

A regular meeting of the Town Board of the Town of Moreau was held on July 13, 2010 at the Town's Route 197 Building in the Town of Moreau, New York.

Supervisor Jenkins called the meeting to order at 8:10 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
Gina LeClair	Councilwoman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Todd Kusnierz	Councilman
Bob Prendergast	Councilman

**Also Present:** Jeanne Fleury, Town Clerk; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Joe Patricke, Building Inspector and Code Enforcement Officer; Steve Gram, Recreation Director; Martin Auffredou, Attorney for the Town; Michael Fogel, Attorney representing Cranesville; Tim Burley, Engineer for the Town; Faith Bouchard, Member of the Town of Moreau Historical Society; and the following Town Residents: Reed Antis, Vince Sporrer, Ed Tracy, Mike Shaver, George W. Reynolds

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone and asked that they put on mute or turn off all electronic communication devices.

**MINUTES**

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

June 22<sup>nd</sup> (2 Sets), June 28<sup>th</sup> and June 30<sup>th</sup>

**MINUTES – JUNE 22, 2010 – TOWN BOARD WORKSHOP - PROPOSED SAND, GRAVEL AND MINING LAW**

No comments or corrections

**MINUTES – JUNE 22, 2010 – REGULAR TOWN BOARD MEETING**

No comments or corrections

**MINUTES – JUNE 28, 2010 – BID OPENING – RECREATION FIELD LIGHTING**

No comments or corrections

**MINUTES – JUNE 30, 2010 – TOWN BOARD MONTH-END MEETING**

No comments or corrections

A regular meeting of the Town Board of the Town of Moreau was held on July 13, 2010 at the Town's Route 197 Building in the Town of Moreau, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of June 22<sup>nd</sup> (both sets) and June 30<sup>th</sup> as prepared and receive and file the minutes from the bid opening held on June 28<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

### **MEETINGS/WORKSHOPS SCHEDULED**

Supervisor Jenkins asked if they could schedule a public hearing regarding Water District 1 Extension 2 (item 17 on the agenda).

Attorney Auffredou said the board could do this, but they needed to declare the map, plan and report complete.

Councilman Cumm stated that there are some adjustments that need to be made to the map.

Attorney Auffredou replied that as long as the board generally identified the adjustments by saying something like "as identified by Mr. Patricke in his notes" it would be alright and the board could then declare the map, plan and report complete and schedule a public hearing.

Councilwoman LeClair asked what about the people on Sisson Road.

Supervisor Jenkins replied that they couldn't include Sisson Road (portion between Bluebird Road and Fort Edward Road), because then we would lose our funding. If there are funds left after the project is complete then we may be able to get the EFC to add it.

Councilwoman LeClair replied that isn't what Tim Burley told her.

Supervisor Jenkins said they should ask Tim Burley to come back into the meeting to confirm this.

While they were waiting for Tim Burley to re-join the meeting the board scheduled the July month-end meeting for July 28<sup>th</sup> at 4:30 p.m. in Town Hall.

Councilwoman LeClair also noted that the Recreation Commission would like to meet with the Town Board to discuss recreation fees, the Town Code regarding the recreation commission and a policy regarding the Pow Wow campers. The next meeting of the Recreation Commission is August 2<sup>nd</sup>.

Supervisor Jenkins suggested that the Recreation Commission come up with recommendations first and then meet with the Town Board.

Tim Burley re-entered the meeting.

Supervisor Jenkins asked Tim Burley what the situation was for the southeast side of Sisson Road.

Tim Burley stated he had an informal conversation with Councilwoman LeClair over this and he informally discussed this with Bill Gilday of NYS DOH and Paul Valente of the EFC. Unofficially Paul Valente didn't see a problem with this, but it has to be cleared by DOH. Bill Gilday from DOH needs more information before he commented on it.

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Supervisor Jenkins said this would create a delay in setting a public hearing, which would delay everything after that and Tim Burley said this was correct.

Supervisor Jenkins asked what impact it would have on the funding.

Tim Burley didn't have the answer to his question and said that he thought that was what Bill Gilday was trying to figure out. He wasn't sure if they would allow an amendment or not.

Tim Burley said his first thought, strategy wise, is for the board to do SEQR and include them and at the end clean it up.

Supervisor Jenkins asked again if the board could schedule a public hearing tonight.

Tim Burley also asked if the board could since there were going to be minor edits to the map, plan and report.

Attorney Auffredou replied they could. He said that if the board schedules a public hearing tonight that means the map, plan and report is ready to go and should be in the Town Clerk's Office tomorrow for public inspection. The Town Clerk has a map, plan and report for public inspection tomorrow. If the board notes for the record that in light of the public informational session this evening there may be some additional areas added subject to Tim's review and subject to discussions with DOH and as long as everybody has that understanding going forward we should be okay. There will be a public hearing notice going in the Post Star notifying the public of a public hearing for August 10<sup>th</sup> so the board has a couple of weeks to revise the map, plan and report.

Tim Burley said that the maximum project cost can't be changed and estimated cost per household unless it goes down.

Attorney Auffredou stated that if he was a property owner within the boundaries of the proposed district and as long as his costs weren't affected by the inclusion of the Sisson Road properties at some point down the road then he wouldn't have standing to challenge anything the Town Board is doing differently. He further stated that if the Town Board does decide to include the Sisson Road properties then the board has to provide them with the correct notification.

Councilwoman LeClair asked if they were okay to move forward on this tonight then.

Tim Burley stated he had some minor typographical changes to make that won't change the EDU's that were counted in.

Attorney Auffredou said that he presented the Town Board Members with a resolution to consider for adoption and he read same.

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

WHEREAS, the Town Board desires to establish Extension No. 2 of Water District No. 1 within the Town of Moreau for the purposes of providing municipal water to properties in the Town of Moreau generally located in the surrounding areas of Water District No. 1, including an extension along Fortsville Road, an extension from the English Village Housing Development along Spier Falls Road to Potter Road, and extensions along Route 32, from Reservoir Road to Bluebird Road and from Route 197 to Reservoir Road; and

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WHEREAS, Timothy Burley, P.E., of Burley-Guminiak & Associates, has prepared a Map, Plan and Report on Extension No. 2 of Water District No. 1 ("Map, Plan and Report"), which contains a detailed description of proposed Extension No. 2 of Water District No. 1, a description of the facilities within the water district, the estimated costs of the project and estimated user fees for the water consumers within the proposed extension to the water district; and

WHEREAS, the members of the Town Board have reviewed the Map, Plan and Report and have further determined that it is appropriate to schedule a public hearing on the formation of Extension No. 2 of Water District No. 1; and

WHEREAS, the Town Board finds that it is in the best interest of the Town of Moreau and especially those residents residing within the boundaries of proposed Extension No. 2 of Water District No. 1 to establish this extension of the water district;

NOW, THEREFORE, BE IT RESOLVED, that

1. The Supervisor is authorized to execute the Order and Notice of Public Hearing scheduling a public hearing on the formation of the proposed Extension No. 2 of Water District No. 1; and
2. A public hearing is scheduled for August 10, 2010 at 6:30 p.m.; and
3. The Town Clerk is authorized to publish the aforementioned Order and Notice of Public Hearing once in the Glens Falls Post Star Newspaper. Such publication shall occur not less than 10 days nor more than 20 days prior to the public hearing.
4. Timothy Burley, P.E. is authorized to make such modifications to the Map, Plan and Report as deemed necessary.
5. Timothy Burley, P.E. is examining the inclusion of certain parcels on Sisson Road in proposed District Extension and the parcels may be included in the District Extension provided the inclusion does not increase the estimated cost to the individual property owners within the proposed District Extension.

Roll call vote resulted as follows:

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

Councilman Cumm asked where this leaves Water District 1.

Attorney Auffredou said they aren't changing Water District 1, but as Town Attorney he was recommending that the Town Board consider consolidation of the water districts. This is unmanageable.

Attorney Auffredou asked where the public hearing was going to be held and the answer was Town Hall.

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**15 MINUTE PUBLIC COMMENT PERIOD**

No one wished to comment.

**FAITH BOUCHARD – PRESENTATION REGARDING IMPROVEMENTS TO THE PARKS BENTLEY HOUSE**

Faith Bouchard invited the Town Board to an open house on July 29<sup>th</sup> between the hours of 5:00 p.m. and 7:00 p.m. She explained some of the renovations/improvements such as; new roof, shelving, handicap ramp into the schoolhouse, new sign, new porch. There were some unforeseen additional expenses in relation to the foundation and the roof.

Reed Antis asked Ms. Bouchard how the cataloging was coming along.

Faith Bouchard replied that the downstairs is done and they are working on the library now.

Councilwoman LeClair told Ms. Bouchard that if she e-mailed the events scheduled for the Historical Society to her she would include them on the Town's Community Events calendar.

She thanked the board for their time.

**RECREATION DEPARTMENT REQUESTS**

On recommendation by Steve Gram, Recreation Director, a motion was made by Councilman Cumm and seconded by Councilwoman LeClair to hire Ed Tracy as laborer/security for the recreation park at \$8.50 per hour part-time, seasonal, as needed and subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for authorization to sign a contract with the contractor hired to install lighting in the recreation park.

Councilwoman LeClair said she voted against going ahead with this originally so she didn't want to vote yes tonight so the board had better wait until a full board was present.

Action on this was tabled.

Supervisor Jenkins read the following: Rebecca Auffredou was on duty as lifeguard at the Town Beach when she became aware of a person that was unconscious in the water. She cleared the way to the water while Lindsey Baker pulled the victim out of the water and Rebecca grabbed the oxygen mask and they both performed CPR on the victim until EMT's arrived and took over. The response from the lifeguards was tremendous and the emergency squad said they did an excellent job.

Supervisor Jenkins said he wanted to recognize what they did and the responsibility they have.

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### **HIGHWAY DEPARTMENT REQUESTS**

Highway Superintendent, Paul Joseph, submitted a memo to the board members advising them that he intends to advertise for tree and stump removal bids. There is \$12,000.00 allocated for this in account DB5110.457 that has a balance of \$12,000.00. He also submitted with his memo a copy of the bid specifications.

Councilman Cumm stated for the record that there are a lot more trees that need to be removed than \$12,000.00 will cover.

Supervisor Jenkins said they could discuss this at budget time.

Paul Joseph submitted a memo to the board members requesting permission to contract with Gorman Bros. for pavement reclamation of 1,550 feet on Old Bend/Dyke Road and 3,625 feet on Hatchery Road starting at Selfridge Road in the amount of \$71,750.00. This contract is under county contract #10-PWPR-28R and there is \$71,750.00 allocated for this in account DB5112.493.1.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the highway superintendent to contract with Gorman Bros. for pavement reclamation of 1,550 feet on Old Bend/Dyke Road and 3,625 feet on Hatchery Road starting at Selfridge Road in the amount of \$71,750.00 under county contract #10-PWPR-28R.

Roll call vote resulted as follows:

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

Paul Joseph received several complaints from residents living in the area of North Road/Hudson Drive regarding kids parking along side and in the road to go swimming in the river. At times, they are also blocking the fire hydrant in that area. The residents are requesting "No Parking" signs to be erected.

Joe Patricke noted that his office has received numerous complaints about this also.

Supervisor Jenkins asked Joe Patricke and Paul Joseph to come up with a proposed change to our local law to address this and bring it back to the Town Board and the board would then set a public hearing on the proposed change to the local law.

Joe Patricke replied that they could come up with a proposed change and present it at the next meeting.

### **CSEA NEGOTIATIONS**

Supervisor Jenkins stated that Councilman Cumm and Councilman Prendergast (the Highway Committee) could start the initial CSEA negotiation process with the highway department.

Attorney Auffredou stated that typically, in the past, a proposal has been drafted by the Town and presented at the first negotiation meeting.

Councilman Cumm stated that they could meet next Tuesday and said that he had hoped for a full board tonight so they could go into executive session to discuss this.

Supervisor Jenkins stated that the Highway Committee could hold their preliminary meeting and then at another meeting of the Town Board they could go into executive session to discuss negotiations.

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Attorney Auffredou stated that since the last negotiations were completed other communities have also completed their negotiations and he suggested that the board canvass these communities and gather information on wages, etc.

Supervisor Jenkins reported that a council member previously requested information on what the cost was to read water meters manually and the answer is \$1,104.76 a year, per information provided by Fran Thibodeau, Principle Account Clerk. The Town Board still has to decide if they want to go with the radio read water meters or not. He asked Jesse Fish when he needs to order meters and Jesse Fish replied that Schermerhorn said at one point that they needed them by the middle of May, but he hasn't heard from them since.

Supervisor Jenkins said he would call Jason Denno about the grant for water meters.

#### **WATER DEPARTMENT REQUEST(S)**

None

#### **TRANSFER STATION BRUSH**

Supervisor Jenkins stated that back in January or February it was agreed to let the Village DPW bring brush into the Transfer Station while their disposal site was shut down. There is \$5,000.00 in the Town budget to cover the cost to get rid of the brush at the Transfer Station. People who live in the Town outside the Village are being charged to bring brush into the Transfer Station and the brush from the Village is being picked up by DPW and being brought into the Transfer Station at no cost other than this \$5,000.00 in the budget that everyone is paying for through taxes. In 2009 we raised \$2,720.00 in fees and in 2010 through June we raised \$1,440.00 in fees. We have to find a way to treat all residents the same.

Councilman Cumm stated that A&B Mulch called today and they are supposed to fax a proposal. It was his opinion that we can't charge residents in the Town outside the Village and not charge the Village. Yesterday the Village DPW delivered two truckloads of brush and some weeks they deliver none and some weeks they deliver four or five loads.

Supervisor Jenkins stated that Mike Shaver talked to him about a tree he has to take down and Mike Shaver could end up with three truck loads that he will have to take to the Transfer Station and why does he have to pay when the Village isn't. By the same token if a person clears their lot then they should pay to dispose of the brush. The reason we started charging was because people who were doing development work were bringing in truck loads. He stated he didn't have a problem going back to not charging and if a person brings in what is obviously lot clearing then we charge that person vs. the person who takes down a tree and brings it to the Transfer Station, that person shouldn't be charged.

Joe Patricke stated that none of the developers in Town bring in brush to the Transfer Station. He makes sure that they take it off the site to a legal dumpsite.

Supervisor Jenkins replied that when he said "development work" he was talking about a person who clears a lot.

Councilman Cumm stated that we aren't getting wholesale clearing of lots. The mobile home parks were bringing in a lot and that has stopped.

Reed Antis asked if we could charge a fee to the Village for every truck load they bring in and they in turn could tax their residents.

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Supervisor Jenkins stated he thought the \$5,000.00 budgeted would cover the cost to get rid of the brush. Last year we got it ground for nothing. We only had to pay for the highway department labor and gasoline for the trucks to haul it away.

Councilman Cumm stated that when the day comes we don't have anyone to grind it at no cost then we are going to be in trouble.

Supervisor Jenkins stated that at that time we would have to decide if it is a service we want to continue to provide or not.

Councilman Cumm stated that he doesn't see why we can't charge the Village per truck load. If we do away with the fee then he was afraid that truck loads will start coming in again.

Mike Shaver asked if don't we have someone that is paid at the Transfer Station to monitor what comes in and Councilman Cumm said yes, Nancy Ryan. Mike Shaver said just tell her to say no then, what is so hard about that. There is a sign that reads so much per cubic yard. There were trucks going in there for free and they shouldn't have been from the beginning.

Councilman Cumm replied not anymore. The truck traffic has stopped since we started charging a fee except for the Village.

Mike Shaver said there should be a fee for everybody or no fee at all for everybody.

Mike Shaver asked how much it cost to get rid of the brush last year.

Councilman Cumm replied that A&B Mulch ground the brush at no cost in exchange for 2,000 yards of leaf matter and we had fuel cost and labor to haul it away. There is going to come a time when A&B Mulch won't do this any longer. Last year we asked for three quotes. Galusha said there wasn't enough there to bother with and the other person contacted didn't submit a quote.

Supervisor Jenkins said the highway staff is on the payroll anyway so we shouldn't calculate in the labor costs. We should only calculate the real costs.

Supervisor Jenkins stated that we should eliminate the fee for everybody and if major truck loads of brush come in we turn them away.

Councilman Cumm asked what about the Village.

Supervisor Jenkins asked why we want to tax the Village. The Village taxpayers already get taxed for things they shouldn't. He said they pay for part of Paul's salary, his salary, the board's salary, Steve's salary, expenses for this building here, the old highway garage, the current highway garage. They are all costs they incur and they also have their own buildings that they incur costs on. Why put another burden on Village taxpayers. We should use the \$5,000.00 and see how it turns out and turn away the big haulers.

Mike Shaver asked where the chipper is that was purchased with a grant a few years ago.

Councilman Cumm said the recreation department is using it, but it requires two people to run it for safety reasons. If we used it at the Transfer Station then we would have to put another person on to help run it.

Supervisor Jenkins stated that he wouldn't agree to charge the Village.

Councilwoman LeClair asked if they could set a limit on the size of a vehicle that can come in with brush.

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Supervisor Jenkins stated that if a person brings in two or three pickups full of stuff from their yard then he didn't have a problem with that. It is the major lot clearing that is a problem.

Vince Sporrer suggested allowing pickup trucks, but dump trucks should not be allowed in.

Joe Patricke stated again that the bulk haulers are what were giving us the problem and they were the mobile home parks. Lamplighter has 391 homes in the park and it would be just like the Village picking up.

Supervisor Jenkins said he didn't think they had an agreement amongst them tonight so this topic would have to be tabled until there was a full board present.

Mike Shaver asked if they were going to continue to allow the Village to haul brush to the Transfer Station for free in the meantime.

Supervisor Jenkins said yes apparently, because it takes three board members to agree and they didn't have that here tonight.

Councilwoman LeClair stated she would be okay with not charging.

Councilman Cumm stated he thought the Village should be charged.

Mike Shaver asked how many more loads the Village was going to be allowed to haul in until the board makes a decision. It isn't fair he said. It needs to be resolved tonight. It is pretty simple. Either everybody pays or nobody pays. It doesn't make sense to let someone keep doing something wrong.

Supervisor Jenkins stated that he didn't necessarily disagree, but he needed three votes and he didn't have three votes.

Supervisor Jenkins said they have the funds in the general fund to take care of the brush so they should eliminate the fee for any Town resident or Village resident and only be concerned if we get bulk truck loads.

Mike Shaver asked Attorney Auffredou if it takes three votes or a majority of the board.

Attorney Auffredou said there was a bare minimum of a majority of the board present so any action would require three votes.

Councilman Cumm asked if they could charge the Village until they did get a consensus.

Supervisor Jenkins asked him how much he would charge and Councilman Cumm said he didn't know.

Joe Patricke asked why they wouldn't drop the fee for everyone until there was a consensus.

Supervisor Jenkins said that would be more logical. Drop the fees for now until there is a consensus.

Councilman Cumm asked what would happen if Lamplighter comes in with a dump utility trailer full of brush that is the size of a tandem truck are we going to allow him in for free.

Joe Patricke replied he isn't clearing lots, if he is doing anything he is just maintaining lots where tree limbs have fallen down.

Councilman Cumm asked Councilwoman LeClair if she would be agreeable to allowing this for a couple of weeks until we get a consensus from the full board.

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Councilwoman LeClair replied yes, but there needs to be a statement passed out indicating this is a temporary thing. She didn't want the people to think it was going to be free permanently and then a month from now we decide to go back to charging.

Supervisor Jenkins asked for a resolution to waive the fees until the next meeting when this could be resolved.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair waiving the fee for brush disposal at the Transfer Station temporarily until the next meeting of the Town Board when this issue could be resolved.

Councilwoman LeClair stated they needed to get something to Nancy immediately to hand out.

Roll call vote resulted as follows:

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

#### **RAFFLE CONSENT – ST. MARY'S CHURCH**

A request was received from St. Mary's Church to sell raffle tickets in the Town of Moreau. St. Mary's Church is licensed to sell raffle tickets in the City of Glens Falls. General Municipal Law allows a municipality that is in a contiguous county from where the licensed organization is located to consent to raffle tickets being sold in their municipality.

The Town Clerk advised that she would send a copy of the Town's Peddling and Soliciting Law to St. Mary's if the Town Board approved the request.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Town Clerk to sign the consent form allowing St. Mary's Church to sell raffle tickets in the Town of Moreau.

Roll call vote resulted as follows:

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

#### **STANDARD WORK DAY AND REPORTING RESOLUTION – NYS RETIREMENT**

The New York State Comptroller enacted new regulations affecting many members of the New York State Retirement System. The new regulations pertain to standard work days and reporting requirements. Any appointed or elected official who was appointed or elected after August 2009 and who does not use a time and attendance system are subject to these new regulations. These officials must keep a log for a three month period within the first 150 days of their new term of office detailing work related activities and time worked. The Town Board must also adopt a standard work day resolution at the first meeting following the 180 days of the new term.

The appointed and/or elected officials who were affected by these new regulations filed logs and filed them with the Town Clerk and now at this meeting the Town Board passed the following resolution:

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

RESOLVED, that the Town of Moreau Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/End	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>ELECTED OFFICIALS</b>					
Supervisor	Preston L. Jenkins, Jr.	7	1/1/10-12/31/11	N	20
Town Clerk	Jeanne M. Fleury	7	1/1/10-12/31/11	N	20
Highway Superintendent	Paul Joseph	8	1/1/10-12/31/10	N	20
Town Justice	Timothy J. Alden	7	1/1/10-12/31/10	N	4.19
Councilman	Robert L. Prendergast	6	1/1/10-12/31/10	N	10.50

Supervisor Jenkins stated he wasn't sure how these numbers were arrived at when he knows how much recordkeeping was involved and what the actual numbers were.

The Town Clerk advised that NYS Retirement will only allow a maximum of 20 hours per month to be reported.

Roll call vote resulted as follows:

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

[Note: Councilman Kusnierz was not affected by this since he is already part of the NYS Retirement System and on a recordkeeping system through his full-time position with the State of New York.]

### **NAVIGATIONAL DREDGING RESOLUTION**

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

WHEREAS, the USEPA issued a Record of Decision (ROD) in February of 2002 which requires the General Electric Company to dredge PCB-contaminated sediments for a 40-mile stretch of the Hudson River; and

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WHEREAS, there is an identified need to dredge several areas of the Hudson River/Champlain Canal channel to a depth of 12-feet for navigational purposes within the aforementioned Hudson River remediation area which is beyond the scope of the PCB remediation action; and

WHEREAS, the removal of these materials in the navigation channel has, heretofore, been unable to be conducted due to PCB contamination within these sediments and its completion is imperative to the restoration of safe commercial and recreational boating on the Hudson River/Champlain Canal; and

WHEREAS, the NYS Canal Corporation does not have environmental dredging equipment and/or disposal sites available which will accommodate the removal of PCB contaminated sediments from certain portions of the Hudson River/Champlain Canal's navigational channel; and

NOW, THEREFORE IT BE RESOLVED, that the Town of Moreau recommends that it is appropriate and cost-effective to the citizens of New York State to address Hudson River/Champlain Canal navigational dredging needs which are identified in certain areas within the proposed federal PCB remediation action concurrently with said remediation action to assure the timely restoration of safe boat navigation on the upper Hudson River area, and

BE IT FURTHER RESOLVED, that this resolution be distributed to:

United States Senator Charles E. Schumer  
United States Senator Kirsten E. Gillibrand  
United States Congressman Scott Murphy  
New York State Governor David A. Paterson  
New York State Senator Elizabeth Little  
New York State Senator Roy J. McDonald  
New York State Assembly Member Tony Jordan  
New York State Assembly Member Steven Englebright  
New York State Department of Environmental Conservation Commissioner Alexander Grannis  
New York State Office of Parks, Recreation and Historic Preservation Commissioner Carol Ash  
New York State Department of Agriculture and Markets Commissioner Patrick Hooker  
United States Environmental Protection Agency Region 2 Administrator Judith Enck  
United States Environmental Protection Agency Hudson River Field Office Director David H. King  
New York State Canal Corporation Director Carmella R. Mantello

Roll call vote resulted as follows:

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

### **STORM WATER CONTROL FACILITY MAINTENANCE AGREEMENT**

Attorney Auffredou said he drafted the Storm Water Control Facility Maintenance Agreement before the board at this meeting and explained that the Storm Water Law adopted a couple of years ago references a Storm Water Control Facility Maintenance Agreement that property owners are supposed to enter into with the Town which permits them to meet certain maintenance requirements for their storm water control measures. It was modeled after a document he put together for a client of his with the Lake George Park Commission who administers storm water maintenance for the park. Joe Patricke and Garry Robinson reviewed the agreement and gave him some comments that he incorporated into the agreement

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and Garry and Joe are both ready for it to be put before the board. It is a form that the Supervisor would enter into with the facility owner/authorized representative of the facility owner each and every time there is an approved storm water control program typically with a subdivision. It is his recommendation that the Town Board approve it as to form only.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the Storm Water Control Facility Maintenance Agreement in form only.

Roll call vote resulted as follows:

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

### **MINING PERMITS**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Town Clerk to issue Town Mining Permits to Finch Paper, LLC, Lehigh Northeast Cement and D. A. Collins for the period of 7/1/10 through 6/30/11.

Councilman Cumm wanted to mention that Cranesville did not apply for a permit.

Joe Patricke advised that the Village of Fort Edward hasn't applied yet, but is planning on submitting an application and Washburn Farms has submitted an application and he will be doing an inspection and his application should be before the board at the next meeting for approval.

Roll call vote resulted as follows:

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

### **LANDFILL REPAIRS**

Supervisor Jenkins stated that the board was copied on Liz Rover's 2010 Landfill Post Closure Monitoring Report and inspection field report. Liz is looking for the board to authorize release of the report to DEC.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept and file the 2010 Landfill Post Closure Monitoring Report.

Roll call vote resulted as follows:

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

Supervisor Jenkins advised that a couple of gas vents are damaged and there is a little erosion. He would like to deal with the erosion and hold off repairing the gas vents until the mowing season is over. He asked if there was any objection to having Liz Rovers get prices to address the issue of the erosion and the

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board members present did not voice any objections to this. Supervisor Jenkins will bring the quotes back to the board.

### **AUTHORIZATION FOR SURVEY**

Supervisor Jenkins reported that this topic is related to the land acquisition by the Town of the Diehl Family Estate that abuts the Harry J. Betar Jr. Recreational Park. He advised that Bolster the surveyor who surveyed the property for Diehl a few years ago will update that survey for \$600.00 and the same surveyor could do a new complete survey for \$6,000.00 and another quote received for a new survey was in the amount of \$4,500.00.

Attorney Auffredou advised that Bolster & Associates also gave a quote of \$2,000.00 to do a topo survey, but Joe Patricke believes that one has already been done. He will discuss this with Bolster.

Attorney Auffredou suggested the board authorize the \$600.00. The title company needs an updated survey certified and with a piece of property this size the Town should have an updated survey.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing an updated survey to be done of the Diehl property that the Town is acquiring at a cost of \$600.00 by Bolster & Associates.

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

Attorney Auffredou got three quotes for title insurance for the Town for the Diehl property that the Town is acquiring as follows:

Glenwood Abstract	\$1,338.00
Bay Street Abstract	\$ 976.00
First American Title Insurance Company of New York	\$ 851.00

This is for the search work and fee policy premium. This is assuming that the attorney for the Diehl Family Estate is able to give us back title and that we don't have to do any abstracting work.

Attorney Auffredou noted that First American Title Insurance Company of New York provided the lowest quote and they are otherwise known as Community Title Agency and he wanted to disclose that he owns property with an LLC at One Washington Street LLC and First American Title Insurance Company of New York A/K/A Community Title Agency is a tenant of that LLC so they are within a building that he has ownership interest in as a tenant and some could say they have an affiliation with their law firm.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from First American Title Insurance Company of New York in the amount of \$851.00 to provide search work to update the title for the Deihl property that the Town is acquiring including a fee policy premium.

Roll call vote resulted as follows:

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

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### **GRANT'S COTTAGE FUNDING**

This item was on the agenda for the board to consider whether or not they wanted to approve the funding request from Friends of Grant's Cottage. However, Supervisor Jenkins didn't feel it was right to consider this request when only three board members were present. This topic will be on the agenda for another meeting.

Councilman Cumm stated for the record that he fully supports the request for funding since Grant's Cottage is in the Town of Moreau.

Supervisor Jenkins stated that he supports the request also.

### **WATER DISTRICT 1 EXTENSION 2 - RESOLUTION AND ORDER SETTING PUBLIC HEARING DATE**

This agenda topic was taken up at the beginning of the meeting.

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

Reed Antis noted that any money given to the Friends of Grant's Cottage can only be used for the buildings next to Grant's Cottage and cannot be used for Grant's Cottage itself. The State of New York is the only agency that can fund Grant's Cottage itself.

Reed Antis said he heard at meetings that Cranesville is not "playing ball" with the town in regards to their refusal to obtain a Town mining permit and he asked if there was anything the Town Board could do about this.

Supervisor Jenkins stated that Cranesville doesn't believe they are required to get a Town permit. There attorney is here tonight from Syracuse and getting a permit from the Town would be a lot less expensive than paying the attorney to come all the way from Syracuse to attend a Town Board meeting.

Reed Antis commented about how little it costs to manually read water meters and asked what the advantages are to go with auto read water meters.

Jesse Fish replied that with auto reading water meters they could tell at any point in time when a household was using water and the old water meters are slowing down and there could be a loss of revenue from the old meters.

Supervisor Jenkins stated that the EFC may require auto read water meters in the future. There is a grant application that the Town can apply for that could provide for 85% of the cost of the auto read water meters.

Jesse Fish advised that in the figures given about the cost to read meters Water District 1 was not taken into account, because he reads the meters in Water District 1 so there is no cost incurred in that district to read meters. However, there is a value to his time when he reads meters.

### **COMMITTEE REPORTS**

Councilwoman LeClair stated that the recreation commission wanted to know if the Town Board would consider a dress code policy for the recreation department. Apparently a complaint was received about a rec. employee mowing the grass in the rec. park without a shirt on. The recreation commission wanted to know if the employees can wear shorts or not and should they wear shirts.

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It was the consensus of the board members present that the recreation director has the authority to handle this and in that he should require employees to wear shirts. Shorts were okay with them.

She also reported that one of the commission members had a question about the storm water management plan in regards to the rec. park. Joe Patricke was asked to discuss this with the commission.

Danielle Bourdeau told Councilwoman LeClair that Girl's Softball would be willing to put fascia on the dugouts. They would provide all the material and labor. No objections were raised by those present.

Councilwoman LeClair asked if we could put Town of Moreau on the sign out front of the Route 197 building to let people know it is a Town building.

Supervisor Jenkins said he wanted to take a look at signage in the Town anyway. There are a lot of entry points into the Town where there isn't any signage letting people know that they are entering the Town of Moreau.

Councilman Cumm said there have been three no shows for pre-employment physicals at the Center for Occupational Therapy and one the Town was billed for. He asked if there was policy in place for no shows where the Town is billed.

Supervisor Jenkins said no.

Councilman Cumm thought there should be one and Supervisor Jenkins suggested that if we do put a policy in place then we need to have the person sign a document beforehand agreeing that if they don't show up for the pre-employment physical and the Town is charged then they are going to pay the bill.

It was agreed that a resolution was not needed to this effect and that this practice could be undertaken.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported that the rent on the Town court facility is being raised to \$2,900.00 a month as of 8/1/10, which is a 12.38% increase and beginning 1/1/11 the yearly rental cost is going to be \$36,912.00. Plus, the owner of the building gets a tax savings of about \$6,600.00 a year. He stated that this is a lot of money for that building. There is going to be an open house there so the public can go in and view the conditions of the building and see what we are paying rent for. The owner has also acknowledged that if the Town breaks the lease (we don't even have a lease) the Town is going to have to pay six months worth of rent.

Councilman Cumm added that we haven't received any cooperation from the owner as to maintenance. There are 27 windows that need replacing and three of them are ready to fall out. Justice McCabe is getting prices to replace the three windows. There is heating and air conditioning loss from the windows.

Ed Tracy stated that the electrical costs for the building are astronomical and the building has far out lasted its' usefulness. It is way past time for the Town to do something.

Supervisor Jenkins stated that two weeks from tonight he will be looking for the board to pass two resolutions establishing capital reserve project funds, one for a new highway garage and one for a new court building. The resolutions will be subject to permissive referendum and hopefully it will get on the ballot in November for the public to vote on.

Vince Sporrer asked if there are any other buildings the Town could lease for the court and the answer was no.

Supervisor Jenkins noted that once we move the court to another building there is going to be a whole set of rules and regulations that we will have to adhere to in regards to the building.

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Vince Sporrer asked what percentage of the building the Sheriff's Department uses and Ed Tracy replied that the Town Court uses the majority of the building, but we receive better police protection by allowing the Sheriff's Department to house their sub-station there.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 9:35 p.m. to discuss litigation with the Moreau Emergency Squad and the employment history and/or performance of a particular unnamed employee(s) or official(s) of the Town.

Roll call vote resulted as follows:

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

Steve Gram, Recreation Director and an unnamed citizen were invited into the executive session.

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 10:15 p.m. and adjourn the regular meeting at 10:15 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk