

A regular meeting of the Town Board of the Town of Moreau was held on July 26, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll.

Town Board Members Present

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; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Steve Gram, Recreation Director; Joe Patricke, Building Inspector/Code Enforcement Officer (entered meeting at 7:08 p.m.); Martin D. Auffredou, Attorney for the Town (entered meeting at 7:14 p.m.); David Taube, Post Star Reporter; Town Residents: Reed Antis, Adele Kurtz, Vince Sporrer, Brittany Creel, Matthew Stanton, Lauren Bovvego, Sandy Stanton; and Village Resident: Andre Delvaux

Supervisor Jenkins led the Pledge of Allegiance.

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

MINUTES

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

June 28th, July 12th, July 14th

MINUTES – JUNE 28, 2011 – REGULAR TOWN BOARD MEETING

No comments or corrections.

MINUTES – JULY 12, 2011 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of June 28th and July 12th as prepared.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes on the July 12 th minutes and Abstain on the June 28 th minutes
Councilman Cumm	Yes
Supervisor Jenkins	Yes

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MINUTES – JULY 14, 2011 – BID OPENING – CONTRACT #2 OF WATER DISTRICT 1 EXTENSION 2

No comments or corrections. Minutes of July 14th were received and filed.

FUTURE MEETINGS/WORKSHOPS

A meeting of the Town Board was scheduled for August 18th at 7:00 p.m. in Town Hall to receive a presentation on a preliminary design concept for the proposed municipal building complex.

A public hearing was scheduled for August 30th at 6:30 p.m. in Town Hall regarding a proposed “No Parking” local law on certain roads in the town. Two roads mentioned at this meeting were, Tanglewood Drive between Jerome Lane and Feeder Dam Road and a portion of North Road.

The Month-End Audit Meeting was scheduled for August 30th at 6:00 p.m. in Town Hall.

15 MINUTE PUBLIC COMMENT PERIOD

Brittany Creel was present to ask the board members if they had given anymore thought to amending the town’s dog law to add a “one bite rule”, as she requested at the last meeting of the board. Brittany Creel’s daughter was bitten by a dog recently.

Supervisor Jenkins stated that under the New York State Agriculture & Markets Law it is not just an issue of a dog bite, but how a dog is categorized. He has to ask the attorney for the town what position the town would be in with the judges and the NYS Agriculture & Markets law if the town adopted a “one bite rule”. He heard that 90% of dog bites the first time occur within the household and if this was the case then a “one bite rule” would apply in those instances also.

Councilman Kusnierz stated that there is a dangerous dog provision in the NYS Agriculture & Markets law that requires, in instances like the one Ms. Creel’s daughter was involved in, a legal proceeding to determine if a dog is dangerous or not and if a dog is deemed dangerous then there are requirements that a dog owner must fulfill if imposed upon them.

Brittany Creel recapped what she stated at the last meeting of the board as to the chain of events surrounding her daughter being bitten by a dog. She noted that she has called the dog control officer every week and he will not return her phone call.

Brittany Creel advised that tomorrow it will be 30 days since the court hearing and the owner of the dog that bit her daughter is supposed to have fulfilled all of the restrictions placed on the dog by the court system. She called the dog control officer to ask if he was following up on this, but he won’t return her call.

Councilman Prendergast stated that it is necessary to make sure the restrictions are complied with.

Councilman Kusnierz said that he was concerned that the dog control officer wasn’t calling Ms. Creel back and he didn’t know why he wasn’t calling her back.

Brittany Creel stated that when she did speak with the dog control officer and asked him if he was going to be at the court hearing he screamed at her and said he didn’t have to be there and that he didn’t have time and that he has a full-time job. He then hung up on her.

Supervisor Jenkins stated that he would speak with the dog control officer tomorrow.

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Brittany Creel advised that the day after the court hearing the owner of the dog started walking the dog past her house every day and the dog was not muzzled. He never walked the dog past her house before. In her opinion this was being done to deliberately taunt her.

Paul Joseph who lives on Feeder Dam Road said he could vouch for the fact that the dog is being walked past Ms. Creel's house.

Councilman Prendergast suggested that Ms. Creel call Judge Alden and alert him about this. He also said he would call Judge Alden tomorrow and let him know that she would be calling.

Councilman Kusnierz asked if there is any litigation involved and Brittany Creel replied yes. She has over \$10,000.00 in medical bills for her daughter. She stated that she cannot directly bill her homeowner's insurance or the dog's owner. It has to go through a lawsuit process. She added that her daughter had to have 36 stitches in her cheek and the cost for the plastic surgeon alone was \$7,400.00. Plus the follow up visits, medications, etc. She said thankfully her daughter didn't have to have rabies shots, but the dog didn't have his shots and her daughter's life has been in danger.

Supervisor Jenkins stated that he would follow through on this with the court system. He also said he would try to figure out something that can be done with the dog law that would work.

Councilman Kusnierz asked Supervisor Jenkins if he met with the dog control officer as he stated he would at the last meeting.

Supervisor Jenkins said that the dog control officer was in the building one day so he met with him. He told Councilman Kusnierz that if he wanted to meet with the dog control officer it could be arranged.

Councilman Kusnierz stated that he could call the dog control officer, he just wanted to know if the meeting took place or not.

Supervisor Jenkins thanked Brittany Creel for her comments.

Vince Sporrer asked about a company that he wondered if they would want to site in the town's industrial park. The name of the company was not audible on the recording of the meeting.

Supervisor Jenkins stated that the company didn't seem interested at this time.

HIGHWAY DEPARTMENT REQUESTS

Supervisor Jenkins stated that back in February, Paul Joseph the highway superintendent asked the board to consider moving Brian Huntley to the position of MEO for the highway department since he was doing most of the work of an MEO anyways. No action was taken at that time on his request. We currently have one MEO out of work so Paul Joseph was asking again to move Brian Huntley to the position of MEO. The funds are available in the budget for this.

Councilman Kusnierz asked Paul Joseph if this was discussed at budget time and Paul replied yes.

Councilman Kusnierz asked Paul Joseph if Brian Huntley had the seniority for this position per the union contract and Paul replied yes.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to move Brian Huntley to the position of MEO starting with the next pay period.

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Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

Portable toilets are needed for Moreau Fun Days. A quote was received from Stone Industries in the amount of \$200.00 for two portable toilets for two days. The cost is reimbursable through the county youth program grant money.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the supervisor to sign a rental agreement with Stone Industries for two portable toilets for two days for Moreau Fun Days at a cost of \$200.00 and subject to legal counsel's review and approval of the agreement.

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 Councilwoman LeClair authorizing the rental of a bounce around for the Moreau Fun Days at a cost of \$500.00 out of account A7550.4, for Friday and Saturday night and for the cost to be reimbursable under the county youth program grant money.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the rental of a tent from Nim's Outdoor Services (A/K/A Mike's Tents) at a cost of \$500.00 out of account A7550.4 for Moreau Fun Days and for the cost to be reimbursable under the county youth program grant money.

Roll call vote resulted as follows:

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

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A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing 8 to 12 soccer coaches for the Town of Moreau Youth Soccer Program through the Town of Moreau Recreation Department to attend a coaches clinic at ACC July 31st or August 4th on a voluntary basis and for the registration fee of \$20.00 per person 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

Steve Gram reported that the motor in the pizza machine in the concession stand needs replacing at a cost of \$359.00 plus shipping and handling. He wanted to know if the town should pay for it or softball.

After brief discussion about how the contract between softball and the town reads it was decided by the board members that the town should pay for the repair.

Councilman Kusnierz asked Steve Gram why he didn't present to the board quotes in writing.

Steve Gram said he just found out today about this and he informed Councilwoman LeClair about it.

Councilman Kusnierz reminded Steve Gram that there are five board members.

Supervisor Jenkins asked Steve Gram to get other quotes via the phone before ordering the motor and order from the vendor who submits the lowest price.

WATER DEPARTMENT REQUESTS

None

Councilman Prendergast asked if there was any news about the Village of South Glens Falls hooking up to the town's water system.

Jesse Fish replied no.

Jesse Fish then reported to the board that the pumps at the sewer plant in the industrial park had to be repaired. Rozell Industries did the work. Six of eight of the bolts on one of the flanges were rotted off and affluent was blowing out and back into the pit so the pump would continuously run. They corrected that and put in a new gasket. On the pumps there is a hook or clip that holds them against the standpipe and both are worn out so we are still getting some blow by and pumping some water twice. He is trying to get prices for these parts and then we will have to pull the pump out and change them on the pumps and spindles.

LIQUOR LICENSE APPLICATIONS – DANGO'S AND KC BUSINESS

Dango's, Inc. D/B/A Fitzgerald's Irish Sports Bar & Steakhouse located at 1393 Route 9 submitted a notice of their intent to apply through the New York State Liquor Authority for a liquor license alteration application to sell alcoholic beverages on a deck outside their restaurant.

KC Business, Inc. D/B/A Top Fuel Truck Stop 6 Market, Inc. located at 1311 route 9 submitted a notice of their intent to apply through the New York State Liquor Authority for a new liquor license to sell beer from the grocery store portion of the business.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing a waiver of the 30-day waiting period for Dango's, Inc. D/B/A Fitzgerald's Irish Sports Bar & Steakhouse to apply for a liquor license through the New York State Liquor Authority.

Roll call vote resulted as follows:

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

Reed Antis stated that KC Business has had two violations in the last few months for selling alcohol to underage people. He said it was in the newspaper.

As the result of this information the board members decided not to act on this application from KC Business, Inc. at this time.

APPRAISAL OF PROPERTY – 211-217 FORT EDWARD ROAD –FORMER DIEHL PROPERTY

Requests for Proposals (RFP's) were mailed out to appraisal firms requesting a price to do an appraisal on the property that the town purchased from the Diehl family located at 211-217 Fort Edward Road. Three quotes were received as follows:

Upstate Appraisal Services, Inc.	\$1,800.00
Empire State Appraisal Consultants, Inc.	\$3,900.00
Hafner Valuation Group, Inc.	\$2,000.00

Saratoga County awarded a grant to the Town of Moreau to help pay for a portion of the purchase price of this property. They are requiring an appraisal to determine if the property is worth what the town paid for it.

Supervisor Jenkins mentioned that a transfer of funds would be needed at some point in time to cover the cost of this appraisal since the money was in the contractual account and it should be in the equipment account.

Councilman Kusnierz stated that the transfer would be needed before the board authorized the acceptance of a quote.

Attorney Auffredou questioned why they had to transfer funds. He thought the cost of the appraisal could come out of the contractual portion of the account and Supervisor Jenkins concurred with this.

Attorney Auffredou asked why the appraisal would be based on a 59 lot subdivision without infrastructure vs. vacant land.

Peggy Jenkins, assessor, stated that she was told that the appraisal had to be based on the land usage prior to the purchase.

Attorney Auffredou stated that it was not a 59 lot subdivision at the time of purchase.

Councilman Kusnierz stated that he would assume that the appraisal would differ depending on the use of the land and Attorney Auffredou said he assumed it would be lower on vacant land.

Councilman Kusnierz wondered if the appraisal cost would be lower if it was based on a different land use.

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Attorney Auffredou said that he thought \$2,000.00 was a pretty good price and he didn't think they would get a lower price.

It was mentioned that there was a lower price and that was \$1,800.00 and the reply was that there was a conflict of interest with that appraisal firm regarding an Article 7.

Supervisor Jenkins again said that this appraisal is required by Saratoga County.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the proposal from Hafner Valuation Group, Inc. in the amount of \$2,000.00 to do an appraisal of the property owned by the town located at 211-217 Fort Edward Road and for it to be paid out of account HP7180.4.

Roll call vote resulted as follows:

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

CONSTRUCTION MANAGER HIGHWAY GARAGE BUILDING

Supervisor Jenkins reported receiving the following quotes for a construction manager for the new highway garage building:

Garry Robinson	\$80.00 per hour plus mileage
Jim Mitchell from Environmental Design Partnership	\$80.00 per hour plus mileage
Tim Burley from Burley & Guminiak	\$85.00 per hour plus mileage & lodging

It is estimated that a construction manager would be needed for ten hours per week for 30 weeks.

Councilman Kusnierz asked if a cap should be put on the total cost.

Supervisor Jenkins replied that 300 hours should cover it. He would recommend that Jim Mitchell's proposal be accepted since he is the one who designed the building. Burley & Guminiak would be more expensive since he would be traveling farther to get to the Town of Moreau. He also did not have a problem with Garry Robinson doing the job if that is what the board chooses.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to accept the proposal from Jim Mitchell of Environmental Design Partnership to be the construction manager for the new highway garage project at an hourly rate of \$80.00 per hour plus mileage for a total cost not to exceed \$24,000.00.

Roll call vote resulted as follows:

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

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15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis discussed with the board members the meeting that was held recently regarding cemetery rules and regulations and fees that he would like to see implemented. He stated that he would like to see the board make a decision before the end of the year.

Adele Kurtz asked what the town planned to use the tents for that they authorized the rental of at this meeting for Moreau Fun Days.

Councilwoman LeClair replied that last year under the tents there was face painting, the Audubon society had a booth, there were other booths with information for the public, there were food vendors, and it served as shade for the people attending Moreau Fun Days.

Adele Kurtz asked if there was a list of things that vendors could and could not sell at Moreau Fun Days.

Councilwoman LeClair explained that in the past they tried not to allow vendors for profit to compete with not-for-profits by duplicating the items they sold. She told Adele Kurtz that she could get information on this from Andrea at the Moreau Community Center.

Adele Kurtz discussed with the board members and Steve Gram, the recreation director, an e-mail she had sent Steve Gram about her husband and brother-in-law wanting to coach soccer and a request that her two children be allowed to play on the same soccer team.

Councilman Kusnierz stated for the record that Steve Gram contacted him on this and he told Steve Gram that he wouldn't be involved in this issue.

COMMITTEE REPORTS

Councilman Cumm reported that Lance Hillman had twelve new windows installed in his building that houses the Town Court.

Councilman Cumm thought the board should give some thought to what the town is going to do with the old highway garage on William Street to get it back on the tax rolls.

Councilwoman LeClair asked if the board could be given an inventory of all the items inside the old highway garage. There was discussion again about what to do with the old voting machines that are stored there.

Councilman Prendergast stated that he has given some thought to what the former supervisor, Harry Gutheil, said at the last meeting about chipping the brush at the transfer station with the chipper we purchased years ago. He agreed with Councilman Cumm's statement at that meeting that it is not safe for one person to operate the chipper alone. However, he invites anyone to go down and look at the pile of brush. It is an enormous pile and it is all intertwined and it has dirt and large pieces of wood mixed in. He said the bottom line is that we can't ever seem to get the job done ourselves.

Councilman Kusnierz also noted that the chipper was purchased through a grant and not through taxpayer's funds. He also thought that what Harry Gutheil was inferring to was, why can't we grind the brush as it comes in?

Supervisor Jenkins stated that he has received complaints about the condition of the restrooms at the beach and he asked Steve Gram to take care of this.

Councilman Kusnierz asked Steve Gram if he had prepared a report for the board yet about the vending machines in the rec. park and how much time is spent restocking the machines.

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Steve Gram replied that he is still working on it.

Councilman Kusnierz reported that a new business is opening on Main Street in the Village of South Glens Falls that is going to sell natural/whole foods and locally grown products. He wanted to welcome them to Moreau.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to adjourn the meeting at 8:20 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk