

A regular meeting of the Town Board of the Town of Moreau was held on July 27, 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
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

Gina LeClair	Councilwoman
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Also Present: Jeanne Fleury, Town Clerk; Joe Patricke, Building Inspector and Code Enforcement Officer; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Nancy Ryan, Transfer Station Clerk; Steve Gram, Recreation Director; Peggy Jenkins, Assessor entered meeting at 7:30 p.m.; Martin D. Auffredou, Attorney for the Town; David Linehan, Village Resident; Town Residents: Vince Sporrer, John Blanchard and Adele Kurtz who entered the meeting at 7:35 p.m.

Supervisor Jenkins led the Pledge of Allegiance.

MINUTES

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

July 13, 2010 - Town Board Informational Meeting re: Proposed Water District 1 Extension 2

July 13, 2010 – Regular Town Board Meeting

Approval of these minutes was tabled. Only two members of the Town Board were present who attended that meeting.

FUTURE MEETING/WORKSHOPS SCHEDULED

None

15 MINUTE PUBLIC COMMENT PERIOD

Dave Linehan from 14 New Street asked if in regards to the revaluation if the Town Board had considered Section 1904 of the Real Property Tax Law regarding “Transitional Assessments”.

Supervisor Jenkins replied no.

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Mr. Linehan asked if there was any agreement between the Village of South Glens Falls and the Town of Moreau as to the values.

Supervisor Jenkins replied that he didn't know if the Village was going to use the Town's values or not.

John Blanchard of 61 Potter Road asked for an update on the lawsuit between the Moreau Emergency Squad and the Town and if any court dates had been set.

Supervisor Jenkins advised that there was going to be an informal meeting tomorrow at 10:00 a.m. in Town Hall between himself, the attorneys and two members of the squad and Councilman Cumm. It was going to be a closed meeting.

Councilman Kusnierz asked when this was scheduled. He wanted to attend.

Supervisor Jenkins said he was welcome to attend and Attorney Auffredou advised that a third member of the board in attendance would then constitute a quorum.

Councilman Kusnierz recalled there being discussion in an ~~execution~~ **executive** session and he thought the board was in agreement on how to proceed. **[Amended 8/4/10 jf]**

Attorney Auffredou advised that this meeting was at the request of the Moreau Emergency Squad.

Supervisor Jenkins said they requested it and if we can somehow agree on enough issues then maybe we can wrap up the court case.

Councilman Kusnierz thought they were going to get together as a board without attorneys present and have a frank discussion and move on from there.

Attorney Auffredou stated that wasn't something the Moreau Emergency Squad was interested in doing.

Supervisor Jenkins advised that a letter was received from their attorney indicating that they wanted to meet with two board members, two members from their organization and each attorney.

Councilman Cumm offered to allow Councilman Kusnierz to attend in his place and Councilman Kusnierz said he would like to, but the legislature is going back into session and he has to work.

Attorney Auffredou advised that the court date is July 29th in Fulton County.

LOCAL LAW NO. 2 OF 2010

A public hearing on proposed Local Law No. 2 of 2010 was held this date at 6:30 p.m. and the public hearing was closed. The Town Board was now in the position to consider the adoption of Local Law No. 2 of 2010.

Supervisor Jenkins stated that with the effort put into this proposed mining law, the attempt to understand the mining industry and limit future growth in our community the best we can and maintain what rights we have in this Town, this law covers this. This law won't make everybody happy, but it will allow the mining industry to continue, while restricting new ones in the Town.

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Attorney Auffredou presented for completion by the Town Board Part II of a long form Environmental Assessment Form (EAF). This is a Type 1 action under SEQRA and since this is a town-wide issue he and Joe Patricke completed Part I for the board. Part I is a snap shot of the Town. He reminded the board that the long form EAF forms are designed for projects (construction or development projects) and they are not a great document to be reviewing for a local law, but it is all they have and the law says they have to go through it. The questions relate to the local law itself and not the development of any project or expansion of any mine.

Attorney Auffredou read questions 1 – 20 on pages 11 through 20 in Part II of the EAF and the board answered “no” to all the questions.

When they got to question 10 Councilman Kusnierz stated there is a section in the local law that is going to be repealed by this and there is a provision that has been eliminated in this proposed local law regarding excavation of farm ponds if they are approved by soil conservation, will this particular action in view of that have an impact on agriculture.

Attorney Auffredou said there is a provision in the proposed law that exempts agricultural activities and Councilman Kusnierz was aware of that and referred to Section 113-7 and read from same.

Councilman Kusnierz asked if it was going to be interpreted like farm ponds and Attorney Auffredou said that is how he interprets it and if a farm pond is needed for agricultural use and one needs to be excavated it will be allowed.

Following completion of SEQR the following action was taken:

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

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm declaring a negative declaration under SEQR.

Roll call vote resulted as follows:

Councilwoman LeClair	Absent
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 July 27, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

WHEREAS, the Town Board maintains that the regulation of the mining of sand, gravel and other natural material deposits as proposed in Local Law No. 2 of 2010 will promote the health, safety and general welfare of the residents of the Town of Moreau and will safeguard the aesthetic qualities of the Town; and

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering repealing and replacing Chapter 113 of the Town of Moreau Code which will prohibit the mining of sand, gravel and other natural material deposits in the Town with the exception of legally existing mining operations in the M -1, M -1A, and M -2 Zoning Districts; and

WHEREAS, through the repeal and replacement of Chapter 113, it is the purpose and intent of the Town Board to safeguard the aesthetic qualities of the Town and to promote the health, safety and general welfare of the residents of the Town of Moreau through the prohibition of the mining of sand, gravel and other natural material deposits; and

WHEREAS, the Chapter, as proposed, creates an exception for any mining legally in existence in the M -1, M -1A, and M -2 Zoning Districts at the time of enactment of Chapter 113 as such mining may be continued and may be expanded, extended or enlarged beyond the parameters of mining operations allowed by the New York State Department of Environmental Conservation mining permit for the facility upon obtaining a Mining Special Use Permit from the Town; and

WHEREAS, the Chapter, as proposed, provides a mechanism for owners and/or operators of existing mining operations in the M -1, M -1A, and M -2 Zoning Districts to obtain a Mining Special Use Permit from the Town upon review of the permit application and following a public hearing; and

WHEREAS, the Chapter, as proposed, provides for penalties upon violation of the Chapter; and

WHEREAS, the Chapter, as proposed, is consistent with the Town's Comprehensive Master Plan; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law and Section 264 of the Town Law, a public hearing on the proposed adoption of Local Law No. 2 of 2010 was duly advertised, noticed and thereafter conducted on July 27, 2010 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. 2 of 2010; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 2 of 2010 is in the best interests of the Town of Moreau and 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. 2 of 2010 annexed hereto; and

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BE IT FURTHER RESOLVED, that Local Law No. 2 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.

Councilman Kusnierz referred to Section 113-7, second line that reads as follow:

“person from removing topsoil, gravel or fill from one part of his lands to another part of the same premises”

He requested that the word “premises” be changed to “operation”

His reasoning for this change was that under our local law in an agricultural district if you are producing a commodity on one parcel you cannot relocate that commodity and sell it at a different location.

Attorney Auffredou didn't have a problem changing the word “premises” to read “premises or operations”.

Councilman Kusnierz was okay with this and no objections were raised from the other board members.

Councilman Prendergast said he would add this change to his motion.

Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT REQUESTS

A memo was received from Paul Joseph, Highway Superintendent, informing the board that C.T. Male quoted \$1,800.00 for the required survey and paper work to obtain easements for the Hatchery Road culvert project and that this cost was not included in the original quoted price from C.T. Male for the Hatchery Road culvert project.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the expenditure of \$1,800.00 for C.T. Male to do a survey and paper work necessary to obtain easements for the Hatchery Road culvert project.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes

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Councilwoman LeClair	Absent
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Councilman Kusnierz referred to the 4th paragraph in the memo from the highway superintendent that read "I am asking the board to act on the above matter in a timely manner to avoid anymore delay in addressing this road safety matter". He noted that the Town Board didn't delay on this matter at all. They were doing their due diligence from a financial aspect.

Paul Joseph replied that he understood. He was trying to get this done before school starts up again.

Paul Joseph reported that the gradall broke down again and he needed a roller for the main boom and he had to purchase this dealer item only part at a cost of \$589.43 on an emergency basis so his department could get their work finished. This purchase needs to be ratified with board approval.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase from Vantage Equipment of a roller for the main boom on the gradall at a cost of \$589.43.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

A request was received from Steve Gram, Recreation Director, for the purchase of 500 tons of crushed stone to finish the quad parking lot. The following quotes were obtained:

Peckham	\$6.20 per ton	\$3,100.00
Pompa Brothers	\$8.80 per ton	\$4,400.00
Callahan Industries	\$7.95 per ton	\$3,975.00
Jointa Galusha	\$8.75 per ton	\$4,375.00
Palette Stone	\$6.25 per ton	\$3,125.00

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of 500 tons of crushed stone from Peckham at a cost not to exceed \$3,100.00.

Roll call vote resulted as follows:

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

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Supervisor Jenkins reported receiving a thank you letter from South Glens Falls Girl's Softball thanking the staff at the Harry J. Betar Recreational Park for their hard work during their "Summer Sizzler".

Steve Gram stated the soccer program has always been for K through 6th graders and there have been some parents trying to sign up their children who are in Pre-K and he thinks there should be a policy, if there is going to be a change, maybe a cutoff date or age limit. He noted that the Supervisor suggested December as a cutoff date like the schools, but he would suggest September 1st, because they really should be age 5 by the start of the program.

Supervisor Jenkins stated he would prefer a fixed date, which is what the school uses to determine when a child can enter kindergarten and that is December 31st of the year they turn five. That ties it into something structurally there. This would change our policy whereby if a child turns five by December 31st and even if they don't go to kindergarten they would be eligible to play in our soccer program.

Councilman Kusnierz said he would offer a resolution and look for a second on the resolution that the soccer program be for school age children by December 31st through 6th grade.

The Town Clerk asked what age the child had to be and Councilman Kusnierz replied "of school age by December 31st".

Supervisor Jenkins added "age five by December 31st".

Councilman Prendergast seconded the motion.

Roll call vote resulted as follows:

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

Steve Gram reported a problem with four wheelers in the rec. park. DEC was down to the park this date and they want approval from the board to issue tickets in the park. They did issue two tickets outside the park. They want approval to arrest them as trespassers.

Councilman Kusnierz thought we hired security for the park and Steve Gram replied that they can't stop four wheelers. Some of them come through at 60 mph.

Councilman Prendergast asked if we posted the property and Steve Gram said that DEC suggested we make sure the property is posted.

Councilman Prendergast didn't have a problem with this. No audible response from the other board members.

Steve Gram also reported that parking of cars by the entrance to the park has become a safety hazard. There are "no parking, vehicles will be towed at owners' expense" signs have been erected and yet they park on both sides of the entrance. A state trooper did write a ticket this past weekend. There were so many cars parked along both sides of the roadway inside the park that he couldn't get through.

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Councilman Kusnierz asked Steve Gram if the police have jurisdiction inside the park and Steve Gram replied yes.

Supervisor Jenkins asked Steve Gram if he needed a resolution for this. No audible response from Steve Gram.

No objections were raised from the board members.

AGREEMENT – YOUTH SPORTS INSTITUTE CLASSES ACC

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign an agreement with Adirondack Community College (ACC) authorizing a maximum of fifty coaches of youth programs to attend the Youth Sports Institute at ACC August 17th and 18th at a cost of \$20.00 per person.

Roll call vote resulted as follows:

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

CONTRACT – LIGHTING – HARRY J BETAR JR. RECREATIONAL PARK

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign the lighting grant contract from the New York State Office of Parks and Recreation Historic Preservation for project PKS-04-SC-089 in the Harry J. Betar Jr. Recreational Park.

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign the construction contract with McBain Electric as the successful bidder for the lighting grant project in the Harry J. Betar Jr. Recreational Park at a cost not to exceed \$63,500.00.

Roll call vote resulted as follows:

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

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WATER DEPARTMENT REQUESTS

None

INCREASE APPROPRIATIONS

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the following increase in revenues and expenditures:

Increase in revenues by \$2,000.00 in A3089F3 – General Fund – SPAF Grant for a \$2,000.00 grant received from Saratoga County Arts Council and to increase revenues by \$475.00 in A2089 – General Fund – Other Culture & Recreation Income and \$475.00 received from individuals signing up for an art and photography seminar.

Increase expenditures by \$2,000.00 in A7989F.4 – General Fund – Other Culture & Recreation Grant – Contractual to offset expenses associated with the grant received from Saratoga County Arts Council for SPAF grant and to increase expenditures by \$475.00 in A7989.4 – General Fund – Other Culture & Recreation – Contractual to offset expenses associated with an art and photography seminar.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the following increase in appropriations:

Increase appropriations by \$1,500.00 in WP5182.4 – Woodscape Lighting District – Street Lighting – Contractual from fund balance to pay street lighting invoices from National Grid.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the following transfers:

Transfer \$3,400.00 from A1990.4 – General Fund – Garage – Engineering Fees into A5132.472.1 – General Fund – Garage – Building Repairs – Remediation – Contractual to pay vouchers for the William Street Highway Garage remediation.

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Roll call vote resulted as follows:

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

TRANSFER STATION – BRUSH FEES/GRINDING QUOTES

Supervisor Jenkins recapped the discussion on brush fees that took place at the last Town Board Meeting. The Village residents get brush picked up by the Village DPW and it is being deposited at our Transfer Station without charge and residents outside the Village who dump brush at the Transfer Station are being charged. At the last meeting two council people were absent so the board members that were present resolved to not charge for the depositing of brush at the Transfer Station until this meeting when it could be discussed again. Originally the arrangement with the Village was that it was going to be temporary, but it appears now that their previous dumping site is not going to be reopened so now we have an issue that we have to deal with. We need to be fair to all citizens. There is \$5,000.00 in the general fund for the grinding of brush.

Councilman Cumm reported receiving a quote from Galusha in the amount of \$3,200.00 to grind the brush at the Transfer Station.

He stated we also got a quote from A&B Mulch in which they proposed to do the same as last year and that is that they will grind the brush at no charge in exchange for some of the ground material assuming the Town highway department will truck it to their facility located at 148 Washburn Road. However, this year they are proposing to reduce the number of hours of grinding from 16 hours to 12 hours and they are asking for more ground material in exchange for the grinding service. Last year they took 2,000 yards of ground material and this year they want 4,500 yards.

Councilman Cumm stated that 4,500 yards of material is a lot and with four hours less grinding.

Supervisor Jenkins stated that the price from Galusha is \$3,200.00. We would have to truck the ground material ourselves, but we could truck it to our recreation park for storage and for our own use. He thought this sounded like a good deal from Galusha.

Supervisor Jenkins reported that in 2009 we collected \$2,720.00 in brush fees and this year through June we collected \$1,440.00 and we have \$5,000.00 in the budget. If we really feel that we could do this every year for \$5,000.00, which may not be true, then why are we charging? Our original problem was that people were bringing in mammoth truck loads of brush from lot clearing. The fairest way to all would be not to charge and if a big truck load comes in they would not be allowed in.

Councilman Kusnierz stated this would require strict enforcement and he asked Nancy Ryan if this would be a problem.

Nancy Ryan responded by saying that at a meeting of the Town Board in August 2002 the brush was brought up and it was supposed to be strictly storm damage. People tried to bring in more and they were turned away and they went to the board at that time and the board allowed them in.

Councilman Kusnierz asked again is it a problem for enforcement and Nancy Ryan replied no.

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Councilman Kusnierz stated that if the taxpayers are paying for it from the general fund then it doesn't matter if it is coming from the Village or Town Outside. We just need strict enforcement. Then he asked where do we draw the line?

Supervisor Jenkins stated that two small pickup truck loads with a tree cut up would be okay.

Councilman Cumm stated "no bigger than three inches".

Supervisor Jenkins stated that is what it is supposed to be. He stated that another issue mentioned was in regards to mobile home parks bringing in brush from their parks. Are we going to refuse them from dumping the brush at the Transfer Station?

Vince Sporrer stated that they are a business making money and should pay.

Councilman Kusnierz agreed that this is a different matter than individual residents bringing in brush.

Councilman Prendergast said that is what you are going to run into. You will also have people bringing in truck loads from across the Town line, because it is free. This is what we would be inviting back by not charging.

Supervisor Jenkins said the other option then is to figure out what to charge the Village.

Councilman Kusnierz asked how much the Village brings in.

Nancy Ryan stated it is noted on the receipts report attached to her monthly report that she copied the board on.

Jesse Fish asked what difference there is between a mobile home park bringing in brush and the Village picking it up and bringing it in for their residents.

Supervisor Jenkins stated he didn't see any difference.

Nancy Ryan stated that White Birch Estates tried to bring in a dump trailer full of brush one time and she told them it would cost \$300.00 and they left.

Councilman Kusnierz asked what the charge is now per cubic yard and Nancy Ryan replied \$15.00 per cubic yard.

Councilman Kusnierz stated they could charge the Village a rate per truck whether full or not.

Nancy Ryan stated they could chip it up and bring the chips in for free.

Supervisor Jenkins asked if someone wanted to make a motion to this effect.

Councilman Prendergast asked what we charge for a pickup truck full of brush right now and Nancy Ryan replied \$15.00 per cubic yard.

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Councilman Cumm stated a pickup truck is about one cubic yard and Nancy Ryan said if it is a six foot bed.

Supervisor Jenkins asked what the Village trucks average in brush that they bring in and Nancy Ryan replied six cubic yards and Supervisor Jenkins said that would equate to \$90.00.

Supervisor Jenkins asked if anyone wanted to make a motion to charge the Village \$90.00 per truck load.

Councilman Cumm stated that we could charge them \$90.00 a truck load or if they chip it up themselves they could dump the chips for free.

Councilman Kusnierz said we could just accept chips only from the Village and no brush.

A motion was made by Councilman Cumm to charge the Village of South Glens Falls \$90.00 a truck load or if they chip the brush they can deposit the chips for free at the Transfer Station.

Councilman Kusnierz stated that what he said was chips could be dumped for free and no brush at all from the Village.

Councilman Prendergast thought they should give them the option.

Councilman Kusnierz asked if anyone talked to the Village about this and maybe we could trade services with them. He suggested that the representatives on the Highway Committee talk to the Village to see if they could work something out with them.

Councilman Prendergast thought this would be a good idea, because the Village may not have budgeted anything for this.

Supervisor Jenkins asked the board members if they wanted to start charging fees for brush tomorrow.

Councilman Prendergast said yes, but the Village has to understand that if they don't want to grind then we will have to address this again.

Councilman Kusnierz was of the opinion that we shouldn't accept anything but chips from the Village until there is an agreement.

The rest of the board members agreed with this.

There was no second to the motion made by Councilman Cumm regarding the \$90.00 per truck.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to accept the proposal from Galusha to grind the brush at the Transfer Station at a cost not to exceed \$3,200.00.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes

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Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

Supervisor Jenkins asked again if we should start collecting fees for brush tomorrow from Town residents.

Councilman Prendergast replied, he thought so. If we don't then several months from now we will be addressing the same issues that caused this discussion in the first place.

Councilman Kusnierz added that so far that fee structure has been almost based exclusively on user fees. If you are a taxpayer and not bringing brush in you won't be paying for it.

GRANT'S COTTAGE FUNDING

Supervisor Jenkins recalled a presentation by Friend's of Grants Cottage about six weeks ago and their plea for financial support.

At a previous meeting Reed Antis stated that any funding from the Town could not be used for Grant's Cottage itself, but rather only for the other buildings on the property. Councilman Cumm looked into this and found that any funding received by Friend's of Grant's Cottage could be used anywhere on the premises if they get approval of New York State Office of Parks, Recreation and Historical Preservation and Mt. McGregor Correctional Facility who owns the land.

Supervisor Jenkins stated that Grant's Cottage is located in the Town of Moreau and it is facing some decay. A lot of volunteer work has been done on the site. It is of historical significance and it was his opinion that the Town of Moreau should help them. There is money in contingency that could be transferred to the historical account. There is also \$4,350.00 in the publicity account.

Councilman Cumm suggested we give them \$2,000.00 this year and have them come in at budget time and give the board another presentation and make a request for financial support for next year's budget.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to donate \$2,000.00 to Friend's of Grants Cottage from the publicity account A6410.4.

Roll call vote resulted as follows:

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

MINING PERMIT – WASHBURN FARMS

Councilman Kusnierz stated that there is a movement underway in the assembly and legislation has been introduced that if passed would give greater authority to municipalities to regulate mining at the local level.

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A motion was made by Councilman Kusnierz and seconded by Councilman Cumm authorizing the Town Clerk to issue a renewal mining permit to Washburn Farms for the period 7/1/10-6/30/11.

Roll call vote resulted as follows:

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

FARMLAND OPEN SPACE PRESERVATION PROGRAM RESOLUTION – WINCH PROPERTY

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

WHEREAS, Valerie and Philip Winch landowners in the town of Moreau, intend to participate in the Saratoga County Farmland and Open Space Preservation Program seeking to permanently preserve 80+/- acres of active farmland along Clark Road in the Town of Moreau; and

WHEREAS, the Town Board views the preservation of agriculture as vital to the quality of life and economy of the town as evidenced by the Town of Moreau Comprehensive Plan, Saratoga County Farmland Protection Plan, and Saratoga County Green Infrastructure Plan which recommends the use of conservation easements purchase of development rights as a tool to preserve agriculture and recognizes the importance of protecting farmland and open spaces; and

WHEREAS, the Town Board finds that the grant application is worthy and will provide funding to permanently preserve the Winch Farm for agricultural uses only; and

WHEREAS, the Town is an eligible applicant under the grant program and may hold and monitor the conservation easement, and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau fully supports this application and shall act as the applicant, holding a conservation easement consisting of the development rights of the Winch Farm, and shall periodically monitor conformance with the terms of the easement, and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to contract with Saratoga County and execute any documents necessary to accept and redistribute Farmland Protection funds, should the grant application be successful.

Roll call vote resulted as follows:

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

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MOREAU EMERGENCY SQUAD CONTRACT FOR AUGUST

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the Supervisor to sign the contract with the Moreau Emergency Squad for the month of August.

Roll call vote resulted as follows:

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

C.T. Male – REMEDIATION OF PROPERTY ON WILLIAM STREET – APPROVAL OF ADDITIONAL WORK AND ADDITIONAL FUNDS

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the payment of an additional \$3,400.00 to C.T. Male for the removal of a second drywell and associated contaminated soil from the old highway garage remediation site on William Street.

Roll call vote resulted as follows:

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

CAPITAL RESERVE FUNDS – TOWN BUILDINGS

Supervisor Jenkins stated there are two resolutions. One is for a municipal government office complex that would include a Town Court and Town Hall. The projected maximum cost is \$2.6 million. It is similar to the one passed previously with the exception that another “resolved” clause has been added that reads as follows: “BE IT FURTHER RESOLVED, that irrespective of whether a petition for permissive referendum is filed in accordance with the provisions of Article 7 of the New York State Town Law, the Town Board, pursuant to Section 94 of the New York State Town Law shall cause the matter of the creation of the Reserve Fund herein to be placed for approval before the voters of the Town at the upcoming election on November 2, 2010”.

Supervisor Jenkins stated the second resolution is for a new highway garage and is also similar to the resolution passed previously with the exception of the above clause having been added.

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

WHEREAS, the Town Board of the Town of Moreau (“Town Board”) is considering the establishment of a Capital Reserve Fund for the purposes of financing the construction of a new municipal government office complex in the Town of Moreau; and

WHEREAS, a Capital Reserve Fund for a specific capital improvement such as a municipal government office complex is authorized under Section 6-c of the General Municipal Law of the State of New York; and

WHEREAS, the Town Board has deliberated upon the establishment of such a reserve fund;

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NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law there is hereby established a Capital Reserve Fund to be known as the "Town of Moreau Municipal Government Office Complex Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate monies to finance the cost of a specific capital improvement - namely the construction of a new municipal government office complex for the Town of Moreau and all necessary buildings thereon and equipment and furnishings therein. The estimated maximum cost of the new municipal government office complex including necessary buildings, and equipment and furnishings therein is Two Million Six Hundred Thousand and 00/100 Dollars (\$2,600,000.00) and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to deposit and secure the monies of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor may invest the monies in the reserve fund in the manner provided in Section 11 of the General Municipal Law and consistent with the investment policy of the Town of Moreau. Any interest earned or capital gains realized on the monies so deposited or so invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the Reserve Fund, interest earned by the Reserve Fund, capital gains or losses resulting from the sale or investments of the Reserve Fund, the amount and date of each withdrawal from the Reserve Fund and the total assets of the Reserve Fund showing the cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund; and

BE IT FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law; and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Subdivision 4 of Section 6-c of the General Municipal Law; and

BE IT FURTHER RESOLVED, that irrespective of whether a petition for permissive referendum is filed in accordance with the provisions of Article 7 of the New York State Town Law, the Town Board, pursuant to Section 94 of the New York State Town Law shall cause the matter of the creation of the Reserve Fund herein to be placed for approval before the voters of the Town at the upcoming election on November 2, 2010.

Councilman Kusnierz asked if this is approved by the voters then roughly \$4 million will be taken from fund balance.

Supervisor Jenkins stated it would come out of a reserve fund.

Attorney Auffredou reminded Councilman Kusnierz that would be a separate resolution. These resolutions only establish the funds with a maximum cost and it does not transfer the funds. That can't be done until the funds are created and the creation of the funds is what will be before the voters. If the Town residents vote in favor of the creation of these accounts it is then up to the Town Board by resolution to transfer the funds into those accounts.

Councilman Kusnierz asked if when he reads "the Town Supervisor is hereby authorized and directed to deposit" that means after.

Attorney Auffredou stated this was correct. It is only after the "fund is funded".

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Councilman Kusnierz asked if the voters don't approve funding the fund then the fund is still created.

Attorney Auffredou replied no. If the voters don't approve funding the fund then it is status quo.

Supervisor Jenkins added that there wouldn't be any reserve. If the voters approve it then the Town Board will decide if they want to spend the money or not. He has done a lot of thinking about this since the last time the board went through this and he saw no reason why the people should have to do a permissive referendum. The board can do this and let the people vote on it in November and let the people speak.

Roll call vote resulted as follows:

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

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

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the establishment of a Capital Reserve Fund for the purposes of financing the construction of a new highway garage building in the Town of Moreau; and

WHEREAS, a Capital Reserve Fund for a specific capital improvement such as a highway garage building is authorized under Section 6-c of the General Municipal Law of the State of New York; and

WHEREAS, the Town Board has deliberated upon the establishment of such a reserve fund;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law there is hereby established a Capital Reserve Fund to be known as the "Town of Moreau Highway Building Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate monies to finance the cost of a specific capital improvement - namely the construction of a new highway garage building for the Town of Moreau and all necessary buildings thereon and equipment and furnishings therein. The estimated maximum cost of the new highway garage building including necessary buildings, and equipment and furnishings therein is One Million Four Hundred Thousand and 00/100 Dollars (\$1,400,000.00); and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to deposit and secure the monies of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor may invest the monies in the reserve fund in the manner provided in Section 11 of the General Municipal Law and consistent with the investment policy of the Town of Moreau. Any interest earned or capital gains realized on the monies so deposited or so invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the Reserve Fund, interest earned by the Reserve Fund, capital gains or losses resulting from the sale or investments of the Reserve Fund, the amount and date of each withdrawal from the Reserve Fund and the total assets of the Reserve Fund showing the cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund; and

BE IT FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of the Town Board and such

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additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law; and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Subdivision 4 of Section 6-c of the General Municipal Law; and

BE IT FURTHER RESOLVED, that irrespective of whether a petition for permissive referendum is filed in accordance with the provisions of Article 7 of the New York State Town Law, the Town Board, pursuant to Section 94 of the New York State Town Law shall cause the matter of the creation of the Reserve Fund herein to be placed for approval before the voters of the Town at the upcoming election on November 2, 2010.

Roll call vote resulted as follows:

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

DIEHL - LAND PURCHASE - SARATOGA COUNTY FUNDING APPLICATION

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

WHEREAS, the Town Board of the Town of Moreau ("Town") desires to submit an application for grant funds to the Saratoga County Farmland/Open Space Preservation Program, and

WHEREAS, the Town Board has reviewed the application materials, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is authorized to execute the grant application and thereafter file the grant application as appropriate.

Roll call vote resulted as follows:

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

Attorney Auffredou updated the board on the Diehl transaction. The abstract of back title can't be located and it may be necessary to obtain an abstract of title through an abstractor and if so he will get quotes and present them to the board.

15 MINUTE PUBLIC COMMENT PERIOD

Councilman Kusnierz asked Peggy Jenkins what a transitional assessment was. He advised her that this question was raised at the beginning of the meeting before she arrived.

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Peggy Jenkins stated she would have to research it and report back to the board.

Vince Sporrer asked if more information was going to be given to the public before the general election about the resolutions passed earlier for creation of capital reserve building funds and he asked where the \$2.6 million for the new building construction was going to come from. He also asked if the public votes it in will their taxes go up.

Supervisor Jenkins replied that he was going to try and present more information to the public that is statistical and unbiased. There is \$4 million in a capital reserve fund that can only be used for a capital reserve project. We have transferred money into another reserve fund to be used to maintain the closure of the landfill. He didn't foresee an increase in taxes. Not only is it not going to increase taxes, he foresees it cutting operating expenses. He didn't see any staffing increases, because of the new buildings. He stated we may be considering adding somebody at Town Hall now to support our clerical staff.

Supervisor Jenkins further stated that Hillman the owner of the building that houses Town Court notified the Town that as of August 1st the monthly rent was going to increase to \$2,900.00 a month, which is a 12.38% increase and as of January 1, 2011 it will go up another 3% to \$2,987.00 and another 3% each year after that. Also, an agreement was made some time ago that gives Mr. Hillman a tax break of about \$6,000.00 per year.

Vince Sporrer said if the estimates are way off then the taxes could be increased to support that fund.

Supervisor Jenkins stated he thought the estimates were a little high, but nothing is sure in this world.

Vince Sporrer asked how they arrived at the \$2.6 million figure and Supervisor Jenkins replied that it was based on square footage.

Vince Sporrer said he would like the new buildings to be energy efficient.

Vince Sporrer then asked about the lighting grant for the rec. park and recalled that it has been going on now for three years. He asked how the state can have money sitting in limbo for three years and not have money for education, health care or nursing homes.

Supervisor Jenkins said it is a commitment only.

Councilman Kusnierz said the money doesn't sit there. The Legislature and Governor give the authority to spend the money through an appropriation, but if the money isn't there it doesn't get spent. When the state passes the budget the money isn't sitting in a bank account. It is coming in quarterly from sales tax or annually depending on where it is coming from.

Mr. Blanchard asked what happens if the public votes down the creation of the capital reserve funds for the new buildings. He asked if the public is going to have the final word on it or is the board going to have the final word on it.

Supervisor Jenkins replied that the board won't push it forward. The board would then have to look at other solutions. Such as, renovating the current Town Hall to make it handicapped accessible and other repairs; try to acquire the parking lot across the street for a Town Hall Parking Lot. There are repairs to the court building that would have to be made. The current Town Hall has done its' duty. The Town Hall is in violation of the Town's own laws.

Councilman Cumm stated they could sell the building on William Street now that the property has been cleaned up.

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Adele Kurtz asked if there is a quarter of a million dollars in the recreation capital reserve project fund and Supervisor Jenkins replied yes. She then asked what the amount of the contract was for the land purchase from Diehl and Supervisor Jenkins replied \$133,000.00 with a total cost of \$150,000.00 including closing costs and abstract of title, etc.

Adele Kurtz stated the reason she asked this was because she thought it was a disservice to the public to not put it on the agenda and rather to approve the purchase at a month-end audit meeting when the public wasn't in attendance. It would go a long way towards public trust to put something like this on the agenda at a regular meeting in the future.

Supervisor Jenkins replied that the board was in a negotiation process with landowners that did not want the price revealed, because if the Town didn't buy it the landowner would have put it on the market for more money. It is 59 prime acres in an R-2 zone already approved for development.

Adele Kurtz asked what the difference was between approving it at a month-end meeting when the public wasn't in attendance or a regularly scheduled meeting when the contract price would have been disclosed anyway.

Supervisor Jenkins replied none. He compared it to the purchase of the building on Route 197 in 2005 to be used as a court facility. The first time it appeared in the minutes and the last time it appeared in the minutes was when the board went into executive session, came out of executive session and voted to purchase it. The building inspector hadn't seen the building, the judges hadn't seen the building and there weren't any members of the public at the meeting when the board came out of executive session.

Adele Kurtz said she wasn't in Town then.

Adele Kurtz asked for money to be budgeted for a master plan for the rec. park.

Adele Kurtz asked if the gradall that was repaired was the same one that we spent \$2,500.00 on to repair and the answer was yes.

Adele Kurtz asked if the appraisals done by GAR Associates on the two Main Street properties were done under the scope of litigation and Peggy Jenkins replied yes, there are two Article 7 cases on these properties.

Adele Kurtz asked if the litigation was the result of the revaluation and Peggy Jenkins replied no, it is prior litigation.

Mr. Blanchard asked where the money came from that is in the capital reserve account referred to in the resolutions for new buildings.

Supervisor Jenkins replied that it was from landfill operations, paper mill sludge brought into the landfill. He also stated that at that time the State of New York said the money cannot be used to reduce taxes, etc. The money had to be put into an account that was named Landfill Betterment Fund. It started out at about \$3.25 million and it increased to \$5 million with \$1 million being transferred to another reserve fund for any necessary repairs to the landfill cap and maintenance.

COMMITTEE REPORTS

None

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SUPERVISOR'S ITEMS

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the Supervisor to sign a contract with Young Explosives in the amount of \$4,000.00 for fireworks for Moreau Fun Days to be paid out of A7550.4.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported that on the agenda for the next meeting he will have the recommendation from the Water Committee regarding radio read water meters and a standardization policy.

Councilman Cumm stated that in for audit tomorrow is the voucher from Hillman for the monthly rent on the court building. He didn't sign the voucher and neither did Councilman Kusnierz. He asked how they were going to handle this.

Supervisor Jenkins stated that we don't have a lease and we are on a month-to-month rental. The real concern to him is that the first time we make a payment at the increased amount we are almost agreeing to a lease even though we don't have one in writing. Also, Hillman is asking for a five year commitment and if we leave at any time he is requiring us to pay six months worth of rent. He doesn't know if this is legally binding or not.

Attorney Auffredou suggested the board enter into an agreement that the board is comfortable with. The board doesn't want to get themselves into a situation whereby they are paying increased rent and locking themselves into a five year agreement and if you want to get out you have to pay six month's rent.

Councilman Kusnierz said he would be comfortable with the increase in the rent if Mr. Hillman agrees to a monthly basis with an option for a second year with an increase in rent.

Councilman Cumm said he would be okay with that if he was willing to abide by the former lease that said he would take care of external repairs. There are a lot of windows ready to fall out of the building.

Attorney Auffredou said it seems that a new lease is needed for this year with an option to renew with specified rent and specified improvements that need to be done with a time frame in which they will be accomplished and if there are any similar repairs that he will accomplish those as well.

Councilman Kusnierz said the problem is Mr. Hillman won't agree to a month-to-month lease and why should he.

Attorney Auffredou asked if there was anything wrong with agreeing to a year with an option to renew as long as he makes the repairs.

Councilman Kusnierz replied that he would only get an extra \$250.00 a month for a rent for a year and he is going to spend a lot more than that in repairs.

Supervisor Jenkins suggested the Buildings and Grounds Committee meet with Mr. Hillman and see what he will and won't do and what we will and won't do and go from there.

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Supervisor Jenkins stated that in the meantime there is a voucher in for audit for the rent and is there going to be enough signatures to pay it.

Councilman Kusnierz asked if the voucher included the increase in rent and Councilman Cumm replied yes.

Supervisor Jenkins said he didn't have a problem sending him the same amount we sent in June for now. Mr. Hillman may not be happy, but in the meantime the Buildings and Grounds Committee could schedule a meeting with him and hopefully resolve the issue.

Attorney Auffredou said they could do this.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn to executive session at 9:20 p.m. to discuss CSEA contract negotiations, litigation with Moreau Emergency Squad, discuss a unnamed employee who may want to meet with the board in the future, potential claim against an individual who illegally dumped five bags of garbage over the fence of the Transfer Station after hours and the employment history or performance of a particular unnamed employee(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 10:00 p.m.

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn the regular meeting at 10:01 p.m.

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk

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