

A regular meeting of the Town Board of the Town of Moreau was held on February 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:20 p.m.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Jeremy Tripp, Recreation Laborer; Paul Joseph, Highway Superintendent; Nancy Ryan, Transfer Station Clerk; Joe Patricke, Building Inspector/Code Enforcement Officer; Martin D. Auffredou, Attorney for the Town; Town Residents: Adele Kurtz, Reed Antis, Elizabeth & Chris Lanfear, John Telisky, Richard Morris and other Town Residents members of the general public and Nick Reisman, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone and asked those present to turn off all cell phones or put them on silent or on vibrate.

**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 26 and 27, 2010

**MINUTES – JANUARY 26, 2010 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – JANUARY 27, 2010 – TOWN BOARD MEETING WITH MOREAU EMERGENCY SQUAD**

Correction:

Page 85 – 6<sup>th</sup> line from bottom of page – “\$17,000.00” should read “\$17.00”

Page 85 – 4<sup>th</sup> line from bottom of page – “11,000.00 to \$12,000.00” should read “11.00/\$12.00 per hour”

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve both sets of minutes as corrected.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
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Councilman Kusnierz	Yes except he abstained from the portion of the 1/27/10 meeting that he was not in attendance for.
Councilman Cumm	Yes
Councilman Prendergast	Yes for the 1/26/10 minutes and he abstained on the 1/27/10 minutes

### **FUTURE MEETINGS/WORKSHOPS SCHEDULED**

Councilman Cumm reminded everyone that there was a meeting with GAR Associates re: the reval on February 18<sup>th</sup> at 7:00 p.m. at the Town's building on Route 197.

Councilman Prendergast asked for a workshop of the Water Committee with Jesse Fish to discuss the water districts. He said that some of the district accounts have a lot of money, some are on the edge and some have no money and he would like to discuss this with the Water Superintendent first and then they would report back to the full Town Board. The Water Committee Meeting was scheduled for March 9<sup>th</sup> at 10:00 a.m. in Town Hall.

Councilwoman LeClair stated that the Recreation Commission would like to meet with the Town Board and she suggested perhaps meeting with them on March 1<sup>st</sup> at 7:00 p.m. the regular meeting night for the Recreation Commission. Board members present were okay with this date. The meeting will be held in Town Hall.

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

Reed Antis asked if there was still a problem with dogs running loose in the Rec. Park.

Supervisor Jenkins replied yes. There is someone who is patrolling in the park for loose dogs, but when they are there the dogs aren't.

Reed Antis said the Town Board should press the issue and ask the Sheriff's Department to help and he suggested that photos be taken of any loose dogs for identification purposes to help catch the person violating the Town Law.

The leader of Boy Scout Troop 9 was present and requested permission to use the Rec. Park between May 14<sup>th</sup> and the 16<sup>th</sup> for their camporee. It is estimated that there will be about 300 people attending. He had submitted an application to the recreation director also.

Steve Gram stated that if the Town Board approves the request he proposed to place their event in the area where the Pow Wow was held. He didn't have a problem with this request.

No objections were raised by the Town Board Members. Supervisor Jenkins told Steve Gram he could sign the application approving the request.

Adele Kurtz asked what the status was of the Fortsville Road water project.

Supervisor Jenkins advised that we should know by March 1<sup>st</sup> if the Town is going to be eligible through the EFC for hardship financing that would give us a zero percent loan.

### **LOCAL LAW NO. 1 of 2010 – OUTDOOR HYDRONIC HEATERS**

Councilman Kusnierz asked for a motion to table action on this proposed local law until the public had a chance to be heard.

There was no second to the motion.

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Attorney Auffredou stated that this proposed local law is an unlisted action under State Environmental Quality Review Act (SEQRA). He prepared with Joe Patricke's assistance the long form Environmental Assessment Form (EAF). He said the reason they completed the long form EAF rather than the short form EAF, which is typical with a local law, is that this is a local law of town-wide significance. He went on to explain that the first 10 or 11 pages of Part I of the EAF is simply a blueprint description of the Town of Moreau. He said the Town Board has seen this description before. It was his recommendation that they go directly to Part II. He asked if any board members had any questions on Part I of the EAF.

Councilman Kusnierz referred to page 3 of Part I of the EAF. He said because this law applies specifically to allowing furnaces in the R4 zone and you have to have a minimum of four acres does that change the numbers for the impacted areas of the Town, which this is directed at.

Attorney Auffredou said the way they looked at this is that it is a town-wide impact.

Joe Patricke added that it doesn't impact the R4 zone you just need four acres.

Attorney Auffredou also added that wherever you are you need four acres irrespective of what zone you are in.

Attorney Auffredou stated that SEQRA is sort of an "odd duck", but we have to go through it. Some of the questions aren't well designed or well written for a local law. These forms are designed for a project, a site plan, a development. That isn't what we have here. What we have before us is a local law. He advised the board that as they go through the questions in Part II they need to ask themselves does this local law in and of itself have any adverse environmental impacts on the Town. The law itself, not any of the heaters that are currently in place or any heaters that will be placed in the Town. He realized it was kind of abstract, but that is the way they have to look at it.

Attorney Auffredou read questions 1 through 20 in Part II of the EAF and the Town Board answered "No" to each and every question.

Question 10 read as follows:

"Will proposed action affect agricultural land resources?"

Councilman Kusnierz stated that there is a potential in a roundabout way if farms don't have the opportunity to use this. He mentioned the farm off William Street and asked what zoning district that was in and the answer was R1. He said they wouldn't be able to put a heater in there.

Joe Patricke said if they have four acres they can.

This concluded the SEQRA review.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the EAF.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to declare a negative declaration under SEQRA.

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Roll call vote resulted as follows:

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

Attorney Auffredou read the resolution to adopt Local Law No. 1 of 2010.

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

WHEREAS, the Town Board maintains that outdoor hydronic heaters, also known as outdoor wood burning furnaces, can present adverse impacts to personal health, to the use and enjoyment of property and can be detrimental to the overall public health, safety and welfare of the residents of the Town of Moreau, and

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the adoption of Chapter 76 to the Town of Moreau Code which will govern the permitted installation, use and operation of outdoor hydronic heaters in the Town of Moreau, and

WHEREAS, through the adoption of this Chapter, it is the purpose and intent of the Town Board to ensure that outdoor hydronic heaters are utilized in a manner that does not create a nuisance and is not detrimental to the public health, safety and welfare of the residents of the Town of Moreau, and

WHEREAS, the Chapter, as proposed, regulates the installation, operation and use of outdoor hydronic heaters and requires persons who maintain such heaters to obtain a permit from the Town, and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law no. 1 of 2010 was duly advertised, noticed and thereafter conducted on February 9, 2010 at 6:30 p.m. at the Town Hall, and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 1 of 2010; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 1 of 2010 is in the best interest of the Town of Moreau, is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

WHEREAS, the Attorney for the Town has prepared the documents necessary for filing the local law with the Secretary of State including the text of the law itself;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 1 of 2010 annexed hereto; and

BE IT FURTHER RESOLVED, that Local Law No. 1 of 2010 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file said documents as required by law and to take all the necessary actions for the promulgation thereof.

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Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes

Councilman Kusnierz said he would be voting no. He stated that there has been a lot of time spent working on this and considering the public's comments at every meeting. We always gave the public an opportunity to comment and considered the comments that were made by the public. We just heard counsel read that we did consider all the comments that were made at the public hearing and we didn't do that tonight. He said that right there we are violating what we said we did. The most important thing that leaps off the page at him and is most troubling to him is the fact that we have language in this local law related to subdivisions and he read the following: "properties that have a permitted, already legal, outdoor hydronic furnace shall not be allowed to subdivide unless the parcel containing the outdoor wood burning furnace complies with this chapter in its entirety". The reason this is so troubling to him is that from an agricultural standpoint these are not easy times. Farmers don't have a retirement account to retire on they rely on their land. Their land, their cattle and their equipment are their retirement account. When they decide not to farm they draw their retirement from the sale of these. Somebody who has a legally installed outdoor wood burning furnace under this law we are about to adopt tonight cannot subdivide their land. He stated that is a terrible infringement on property rights. That language shouldn't be in there. Somebody that has land and is in dire straits trying to put food on the table, unemployed, about to lose their house maybe they could sell off some land and their problems would go away. Under this law they couldn't do it. Is that the intent of this board?

Councilman Prendergast said there is nothing more important than a person's health.

Councilman Kusnierz said they won't have health if they can't put food on the table.

Councilman Kusnierz said we had over 17 meetings since August 2008. Do you know how much time the Board has spent on this? Do you know why we did it, because we had two complaints? Yet the law we are going to adopt tonight is going to impact every single individual in this room that has an outdoor wood burning furnace. We talked about listening to the public and drawing up regulations based on the needs of the community. This goes counter to it. He said he was voting no.

Councilman Prendergast responded saying that 17 meetings doesn't say they didn't listen to the public to him.

Councilman Kusnierz stated we cut them off tonight. There was nothing lost to listening to the public tonight.

Councilman Prendergast stated that nothing new was brought forward tonight.

Councilman Kusnierz asked how we know that, we didn't hear.

Councilman Prendergast said everybody who spoke tonight there was nothing new.

Councilman Kusnierz stated yeah, the ones who had an opportunity to talk. The ones who didn't we will never know. He said Councilman Prendergast was speculating.

Councilman Prendergast replied that when we asked if there were any other comments and nobody raised their hand, he can't answer to that.

Councilman Kusnierz said that they were cut off and he said that Councilman Prendergast cut a taxpayer off during the public hearing.

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Councilman Prendergast replied that he did and he told him ahead of time that if he wasn't going to say anything new that he would stop him.

Councilman Kusnierz said he would never cut a taxpayer off ever in a public hearing.

Councilman Prendergast told Councilman Kusnierz that he tried to cut him off one time. He had an issue to discuss when he was away and he asked Councilman Kusnierz if he wanted to go back to that one and Councilman Kusnierz replied yes. He told Councilman Prendergast that he tried to "back door" it.

Councilman Cumm said he didn't back door anything.

Councilman Prendergast asked how it could be "back door" when he wanted an issue brought up in a public venue and Councilman Kusnierz replied, because he had a staff member bring it to the board.

Councilman Kusnierz asked him why he didn't call an elected official.

Councilman Prendergast kept trying to say that he wanted an issue brought up and Councilman Kusnierz interjected saying that they had already decided on the issue and all of sudden he changed his mind, but he didn't want to contact other board members.

Councilman Prendergast started to say again that he wanted an issue brought up and Councilman Kusnierz interjected by asking Councilman Prendergast if this is what this is all about he doesn't want the public to speak, because he was mad at him.

Councilman Prendergast said he was going say this if he has to stay here all night.

Councilman Kusnierz said the public would like to stay here all night too and talk about this local law.

Councilman Prendergast said he wanted an issue brought up in a public venue, public meeting and he is accused of doing it "back door". He said "you figure it out".

Councilman Kusnierz replied, so the public here is going to suffer, because he was mad at him.

Supervisor Jenkins asked the Town Clerk to finish the roll call on the adoption of Local Law No. 1 of 2010.

Councilman Kusnierz	No
Councilman Cumm	Yes
Supervisor Jenkins	Yes

### **ARROWWOOD MEADOWS**

Travis Mitchell from Environmental Design Partnership (EDP) was present to present a request for public water and sewer for two housing developments that are in the works.

One development will be an 84 lot subdivision and will be located at the south east corner of Bluebird Road and Gansevoort Road and the other will be a 66 lot subdivision and will be at the south west corner of Bluebird Road and Fort Edward Road and both are being designed around the availability of public water and sewer and both have been through the sketch plan review process with the Planning Board. He was at this meeting to introduce the Town Board to both projects and talk about water and sewer extensions. He stated that the 66 lot subdivision is within a water district and was included in the long range planning for the water district, but the 84 lot subdivision is not. However, he spoke with Tim Burley and the parcel the 84 lot subdivision is proposed for was included in the gross projections that he forecast out for water usage in the future. He forwarded a copy of the plans to Tim Burley for his review.

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He stated that in the contract between the Town of Moreau and Town of Queensbury the Town of Moreau has the ability to purchase up to one million gallons per day and the last information he had showed that the Town of Moreau used over just half of that amount about 500,000 gallons per day (gpd). The water usage from both of these subdivisions combined will be about 40,000 gpd. He showed on the map where the water mains are on Bluebird Road and Fort Edward Road in relation to the proposed projects. He stated that they understand that the connection charges are \$1,700.00 per unit. They will install 8 inch lines through the projects per Town specifications and upon completion of the projects they will be dedicated over to the Town. Both projects will require sewer district extensions. They will have gravity collection systems within each of the subdivisions flowing to a low point on the site with a pump station that will pump through a force main to existing lines. He showed on a map where the proposed projects will be, where the apartment complex that is under construction now is situated, where the industrial park is located and where the sewer lines are and said that the pump stations will pump through an 8 inch line and up to the Glens Falls City Sewer Treatment Facility. He said a 6 inch line has a capacity of about 750,000 gpd and an 8 inch line has a capacity of over one million gpd. He stated that right now the industrial park only has a flow of about 15,000 gpd. The apartment project will add about 30,000 gpd and the two projects being proposed would add about 40,000 gpd. They understand the current sewer connection charges are about \$800.00 per unit and that there are negotiations going on right now with the City of Glens Falls and this charge could be lower in the future. They will be preparing formal submittals to the Town Board at a later date for a water and sewer extension. Right now they are looking for a general sense from the board on their willingness to extend services to these subdivisions.

Supervisor Jenkins advised Travis that he has a concern over the 6 inch line. He indicated this in the past. It is his opinion that it should be an 8 inch line. A 6 inch line won't do anything for us in the future.

Travis stated that a 6 inch line will handle about 500 homes. He stated that two apartments is equal to one home so with the apartment project and these two projects they would be just under the capacity of a 6 inch line. He said it really depends on what the long term plans are for the Route 9 corridor. They have been working with Tim Burley on it. If it makes sense they want to be compatible and help with the long range plans.

Supervisor Jenkins stated that an 8 inch line may be too much to handle the Arrowwood Development.

Travis said this was correct. You can't size it too big to begin with, because the smaller projects can't keep it clean basically.

Supervisor Jenkins stated there are a lot of residential neighborhoods adjacent to that line particularly on the north side and the flow would more than likely go that way and he thought perhaps they needed two lines. A 6 inch line and 8 inch line. The 6 inch line could handle the smaller development and the 8 inch would come on board later. He understood that once this was done we may be able to get some funding to do the short streets.

Councilman Cumm asked if they would put in an 8 inch line and leave it dry and put in 6 inch to serve the developments and then the Town to give credit someplace down the road for the installation of the 8 inch line.

Travis stated that makes sense. It makes sense to do it at one time. The challenge is to make a level playing field. He stated that if they put in the infrastructure then a credit would be appreciated off the sewer fees or something to that effect. We want to make sure we work with Tim Burley on this as he plans that Route 9 corridor to make sure which size is right.

Supervisor Jenkins stated that he didn't think a 6 inch line would benefit the Town in the future.

Councilman Kusnierz asked what impact these projects will have on the existing system and will it be negatively impacted.

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Travis replied that the industrial park has a flow of about 15,000 gpd and full build out of the park is estimated at 50,000 gpd and an 8 inch line will hold about 1.5 million gpd. There was some type of foresight when the line was put in.

Councilman Prendergast asked Travis who he represents and Travis replied that he represents EDP, but he is part owner in both of these projects.

Councilman Prendergast stated that the previous board went through several workshops to try and project the future needs for water and they came up with a list of projects that were approved, projects that were promised water and projects that hadn't been approved yet. He asked if these projects fell within that list of projects already approved.

Joe Patricke replied that these two projects haven't been approved, but the land that they will be sited on was included on the list.

Councilman Prendergast asked when this project would be started and Travis replied that construction hopefully will begin next year.

Supervisor Jenkins asked if there would be senior units and Travis replied yes. Arrowwood Meadows is partially R1 zoning and partially R2 zoning and R2 zoning there is an incentive for 55 and over housing so there is a proposal for a cluster of senior housing with a homeowner's association in the R2 zoned portion of the proposed development.

Councilman Cumm asked if the non-senior portion of the proposed development would be maintenance free and Travis replied no. The homeowner's association will provide an option for maintenance.

Councilman Kusnierz asked if in the development at the corner of Bluebird Road and Gansevoort Road would they receive a copy of our Right to Farm Law since there is an active farm next to it.

Joe Patricke replied that a copy of the law is given out with every building permit even if it doesn't apply. He said this does bring up a good point though and he will bring it up to the Planning Board, because this is something that should probably be mentioned in the declarations.

Supervisor Jenkins asked what the price range of the homes would be and Travis stated that right now he foresees the \$250,000.00 as a target number and senior housing may be lower than that.

Travis asked if the board had any major objections to these two proposed projects.

No objections were raised by the board members.

Travis stated he would be back in a couple of months.

### **GARRY ROBINSON – STORM WATER MANAGEMENT SERVICES**

Supervisor Jenkins reported that the proposal submitted by Garry Robinson was in the amount of \$18,000.00 to \$20,800.00. He stated that Garry Robinson did a great job for the Town on storm water before and the price is within our budget.

Councilman Kusnierz said he was a little surprised that the cost would be that much. As part of our procurement policy we are supposed to get three prices and even though this is professional services he asked if the board was going to solicit two other proposals. He wasn't saying that Garry doesn't do a great job, but as per our policy we should get three quotes minimum.

Supervisor Jenkins stated that he was going to ask later in the meeting for the board to authorize work to be done by C.T. Male and we didn't go out to bid for that either. He isn't against it, but based on Garry's



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experience and what he has done for the Town he suspected that he would have the best price anyway, he didn't have a problem sending out RFP's for anything. He stated that we discussed this two weeks ago and we had this price.

Councilman Kusnierz said the reason he questioned it before was because he wasn't aware of any price then and now he has submitted a more formal proposal and that is a good start. He didn't think the taxpayer's could go wrong with us getting two more quotes.

Councilman Prendergast agreed that we aren't under the gun here so it won't hurt to get more quotes.

Councilman Cumm and Joe Patricke stated that we are under the gun, the date is March.

Councilman Prendergast stated there are municipalities that haven't even started yet so we are in good shape and Joe Patricke replied, except for the annual report is due June 1<sup>st</sup>.

Councilman Prendergast said let the state pay for it, they put us under the gun and he stated he isn't pressured. He said we can't go wrong getting another price.

Supervisor Jenkins said he didn't have a problem doing that, but we don't have much time. We need to get it in by June 1<sup>st</sup>.

Joe Patricke stated it shouldn't take them long to prepare their response so we should have time to get proposals.

Councilman Cumm stated that part of the problem with going with somebody else is that Garry Robinson has set up the whole MS4 reporting system for us. He is familiar with the system. Somebody else will have to start from square one.

Joe Patricke said that Garry Robinson has an advantage because he knows what it says the others will have to read it to get educated.

Supervisor Jenkins asked what language we will use for the RFP.

Joe Patricke said we have a good draft.

Supervisor Jenkins asked if that was fair.

Councilwoman LeClair asked if it was fair since we announced Garry's quote.

Joe Patricke stated it isn't uncommon to use it for an RFP without the price.

Attorney Auffredou said they would take some information out of it. Excerpt some language from it. He was okay with that.

Supervisor Jenkins said he would get the RFP's out and we should have the bids in by March 5<sup>th</sup> and they could act on them at the March 9<sup>th</sup> meeting.

Councilman Prendergast asked if this will complete it.

Joe Patricke replied, everything we know of. We have everything identified that has to be done.

### **HIGHWAY REQUESTS**

The highway superintendent submitted a purchase request/quote summary for an emergency repair to truck #19. A broken right front spring was replaced. The cost was \$785.28 from Watkins Spring

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Company out of DB5130.405 that had a balance of \$66,000.00 as of 1/10/10 and was under county contract #10-PWAP-15R.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm approving this emergency repair to truck #19 by Watkins Spring Co. in the amount of \$785.28 under county contract #10-PWAP-15R out of account DB5130.405.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked Paul Joseph if he contacted anybody else on the emergency repair. Paul Joseph said that Shaw was contacted and the price was almost \$1,000.00.

The highway superintendent submitted a purchase request/quote summary for an emergency repair to truck #19. A new front tire was needed. Two quotes were received as follows:

Warren Tire	\$517.20 includes mounting & balancing and in stock
Adirondack Tire Center	\$482.00 two day delivery time

The purchase was made from Warren Tire at a cost of \$517.20 since it was in stock. The \$517.20 was state contract price and will be paid out of DB5130.492 that had a balance of \$40,000.00 as of 1/1/10.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the emergency tire purchase from Warren Tire in the amount of \$517.20 out of DB5130.492 under state contract.

Roll call vote resulted as follows:

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

\* Councilman Kusnierz noted that he only voted yes, because this was an emergency purchase and the other quote in the amount of \$482.00 was less.

The highway superintendent requested permission to contract with Burley & Guminiak to give the Town an estimate on what it will cost to replace the culvert at the west end of Hatchery Road located between house #181 & #191. In September 2007 the south side of the road washed out. Since that time the water has not flowed properly. Water has backed up on the north side.

Paul Joseph stated that it has collapsed and it is leaching through the soil. We lost the road once before.

Supervisor Jenkins said there isn't a budget item for this and there are two other major culverts that we haven't done yet. He asked Paul Joseph if the road is in danger.

Paul replied that where they repaired the road before there is a 1 ½ inch wide gap. It was done in 2007.

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Supervisor Jenkins asked if we have to use Burley & Guminiak on this particular job and should we RFP this job.

Councilman Kusnierz stated that the last quote they got was around \$218,000.00.

Supervisor Jenkins replied that was a major culvert and this job isn't quite as big.

Councilman Kusnierz asked who was going to do the work and Paul Joseph replied that they would have to contract it out. We don't have the equipment to get down that far and we need someone with confined space training.

Councilman Kusnierz suggested that we put down on paper what we want done and send it out to engineers for quotes.

Paul Joseph said he would do this.

Councilman Cumm stated that at the last meeting we talked about contacting our insurance carrier about removing the fencing from the basins in the Sherwood Forest Subdivision and he asked what we found out.

Supervisor Jenkins stated that he spoke with our insurance agent and liability is not an issue as long as the basins meet Town Code then we are covered. It is whatever we want to do as a Town. The residents in the development don't like the way it looks and it is hard for us to maintain with the fence around it.

Councilman Kusnierz stated that it may not be part of our Town Code, but the Planning Board required it as part of the approval of the subdivision.

Supervisor Jenkins said if they widen the gate and we can get in there to do a good maintenance job then the residents may not object so much.

Joe Patricke said he would do some research and see if the Planning Board mandated this or not.

Paul Joseph advised that Saratoga County needs to know by Friday if the Town is going to have them stripe Town roads and if so they need a list of roads to be striped. They buy the paint now and store it until Fall so they need to know how much to order. He tried to get a price from the county and couldn't. The variables include: paint cost and labor including man hours and time. He said that last year the Town went over budget by about \$2,000.00. He called around to four other Towns and they all use the county and they all go over budget. He talked with Peckham to see if they still do striping. They sold their striping machine to Warren County and Warren County sold it, because they hire out. One other place he called said we don't have enough miles of roads to warrant them coming here to do it.

Councilman Prendergast asked how many miles do we do.

Paul replied straight miles it is 77 and road miles it is 24. He added that there are a lot more roads we should stripe for safety reasons.

Councilman Prendergast said he doesn't like to operate this way, but he didn't see any other option. He told Paul that in his opinion he needed to get it done, but asked Paul to report back to the board as he gets more information.

#### **RECREATION DEPARTMENT REQUESTS**

The recreation director submitted a purchase request/quote summary for a drywell, stabilizing plates, cover ring assembly, filter, fabric and #3 stone. The cost would be \$850.00 and the highway department will install it at no charge. The \$850.00 will come out A7140.4.

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A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing a drywell for the Rec. Park at a cost not to exceed \$850.00 out of A7140.4 with the highway department doing the installation at no charge.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked how much money is left in the account A7140.4 and Steve Gram replied \$80,292.00.

The recreation director submitted quotes for the purchase of a utility vehicle. He obtained three quotes as follows:

S. V. Moffitt	\$10,500.00
Satch Sales	\$ 8,595.00
Satch Sales	\$12,100.00 (new one)
Bob Cat of Saratoga	\$10,487.77 and \$16,123.50 with add ons

The recommendation is to purchase the utility vehicle from Satch Sales per their quote of \$8,595.00. It is a demo with a two year warranty.

Steve Gram stated the gator is on its last leg. It is a 1995.

Councilman Prendergast saw where the dealer was out of Menands and asked if we would have to take the utility vehicle down there for repair and Steve Gram replied they would come here.

Councilman Kusnierz asked Steve what he would use this for and Steve Gram said they would haul stone dust with it and do work on the fields. It has a dump body.

Councilman Cumm said we aren't doing anything with the options that are listed on that page are we and Steve replied no.

Councilman Prendergast asked if he got a price on a gator and Steve Gram said he was told to stay away from John Deere.

Councilman Kusnierz asked who told him to stay away from John Deere and Steve Gram replied the prior board and Councilman Kusnierz replied that this is a new board.

Steve Gram stated that these are comparable to John Deere, but they have aluminum frames and John Deere doesn't.

Councilman Kusnierz thought at budget time Steve Gram supplied the board with information on a Kubota and Steve Gram replied he provided information on four or five different machines. He asked Steve if they had any new or used in this price range and Steve replied, no they didn't have any. Councilman Kusnierz said new or used? Steve Gram replied new they did.

Councilman Kusnierz asked Steve Gram to get prices on a Kubota and a Gator and to check with Salem Farm Supply, Capital Tractor, Emricks and to get quotes on new and used.

Jeremy Tripp stated that the demo model is available for a limited time. It is a good price so if someone sees it, it will be gone. It has 50 hours on it and has never been registered and has a full warranty.

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This request was tabled pending the receipt of additional quotes.

**WATER DEPARTMENT REQUEST**

The water superintendent submitted a purchase request/quote summary for chlorine. He obtained the following quotes:

Leland Paper	\$21.21 per carboy
Slack Chemical	\$17.85 per carboy
Surpass Chemical	\$21.77 per carboy

This purchase will be made out of account II8330.4 and VI8330.4.

The recommendation is to purchase the chlorine from Slack Chemical per their quote.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of chlorine from Slack Chemical at a cost not to exceed #17.85 per carboy out of accounts II8330.4 and VI8330.4.

Roll call vote resulted as follows:

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

**C.T. MALE AGREEMENT REMEDIATION FORMER HIGHWAY GARAGE ON WILLIAM STREET**

Attorney Auffredou stated that he reviewed the C.T. Males and Sub-Contractors Proposals and he gave Liz Rovers from C.T. Male suggested language changes and she was 100% accommodating and those changes were incorporated into the Sub-Contractor's Contracts. C.T. Male is accepting all the risk and liability for anything the sub-contractors may do here. The Town is held completely harmless and indemnified and there is a clause in all the sub-contractors agreements to the affect that the sub-contractors have no privity to the Town and they recognize that they can raise no claim against the Town and they are waiving any rights they may have to filing a claim against the Town. He stated that he is comfortable with the way it is written now and the Town is well protected.

Supervisor Jenkins said the quoted price was \$15,658.78, but it could end up being \$18,469.70 depending on the determination of hazardous waste.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to enter into an agreement with C. T. Male for an amount not to exceed \$18,469.70 for remediation of the former Highway Garage site on William Street.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

### **LIGHTING – TANGLEWOOD/MERRITT**

Supervisor Jenkins stated that there has been ongoing discussions with the superintendent of Schools about the lighting of Tanglewood Drive and the school district does not have any funds for this purpose.

The estimated annual cost to light Tanglewood Drive is \$5,264.00 and the estimated annual cost to light the rest of Merritt Road with five lights from the high school to Feeder Dam Road would be \$1,146.76.

Supervisor Jenkins stated that if anyone drives down Feeder Dam Road at night they will see what a difference the street lights have made. It has increased public safety. The installation of street lights has commenced on Route 9. Tanglewood Drive is very dark and there are no shoulders and young people walk the roadway. There are funds from last year that we didn't use that we could re-appropriate for this purpose. He was in favor of lighting this area.

Councilman Kusnierz stated that historically the Town has paid for lighting of Town Facilities and parking areas and dangerous intersections, but asked if the Town has ever installed string lighting along a highway or only in developments. He thought it was typically lighting districts.

Supervisor Jenkins said almost a year ago they authorized the lighting of a portion of Route 9 and Tanglewood Drive. They aren't lighting districts. It is based on a public safety issue.

Attorney Auffredou said the board could do this if they chose too.

Councilman Prendergast stated that as long as there is parking allowed along Feeder Dam Road alongside the high school sporting fields then lights should be installed. He stated that at night after the games there are people all over the roadway down there. It is very dark there. If we don't want to install lights then we should ban parking from that area.

Councilman Kusnierz stated that he understood the public safety issue, but unless the people who live along Tanglewood Drive want the lights he would be hard pressed to install them. We should ask the people who will be directly impacted if they want the lights or not.

Supervisor Jenkins stated that they could eliminate the parking along Tanglewood Drive and they could park in the Tanglewood Elementary School parking lot.

Councilwoman LeClair said she was in favor of eliminating parking there.

Councilman Cumm said the problem with that is that parking is prohibited on Jan Avenue and people park along Jan Avenue all the time and it is posted no parking and unless we have an enforcement policy and somebody to enforce it, it isn't going to happen.

Attorney Auffredou advised that if the board decides to make a no parking area then the Town's Vehicle and Traffic Law would have to be amended by local law and that would require a public hearing.

Joe Patricke asked if they wanted to address lighting on Merritt Road from the high school to Feeder Dam Road with five street lights. A request has been made by one resident who lives across from the high school on the curve.

Supervisor Jenkins stated that the annual cost would be \$1,146.76.

Councilman Prendergast asked if the Merritt Road lights that are there now are ours or owned by a lighting district. The answer was the Town owns them.

Discussion followed.

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Councilman Kusnierz asked if they were going to ask the residents how they felt about this and Supervisor Jenkins said he didn't think there would be a problem in this area and we did receive one request for the street lights.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the installation of three luminaries and the replacement of two luminaries on Merritt Road between the high school and Feeder Dam Road at an annual cost of \$1,146.76.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the conversion of existing luminaries on poles #1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 on Merritt Road from Town & Country Style to Acorn Style at a cost not to exceed \$182.85.

Roll call vote resulted as follows:

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

### **PROCLAMATIONS**

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

WHEREAS, James (Jim) Boucher a long time resident of the Town of Moreau was born on October 23, 1940 in Fort Edward, New York, to the late Paul and Marion (Toole) Boucher and grew up with two brothers John and Paul, and

WHEREAS, on September 15, 1962 he married Marcia Oudekerk at St. Alphonsus Church in Glens Falls, New York and they spent the next 47 ½ years together as husband and wife and they raised three children Susan, Sandy and Jim until his untimely death on January 17, 2010, and

WHEREAS, Jim loved spending time with his wife, children and grandchildren and loved to travel and was a master at completing jigsaw puzzles, and

WHEREAS, another of Jim's passions was the fire service in which he devoted 50 years of his life as a firefighter where he held many ranks and offices, and

WHEREAS, between 1984 and 1990 he served as chief of the South Glens Falls Fire Department and was co-chair overseeing the construction of station #2 on Route 197 in the Town of Moreau and he was very proud of the building and he served on the new truck committee and was very knowledgeable about fire trucks, and

WHEREAS, he was also a salesman of fire equipment and fire trucks for many years and worked many years for Bell Herring of Newburg that later became MES and through this job he became very well known throughout the northeast, and

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WHEREAS, Jim was also a member of the Hudson Mohawk Association, a life member of the Hudson Valley Association and FASNY Association and he served on the Saratoga County Advisory Board for many years, and

WHEREAS, Jim's passing is not only a great loss to his family and friends, but a loss to the community, and

BE IT RESOLVED, that the Town Board of the Town of Moreau wishes to extend condolences to the family of James Boucher and honor his memory with this proclamation for his years of service to the community.

Roll call vote resulted as follows:

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

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

WHEREAS, for the 33rd 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 \$260,000 the amount raised in 2009 for a grand total over the years of over \$2.14 million, and

WHEREAS, over the past 32 years the funds raised by the marathon dance have been distributed to over 160 beneficiaries, and

WHEREAS, the recipients chosen to benefit from the proceeds raised by this year's dance are as follows; Ashley Kelly, Brayden Scott Ellis, Brooke Krywy, Christine Kobel, Crystal Akins, Dick Stewart Scholarship Fund, Faith Hazelton, Hannah's Hope, Invisible Children, Janet Evarts, Jessica Powers Chenier Family, Jimmy Sullivan, Joanna Mower, Jacob Shell, Moreau Community Center, Nicole Gaulin, Olivia Parker, Project Cameron's Story, Rachael O'Leary, Randy and Brooke Evans, Reese Faden, Sean Decker, Sue Gardner, Team Bulldog Cycling Cure for Diabetes, 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, this year's marathon dance is dedicated to the loving memory of Dick Stewart, a significant volunteer who has been loyal to the dance since day one, 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



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NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby proclaims March 5th and 6th "Dance Marathon Weekend" as a tribute to our community.

Roll call vote resulted as follows:

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

### **PLANNING/ZONING BOARD APPLICANTS**

Councilwoman LeClair stated that two applicants were interviewed for the position on the Town Planning Board and both were excellent candidates and it was difficult deciding which would serve as a regular member and which would serve as an alternate. They had a discussion with Joe Patricke and they would like the alternate to be at all meetings so if they need to vote on something they will be informed.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to appoint Chris Barden as a regular member of the Planning Board to fill the unexpired term of Jim Edwards and appoint David Paska as an alternate member of the Planning Board for a seven year term.

Councilman Kusnierz apologized for not attending the interview session last evening, but he was delayed leaving Long Island. He asked what qualifications Chris Barden brings to the table.

Supervisor Jenkins replied he is a West Point graduate, he has an environmental science degree, he is very articulate and he has been through our comprehensive plan and discussed what is in it and did quite a lot of preparation for the interview.

Councilman Prendergast also apologized for not attending the interview session last evening, it was his fault. He talked with Mr. Kubis by telephone again today and David Paska he has known for 20 plus years and he is familiar with Chris Barden.

Councilman Cumm disclosed that Chris Barden lives in his development and David Paska he has known for about 10 years.

Roll call vote resulted as follows:

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

Councilman Cumm stated that the Personnel Committee is recommending that Tracy Bovair be appointed as a regular member of the Zoning Board of Appeals and Richard Kubis be appointed an alternate member of the Zoning Board of Appeals.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to appoint Tracy Bovair as a regular member of the Zoning Board of Appeals for a five year term to commence 1/1/10 and appoint Richard Kubis as an alternate member of the Zoning Board of Appeals for a five year term commencing 1/1/10.

Councilman Kusnierz asked what makes Tracy Bovair the most qualified candidate.

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Councilman Cumm replied that both interviewed well and they want to volunteer and we should give them both the opportunity. He liked the answers that Richard Kubis gave. During the first interview with Mr. Kubis he was a little hesitant, but upon interviewing Mr. Kubis last night he found him to be well prepared. Mr. Kubis had read up on our zoning law on the internet and Tracy Bovair he was impressed with the second time around.

Councilman Kusnierz said he knows he is impressed, but what makes them qualified.

Councilman Cumm said there aren't any qualifications other than residents of the Town of Moreau.

Councilman Kusnierz said he sat in on the interviews too and he knows what each brought to the table for qualifications and he wondered what qualifications Councilman Cumm in his mind made them the best candidate.

Councilman Cumm said he liked them both and Councilman Kusnierz asked what he liked about them.

Councilman Prendergast stated that all the questions were the same for each candidate. Questions were asked such as, what problems they see in the Town and how they would give examples of how they might resolve those problems, have you ever done anything like this before.

Councilman Kusnierz asked if he would place both those individuals in the same category as someone who is an attorney and has experience in land use planning.

Councilman Prendergast replied they didn't ask them if they were an attorney. They asked them questions that would relate to any direct experience and try to get a feeling about how they feel about the Town and what they think is good and what needs to be worked on, general questions.

Supervisor Jenkins asked for a roll call.

Attorney Auffredou said that while it is important for the alternate for the Planning Board to sit in on all Planning Board Meetings it isn't as important for the alternate of the Zoning Board of Appeals to do the same on the Zoning Board of Appeals.

Councilman Cumm said the Zoning Board Chairman goes to Florida in the winter and another member hasn't attended a meeting since Feb. or March of 2009.

Attorney Auffredou asked if there would be a full complement with the alternate.

Joe Patricke said no, because the Chairman will be away.

Councilman Kusnierz asked for the motion to be re-read. The Town Clerk read the motion.

Councilman Kusnierz asked if Richard Kubis was a resident of the Village and the answer was no he lives in the Town.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

Councilman Kusnierz stated that while he respects both individuals they by far are not the most qualified candidates interviewed and in fact one of the individuals the Town Board has interviewed repeatedly, it is unfortunate for the residents of the community, is being discriminated against because of the individuals relationship to ~~mine~~ me and he has always abstained from any potential conflict of interest. It is unfortunate, because he thinks the residents of our community are losing out so he would be voting no.

**[Amended 2/25/10 jf]**

A regular meeting of the Town Board of the Town of Moreau was held on February 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz                      No

Councilman Prendergast said he wouldn't have anybody speak for him and stated that he hasn't discriminated against anybody. He has a right to vote and he discriminates against no one.

Supervisor Jenkins                      Yes

**SPRINGER WASTE PRE-PAYMENT**

There is a request for pre-payment on two vouchers. The first being for January 4<sup>th</sup>, 7<sup>th</sup> and 11<sup>th</sup> totaling \$1816.00 for pulls and the second voucher for an additional two on the 11<sup>th</sup>, 12<sup>th</sup>, 16<sup>th</sup> and one on the 18<sup>th</sup> for \$2145.53. Supervisor Jenkins asked for permission to pre-pay. Councilman Cumm stated that it's not a pre-pay. They're asking for payment of services that they didn't get a voucher in on time for. He also stated that two more bills came in today and that they need to be told that vouchers need to be in before the audit and on one bill. Supervisor Jenkins stated that Nancy Ryan would be contacting them and that as long as we have a voucher we can have more than one bill. That may be the way their billing works.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing payment to Springer Waste for a January bill.

Roll call resulted as follows:

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

**15 MINUTE PUBLIC COMMENT**

Reed Antis asked if truck nineteen was the truck that had a lot of repairs last summer. Paul Joseph replied "no", that was truck fourteen. He then asked, regarding a second subject, that even though the residents don't want it, shouldn't we have a public hearing to decide if the residents of the Town even want it? Supervisor Jenkins stated that makes sense. He thought we would notify the residents on Tanglewood Drive in writing as well as the press and schedule a workshop.

John Telisky asked the Supervisor if there is a policy regarding how long applications are kept on file. The Supervisor replied "yes". Mr. Telisky asked that if a position came open in the next month, would the Town re-advertise for the position or use the applications already on file. Supervisor Jenkins stated that we would canvas the public for the position and state in the ad that if they've previously applied they wouldn't need to again.

Adele Kurtz spoke next and stated that she had interviewed on a number of occasions for a zoning board vacancy. On the first occasion was with Mr. Cumm, Mr. Prendergast and Mr. Patricke. She stated that Mrs. LeClair was not present at this interview or at the second interview in January and wanted to know what she based her decision on. Councilwoman LeClair stated that she was there for her interview and even recalled what Ms. Kurtz was wearing. Ms. Kurtz again stated that Councilwoman LeClair wasn't there and told her to check the dates of September 30<sup>th</sup>, 2009 and January 5<sup>th</sup>, 2010. She stated it would have been appropriate for her to abstain from the vote since she wasn't there. Councilwoman LeClair thanked Ms. Kurtz for her opinion. Ms. Kurtz then asked Councilman Prendergast, that when he called her before the meeting and stated that he felt she was the most qualified but wouldn't have the votes from the board, how did he know there wouldn't be enough votes. He stated that he knew what the votes for the outdoor hydronic heaters were going to be as well. She thanked Mr. Prendergast for his comments and then went on to say that this is very unfortunate because she has a law degree in this area of expertise. Supervisor Jenkins stated that he didn't think that she was the most qualified based on an answer given during her interview.

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### **COMMITTEE REPORTS**

Councilwoman LeClair reported she and Steve Gram met with the Moreau Community Center today and they want to move forward with running a Bingo out of the Town's building on 197. They would like to get their license in but are waiting to hear from the Board to see if they'll allow them to operate Bingo at this location. Councilwoman LeClair stated that they needed to speak with Attorney Auffredou regarding rent or contracts that they must include in their license application. They've had a license in the past, so it doesn't look like it would take a long time for them to move forward and they are eager to move forward so they can start making some money to put towards their debt.

Supervisor Jenkins asked Joe Patricke to inspect the building at Route 197 for a bingo operation.

Attorney Auffredou stated that the Community Center should be encouraged to use Town property, but has a concern about the specific nature for the use and would have to look into this. It shouldn't take long to get this answer.

Elizabeth Lanfear addressed the Board and asked about Moreau Home School Association using the concession stand during soccer games. She understood the issue had been tabled and wondered if a decision had been made. Supervisor Jenkins stated that a decision had not been made yet and thought the subject should be tabled until the next meeting on February 25<sup>th</sup>. Councilman Kusnierz asked Ms. Lanfear to have representatives from the Home School Association present at that meeting.

Councilman Cumm asked for an update from Jesse Fish on the tank. Jesse stated that there were loose bolts and it's all set and ready to go.

Steve Gram was approached by Bob Vittengl stating that LaCrosse may be interested in using the park in the spring. Councilman Kusnierz asked what program and if it was through the school. Steve Gram said it was a youth program and Elizabeth Lanfear stated that it was an independent program run by Scott Comstock. Three grade groups (K-2), (3-4) and (5-8). She also stated that the Recreation Commission was in favor of this. Supervisor Jenkins thinks that we'd be in favor of any program that brings kids to the park.

Steve Gram also asked that the Town do something to honor Mike Nolan. He worked at the park for many years. He made suggestions of naming a program after him or naming a road within the park after him. Councilman Kusnierz suggested naming the basketball courts after him if they are improved. Supervisor Jenkins thought that would be a good idea and would also like to see the courts improved.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to name the Basketball Courts at the Harry J. Betar Recreation Park in honor of Michael Nolan who contributed an incredible amount to the kids of our community and who loved the sport of basketball.

Roll call resulted as follows:

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

Councilwoman LeClair and Steve Gram spoke with Nick from the School. They'll be having a health weekend with a walk on the Betar Byway on May 13, 14 & 15. They'll have bounce houses and health programs for parents to have blood pressure checked. They're looking for any ideas or support that we can give.

### **SUPERVISOR'S ITEMS**

A regular meeting of the Town Board of the Town of Moreau was held on February 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins had only one item and that was replacing the drop stairs in the Town Hall building. We have one price and he has liability insurance which is adequate, the only problem is that we're not named as an additional insured and his insurance company won't do it. The Supervisor spoke with our insurance agent and they would prefer to have the Town named as additional insured but we do have liability insurance ourselves. We're in a bigger danger with the stairs falling down on someone's head. People are using ladders to get up in there instead of the stairs. Attorney Auffredou asked if it would be only one person doing the work. The Supervisor said yes, he has no employees. He also gave us a price back in September of \$1420.00 and the price is still good. He would like to get these fixed if the funds are there, A1620.4.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the repair of the attic stairs by Andrew Sweet at a cost of \$1420.00.

Roll call resulted as follows:

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

Councilman Kusnierz stated that at the last meeting he was asked to draft some language regarding the carrying over of unused vacation time. He has a one sentence suggestion as follows: Each full time employee shall be entitled to carry over unused accrued vacation time annually of up to 10 work days not to exceed a maximum of 30 days accrued vacation. Councilman Kusnierz suggested that this be put in writing and placed in all Board members boxes so it can be discussed at the next regular Town Board meeting.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn to executive session at 10:00 p.m. to discuss the employment history/performance of a particular named employee.

Roll call resulted as follows:

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

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 11:00 p.m.

Roll call resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the regular meeting at 11:01 p.m.

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Roll call resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne M. Fleury  
Town Clerk