

A regular meeting of the Town Board of the Town of Moreau was held on February 8, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

Tom Cumm	Councilman
Gina LeClair	Councilwoman

Also Present: Jeanne Fleury, Town Clerk; Steve Gram, Recreation Director; Jesse Fish, Water Superintendent (arrived at 7:05 p.m.); Peggy Jenkins, Assessor (arrived at 7:20 p.m.); Martin D. Auffredou, Attorney for the Town (arrived at 7:07 p.m.); Town Residents: Adele Kurtz, Andre Delvaux, Brandon Carta; Village Resident: Harry G. Gutheil, Jr.; and Lydia Wheeler, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off all electronic communication devices.

MINUTES

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

January 25, 2011 (two sets) and January 27, 2011

A motion was made by Councilman Prendergast to approve both sets of minutes of January 25, 2011 and the minutes from January 27, 2011 as prepared.

Councilman Kusnierz asked for approval of the minutes to be tabled to allow him more time to review the minutes.

Councilman Prendergast withdrew his motion to approve the minutes.

MEETINGS/WORKSHOPS SCHEDULED

The month-end meeting of the Town Board to audit bills was scheduled for February 24, 2011 at 7:00 p.m. in Town Hall.

A public hearing was scheduled for March 10, 2011 at 7:00 p.m. in Town Hall regarding Local Law No. 2 of 2011, amendment to the Zoning Law re: transient occupancy.

15 MINUTE PUBLIC COMMENT PERIOD

Andre Delvaux asked Supervisor Jenkins if he had been down to the Moreau Emergency Squad to look at their entryway that is collecting standing water. The Moreau Emergency Squad is claiming that a dip in the pavement was created after the Town's water line was installed and restoration work was done.

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Supervisor Jenkins replied that he hadn't been down to look at it and he thought that Jesse Fish and Joe Patricke were supposed to go down and look at it.

Jesse Fish entered the meeting and Supervisor Jenkins asked him if he had been down to look at the problem and Jesse Fish said he hadn't.

Supervisor Jenkins asked him to go down with Joe Patricke and look at it.

Harry Gutheil, through a FOIL request, had a copy of a report on property sales since the reval that was generated by the assessor and given to the Town Board, per the request of the board made at the last meeting. He noted that it was inadequate, as there are a lot more sales that have taken place than were listed on the report. He also noted that all the sales on the report were coded as "J" and there weren't any other codes on the report except for "J".

Councilman Kusnierz noticed that the assessor was not present (the assessor arrived shortly after this portion of the meeting) and asked Supervisor Jenkins if she was coming and Supervisor Jenkins replied no and when asked by Councilman Kusnierz if there was any particular reason for her not attending, Supervisor Jenkins said he wasn't aware of any.

Councilman Kusnierz then asked the town clerk to relay to the assessor the following request:

He wants the assessor to provide to the board a complete report of all classes of sales that have occurred since the reval, with a running tally and comparison column of what the assessed values were and what they are now after the reval.

Harry Gutheil spoke about a property in the Town of Wilton located at 3009 Route 50 that sold for \$3.2 million and it was assessed in 2010 at \$927,400.00 and the Town of Wilton is at an equalization rate of 100%. This means that reval numbers are not always right. He said that the Town of Moreau residents are picking up the tab for commercial and industrial properties here in the Town of Moreau and he pointed this out to the Town Board some time ago.

Harry Gutheil pointed out that the supervisor was quoted in the paper recently as saying that the sales tax revenue will increase \$1.2 million.

Supervisor Jenkins replied to this saying that he didn't know where the reporter got that number from. What he had told the reporter was that sales tax revenue was expected to increase in 2011 by \$500,000.00. He said the Town budgeted \$2.1 million in anticipated sales tax revenue for 2010, minus the \$400,000.00 that was sent back to Saratoga County to reduce the county tax in the Town, and the actual sales tax revenue came in about \$30,000.00 less than anticipated. In 2011 the Town budgeted \$2.6 million in anticipated sales tax revenue.

Harry Gutheil asked if the estimated \$500,000.00 increase in sales tax revenue was due to extra growth in the Town or the reval.

Supervisor Jenkins replied that he estimated \$375,000.00 was from the reval and \$125,000.00 was from growth.

RECREATION DEPARTMENT REQUESTS

The recreation director obtained quotes from County Waste, Springer Waste and Waste Management for garbage pick up at the beach and the recreation park. His recommendation was to accept the lowest quote, which was from County Waste for the garbage pick up at the beach in the amount of \$55.00 per month and Springer Waste for garbage pick up at the recreation park in the amount of \$135.00 per month.

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The cost for garbage pick up at the beach would be paid out of account A7310.4 and the garbage pick up at the recreation park would be paid out of account A7140.4. The balance in A7140.4 is \$60,000.00 per the recreation director and the balance in account A7130.0 he did not have available at this meeting, but said that no money has been spent out of this account since January 1st.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to accept the quote from County Waste in the amount of \$55.00 per month for garbage pick up at the beach and Springer Waste in the amount of \$135.00 per month for garbage pick up at the recreation park.

Roll call vote resulted as follows:

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

[Peggy Jenkins, Assessor, entered the meeting at 7:20 p.m.]

The recreation director obtained the following quotes for the rental of portable toilets:

IBS Septic & Drain	Regular	\$98.00 each
	Handicap Accessible	\$125.00 each
	No time period specified in quote	
Stone Industries, LLC	Regular	\$70.00 each
	Handicap Accessible	\$125.00 each
	Per 28 day period	
Cooks	Did not quote	

The rental of portable toilets would be paid out of account A7140.4 that has a balance of \$60,000.00.

Councilman Kusnierz asked Steve Gram if they would be cleaned weekly for this price and Steve Gram replied yes.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to accept the quote from Stone Industries for the rental of portable toilets per their quote of \$70.00 each for regular and \$125.00 each for handicap accessible per 28 day period.

Roll call vote resulted as follows:

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

The recreation director submitted the following quotes for four (4) LED lights to be installed outside the bath house near the ice pond in the recreation park, including supplies and labor:

Hour Electric Co., Inc.	\$1,855.00
Brownell Electric Corp.	\$1,130.00
Colvin Electric	\$1,305.98

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There is money left over from the lighting grant for the recreation park that can be used to purchase and install these lights.

Councilman Kusnierz asked what the wattage is, he didn't see it on the quotes.

Supervisor Jenkins replied that one quote indicates that they are 18 watt LED WP flood lamps with one photo eye to control all four lamps.

These lights would be purchased out of the grant account HP7198F. Discussion followed on this account. According to the monthly report from the supervisor's office that Councilman Kusnierz had in his possession there is a zero balance in HP7198F.

Supervisor Jenkins stated that there is \$6,332.01 left from the lighting grant funds so he assumes that the account number may be incorrect and he will have to check with Fran Thibodeau, Principle Account Clerk, to find out what account the funds are in and report back to the board.

This purchase was tabled.

HIGHWAY DEPARTMENT REQUESTS

At the previous board meeting the Town Board authorized the purchase of two sets of cutting edges and carbide blades from Northern Supply in the amount of \$828.00 each. The highway superintendent actually purchased three sets of cutting edges and carbide blades at \$828.00 each so authorization for the purchase of the third set is needed from the board. These cutting edges and carbide blades were purchased on an emergency basis. The highway superintendent competitively priced this item and the board was notified verbally and authorized this purchase verbally.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the emergency purchase of one set of cutting edges and carbide blades from Northern Supply at a cost not to exceed \$828.00 out of account DB5130.492.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to purchase rock salt from American Rock Salt in the amount of \$50,000.00 under county contract #10-PWS-10R, out of account DB5142.490 that had a balance of \$83,000.00 as of 2/1/11.

Councilman Kusnierz questioned why the board was being asked to authorize the purchase of \$50,000.00 of rock salt and why the purchase couldn't be made in smaller, measured amounts.

Supervisor Jenkins advised that Paul Joseph, the highway superintendent, is on vacation this week. He doesn't know how much rock salt the highway department has on hand, but a lot of rock salt was used this past weekend and he assumes it will become harder to get with the amount that is being used.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the purchase of rock salt from American Rock Salt in an amount not to exceed \$25,000.00 under county contract #10-PWS-10R.

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Councilman Prendergast stated that he hoped this would be enough money for now and Councilman Kusnierz replied that he wouldn't support a blanket amount and that all board members were available by phone if an emergency purchase was needed.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

At the previous Town Board meeting Jesse Fish, Water Superintendent, explained to the board about an emergency repair that was done to the flow meter in the industrial park by Total Control System Services, Inc. Jesse received verbal approval from Supervisor Jenkins, Councilman Cumm and Councilman Kusnierz for this repair, but it needs to be ratified by the board members by way of a motion and second.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the emergency repair of the flow meter in the industrial park by Total Control System Services, Inc. in the amount of \$872.50.

Roll call vote resulted as follows:

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

Supervisor Jenkins presented the board at this meeting with a proposed resolution to standardize the existing water/sewer telemetry system in the Town of Moreau.

Councilman Kusnierz asked for this resolution to be tabled since he just received it ten minutes before the meeting.

This resolution was tabled.

LIQUOR LICENSES – JOHNNY O'S AND PAR 70

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz acknowledging receipt of applications for a liquor license through the NYS Liquor Authority from John E. Orton, D/B/A Johnny O's and Stephen Catanzaro, D/B/A Par 70 and that the board has no objections to these applications.

Roll call vote resulted as follows:

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

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Councilman Kusnierz asked, before they moved on through the agenda, for the highway superintendent to prepare a report for the board of what the actual cost has been to-date for the highway department to pump water out of the culvert on Hatchery Road.

APPOINT CATHERINE KNAPP CHAIRPERSON OF THE ETHICS ADVISORY COUNCIL

Supervisor Jenkins advised that pursuant to the Town's Ethics Code the Supervisor has the authority to appoint a chairperson for the Ethics Advisory Council. He informed the board that he was appointing Catherine Knapp, an existing member of the Ethics Advisory Council, as chairperson. He then asked Attorney Auffredou if it should be in the form of a motion and second.

Attorney Auffredou reviewed the code quickly and said that the code does not stipulate one way or the other and simply states that "the chairman will be selected by the Town Supervisor".

Supervisor Jenkins said that this was something that would normally be done at the organizational meeting.

Attorney Auffredou replied that if the supervisor wanted to be consistent he could ask for a motion and second to appoint Ms. Knapp as chairperson, but it was not required by code.

A motion was made by Councilman Prendergast to appoint Catherine Knapp as chairperson for the Town of Moreau Ethics Advisory Council.

Councilman Kusnierz stated he wouldn't second the motion, because he wanted to interview Ms. Knapp first.

Supervisor Jenkins seconded the motion.

Roll call vote resulted as follows:

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

Motion and second failed.

There was brief discussion on how many vacancies were on the Ethics Board and Ethics Advisory Council. It was noted that there is one person serving on the Ethics Board currently and four vacancies. There is also one vacancy on the Ethics Advisory Council.

The Town Clerk was instructed to run an ad in the paper seeking people interested in serving on these two boards.

PLANNING BOARD ALTERNATES – TERMS

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast establishing a term of two (2) years for alternates serving on the Town Planning Board.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Absent

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Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Councilman Kusnierz	Yes

RESOLUTION TO RENAME FENIMORE WATER DISTRICT TO WATER DISTRICT NO. 1

At a meeting on September 30, 2011 a motion and second was made and carried to rename the Fenimore Water District to Water District No. 1. This action was invalid. There is a formal process under Town Law for renaming an improvement district, which the board took up at this meeting and which follows:

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

WHEREAS, according to records of the Town of Moreau, the "Fenimore Water District of the Town of Moreau" was established on March 17, 1953 under the legal name of the "Fenimore Water District of the Town of Moreau"; and

WHEREAS, for some time, the Fenimore Water District of the Town of Moreau has also been commonly known as "Water District No. 1 of the Town of Moreau"; and

WHEREAS, pursuant to Town Law Section 198 (13), a Town Board is authorized by Resolution to change the name of any improvement district including a water district; and

WHEREAS, the Town Board of the Town of Moreau desires to formally change the name of the Fenimore Water District of the Town of Moreau to "Water District No. 1 of the Town of Moreau";

NOW, THEREFORE, BE IT RESOLVED, that as of this date and hereafter, the Fenimore Water District of the Town of Moreau shall be formally changed to "Water District No.1 of the Town of Moreau"; and

BE IT FURTHER RESOLVED, that Extension No. 1 of the Fenimore Water District of the Town of Moreau shall, as of this date and hereafter, be formally changed to "Water District No. 1 Extension No. 1 of the Town of Moreau"; and

BE IT FURTHER RESOLVED, that within ten (10) days of the adoption of this Resolution, the Town Clerk shall cause certified copies of this Resolution to be filed in the Office of the Town Clerk of the Town of Moreau, in the Office of the County Clerk of the County of Saratoga, and in the Office of the State Department of Audit and Control in Albany, New York.

Roll call vote resulted as follows:

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

TOPO SURVEY PROPOSALS

This agenda item was tabled.

NOTIFICATION TO TEAMS RE: REQUIREMENTS FOR FIELD USE

Supervisor Jenkins stated that this topic was on the agenda at the request of Councilwoman LeClair and since she was absent from the meeting he recapped that Councilwoman LeClair was asking that a letter be

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sent out at least two weeks prior to scheduling field use, explaining the requirements for field use, to all teams who will be using the fields in the recreation park. This letter should be sent out by the recreation director in conjunction with the recreation commission.

The board members present were in support of this letter and Steve Gram acknowledged at this meeting that he could do this.

RIVERFRONT PARK

This agenda item was tabled.

RFP'S 2010 AUD AND LANDFILL FINANCIAL CLOSURE – CPA AND ENGINEERS

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing RFP's to be mailed out to certified public accountants to perform the 2010 AUD for the Town and to engineers to perform landfill financial closure tasks.

Roll call vote resulted as follows:

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

ESTABLISH STANDARD WORK DAY FOR DOG CONTROL OFFICER (MIN. 6 HOURS AND MAX. 8 HOURS)

The state comptroller requires that a standard work day be established for the Town's dog control officer now that he is on payroll.

Discussion followed on what the standard work day should be for this position. The suggestions were a minimum of 6 hours per day not to exceed 10 hours per week, minimum of 6 hours per day with a maximum of 8 hours per day and a maximum of 15 hours per week.

Councilman Kusnierz was concerned that if a minimum 6 hour work day was established and the dog control officer went over these hours then we could be in the same position we found ourselves in with the previous dog control officer.

A decision was tabled until the supervisor could obtain more information.

15 MINUTE PUBLIC COMMENT PERIOD

Councilman Kusnierz informed Peggy Jenkins the assessor that before she entered the meeting the board discussed with Harry Gutheil the report she prepared for them on sales since the reval. He asked Peggy Jenkins if this report included all sales and Peggy Jenkins replied all arms length sales.

Councilman Kusnierz asked Peggy Jenkins if the report included all classes of sales and Peggy Jenkins replied yes.

Councilman Kusnierz advised Peggy Jenkins that the report only contained the code "J" sales and Peggy Jenkins replied that there weren't any commercial sales.

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Councilman Kusnierz then explained to Peggy Jenkins what he had requested before she entered the meeting and that was that he wanted her to provide to the board a complete report of all classes of sales that have occurred since the reval with a running tally and comparison column of what the assessed values were and what they are now after the reval. The reason for his request was that he wanted to compare the job done by GAR with the new reval numbers.

There was interaction between Peggy Jenkins and Harry Gutheil regarding the dates used for sales during the reval process. This interaction can be heard on the audio of the meeting.

Councilman Kusnierz asked Peggy Jenkins what code "J" means and Peggy Jenkins replied, arms length sales.

Discussion followed on the different codes and their meanings.

Councilman Kusnierz again told Peggy Jenkins that the report they were given only contains sales that were coded "J" and he asked if there were any others and Peggy Jenkins replied yes.

Councilman Kusnierz asked Peggy Jenkins if the board could get a report on those and Peggy Jenkins replied yes.

Supervisor Jenkins told Harry Gutheil to stop into his office and he would discuss this with him and try to answer any questions he has.

COMMITTEE REPORTS

Councilman Prendergast reported that the water committee met to discuss sewer. He attended the meeting along with Councilman Cumm, Jesse Fish, Joe Patricke and Tim Burley. They talked about a sewer system for Route 9 and how this could be accomplished and sewer for the new Bluebird Village apartment complex. He stated that there will be more meetings to follow.

Councilman Kusnierz asked Attorney Auffredou if he has researched capital reserve funds and if one could be used for economic development and specifically for sewer.

Attorney Auffredou advised that he has not finalized his research yet.

Councilman Kusnierz asked if there was a reason why Andy Laing's appointment as a regular member on the recreation commission was not on the agenda.

Supervisor Jenkins said it was an oversight and he would put it on the agenda for the next regular meeting of the Town Board.

SUPERVISOR'S ITEMS

Supervisor Jenkins reported that department heads met with a representative from the telephone company that services our phone system here in Town Hall and the result was that a person is still going to answer the telephone and the calls coming in will be on what is called a circular hunt and the calls will go from the clerk's office to the building inspector's office to the assessor's office and they will all cover for each other. Supervisor Jenkins said he thought this was a good idea and he was in agreement with it.

Supervisor Jenkins reported that Attorney Auffredou presented the board with a copy of the proposed amended dog law that is going to public hearing on February 22nd. If any board member has any questions or corrections or comments please give them to Attorney Auffredou so changes can be made and the amendments will be in final form for the public hearing.

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Councilman Kusnierz asked if the current situation regarding an e-mail from GAR was going to be sent to the Ethics Advisory Council for review as mentioned in a letter from the supervisor to GAR dated 1/31/11.

Supervisor Jenkins replied that Attorney Auffredou doesn't feel that this needs to be done now as the result of what has transpired since. He said he would ask the full board if they wanted to do this and if so he would send it on for review.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to send the e-mail from GAR to the Ethics Advisory Council for review.

Councilman Prendergast stated that it makes sense to do this and the board has no choice but to send it to them for review in light of the accusations made.

Roll call vote resulted as follows:

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

Harry Gutheil asked for the record if there was an accusation made.

Councilman Prendergast said perhaps he used the wrong term and he should have used the word "implied".

Harry Gutheil stated for the record that he didn't imply that he was making an accusation by handing the Town Board the e-mail that he received as part of a FOIL request.

Councilman Kusnierz stated that he wasn't implying that there was an accusation made. It is not the Town Board's role to determine if something is ethical or not. It is the role of the Ethics Advisory Council and it is a vital role that they are charged with.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn to executive session at 8:18 p.m. to discuss contract negotiations involving the CSEA highway union, possible eminent domain proceeding against an unnamed party and the employment history/performance of a particular unnamed employee.

Councilman Kusnierz stated that he would go into executive session and discuss the possible eminent domain proceeding, but he would not support an eminent domain proceeding against any land owner in the Town of Moreau.

Roll call vote resulted as follows:

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

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

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A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the executive session and re-open the regular meeting at 8:54 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the regular meeting at 8:54 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk