

A regular meeting of the Town Board of the Town of Moreau was held on January 12, 2010 in the Town of Moreau office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:06 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; Joe Patricke, Building Inspector/Code Enforcement Officer; Paul Joseph, Highway Superintendent; Nancy Ryan, Transfer Station Clerk; Martin D. Auffredou, Attorney for the Town; Town Residents: Reed Antis, Adele Kurtz, John Telisky; Nick Reisman, Post Star Reporter and Steve Gram, Recreation Director entered meeting at 7:15 p.m. (he was in attendance at a Recreation Commission Meeting held downstairs in Town Hall)

Supervisor Jenkins led the Pledge of Allegiance.

**MINUTES**

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

December 16, 2009 (2 Sets), December 22, 2009 (2 Sets), December 29, 2009 (3 Sets), January 4, 2010, January 5, 2010

**MINUTES – DECEMBER 16, 2009 – 6:30 P.M. SPECIAL TOWN BOARD MEETING RE: PROPOSED WATER DISTRICT 7 AND 8:00 P.M. SPECIAL TOWN BOARD MEETING RE: PROPOSED SEWER DISTRICT**

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve both sets of minutes dated December 16, 2009 as prepared.

Roll call vote resulted as follows:

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

**MINUTES – DECEMBER 22, 2009 – 6:45 P.M. PUBLIC HEARING RE: PROPOSED MOREAU EMERGENCY SQUAD CONTRACT FOR THE YEAR 2010 AND 7:00 P.M. REGULAR TOWN BOARD MEETING**

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No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve both sets of minutes dated December 22, 2009 as prepared.

Roll call vote resulted as follows:

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

**MINUTES – DECEMBER 29, 2009 – 4:30 P.M. MONTH-END TOWN BOARD MEETING AND 5:02 P.M. SPECIAL TOWN BOARD MEETING RE: ATTORNEY/CLIENT PRIVILEGED MATTERS AND 5:47 P.M. INTERVIEW CANDIDATES FOR DOG CONTROL OFFICER POSITION**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes from the Month-End Town Board Meeting held on December 29, 2009 at 4:30 p.m. as prepared and receive and file the minutes from the Special Meetings held at 5:02 p.m. re: Attorney/Client Privileged Matters and 5:47 p.m. to interview candidates for the Dog Control Officer position.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes except he Abstains on the portion of the minutes from the Month-End Town Board Meeting during the time frame of 4:30 p.m. to 4:46 p.m.
Councilman Cumm	Yes
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

**MINUTES – JANUARY 4, 2010 – ORGANIZATIONAL MEETING FOR YEAR 2010**

Correction: Page 7 – last motion on page for resolution #15 – the motion was made by Councilman Kusnierz not Councilman Cumm

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of January 2, 2010 as corrected.

Roll call vote resulted as follows:

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

**MINUTES – JANUARY 5, 2010 – SPECIAL TOWN BOARD MEETING TO INTERVIEW POTENTIAL CANDIDATES TO FILL THE VACANCY ON THE ZONING BOARD OF APPEALS**

No comments or corrections. Minutes were received and filed.

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**MEETINGS/WORKSHOPS SCHEDULED**

The monthly meeting to audit bills that is normally held one day during the last week of each month will not be held as a separate meeting any longer. The auditing of bills will now be agenda item #1 at the second regular Town Board Meeting each month.

Supervisor Jenkins noted that the second regular Town Board Meeting in February would occur on February 23<sup>rd</sup> and this was too early for Rudy and the staff downstairs and they would not be ready with the vouchers and the same for May when the second regular meeting would occur on May 25<sup>th</sup> so he suggested that the regular Town Board Meetings for those two months be held on February 25<sup>th</sup> and May 27<sup>th</sup> at 7:00 p.m. and the auditing of bills will be agenda item #1 for those meetings.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to change the second Regular Town Board Meeting in February to February 25<sup>th</sup> at 7:00 p.m. and the second regular Town Board Meeting in May to May 27<sup>th</sup> at 7:00 p.m. and for the audit of bills to be agenda item #1 at those meetings.

Roll call vote resulted as follows:

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

The Town Board Meeting with the Moreau Community Center scheduled for January 21<sup>st</sup> at 7:00 p.m. will be held in the Town's Building on Route 197.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm scheduling a public hearing for February 9<sup>th</sup> at 6:30 p.m. on Local Law No. 1 of 2010 regarding Outdoor Hydronic Heaters.

Councilman Kusnierz stated that he does not support scheduling a public hearing without having the local law document in final form first. He doesn't know what the public hearing will be on at this point. He doesn't know what changes will be made and he doesn't think he will be very far off the mark if none of the changes he recommended tonight were included.

Supervisor Jenkins asked Joe Patricke when the document would be finished and Joe replied tomorrow.

Supervisor Jenkins said the Board would have a copy of the final document in their mailboxes this week and it will be put on the Town's website.

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Adele Kurtz asked the Board if they were going to send out notices to people about the public hearing who expressed an interest and who have shown up at previous meetings on outdoor hydronic heaters.

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Supervisor Jenkins replied that they would be sending out notices to those who attended the meetings.

Adele Kurtz said that Councilman Cumm had suggested in the workshop about sending out notices to everybody in the Town and she asked if they would be doing that.

Supervisor Jenkins stated that they would send the notices to those who showed interest only.

Councilman Cumm said that the silent majority is out there.

Supervisor Jenkins said there will be a notice in the newspaper and it will be on the Town's website.

Councilman Cumm stated that it is not fair for us to send a public notice to only those who have the units and who showed up at a public meeting.

Supervisor Jenkins said we have a list of people who showed up who were against them also. He asked Councilman Cumm if he knew how much that would cost to send it to everybody and Councilman Cumm said he knew how much it would cost.

Supervisor Jenkins said it was a waste of taxpayer money.

Attorney Auffredou suggested putting a display ad in the newspaper along with the legal ad, because not every one reads the legal ads.

Councilman Kusnierz asked if they did this would they still send out a notice to those who attended in the past and Supervisor Jenkins said yes and added that not all of those people who attended previous meetings were against outdoor hydronic heaters.

No objections were raised to this suggestion from Attorney Auffredou.

Reed Antis asked if the fire hydrant on Tanglewood Drive was repaired and Supervisor Jenkins replied yes and there were a couple other hydrants repaired also.

### **HIGHWAY DEPARTMENT REQUESTS**

A request was received from the Highway Superintendent to purchase cutting edges with hardware out of account DB5130.492 for the Cat 938 Loader. Two quotes were obtained as follows:

Milton Cat	\$730.40
Adirondack Highway	\$746.50
Chemung Supply	No quote submitted

The Highway Superintendent recommends purchasing the cutting edges from Milton Cat.

Councilman Kusnierz asked why he didn't secure a third quote from another vendor.

Paul Joseph replied that none of the other companies his department does business with supply this item.

Councilman Kusnierz replied that we don't have to get quotes from just the companies we normally do business with.

Paul Joseph said that the cutting edges are kind of an odd ball cutting edge and they didn't want to quote.

Councilman Kusnierz said he understands that this particular company didn't want to quote.

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Paul Joseph said he called a fourth company for a quote and they said they would have to come and measure them and they have never done business with us so they didn't want to bother. The company was out of the Syracuse area and he couldn't recall the name.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of cutting edges with hardware for the Cat 938 Loader from Milton Cat at a cost not to exceed \$730.40.

Roll call vote resulted as follows:

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

Councilman Cumm referred to a monthly report from the Highway Department dated December 2009. Item #7 read that on December 18<sup>th</sup> they had to sand Burt Road north of Fedor Road. There was a vehicle fire after a vehicle collided with a cow. He asked Paul Joseph what was done.

Paul Joseph said he sent a crew out and sanded the road, because it had to be washed down.

Councilman Cumm asked what this cost us.

Paul Joseph didn't recall the amount, but thought it was quite substantial.

Councilman Cumm asked if there was any recourse to soft bill the owner of the cow for the services rendered by the Town. Can we file an insurance claim?

Attorney Auffredou replied that the question is what have we done historically and do we need a policy when it comes to something like this? The authority of the town to try to recover expenses is clear, but in order to do so the Board needs an established policy that is made in open session.

Councilman Cumm asked if we have been called out for this type of accident before and Paul replied no.

Councilman Kusnierz asked if what they were saying was that a policy should be established whereby a person who owns ~~real~~ property and it is in the middle of the road and causes an accident that person should be billed for clean up by our highway crew when people who do not live in our Town are involved in motor vehicle accidents all over Town and aren't billed. He asked Councilman Cumm where the logic was in this. **[Amended 1/26/10 jf]**

Councilman Cumm replied that his feeling is that the Moreau Emergency Squad soft bills the insurance companies for ambulance service so why can't we soft bill the insurance company for an accident like this. We are in hard economic times here and if there is negligence on the part of an owner of a piece of property or a cow or whatever the Town should do everything they can to recoup the money that is owed to the Town.

Councilman Kusnierz asked him if he thinks we should go after every motor vehicle accident in this Town.

Councilman Cumm said a lot of them we aren't involved in. He asked Paul Joseph how often we get involved in an automobile accident.

Paul Joseph replied that he had one with a tractor trailer at the corner of Washington and Jacobie road. He tried to get a hold of the insurance company and it ended up that the truck driver gave the wrong insurance information and he is still trying to get the information. It involved the replacement of stop

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signs and posts and manpower.

Supervisor Jenkins stated that it is something we could ask our insurance agent about and see how he would handle it, because he didn't want to get in a situation where every time we want to collect we have to go into litigation to get it.

Councilman Kusnierz stated he dare say that the property taxes the owner of that cow pays is more than what any Town Board Member paid on a residential home in the past ten years. He asked where is the fairness in that.

Councilman Cumm asked what his point was.

Councilman Kusnierz said the individual who owned the animal pays more than their fair share in taxes and for those taxes what services do they receive from the Town.

Councilman Cumm asked whose opinion was it that, that person is paying more than their fair share of taxes.

Councilman Kusnierz replied his and Councilman Cumm replied that the assessor may say differently.

Councilman Kusnierz said she does all the time and that is why we have tax certiorari cases.

Supervisor Jenkins said he would explore this with our insurance agent and our attorney. He said he didn't think it was a bad idea if the insurance company would pay us.

#### **WATER DEPARTMENT REQUESTS**

None

#### **RECREATION DEPARTMENT REQUESTS**

None

#### **TOWN COURT REQUEST**

Town Justice Jeffrey B. McCabe submitted a request to the Town Board asking for permission to attend a training class and testing to become a notary public along with Court Clerks Suzanne MacMore and Colleen Nichols. The training session and test will be held at the Adirondack Community College on March 24, 2010 from 1:00 to 4:30 p.m. and the cost is \$85.00 per person. The request cited that Court Clerk Lori Pike is the only notary public in Town Court and this training would not only help efficiency of the office, but alleviate the burden of just one employee being certified.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm granting permission for Town Justice McCabe and Court Clerks Colleen Nichols and Suzanne Mac More to attend a notary public training session and testing at Adirondack Community College on March 24, 2010 between the hours of 1:00 p.m. and 4:30 p.m. at a cost not to exceed \$85.00 per person.

Councilman Kusnierz asked why all three of them have to be a notary.

Supervisor Jenkins said right now only one is a notary and when that person is on vacation there isn't any available. There are at least two notaries in this building. It is a very convenient thing.

Councilman Kusnierz said he didn't disagree that it is convenient, but he just heard about hard economic times so why don't we stagger them and allow one to go each year. He is "trying to follow the bouncing ball here".

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

**BUILDING INSPECTOR/ASSISTANT BUILDING INSPECTOR REQUEST**

Joe Patricke requested permission to attend a training class for Building Inspectors in Lake Placid along with his assistant, Tom Mann.

Joe Patricke explained that he and his assistant Tom Mann are required to have 24 credit hours per year to maintain their certification. The Lake Placid certification course is more closely related to our Town. Last year Tom went to classes in Poughkeepsie and they taught things about high rise apartment buildings, elevators and all important things for Code Enforcement Officials, who deal with these things, but we don't. There isn't any training closer than Lake Placid and this is the least expensive training. He said they could coordinate with all the builders before they left. At that time of year it is minimal. They could coordinate inspections and they would only be two hours away so if there was an emergency they could come back.

Councilman Prendergast asked Joe what the other option was and Joe replied that Tom would have to go to training down state around Poughkeepsie or New York City.

Councilman Kusnierz said that there wouldn't be anybody in the Building Inspector's Office to do inspections for four days out of five.

Councilman Prendergast said he had a concern about that also. He wasn't comfortable not having staff in the office to supply service to the public.

Councilwoman LeClair asked Joe Patricke when he needed to register and Joe replied in about six weeks.

Councilman Prendergast asked if he could get these credits in New York City and Joe replied no, that training was for Zoning and Planning.

Joe Patricke asked if they could move on allowing him to attend at least.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Joe Patricke to attend a certification course for Building Inspector in Lake Placid at a cost not to exceed \$539.97.

Roll call vote resulted as follows:

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

Councilwoman LeClair asked Joe Patricke if they were holding Tom Mann back from doing the things he has to do by not attending this class.

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Joe Patricke replied no, Tom is certified in building inspection and code enforcement.

**ASSOCIATION OF TOWNS CONFERENCE**

Supervisor Jenkins said he was already approved in the Organizational Minutes to attend the Association of Towns Conference, but suggested a resolution authorizing any Town Board Member to attend who wants to attend.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing any Town Board Member to attend the Association of Towns Conference in New York City on February 14-17, 2010 and for any and all necessary expenses to be a proper Town charge.

Roll call vote resulted as follows:

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

Peggy Jenkins, Assessor; Joe Patricke, Building Inspector; and Paul Joseph, Highway Superintendent; also requested permission to attend the Association of Towns Conference.

Councilman Prendergast asked Peggy Jenkins if she would be reimbursed by the State of New York for her attendance.

Peggy Jenkins stated that there isn't any reimbursement anymore at least for the time being.

Councilman Kusnierz asked Peggy Jenkins if she would have coverage in her office while she was gone and Peggy replied yes.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing Peggy Jenkins, Joe Patricke and Paul Joseph to attend the Association of Towns Conference in New York City on February 14-17, 2010 and for any and all necessary expenses to be a proper Town charge.

Roll call vote resulted as follows:

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

**PROCLAMATION SENIOR LIFETIME AWARD**

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

WHEREAS, the Moreau Community Center nominated Bob & Doris Gardner, long-time residents of the Town of Moreau, for the Senior Lifetime Award and they were presented with this award at a Recognition Dinner held on October 14, 2009 hosted by the Capital District Senior Issues Forum, and

WHEREAS, Bob & Doris Gardner have been married for 61 years and raised two daughters and have four grandchildren and four great-grandchildren, and

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WHEREAS, Bob & Doris Gardner are members of the United Methodist Church of Hudson Falls and South Glens Falls where Bob was treasurer for 13 years, long-time choir member, member of the Men's Group and he computerized the church records and where Doris taught Sunday School, was a leader of the Youth Group, member of the Women's Group and Bereavement Committee Coordinator, and

WHEREAS, Bob & Doris Gardner have been involved in many volunteer activities including the delivery of "Home-Delivered Meals" for over twenty years, fundraisers for the food pantries and the proposed new Moreau Community Center and have volunteered in the Soup Kitchen and at the Moreau Community Center where Bob volunteers once a month putting together the newsletter and Doris volunteers in the Thrift Store and they even participated in a traffic study and circulated petitions door-to-door to attract a much needed grocery store in the community, and

WHEREAS, Doris also volunteers to prepare cancer dressings for the American Cancer Society, knits prayer shawls and sews quilts for distribution as needed and for 18 years served on the Office for the Aging Advisory Council, and

WHEREAS, in their personal lives Bob is a past member & Doris is a member of the Merry Mohicans Square Dance Club and bike club, are Yankee and ice hockey fans and have participated in Senior Trips, and

NOW, THEREFORE, BE IT RESOLVED, that Bob & Doris Gardner are genuine examples of selflessness, dependability, integrity and they are humble, sincere people who are willing to help those in need and who have shown great interest in their community, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau wishes to recognize Bob & Doris Gardner for their lifetime achievements and present them with this proclamation as an expression of gratitude for their many years of service to the community and fellow mankind and acknowledge that the Town Board of the Town of Moreau is proud to have them as a member of our community.

Roll call vote resulted as follows:

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

#### **LIGHTING GRANT RESOLUTION**

Supervisor Jenkins said this topic is to re-submit the grant application and asked the Town Clerk if this was correct.

The Town Clerk said she wasn't sure and thought the Board had already done this. The form she had before her at this meeting was to grant authority to sign legal documents to the Supervisor. She then read from the form. She stated that she got the form from downstairs and really didn't know much about it or what it was for.

Supervisor Jenkins thought they needed to authorize the Town Clerk to sign and submit a resolution the Board has acted on to authorize the grant.

The Town Clerk thought she already did this and recalled sending five copies of the resolution to the State.

Supervisor Jenkins wasn't sure then if we needed to submit this statement. He said it may be something

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the State said we need to submit so he suggested the Board adopt a resolution authorizing the Town Clerk to do that.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the Town Clerk to file the following resolution as Town Clerk for the Town of Moreau:

I, Jeanne Fleury, the duly elected and qualified secretary or the duly qualified and acting Clerk of the Town of Moreau corporation subject to the Not-for-Profit Corporation Law of New York State and qualified for tax exempt status under the federal internal revenue code or municipality, New York, do hereby certify that the following resolution was adopted at a meeting of the governing body held on January 12, 2010, and it is incorporated in the original minutes of said meeting or on file and of record, and that said resolution has not been altered amended or revoked and is in full force and effect:

RESOLVED, that Preston L. Jenkins, Jr., as Supervisor of the Town of Moreau of our organization or municipality, is hereby authorized to sign legal documents on behalf of our organization.

Roll call vote resulted as follows:

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

#### **STREET LIGHTING MERRITT & TANGLEWOOD**

Supervisor Jenkins stated that the proposal was to run street lights along Tanglewood Drive from Feeder Dam Road to Nolan Road. The reason for this lighting is that roadway is very dark, there is a tremendous number of students who walk alongside the road and there are no sidewalks. The Highway Department has tried to plow back off the edge of the roadway as best as possible, but there still isn't much room to walk. It is a major public safety issue. The School District has indicated that they will pay one half of the cost. The other request is to install six street lights on Merritt Road between Feeder Dam Road and the school. It is another stretch of roadway that is very dark. There isn't any walk way. He said if you travel down Feeder Dam Road you will see the new lights that have been installed and you can now see both sides of the road a good 300 to 400 yards. It was a great improvement. The estimated cost per year for the proposed lights on Tanglewood Drive are \$5,264.00 and Merritt Road would be \$1,146.76.

Attorney Auffredou said that one of the schools he is working with is doing a similar project and they are applying for funding under the "Safe Routes to School Act". The municipality can serve as the lead agency and get the funding through the State for the infrastructure improvements. He suggested the Supervisor reach out to Mr. McCarthy and see if this is something that might work for us. It is federal funding that is being disbursed through NYS DOT.

Joe Patricke asked Attorney Auffredou if that is where they are purchasing the hardware and Attorney Auffredou said yes.

Joe Patricke stated that the Town leases the street lights. If we buy them we have to maintain them.

Attorney Auffredou replied that may be different then. The project he was talking about they were buying the equipment. It still may be worth looking into.

Supervisor Jenkins stated that it is his understanding that the lights should be installed soon along Route 9 from Butler Road to Route 197 and Joe Patricke added that they should be installed in January.

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Joe Patricke also noted that the street light has been installed on Bluebird Road by the Moreau Industrial Park.

Supervisor Jenkins said he would see what he could find out about the "Safe Routes to School Act" and report back to the Town Board.

### **ANNUAL UPDATE DOCUMENT (AUD)**

Supervisor Jenkins said in 2008 we went out for quotes for 2008, 2009, 2010 to audit the Town's books and prepare the AUD. The quote for the audit was \$16,000.00 so we decided not to do the audit, because the benefit was hard to see. We have great internal control, the Town Board approves everything. At some point the State Comptroller will be in to look at our records. We also chose to audit the Town Courts' records ourselves. It wasn't much more than a bank reconciliation and written report. The AUD is more difficult. We don't have the staff to do it internally. The cost last year was \$2,520.00 to prepare the AUD and we actually got three quotes, but one of the problems we had was that the one quote we got they previously had done the AUD they did a spreadsheet analysis and a combination of certain accounts and quite a bit of that work Fran and I had to do this year, because the firm we awarded it to didn't do that. His question is do we want to stick with the quote for \$2,520.00 or do we want to go back out for quotes, because they didn't really do what we expected.

Councilman Kusnierz suggested the Board follow the 1995 procurement policy that has been updated throughout the years and go out for RFP's.

Councilman Prendergast asked if we go out for RFP's does that mean we are going to be more specific on what is going to be expected so we don't run into the same problem again.

Supervisor Jenkins said there are seven firms in the area and this is a relatively small job for them. He said they would be more specific in the RFP.

The Board Members agreed.

### **VACATION POLICY**

Supervisor Jenkins stated that after the Organizational Meeting we are all confused. He said we talked about how new employees don't have any vacation time during their first year of employment when in fact after six months of employment they all earn four personal days and one floater. What we tried to put together at the Organizational Meeting was something that actually would give them more than an employee who has been here two years. So we may have gone too far with it. Also, the decision we made reads that it applies to all employees. This means that all employees would earn their vacation as time goes on and it wouldn't just apply to new employees.

Councilman Prendergast stated that he didn't have a problem with the way it was before. That is what he is familiar with. The last three places he worked for including the Village the first year you worked there you didn't get vacation. The place he works now you have to be there a year before you get vacation.

Joe Patricke stated that one problem that occurred previously was that he had an employee in his department that was hired on December 16<sup>th</sup> and worked one year and then only had two weeks to take his vacation before the New Year.

Councilman Cumm said he wasn't aware until he spoke with the staff downstairs that an employee earned four personal days and one floater after six months of service so he would be agreeable to putting it back to the way it was.

Supervisor Jenkins asked for a motion to revert the policy back to the way it was.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to change the vacation policy back to the way it used to be, which is as follows:

Vacations: Full-time employees will earn vacation leave upon the completion of the employee's anniversary date of employment following:

1-5 years of service = 2 weeks vacation  
6-10 years of service = 3 weeks vacation  
11-19 years of service = 4 weeks vacation  
20 + years of service = 5 weeks vacation

Vacations: Full-time employees hired on or after 1/1/07 will earn vacation leave upon the completion of the employee's anniversary date of employment following:

1 – 5 years of service = 2 weeks vacation  
6 – 12 years of service = 3 weeks vacation  
13 and forward years of service = 4 weeks vacation

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that the part of our policy where employees either use or lose their vacation should be modified. In many other instances, even government, you can carry over up to a maximum amount of time. The State Legislature is 210 hours that equates to 30 days. The benefit is that employees don't take all the time off just so they don't lose it. If they could carry it over from year to year at a maximum rate not only would they more likely be here more often during the year rather than burning up their vacation time they would have a cushion to fall back on either for a catastrophic event or life altering event. Every year the Town would have to budget in the event that, that employee left service and had to be paid for the unused time.

Supervisor Jenkins said it might be "interesting", because there aren't too many people around here the month of December.

Councilman Kusnierz said you would also have a more uniform workforce throughout the year if they knew they wouldn't lose their time if they didn't use it.

Supervisor Jenkins asked if it would be limited.

Councilman Kusnierz said he would limit it.

Councilman Cumm asked if he was saying they could carry over one or two weeks.

Councilman Kusnierz said up to a maximum of 30 days. Just vacation only.

Supervisor Jenkins asked if he wanted to make that motion.

Councilwoman LeClair asked if they should check with Fran first.

Councilman Cumm and Councilman Prendergast cautioned not to jump into this.

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Supervisor Jenkins said it is only a matter of record keeping, what is the problem?

Councilman Prendergast said they messed up last month and jumped into the water before they really knew what they were doing.

Councilman Kusnierz said that they didn't really mess up. It just made significantly more work for those who track the time.

Councilman Prendergast stated that not knowing all the information is not going about it the right way.

Supervisor Jenkins said he didn't see it as a problem. Every pay period there is a sheet that tells how many vacation days everyone has. At the end of the year you are going to have the last sheet of the month and if somebody didn't use them and wants to carry them forward you just have another sheet and put the total on it.

Councilman Prendergast said it isn't only that. What if Joe Patricke wants to take all his vacation time at once? We don't have a lot of manpower in building and code enforcement. What if we have a busy year? He stated that he wasn't going to vote on it tonight.

Councilwoman LeClair said she would rather talk to Fran first.

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

Adele Kurtz asked if they advertised for the Planning Board position yet.

The Town Clerk replied yes.

Adele Kurtz asked if it would be put on the website.

The Town Clerk replied that she thought it was already on the website and would ask Terry to put it on.

Adele Kurtz asked who maintains the website and Supervisor Jenkins replied his confidential secretary.

Councilman Prendergast said he was at Moreau Lake State Park this morning and a gentleman that attends the meetings, it is Mr. Spoor, said the audio was great.

Adele Kurtz stated that the audio is great especially since the minutes aren't on the website until the next meeting. Is there any way there can be audios of the other meetings put on the website. She also stated that June Zoning Board Minutes that are the last set on the website. Also, there aren't any meeting minutes for Planning Board on the website not even 2009. The Conservation Committee has written minutes, but she wondered if they could be taped.

Supervisor Jenkins thought all the committees taped their meetings and the Town Clerk replied no just Planning and Zoning. She stated that Rec. couldn't, because she didn't want them carrying an \$800 recorder around the park.

Reed Antis said he attended the Planning Board Meetings and they approved minutes so he knows there are minutes done and up-to-date and he believed they were taped.

Adele Kurtz stated there aren't any Recreation Commission Meeting Minutes on the website at all.

The Town Clerk advised that as of last week they were. She stated that she would check to find out what happened to them.

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In regards to the cow/vehicle incident, Adele Kurtz stated that she heard Councilman Cumm say that there was a substantial cost to the Highway for cleanup of the road and she asked what substantial was. Her substantial might not be his.

Paul Joseph replied that he thought it was \$198.00 for the manpower, but not to quote him.

Adele Kurtz asked whose cow it was.

Councilman Cumm said he thinks he knows whose cow it was.

Councilman Kusnierz and Adele Kurtz both asked whose cow it was.

Councilman Cumm said he wouldn't say, because he wasn't sure.

Councilman Kusnierz stated it probably plays a role in the discussion.

Councilman Cumm replied no. It would have happened no matter whose cow it was. It is an issue that needs to be addressed.

Adele Kurtz asked if they were trying to make a policy whereby the Town would file a claim against her insurance company if for example her dog ran out into the road in the middle of winter and was hit by a car and the car caused an oil slick resulting in cleanup by the highway department.

Councilman Cumm stated in his opinion if there are unanticipated expenses in the Highway Department caused by negligence on a homeowner's part or loose dog or whatever and there is a possibility that we can recoup the money incurred for that expense then we should go after it. Just like the emergency squad charges for an ambulance call. They soft bill the insurance company and if they pay, they pay and if not so be it.

Councilman Kusnierz asked who is in charge of determining negligence.

Councilman Cumm stated that if a dog is running loose in the road he would say the owner of the dog would be responsible. First of all it is in a public right-of-way and second it is supposed to be leashed in the Town of Moreau.

Attorney Auffredou asked what the chances were of the Highway Department being called out in that instance.

Councilman Cumm said he didn't know. We had one instance of a cow in how many years? A lot of the accidents happen on State roads.

Attorney Auffredou said it is all the more reason why if you are going to venture into this area you need a well defined policy of when and under what circumstances you pursue reimbursement.

Supervisor Jenkins said our Fire Company responds to every single accident in this Town and a lot of that cost is paid for with Town funds and our Fire Company does not bill anybody for them to show up at the site. The State of New York in every accident where there is damage the tow truck that shows up is supposed to clean up the road by law.

Councilman Prendergast acknowledged this was correct. It is part of the Vehicle & Traffic Law.

Councilman Kusnierz stated that he knows the particulars of the situation, because he was there. Had the temperatures not been below freezing the highway department would not have been called out. The reason they were called out is because our Fire Company responded, because there was a van fire after impacting the heifer. The water froze immediately on the roadway. He also wanted to point out, because

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he is a farmer, each cow is an investment for that individual and they do everything in their power, he included, to insure the security of their investment. One way to do that is with excellent fencing that is maintained year-round. There is one thing a farmer can never protect against and that is nature. Coyotes come through the property down there and chase cows and horses. The instinct of any animal is to run away from the danger. We don't know the cow was out there due to negligence and he would doubt it was there because of negligence. He said it is ludicrous to go after taxpayers for \$198.00 who are good residents in this community, pay their taxes on time and support government.

Supervisor Jenkins stated this concluded the 15 minute comment period and he would like to move on.

### **COMMITTEE REPORTS**

Councilwoman LeClair reported that the Home School Association has requested permission to sell snacks on Saturdays during the soccer season in the Little League building. No soda.

Supervisor Jenkins suggested that Councilwoman LeClair copy the Town Board on this request and the Board would consider it.

Attorney Auffredou said his initial reaction is if we allowed this then who would be next.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins said we are preparing to send out RFP's for insurance. There are seven different companies that they planned to send an RFP to. The Board Members should have a copy of the list and if the Board wanted an RFP sent to any other company they are to let him know.

He stated that last time we hired someone to review the proposals and give a recommendation to the Town Board. It is a tremendous job in his opinion to review the proposals and make a decision on the right coverage.

He asked the Board if they wanted him to send out RFP's to find someone to review the proposals and make a recommendation. Saratoga County did this last year and saved \$80,000.00. The insurance market is still soft so it is a great time to go out for RFP's. Our insurance runs through August, but we should send out RFP's now so we have plenty of time to get the proposals in and reviewed so we can make the right decisions.

No objections were raised by the Board Members to RFP's going out.

Supervisor Jenkins reported that a young lady wants to do community service for a government class she is taking in college and is looking for a project. He suggested that she spend a couple hours with each department to see how government functions. If the Board Members have any other ideas they should let Supervisor Jenkins know.

The Town Clerk reported receiving a request from Michael Winsten for a reduction in speed limit on Burt Road between Route 197 and Clark Road from its current posting of 55 mph.

Discussion followed amongst the Board Members and Town Clerk on this request.

The Town Board did not authorize the Town Clerk to submit a request for a reduction.

Councilman Kusnierz advised Joe Patricke that about three or four meetings ago there was discussion involving litigation that the Town has had involving code violations and the Board agreed that the Building Inspector's monthly report should include a list of code violations and what the outcome was. It came to his attention that in the Town Code there are provisions under 74-14A and under 74-13 "Record

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Keeping” he is supposed to put together a report for the Town of a summary of all appeals and litigation pending before the Town. He asked Joe Patricke if he could include this as part of his monthly report.

Joe Patricke responded saying the Board already gets this information every month and they have since February 2009. His monthly report includes any complaints, all violations and their action on all of them. He told Councilman Kusnierz that he could do it different if he wanted him to.

Councilman Kusnierz said the reason he asks is that he didn't recall seeing the business on Route 9 that had problems on the report. That is why it came up for discussion.

Joe Patricke asked Councilman Kusnierz to go back and look at the reports and if it isn't there let him know, but he thinks this information is on the last page of every monthly report.

Councilman Kusnierz looked at his current monthly report and said he did see it there, but said this isn't something we have been doing right along is it?

Joe Patricke said it is since February 2009. He said he thought the Board asked him to start doing this at the beginning of last year so he started putting the information in his report.

Joe Patricke told Councilman Kusnierz that if he wanted any improvements or changes he should let him know.

Councilman Kusnierz replied no, it is fine. He just wanted to make sure they were compiling it annually.

Councilman Kusnierz asked Attorney Auffredou if the next topic had to be discussed in executive session or not and that was about a salaried individual who is earning overtime. It doesn't have to deal with performance.

Attorney Auffredou replied probably not.

Councilman Prendergast said there was more to it than that.

Attorney Auffredou said the language is “employment history or performance” that is how the Open Meetings Law defines the area in which they could go into executive session to discuss personnel or an unnamed particular employee.

Councilman Kusnierz said that when they get into the discussion in executive session and if they start to go outside the bounds of the executive session then Attorney Auffredou could let them know and they could go out of the executive session.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 8:32 p.m. to discuss employment history and/or performance of a particular unnamed employee(s) and a member of the Recreation Commission.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	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 Cumm and seconded by Councilwoman LeClair to adjourn the executive session at ~~9:34~~ **9:32** p.m. and re-open the regular meeting.

**[Amended 1/26/10 jf]**

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the regular meeting at ~~9:32~~ **9:34** p.m.

**[Amended 1/26/10 jf]**

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk