

A month-end meeting of the Town Board of the Town of Moreau was held on June 30, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

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

**Town Board Members Present**

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

**Town Board Members Absent**

Todd Kusnierz	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Rudy Klick, Special Projects Aide; Jesse Fish, Water Superintendent; Martin D. Auffredou, Attorney for the Town

Supervisor Jenkins started out by saying that the Board had a few other items of business to take care of besides approving vouchers for payment and all the Board Members were notified of these items.

The Town Board previously authorized Artran to perform maintenance on the compactor at the Transfer Station in the amount of \$226.00 and as it turned out additional work was needed and the total was \$597.40. Supervisor Jenkins asked for a motion to increase appropriations in account TS8160.4 in the additional amount of \$371.40.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to increase appropriations in account TS8160.4 in the amount of \$371.40 to cover the cost of the maintenance/repair to the compactor at the Transfer Station.

Roll call vote resulted as follows:

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

Two vouchers were in for audit from GAR Associates, Inc. One was in the amount of \$5,500.00 for an appraisal conducted on 110 Main Street and the other was in the amount of \$2,500.00 for an appraisal conducted on 112 Main Street. According to Supervisor Jenkins these appraisals was discussed in executive session. However, no formal action was taken by the Board authorizing this work to be done so the Board needs to ratify this at this meeting so the vouchers can be paid.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the payment of \$5,500.00 to GAR Associates for an appraisal done on 110 Main Street and \$2,500.00 for an appraisal done on 112 Main Street.

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Roll call vote resulted as follows:

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

A voucher was in for audit from Burley-Guminiak & Associates in the amount of \$760.00 and the explanation of services on the voucher was "new water meters". The actual description of services rendered were: meetings with the water and sewer committees, obtained quotes on water meters and evaluated the quotes and reported back to the water and sewer committees.

This expense will be allocated amongst Water Districts 2 through 6.

Councilman Prendergast stated that this information should be on the invoice and Supervisor Jenkins showed him the original voucher that did have an attachment to it now that explains the work that was done.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the payment of \$760.00 to Burley-Guminiak & Associates for services rendered.

Roll call vote resulted as follows:

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

The highway superintendent submitted a memo to the Town Board indicating that the gradall broke down during a job and dealer parts only had to be ordered on an emergency basis at a cost of approximately \$2,600.00. A backhoe was borrowed from the water department to use on the job until the parts were received and the gradall repaired. The Town Board needs to ratify this emergency purchase.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of parts for the highway department gradall from Vantage Equipment at a cost not to exceed \$2,600.00.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the payment of bills as audited.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Cumm	Yes

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Councilman Prendergast	Yes
Councilman Kusnierz	Absent
Supervisor Jenkins	Yes

**AUDITED CLAIMS**

General Fund – A Account:

Claim nos. 952, 954-956, 963-964, 966-967, 971-1025, 1128-1136, 1145-1158, 1161-1163	\$211,107.40
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Town Outside Fund – B Account:

Claim nos. 958, 1026-1050, 1137-1141	\$ 2,839.54
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Highway Fund – DB Account:

Claim nos. 1051-1067, 1072, 1084, 1142	\$ 12,739.66
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Sewer District I Fund – GI Account:

Claim nos. 961, 969, 1085	\$ 228.58
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Water District 6 Capital Project Fund – HS Account:

Claim nos. 959	\$ 10,000.00
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Water District 1 Fund – I Account:

Claim nos. 1086	\$ 30.00
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Water District 2 Fund – II Account:

Claim nos. 957, 960, 968, 1087-1096, 1143-1144, 1159, 1205	\$ 2,588.94
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Water District 4 Fund – IV Account:

Claim nos. 1100	\$ 30.00
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Solid Waste Reserve Fund – LF Account:

Claim nos. 1103-1104	\$ 885.05
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Water District 3 Fund – SW Account:

Claim nos. 1097-1099	\$ 188.94
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Trust & Agency Fund – TA Account:

Claim nos. 953, 1105, 1120-1123	\$ 8,381.61
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Transfer Station Fund – TS Account:

Claim nos. 965, 970, 1124-1127, 1206	\$ 9,165.40
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Water District 5 Fund – V Account:

Claim nos. 1101 \$ 30.00

Water District 6 Fund – VI Account:

Claim nos. 962, 1102, 1160 \$ 928.39

Voided #'s 1164-1204, 1068-1071, 1073-1083, 1106-1119

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SEQR Lead Agency status for proposed Water District 1 Extension 2 was discussed next.

Attorney Auffredou advised that Tim Burley thinks the best way to put forth the proposed water project was to call it Water District 1 Extension 2 rather than Water District 7, because of the areas included in the proposed water district boundaries including the Leonelli property and other properties that were going to be proposed as Water District 1 Extension 2. They are now going to be included in this “omnibus, large water district extension”. Therefore, anything the Town Board has referencing Water District 7 is going to be essentially Water District 1 Extension 2.

Councilman Cumm asked if this proposed extension has to be referred to the Saratoga County Planning Board and Attorney Auffredou replied no not unless an easement is needed for construction within a county right-of-way. It will have to be referred to NYS DOH for a water supply permit and NYS DEC for a supply permit and storm water.

Attorney Auffredou stated that the resolution before the Board tonight is the first step in a very lengthy process to establish SEQR lead agency. It is a type 1 action under SEQR, because of the funding through the DWSRF program. Otherwise, these are unlisted actions. It doesn't mean anything for purposes of SEQR other than with a type 1 action a long form EAF is required and the Town Board has completed a long form EAF all the time for district and district extension creations. To satisfy EFC/DWSRF requirements we are calling it a type 1 action. There isn't any other agency out there that could serve as lead agency in this matter. If the Town Board adopts the resolution tonight establishing lead agency status then Tim Burley will distribute the resolution and Part 1 of the EAF to NYS DOH and NYS DEC.

Attorney Auffredou stated that Tim Burley did an exceptional job on the map, plan and report, but he needs to revise the report to make it clear that the properties that were the subject of the Water District 1 Extension 2, which is out there and are going to be consumed in this program, are actually identified in the report. Right now they are not. This shouldn't stop the Board from acting on the lead agency status tonight. The Board isn't doing anything under SEQR tonight or deciding whether or not the water tower proposed for in the industrial park has any environmental impact. All the Town Board is doing tonight is declaring lead agency status for this project to get it started. There is a long way to go and a lot of work to do yet.

Councilman Cumm said there was talk about adding properties along Sisson Road between Bluebird Road and Fort Edward Road. Where do we stand with that?

Supervisor Jenkins said that is a long way off. We can't change the current plan.

Councilwoman LeClair spoke with Tim Burley about this and his initial response was we could, because no grant is involved only a loan. He is going to check with the agencies involved about this.

Supervisor Jenkins said it won't change until the EFC approves it in writing.

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Attorney Auffredou stated that assuming the Town Board adopts the resolution declaring lead agency status then the Town Board could hold an informational meeting on July 13<sup>th</sup> as per Tim Burley's time line. Depending on how the workshop goes and assuming the Town Board is comfortable with the map, plan and report he will have a resolution ready indicating that the map, plan and report is complete and the Town Board is scheduling a public hearing for the first meeting in August.

Tim Burley has on his time line for the Town Board to do an EAF under SEQR on July 27<sup>th</sup>, but Attorney Auffredou said his thinking was for the Town Board to do the EAF after the public hearing at the first meeting in August.

The Town Clerk asked if the Board wanted all property owners within the boundaries of the proposed district extension to be notified of the public informational meeting on July 13<sup>th</sup>.

Attorney Auffredou stated that historically the Town Board has invited people to these public informational type meetings.

Councilman Cumm asked if it would include the people on Sisson Road between Bluebird Road and Fort Edward Road and Supervisor Jenkins replied definitely and Attorney Auffredou said if the Board was going to have a discussion on including them then yes they should be notified.

Supervisor Jenkins asked if we needed to indentify all the property owners in existing Water District 1. They should be happy, because in the long run it is going to cut their fees.

Attorney Auffredou stated that all the affected property owners should be notified. It doesn't have to be by certified mail. It can be sent by regular mail or hand delivered.

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

WHEREAS, the Town of Moreau, hereinafter referred to as the "Town", is proposing to cause to be constructed a water distribution system to serve town residents, businesses, and institutions; and

WHEREAS, the Town of Moreau Town Board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated there under; and

WHEREAS, the involved agencies [as that term is defined in 6(A-2) NYCRR 617.2(t)] include the New York State Department of Health and the New York State Department of Environmental Conservation, and the required environmental review will be conducted concurrently by the Town of Moreau Town Board; and

WHEREAS, the Town of Moreau desires to serve and act as the lead agency for the purposes of SEQR; and

WHEREAS, to aid the Town of Moreau Town Board in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated June 21, 2010 has been prepared by the Town and a copy of which has been filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Moreau that:  
The Town Board makes the following findings and determinations with respect to the proposed project:

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The project constitutes an "**Type I Action**" as that term is defined in Section 6(A-2) NYCRR Section 617.2(kk) and 617.11;

The Town Board of Moreau desires to serve as lead agency for the purposes of SEQR.

The Town Clerk shall cause the New York State Department of Environmental Conservation and New York State Department of Health, as other "involved agencies" to be notified of this resolution.

This resolution shall take effect immediately.

Roll call vote resulted as follows:

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

It was the consensus of the Town Board to hold a public informational meeting on July 13<sup>th</sup> at 6:15 p.m. at the Town's Route 197 building re: Water District 1 proposed Extension 2.

Supervisor Jenkins stated that the other topic for discussion was relative to a real estate contract in which the Town of Moreau is a buyer and the seller is David Diehl is Trustee under the Trust under Article Third of the will of Charles A. Diehl and involves a 59.10 acres of land adjacent to our recreation park and runs ENE to Fort Edward Road where it splits out into two pieces of land. The Board has discussed this in executive session when they were going through the contractual negotiations. This purchase of land would be paid for with funds from the Recreation Capital Project Fund that is not subject to permissive referendum. He asked for a motion and second authorizing him to enter into this real estate contract.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the Supervisor to enter into a real estate contract between David Diehl, Trustee under the Trust under Article Third of the will of Charles A. Diehl and the Town of Moreau to purchase property known as 211 Fort Edward Road, designated as 50.-3-23 on the tax assessment rolls, at the purchase price of \$133,000.00.

Councilman Cumm asked Attorney Auffredou why there were so many "non-applicable" clauses in the contract.

Attorney Auffredou stated that this is a standard real estate contract that is approved by the local BAR Association for use in all real estate transactions. This is a vacant parcel. It makes it easier for the attorney on the other side to review it.

Councilman Prendergast said he was a little leery about acting on this at this meeting when the public hasn't been notified about this yet. He was totally in support of this land purchase and he was going to vote yes, but he thought the Board should put it on the agenda for a public meeting so the public is aware of this before the Board acts on it.

Supervisor Jenkins told Councilman Prendergast that he appreciates his concern, but he would like a motion and second and for the Board to vote on this. The money is coming out of funds received from developers to do improvements to the rec. park. There is a quarter of a million dollars in the fund and we have an opportunity to get substantial funds from the county for the acquisition of this park land.

Councilman Prendergast said he was aware that the funds were there and he could say that previous Boards have wanted to purchase land when it became available and circumstances were right and he was

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aware that this Board wants to do this, but the Board discussed this in executive session and they haven't come out in a public meeting where the public is present to discuss it and they should.

Supervisor Jenkins said as part of the negotiations the seller didn't want to reveal the price for many reasons and the Board agreed to name a trail or something significant in the park after Charlie Diehl who left this land to his five children.

Councilman Prendergast agreed it was a good idea and it is all for the right reasons, but something tells him that it isn't right for the Board to discuss it in executive session and now act on buying land without giving the public a chance to comment on it.

Attorney Auffredou said this is the Board's call. There isn't any legal requirement to do that.

Councilman Prendergast said it is a big step.

Supervisor Jenkins stated that it is something that is going to happen one way or another and as a Board they were ready to move on it.

Councilwoman LeClair asked Councilman Prendergast what he preferred they do.

Councilman Prendergast said to put it on an agenda.

Supervisor Jenkins said the primary reason it was brought up tonight was because there has to be an updated survey, title insurance preparation and we need a contract to file with the grant application.

Councilman Cumm asked when the grant application has to be filed and Supervisor Jenkins replied within the next two or three weeks.

Supervisor Jenkins asked for a vote on it.

The Town Clerk called the roll, which resulted as follows:

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

\* Councilman Prendergast stated this put him in a strange position by voting no, but he did support the purchase.

Attorney Auffredou stated that at the meeting on July 13<sup>th</sup> he would have price quotes on a survey and three proposals from title insurance companies and he would e-mail the information to the Town Board in advance so they could be prepared to act on this at the July 13<sup>th</sup> meeting.

Supervisor Jenkins brought up for discussion the lighting project bids. He stated that there were four bidders and only three are qualified and now Attorney Auffredou was questioning whether the low bidder out of the three had all the information they needed. He added that Joe Patricke called one reference.

Attorney Auffredou stated that Joe Patricke reported to him that Jim Mitchell made calls on references so we are missing something here tonight. The law is flexible enough whereby if the Board decides to go with this bidder then the Board should get confirmation from the Town's engineer that he has received the bidder's qualifications and that he called the references.

Supervisor Jenkins stated it is \$15,000.00 less than the next bidder.

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Attorney Auffredou stated that in this day and age the State Comptroller is not going to criticize the Board for passing resolution under this condition.

Councilman Cumm asked about JEC Electric.

Attorney Auffredou stated that they put in their bid document that they would provide a bid bond if they were awarded the bid.

Councilman Cumm said that isn't the way it is done and Attorney Auffredou replied no and Supervisor Jenkins stated that is why they aren't qualified.

Councilwoman LeClair stated that Terry was going to call about the grant.

Supervisor Jenkins stated they extended it to August 31<sup>st</sup>.

Attorney Auffredou asked if the Board received a recommendation from the Town's engineer and the answer was no. He suggested that a motion include that it is subject to the Town engineer's report on the qualifications of the successful bidder.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to award the bid for field lighting to J. McBain, Inc. in the amount of \$63,500.00 contingent upon receipt of a favorable report on reference checks from the Town's engineer.

Roll call vote resulted as follows:

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

Councilman Cumm asked Attorney Auffredou where they were at with the Decrescente Contract.

Attorney Auffredou received an e-mail from Terry earlier today advising him it had expired. The options are to try and renew it either on a long-term or short-term basis.

Supervisor Jenkins stated that was already approved at a meeting, but it was contingent upon them stocking the machines so he would like to know who was stocking the machines.

Attorney Auffredou said he would talk with Terry about this tomorrow.

Supervisor Jenkins stated that we need to find out from Steve if DeCrescente is filling the machines, because that is what the Board voted on.

Councilwoman LeClair reported that she put a copy of the draft contract with the State on the riverfront plan and the work order in the Town Board's mailboxes. She asked that the Board Members review it and give her their comments and perhaps they could discuss it at the next meeting. She can get the keys to the gate from Behan Communications if any board member wanted to walk the property with her. There is about one mile to one and a half miles of river frontages.

Councilman Cumm reported that he spoke with Justice Jeff McCabe about the windows at the court building and he is getting prices on windows. He read in the last lease we had on the building that the landlord was responsible for maintenance of the building's roof, exterior or supporting walls, foundation and any in-ground storage tanks.



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Supervisor Jenkins said that lease has lapsed and Councilman Cumm replied he realized that, but he wondered if there was a legal way to get the landlord to replace the windows.

Supervisor Jenkins stated that the landlord made verbal statements to him the last time he raised the rent that he would not do any maintenance.

Councilman Cumm stated we haven't had a lease since 1997 and Supervisor Jenkins said that was because he wanted a long-term lease and we weren't prepared to sign a long-term lease.

Supervisor Jenkins stated that in regards to committee meetings that are normally comprised of two Board Members, if the committee members want to post the meeting then they should notify the Town Clerk and she could put it on the calendar. He didn't want to encourage three Board Members to attend the committee meetings, however, because then we would have the media saying we are covering up the meetings. So if the committees want to post it let the Town Clerk know, but he wasn't going to do a "phone in system" or anything like that.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the meeting at 7:45 p.m.

Vote resulted in 4 Ayes, 1 Absent and 0 Noes

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk