

A regular meeting of the Town Board of the Town of Moreau was held on June 8, 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
Todd Kusnierz	Councilman (entered meeting at 7:04 p.m.)
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Nancy Ryan, Transfer Station, Jesse Fish, Water Superintendent; Martin D. Auffredou, Attorney for the Town (arrived at 7:06 p.m.); Steve Gram, Recreation Director (arrived at 7:20 p.m.); Lydia Wheeler, Post Star Reporter; Michael Fogel, Attorney representing Cranesville Aggregate; Town Residents: Adele Kurtz and Huguette Delvaux and Elizabeth Lanfear who entered the meeting at about 7:30 p.m. and who also serves on the Town Recreation Commission

Supervisor Jenkins led the Pledge of Allegiance.

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

MINUTES

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

May 25th (3 Sets) and May 26th

MINUTES – MAY 25, 2010 – REGULAR TOWN BOARD MEETING

Correction: Page 309 – Under heading “15 Minute Public Comment Period” – 4th paragraph – delete the sentence that reads “The Board Members were okay with Jeremy Tripp treating the trees with the fungicide and trimming them.” and add the following “Steve Gram stated that Jeremy Tripp looked at the trees and some branches have fungus on them and some don’t. He can cut the dead branches off and the trees may grow on their own. He would rather not spray them. Councilman Prendergast said he would rather try that than spraying.”

MINUTES – MAY 25, 2010 – CONTINUATION OF PUBLIC HEARING RE: WATER DISTRICT 1, EXTENSION 1

No comments or corrections.

MINUTES - MAY 25, 2010 – TOWN BOARD WORKSHOP RE: MINING LAW

No comments or corrections.

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MINUTES – MAY 26, 2010 – MONTH-END AUDIT MEETING

No comments or corrections.

The assessor, Peggy Jenkins, had submitted a memo to the Town Board, Supervisor and Town Clerk dated May 24, 2010 and asked that it be made part of the record.

The Town Clerk read the memo as follows:

“Upon reading the minutes from the May 24th Board Meeting, I feel it is necessary to comment for the record. A comment was made by Councilman Kusnierz that he had received several phone calls and e-mails stating the Assessor’s Office was not returning phone calls. The morning of May 25th I phoned Councilman Kusnierz requesting names of such calls and e-mails. He was able to give me one name. This particular person had left three messages on my voice mail which in turn I spoke to him twice. I explained to Councilman Kusnierz that since April 28th I have been working alone and between the Reval, Grievance process, and foot traffic in the office it had been extremely busy. Literally completing one call, I would find 6 to 14 messages following. As always, every attempt is made to return all messages upon leaving my office. Sometimes if unable to reach someone, I will try again from home. I would also like to take this opportunity to personally thank Kathy Perez for her invaluable assistance during a very busy time.”

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of the regular meeting held on May 25th with correction so noted.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of the workshop and public hearing held on May 25th as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of May 26, 2010 as prepared.

Roll call vote resulted as follows:

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

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FUTURE MEETINGS/WORKSHOPS SCHEDULED

Supervisor Jenkins noted that a workshop of the Town Board was already scheduled for June 16th at 7:00 p.m. in Town Hall to discuss water and sewer.

The month-end audit meeting of the Town Board was scheduled for June 29th at 4:30 p.m. in Town Hall.

A workshop of the Town Board was scheduled for June 22nd at 6:30 p.m. to discuss another draft of a proposed Mining Law.

15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz asked if the calendar of meetings could be posted on the Town's website. There are none listed.

Councilwoman LeClair noted that there was a problem with the website that Terry found whereby some of the pages had dots all over them and she has spoken with Mannix Marketing about this. It is possible that something happened to the meetings page also, because she has been really good about posting them.

(Councilman Kusnierz entered the meeting at 7:04 p.m.)

HIGHWAY DEPARTMENT REQUESTS

Tuesday, June 1st, Washburn Road was damaged when a logging truck went off the road and a grinder they were hauling tipped over and between the grinder tipping over and the tow trucks attempting to right it they ripped up about 340 feet of the shoulder of the road. The highway department started repairing the road yesterday and an insurance claim will be submitted to cover the cost. Paul Joseph has a copy of the accident report.

The highway superintendent submitted a request to purchase culvert pipe in the amount of \$9,000.00 from Chemung Supply or Lane Enterprises (price and availability will determine where it is purchased from) under county contract #09-PWP-21R out of account DB5110.497 that had a balance of \$12,000.00 as of 6/1/10. This material will be used for the Hatchery Road culvert replacement project.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of culvert pipe at a cost not to exceed \$9,000.00 from either Chemung Supply or Lane Enterprises under county contract #09-PWP-21R.

Roll call vote resulted as follows:

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

The highway superintendent requested permission to purchase gasoline from G. A. Bove in the amount of \$10,000.00 under state contract #PC64747 out of account DB5142.460 that had a balance of \$41,960.47 as of 5/1/10.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of gasoline from G. A. Bove at a cost not to exceed \$10,000.00.

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Roll call vote resulted as follows:

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

The highway superintendent requested permission to purchase a radiator for the 1992 sewer jet from North Country Auto Radiator in the amount of \$627.46 out of account DB5130.405 that had a balance of \$62,038.65. The radiator currently in the sewer jet cannot be repaired and a new core is not available for it. The request read that they had to purchase a complete radiator.

Supervisor Jenkins assumed it was an emergency repair and that it was already purchased.

Councilman Prendergast suggested they hold the request until the next meeting and in the meantime we can contact the highway superintendent to find out why there was only one quote.

Councilman Cumm asked the other Board Members if they received any information in the mailboxes from Paul Joseph about the nova chip for Burt Road. According to Paul Joseph he put it in the mailboxes last Friday. None of the Board Members had received a copy of this information.

Councilman Cumm asked if quotes have been received from engineers for the Hatchery Road culvert project.

Supervisor Jenkins said we got a price and sent a contract out to C. T. Male.

Attorney Auffredou stated that the contract was reviewed, approved and done.

Supervisor Jenkins said it was approved at the last meeting.

RECREATION DEPARTMENT REQUEST(S)

Supervisor Jenkins said he didn't receive any requests from the Recreation Director, but it seemed to him that the Board Members should approve what they did verbally over the phone in regards to engineering services for the lighting project in the Rec. Park.

Supervisor Jenkins stated the Board hadn't received final numbers. Two engineering firms were contacted EDP and Burley & Guminiak. According to Supervisor Jenkins, Burley and Guminiak didn't seem too interested. We may receive only one proposal and that would be from EDP.

Supervisor Jenkins stated that they haven't received a price yet so they couldn't act on this. There is a workshop next Wednesday and perhaps the Board could act on it then or verbally if all the Board Members were agreeable to that.

Councilman Cumm asked if once we contract with an engineer could we then put specifications together and go out to bid.

Supervisor Jenkins stated that EDP already anticipates some changes to the specifications drawn up.

Joe Patricke stated that the scope was pretty complete, but there will be some minor changes. We have to send out a whole bid package with a book of specifications.

Councilman Cumm asked if we have a contract signed by June 30th will we meet the grant deadline.

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Nobody knew the answer to this question.

Attorney Auffredou stated he hasn't reviewed the documents so he couldn't render an opinion.

Supervisor Jenkins said that as soon as he received a price he would contact all the Board Members and if everyone was in agreement they could start moving ahead.

Joe Patricke said it should be in the morning.

TRANSFER STATION REQUEST

Nancy Ryan requested coverage at the Transfer Station. Bruce Abare is going to be off June 14th and 21st. Bruce Siergiey who works for the Recreation Department can work on June 21st, but he doesn't know if he can work on June 14th or not.

Supervisor Jenkins stated that the Personnel Committee is going to meet Monday to interview applicants.

Councilman Cumm stated that they had eight applicants for the clerk's position. He asked the Board Members to look at the applications tonight and pick out three or four applicants that they wanted the Personnel Committee to interview and the Personnel Committee would interview them on Monday.

CARPET CLEANING QUOTES – TOWN HALL

The following quotes were obtained to clean the carpets in Town Hall:

All Pro Restoration	\$652.89 plus \$150.00 for 2 nd technician to move & replace office furniture
North Country Janitorial	\$645.00
Pro Tech	\$544.88 (Price includes moving chairs & any items with wheels such as copiers.)

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from Pro Tech in the amount of \$544.88 to clean the carpets in Town Hall.

Roll call vote resulted as follows:

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

FIRE EXTINGUISHERS – QUOTES

The following quotes were received to inspect/recharge fire extinguishers:

	American Safety Products	Tri City Fire Extinguishers	NY Fire & Signal
Inspection	3.00	No Quote	3.95
Recharge 2.5 ABC	12.00	No Quote	16.90
Recharge 5 ABC	16.00	No Quote	21.90
Recharge 10 ABC	17.00	No Quote	26.90

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Recharge Water 2.5	12.00	No Quote	9.75
Hydrotest add Recharge	25.00	No Quote	50.80
K Type Extinguisher Sys.	115.00 by size	No Quote	85.00 add parts
New Extinguisher 2.5 ABC	33.00	No Quote	35.95
6 Year Maintenance 2.5 ABC	No Quote	No Quote	17.90
New Extinguisher 5 ABC	50.00	No Quote	48.95
6 Year Maintenance 5 ABC	No Quote	No Quote	21.90
New Extinguisher 10 ABC	65.00	No Quote	74.95
6 Year Maintenance 10 ABC	No Quote	No Quote	28.90
Service Call	None	No Quote	None

The highway department would prefer the Board accept the quote from NY Fire & Signal. Highway department was not happy with past service from American Safety Products. They removed newer extinguishers and replaced them with older one and mixed up the extinguishers.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the quote from NY Fire & Signal.

Roll call vote resulted as follows:

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

VILLAGE OF SOUTH GLENS FALLS REQUEST TO BUY WATER FROM THE TOWN ON TEMPORARY BASIS

The Village of South Glens Falls may need to purchase water from the Town of Moreau to supplement their water supply when they shut down one of their wells so they can get in there to do some work. When they start building their refining plant they may need the Town to supply them with water for the entire Village for a couple of months. The question is what would the Town Board charge the Village for water? It was mentioned that we could charge the municipal rate. The Water Committee was asked to meet and review this request. We also have to make sure we don't run short on water for our own water customers.

Jesse Fish added that the meter and check valve at Feeder Dam Road should be turned around and should be calibrated or the Village of South Glens Falls should supply a new meter and check valve. The Village doesn't have any emergency source of water so this would be good all the way around for the future.

Supervisor Jenkins stated he thought the Town should ask the Village to install a new meter and Jesse Fish agreed. Jesse added that Tim Burley has stated that at a minimum the meter should be calibrated.

Supervisor Jenkins reported receiving a letter from Environmental Facilities Corporation (EFC). We are near the point of closing on the final papers that would allow us to obtain a 30 year interest free loan in the amount of \$4,995,000.00 for proposed Water District 7.

A workshop of the Town Board has been scheduled for June 16th at 7:00 p.m. to discuss this and sewer.

Councilman Kusnierz advised that he won't be able to make that meeting.

Supervisor Jenkins stated that he would update Councilman Kusnierz on the outcome of the meeting.

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15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz asked if Fortsville Road would benefit from the EFC loan.

Supervisor Jenkins stated that there would probably be a separate contract for Fortsville Road so we can supply them with water this fall. They will be our first priority. The people on that road have been struggling for a long time with their private water system.

COMMITTEE REPORTS

Councilwoman LeClair reported that the art program is moving forward. They are looking for areas to use as subject matter such as barns and fields that the students can paint. They start Saturday. The students will show their work at the end of the summer.

Councilwoman LeClair reported that Garth Baker has created a website for the recreation department and he wants to create a link from the Town's website to the site he created. The cost for Mannix Marketing to create this link is \$15.00. The site Garth created is located at www.moreaurec.org.

Councilwoman LeClair reported that she spoke with Andy LaBruzzo regarding the grant for the riverfront park and a draft contract is in the works. She invited the Board Members to walk the property with her. She has spoken to General Electric who holds the key to the gate and they will give us the key so we can access the property.

Councilwoman LeClair, Steve Gram and Mary Meade met with Linda Gifford and Linda has spoken with members of the farmer's market and by the end of July we should have a farmer's market in the rec. park in pavilion #2 on Tuesdays. Three to five of the members would like to start and as they move forward if they have success with it then there are several more farmers who may participate. They do have insurance. More information will be provided to the Board as it is available.

Councilwoman LeClair stated that Ramona Bearor a member of the Conservation Committee has sighted an American Kestrel pair in the industrial park. The Audubon of New York and New York State DOT have received a grant from Toyota to help support the American Kestrel that is in a decline. The grant will provide nesting boxes for them. Councilwoman LeClair stated she is willing to donate a nesting box if the Board was willing to put a nesting box down in the industrial park. No objections were raised by members of the Town Board.

Councilwoman LeClair stated that the Boy Scouts are still taking bottles from the Transfer Station and redeeming them and they are done with their project. The Girl Scouts are working on a flag for the Rec. Park and she asked if it would be okay to offer the bottles to the Girl Scouts to help them out with their project. No objections were raised by members of the Town Board.

Councilwoman LeClair asked the Board Members if they would be interested in creating a community events calendar on the Town's website. There is currently an events calendar on the website, but it is more of a meetings calendar. Mannix Marketing can change the name of this calendar to meetings calendar and create a community events calendar for a fee of \$150.00. On the new calendar we could list what is happening in the Town and Village (i.e., Moreau Fun Days, music in the South Glens Falls Park, movies hosted by the rec. department, dinners or events hosted by not-for-profit organizations in the community). She would be responsible for entering the information on it. She would only have access to the calendar. This cost would include a web address whereby organizations could click on the e-mail address and it would go to her and she would add the information. It would automatically delete events after the date of the events have passed. No objections were raised.

SUPERVISOR'S ITEMS

The YMCA requested use of the Town facilities to host a Job Fair on July 21st from 4:00 p.m. to 6:00 p.m.

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Attorney Auffredou stated that there isn't anything that is impermissible about this request, but he wanted the Board Members to be aware that if they allowed this they would be opening the doors to all not-for-profit organizations who submit a similar request.

Councilman Cumm asked if the YMCA was going to give preference to Town and Village residents when hiring.

Supervisor Jenkins said that he would think they would. They want to bring the community spirit to the Town and that is how they function.

Councilman Kusnierz stated that he thought it was a good idea. Anytime we can give greater access to Town facilities it is a good thing.

Councilman Prendergast thought it was a good idea.

Councilwoman LeClair didn't object.

A request was also received from Truman Cox of the U.S. Census Bureau. He would like to use the meeting room in Town Hall Monday through Friday from 9:00 a.m. until 10:00 a.m. No objections were raised, but Supervisor Jenkins said he would get a little more information on what he wanted to use the room for before he granted the request.

A voucher was received from the American Legion Mohican Post #553 in the amount of \$2,700.00 for the 2010 Memorial Day Parade. This is the amount the Town Board budgeted for 2010 for this purpose in account A7550.4.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the payment of \$2,700.00 to the American Legion Mohican Post #553 for the 2010 Memorial Day Parade.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that there was a letter to the Editor and an excellent story in the newspaper about our former superintendent of schools for South Glens Falls. In the past the Town Board has recognized individuals in our community who have served our community in a unique capacity or served our country. Therefore, he put together a resolution that he read aloud and asked the Board to consider adopting as follows:

WHEREAS, the Moreau Town Board appreciates the selfless efforts of individuals of extraordinary character and integrity whose endeavors and dedication have enhanced the community and quality of our resident's lives; and

WHEREAS, the result of many individual efforts, the excellence and the success of South Glens Falls Central School District is due in large part to the efforts of Dr. James P. McCarthy; and

WHEREAS, the Town Board is proud to honor South Glens Falls Central School District Superintendent Dr. James P. McCarthy, whose distinguished career as an educator

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and educational administrator spans 45 years, 19 years of which have been devoted to the students, teachers, staff and community of the South Glens Falls Central School District; and

WHEREAS, Dr. James P. McCarthy has continually demonstrated an unwavering devotion and dedication, and unremitting enthusiasm for the quality of the educational programs and opportunities offered within the South Glens Falls Central School District for the benefit of its faculty and students, as well as for the entire community; and

WHEREAS, since July 1, 1991, Dr. James P. McCarthy has served as South Glens Falls Central School District Superintendent and since taking the post state assessment test scores district-wide have improved and are among the highest in the region, the Oliver Winch Middle School has received national awards for innovation, district facilities have improved substantially, and the district's fiscal stability is without question; and

WHEREAS, in completing his service as Superintendent, Dr. James P. McCarthy leaves behind more than mere bricks and mortar; he leaves behind a foundation of quality education for the residents of the South Glens Falls Central School District community and for future generations of its students; and

NOW THEREFORE BE IT RESOLVED, that the Moreau Town Board pause in its deliberations to recognize and thank South Glens Falls School Central School District Superintendent Dr. James P. McCarthy for his 19 years of distinguished and dedicated service and significant contributions to the education of students in our community; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Dr. James P. McCarthy.

Councilman Prendergast stated that Dr. McCarthy went above and beyond and he should have been able to participate in the graduation ceremony and it isn't right that he wasn't allowed to participate. At 4:30 a.m. he would drive out of Nolan Road and see Dr. McCarthy's car at the administration building. He has brought a lot to this district and will be sorely missed and he will be hard to replace. He brought excellence to the school district. Some of his accomplishments were mentioned in what Councilman Kusnierz just read.

Councilman Cumm stated he has had the pleasure of knowing Dr. McCarthy during his whole career on the Town Board and also serving on the Board of Education with him. His professionalism and demeanor over the years have been excellent and he is and always will be a friend of his and he wishes him well in his future endeavors.

Supervisor Jenkins stated that over the last two and half years he has attended meetings with Dr. McCarthy and the Village Mayor regarding shared services and they have done quite a few projects together. He had great ideas and was always there and ready to go and get things done and he will miss that.

Councilman Cumm added that one of the last acts that Dr. McCarthy did as superintendent was form an education foundation and as of the last week of May there was a corporation set up called the South Glens Falls Educational Foundation and it is due in big part to Dr. McCarthy spearheading the effort. It is up and running and they are officially accepting donations.

Councilwoman LeClair stated she worked with Dr. McCarthy since she has been on the Board and she and Steve Gram have worked with him on providing bus service for rec. programs and his first comment was always "what can I do to help". She was glad to see the Board recognizing him. She was going to write him personally, but thought this was even more appropriate.

Councilman Kusnierz stated that when he worked for Joe Bruno the State Senate Majority Leader he has had many candid conversations with Dr. McCarthy over the years and whenever he would call looking for assistance for our community and he would forward the request up the line and they knew that if it was coming from Dr. McCarthy they knew it was money that would be well spent and it wouldn't be spent on anything frivolous and he almost always got what the students and faculty needed in an effort to hold down budgets and still accomplish the goal of moving our school district forward. On a personal note he stated that whenever the high school held a music recital in the

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concourse in Albany Dr. McCarthy would come down with the kids and watch the recital and that is something that is unique to individuals who truly care about their community. Dr. McCarthy went over and above what most superintendents do. He will be missed.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to adopt the above proclamation.

Roll call vote resulted as follows:

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

Discussion followed on field use fees. It was found that a motion to adopt a fee schedule by the Town Board previously failed and was never brought back for another vote. The fee schedule that the recreation department is following needs to be memorialized by the Town Board.

There was discussion about possibly charging organizations that want to use the fields in the rec. park a resident fee if the organizations are made up of 50% or 80% of Town of Moreau residents.

The Board Members will review the schedule and decide what they want to do for a policy.

Councilwoman LeClair stated the artist who is teaching the art classes wanted to know if the students should sign a release, releasing the Town and the instructor from any liability since they will be holding sessions throughout the Town.

Attorney Auffredou asked if there is a general release form that could be used for all the participants and Councilwoman LeClair didn't think so.

Councilman Kusnierz stated that if it is a Town program wouldn't they be covered under the Town's insurance.

Attorney Auffredou stated it seems they would be covered under the general liability insurance from the Town, but the Board should check with the Town's insurance agent to make sure. He then suggested that for next year they work on making the release part of all the recreation registration forms. He stated that at the end of the day he wasn't sure how strong these release agreements were.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn to executive session at 8:00 p.m. to discuss the Hendel Article 7, litigation involving the Moreau Emergency Squad and the employment history or performance of a particular unnamed employee(s).

Roll call vote resulted as follows:

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

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

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A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the executive session and re-open the regular meeting at 9:18 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Supervisor Jenkins to adjourn the regular meeting at 9:24 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk