeting between \$300 and \$400. They plan on having fund raisers and will solicit contributions from local businesses and the Community.

They would like to have a Community Day after the project is completed to thank any volunteers that come to help with the project.

Councilwoman LeClair stated that the Boy Scouts were collecting the bottles from the Transfer Station. If they have completed their project, possibly the Cadettes could take over redeeming the bottles and cans.

Councilman Prendergast stated that when they have their list of supplies needed and know how much they can contribute, the Town Board will see what they can do to help.

They have been working two years on this badge and the community service is the final step towards completion.

On behalf of the Town, Councilman Kusnierz thanked the Cadettes for donating their time to benefit our Community.

### **SOUTHERN ADIRONDACK TOBACCO-FREE COALITION**

Jen Seelye came to discuss reducing second hand smoke exposure which is funded by the Department of Health. The Coalition has worked with Warren, Washington and Saratoga

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Counties to help them go smoke free. Jen came to discuss the possibility of making our Rec. Park and Sand Bar Beach smoke free. There would be designated areas where smoking would be allowed.

Samples of signage were available in Jen's packet and the Coalition will provide the signage.

Gavin Park is now on the list of smoke free parks.

Jen asked what would be the next step in moving forward.

Supervisor Jenkins said that they would have to see where everyone stands on this subject. Last year they supported limiting advertising of tobacco products especially in the convenient stores.

Councilman Kusnierz stated that as a lifelong non-smoker he was in favor of banning smoking except in designated areas in our public park because there is no up side to smoking.

Councilwoman LeClair agreed with Councilman Kusnierz.

Councilman Kusnierz suggested that the proposal be given to the Rec. Commission to see what their views are and then a workshop could be scheduled.

#### **NYS DEFERRED COMPENSATION PLAN**

Aaron Epling spoke on this plan that New York State offers. This is the State's version of a 401K. It is called a 457B. All State and County employees have this plan. There are a little over 900 Towns, Villages and Cities that provide this plan to their employees. It is an optional way for an employee to save money and invest toward his or her retirement, and in doing so getting a tax deduction now and taking advantage of the tax deferred growth that can occur over time. The difference between a 401K and this plan is that with a 401K you cannot withdraw the money before age 59 1/2 without penalty. With this plan an employee can withdraw the money at any age as long as they are separated from service. It is really tailored for a person who can retire at 55 or quit at 40 and withdraw without penalty. There are two occasions that the money can be withdrawn while still employed: an unforeseeable financial emergency as defined by the IRS parameters or a loan of half of the account's value up to \$50,000. The cost to the Town is the time that it takes to remit payment to their trustee. It is a very low cost way to invest money. It takes a vote of the Board to adopt the plan. If this is done Aaron would come in and give a workshop to the employees to get them enrolled in the proper investments. Aaron would then check in from time to time. Once employees are enrolled they will have access to the website and their account where they can make changes. Anyone enrolled will have access to the help line where they call in and make changes and they will get a quarterly statement and newsletter and performance report. They would also be able to contact Aaron. The maximum contribution is \$16,500 for 2009 if you are under 50. If you are over 50 there is a catch up provision. If you are within 3 years of retirement the employee can do more. The minimum is 1% or \$10.00 a pay period. Employees can invest as aggressively or as conservatively as they want.

Councilman Prendergast said this is a great program for new employees. If they start from day one, they do not miss the money being saved.

We as a Town can either send in a check or wire employees contributions.

A monthly report will be sent to the Town. If an employee wants to make a change, they will contact NYS Deferred Compensation.

Aaron presented a sample resolution that was read by the Deputy Town Clerk:

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A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt the following resolution and authorize the Town Supervisor to sign the necessary papers to enroll the Town of Moreau into the NYS Deferred Compensation Plan.

WHEREAS, the Town of Moreau wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees, and

WHEREAS, the Town of Moreau is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law, and

WHEREAS, the Town of Moreau has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York, and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Moreau by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement, and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau, hereby adopts the plan for the voluntary participation of all eligible employees, and

BE IT FURTHER RESOLVED, that the appropriate officials of the Town of Moreau are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan, and

BE IT FURTHER RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Roll call vote resulted as follows:

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

**WATER DEPARTMENT REQUEST—METER READER**

Linda Blackburn, Andre Leroux and Jesse Fish will no longer be reading meters. Rudy Klick will do the summer readings.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to hire the following as meter readers:

Christine Clifton	\$9.25 per hour
Denis Thibodeau	\$9.25 per hour
Florence Carpenter rate of pay will increase from \$9.00 to \$9.25 per hour	

Roll call resulted as follows:



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A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the purchase of a water tank for sprinkler system for dust control while sweeping roads from Tractor Supply Co. at a price not to exceed \$720.00.

Roll call resulted as follows:

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

#### **MARATHON DANCE PARKING ON MERRITT ROAD**

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to allow parking on the north side of Merritt Road from 3:00 p.m. on March 6, 2009 to Midnight on March 7, 2009.

Roll call resulted as follows:

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

Mike Shaver asked if Elmwood and Oakwood could be plowed better for the Marathon Dance. He could hardly get a car down the streets last year.

Supervisor Jenkins said he would talk to the Highway Department.

#### **BUILDING DEPARTMENT EDUCATION CONFERENCE REQUEST**

Joe Patricke has asked for permission to send Tom Mann to Poughkeepsie for an Education Conference April 15-17, 2009 at a cost of \$285.00 for motel and \$330 for the conference plus mileage and meals. This will give Tom 19 in-service credits towards the 24 that are mandated by New York State to keep his certification as Assistant Building Inspector/Code Enforcement Officer.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to authorize expenditures of \$615.00 from account B3620.4 for the purpose of Tom Mann attending an Educational Conference in Poughkeepsie plus cost of mileage and reasonable cost of meals.

Roll call resulted as follows:

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

#### **NEW YORK STATE RETIREMENT REPORTING**

A regular meeting of the Town Board of the Town of Moreau was held on February 24, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Fran has asked for permission to start filing electronically to the NYS Retirement.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to authorize electronic recording of the Town of Moreau's NYS Retirement contributions.

Roll call resulted as follows:

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

### **RECREATION DEPARTMENT APPLICATIONS**

Supervisor Jenkins asked that the Board Members prepare a list of 4-5 applicants that they want to interview for the Rec. Laborer position and interviews would be scheduled for the 10<sup>th</sup>.

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

Adele Kurtz asked that the Re-zoning Meetings be put on the calendar.

Joe Patricke stated that he would have information ready before the meeting and have it distributed so that everyone would have a chance to review it.

Councilman Cumm asked Adele what she thought of the last meeting.

Adele stated that there was an abundance of information and in five meetings she did not believe a quarter of it could be accomplished.

Adele stated that the schedule of regulations per the Planning Board was the most important subject that needed to be nailed down and then work from the maps from that point of view.

Councilman Cumm stated that he thought one of the omissions from the re-zoning from the Comprehensive Master Plan was farmland protection. This subject was not addressed as much as it should have been.

Joe Patricke is working on the map, they are working on the use schedule and they will be meeting on Friday of this week.

Joe Patricke asked if the Board had received the information on the outdoor hydronic heaters. It is an attempt to give what is stage one and stage two. It is a little bit more data than we had before.

### **COMMITTEE REPORTS**

Councilwoman LeClair told about a class she had attended in New York. A gentleman from a SUNY Organization was there speaking on the certification of youth coaches. He said that he would come and speak with the Board about the program. Coaches from SUNY colleges come and work with volunteer coaches. This would give us an additional liability rider of one and three million dollars on these coaches. She felt it was a win-win situation.

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Someone came in and suggested that we do a Town Newsletter. There is a class being given on March 8, 2009 and Terry said she would be willing to attend. It costs only \$20.00 and the class deals with how to create a professional looking newsletter using Microsoft Word. It would cost us for the template, but we could use Microsoft Word.

Supervisor Jenkins asked how we would distribute them.

Councilwoman LeClair thought at first we could mail one to everyone, but then if you look at the Fort Edward website, they have their newsletter down in the corner and it can be printed out. We could do the same on our website, but if someone does not have a computer, we could mail it to them. We could include it with water bills. It could be available at the Transfer Station and at the Town Hall.

Councilman Kusnierz suggested that we have it available on our website with information that if a hard copy is desired we could mail it.

Supervisor Jenkins suggested that we print some newsletters up and distribute them throughout the Town.

Councilwoman LeClair thought that the new website would be up and running by the end of the week.

Councilman Kusnierz asked about the audio portion of the minutes being sent to our people

who are doing the website to see if it could be incorporated.

Councilwoman LeClair will check into this.

Councilwoman LeClair also listened to a program in New York regarding taking payments on line with credit and debit cards for tax payments and recreation programs. Plattsburgh, Wilton and Lake George already allow payments on line and Warrensburg will be going on line. Councilwoman LeClair will speak to Jeanne when she returns from vacation. The Comptroller's office would work with Attorney Auffredou. We can pass on the fee to the person using their credit card unlike private businesses.

Councilman Kusnierz stated that we would have to be very careful that our residents did not think the Town was charging a surcharge.

Councilwoman LeClair stated that people could still come in and pay with cash or a check, but if they chose to do so they could pay with a credit or debit card on line.

Councilman Cumm stated that we could not solicit bids for fuel at the Highway. We are in a contract with the State; therefore we cannot buy from anyone else.

Attorney Auffredou will review the contract.

Councilman Cumm stated that the overhead doors at the Highway garage are rippled. Dan O'Leary and his boss came down and the manufacturer of the doors may have to replace all of them at no cost to the Town.

Councilman Kusnierz reported on the Winter Carnival. There were two families who participated. There is one snow sculpture down there. All in all it was not a big success.

A waiver of the 30 day notification period has been requested by Dingleberries/Johnny O's bar



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at 1498 Route 9.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to approve waiving the 30 day notification period as outlined in the New York Liquor Law for Dingleberries/Johnny O's at 1498 Route 9, Fort Edward, NY.

Roll call resulted as follows:

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

Supervisor Jenkins had a message from Ed Robbins. He said he needs a letter from the Town Board regarding whether he can prosecute cases or not.

Attorney Auffredou stated that the more he looks at this the more complex it gets. The problem is that the District Attorney can delegate the authority to prosecute these dog control cases to

the Town Attorney, but Attorney Auffredou thinks he is taking the position that he cannot delegate the authority to a non attorney, a dog control officer. This is done routinely in other municipalities. In other municipalities the dog control officer handles these cases from start to finish. One of our Town Judges looked at the law and he is not seeing any authority for our dog control officer to prosecute these cases.

Councilman Kusnierz asked if the problem is that we have a contracted individual verses an employee of the Town and that's why other towns have their dog control officer do it and it is a non issue.

Attorney Auffredou stated that he still thinks there has to be a delegation of authority from the District Attorney to the individual to prosecute the cases. He did not know if the Saratoga County District Attorney would change his position whether or not someone is an employee or an independent contractor.

Attorney Auffredou will contact Jim Murphy.

A busy year for Attorney Auffredou would be 6-10 dog cases in court and he does not believe it is necessary for an attorney to prosecute these cases.

Attorney Auffredou asked if we had a written agreement with a dog shelter facility for 2009.

Supervisor Jenkins stated that we have one with Saratoga County.

Attorney Auffredou asked about our written agreement because some of the municipalities that he represents are now seeing audits from the Department of Agriculture in the State of New York and they are coming to these municipalities and they are asking to see their dog shelter contract.

Attorney Auffredou also suggested that the Town Board should be looking at whether we will be keeping Ed Robbins as an independent contractor or a Town employee between now and July or August.

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A meeting was held with Chris Brown to discuss the zoning committee. They discussed the farmland protection which is different from what we currently have. There is a grant up to \$25,000 which would be available from the New York State Department of Agriculture and Markets to prepare a Farmland Protection Plan. A 25% match would be \$8,335.00 provided in a combination of cash and in kind services. Only 20% of that \$1,667.00 would have to be cash. Everyone should look at the paperwork to see if this is something the Town should do.

Councilman Kusnierz stated that he has had quite a bit of experience with these grant programs across the State. They have been very successful and a significant tool in protecting our open space and farmland.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to engage Chazen Company not to exceed \$1,600.00 for the purpose of applying for a grant for Farmland Protection Plan.

Roll call resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn to executive session at 8:40 p.m. to discuss Fitzgerald Brothers Litigation and the employment history/performance of a particular unnamed person(s).

Roll call resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to close the executive session and re-open the regular meeting at 9:10 p.m.

Roll call resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to give Supervisor Jenkins the authority to sign an agreement with an unnamed employee.

Roll call resulted as follows:

Councilman Cumm	Yes	
Councilman Prendergast		Yes
Councilwoman LeClair	Yes	

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Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to close the regular meeting at 9:11 p.m.

Roll call resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes

Councilman Prendergast	Yes	Yes
Supervisor Jenkins	Yes	

Meeting adjourned.

Respectfully submitted,

Barbara Porter  
Deputy Town Clerk