

A regular meeting of the Town Board of the Town of Moreau was held on March 23, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Deputy Supervisor LeClair 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
Todd Kusnierz	Councilman
Gina LeClair	Councilwoman/Deputy Supervisor

**Town Board Members Absent**

Preston Jenkins Supervisor

**Also Present:** Jeanne Fleury, Town Clerk; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director; Royce Pixley, Laborer; Peggy Jenkins, Assessor; Martin D. Auffredou, Attorney for the Town; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived 7:08 p.m.); Nick Reisman, Post Star Reporter; Town Residents: Reed Antis, Ed Loftus, Stephen Hunt, Gordon Hadsell, Michael Beshara, Ronald Quinn, Jr., Jared Amadon, Julie O'Connell, Adele Kurtz; Village Resident: Matt Manning, Nicholas Trumble; and Steven M. Van Guilder, President of Moreau Emergency Squad and Glens Falls resident

Deputy Supervisor LeClair led the Pledge of Allegiance.

**MINUTES**

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

March 8, 2010 (2 Sets) and March 9, 2010 (2 Sets)

**MINUTES – MARCH 8, 2010 – TOWN BOARD WORKSHOP TO DISCUSS THE TOWN'S PROPERTY ON ROUTE 197 AND CONSTRUCTION OF A NEW COURT FACILITY AND MUNICIPAL CENTER**

No comments or corrections.

**MINUTES – MARCH 8, 2010 – TOWN BOARD WORKSHOP TO DISCUSS A PROPOSED ZONING LAW AMENDMENT RE: INHABITANTS OF MOTELS, INNS, ETC.**

No comments or corrections.

**MINUTES – MARCH 9, 2010 – TOWN BOARD WORKSHOP TO DISCUSS A PROPOSED REVISION TO THE SAND, GRAVEL AND MINING/EXISTING OPERATIONS LAW**

No comments or corrections.

**MINUTES – MARCH 9, 2010 – REGULAR TOWN BOARD MEETING**

Councilman Prendergast referred to a copy of page 173 from the March 9<sup>th</sup> Regular Town Board Meeting that had a note on it that the motion to accept the proposal from Jeremy Tripp for turf management had to be clarified. He asked if this needed to be addressed.

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Deputy Supervisor LeClair explained that clarification was needed. Terry and Fran thought the way it read we were hiring Jeremy as an "Independent" to provide turf management and fertilization for the fields in the rec. park and they thought it should read "**Jeremy Tripp an employee will apply fertilizer as part of the Recreation Department handling their own turf management within their department and he is not being hired as a sub-contractor**".

Councilman Prendergast asked if the not to exceed amount of \$4,200.00 in the resolution was for chemicals only and Steve Gram replied yes and Steve Gram stated it could be lowered to \$3,500.00, which will be plenty because the price per bag has dropped.

Councilman Prendergast thought it would be okay to leave "not to exceed \$4,200.00" in the resolution. If it comes in at \$3,500.00 then that is fine. We just want to clarify what the amount was for and that was chemicals and not to hire a contractor, rather to authorize our employee to do the work.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve both sets of minutes of March 8, 2010 as prepared and the comment above so noted.

Roll call vote resulted as follows:

Councilman Kusnierz	Abstain on the portion of the March 8 <sup>th</sup> workshop that started at 7:00 p.m. that he was not present for and yes to approve the rest of the March 8 <sup>th</sup> workshop that he was present for after 7:10 p.m. and yes on the 2 <sup>nd</sup> set of minutes from the workshop that started at 8:20 p.m. on March 8 <sup>th</sup> .
Councilman Cumm	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to approve both sets of minutes of March 9<sup>th</sup> as prepared.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Councilman Kusnierz	Abstain on the March 8 <sup>th</sup> workshop that started at 6:45 p.m. that he was not present for and abstain on the portion of the March 8 <sup>th</sup> workshop that started at 7:00 p.m. that he was not present for and yes on the rest of the March 8 <sup>th</sup> workshop that he was present for after 7:50 p.m.
Supervisor Jenkins	Absent

### **FUTURE MEETINGS/WORKSHOPS SCHEDULED**

A meeting of the Town Board of the Town of Moreau was scheduled for March 31, 2010 at 7:00 p.m. in Town Hall to interview insurance companies who submitted quotes to supply the Town with insurance coverage.

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

Reed Antis asked what the status of the contract was between the Moreau Emergency Squad and the Town of Moreau and how the Town can improve its' relationship with the squad.

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Attorney Auffredou replied that the Town has a temporary contract with the Moreau Emergency Squad for the month of March and the Town has provided the squad with a draft contract that addresses all the concerns of the Town Board and the public. The Town Board is awaiting a response from the squad on whether or not they are going to accept the contract.

Reed Antis asked if there are any State regulations that the squad must follow and Attorney Auffredou replied none that he was aware of except for reporting requirements that have to be met by not-for-profit organizations and certain organizational requirements.

Reed asked if there are other Towns throughout the State that may have a better handle on this.

Attorney Auffredou replied that the Town and the squad have had a long-term good relationship. There have been areas identified that both parties recognized needed improvement and they are working towards improvement.

Reed Antis suggested that an "Open House" be held at Town Court on a weekend or evening when there is no Town Court to show the public the areas of the building that need to be changed and the inadequacies of the building.

Reed Antis then asked if Town Court could be held more than twice a week.

Councilman Kusnierz stated that the Town Justices can hold court whenever they want.

Reed Antis asked if it would help relieve the overflow.

Councilman Kusnierz stated that it would cut down on the number of people present at any given time if they did hold court an additional evening.

This concluded the 15 minute public comment period.

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent requested permission to attend the 2010 Highway School at Ithaca College in Ithaca, New York, June 7<sup>th</sup> through the 9<sup>th</sup>. Registration is \$90.00. He also requested a cash advance of \$500.00 to cover travel, meals and lodging. Funds are available in A5010.401 for this.

Councilman Kusnierz asked Paul Joseph, Highway Superintendent, if the Town is reimbursed at all for this and the answer from Paul was no.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Paul Joseph, Highway Superintendent, to attend the Highway School at Ithaca College in Ithaca, New York, June 7<sup>th</sup> through the 9<sup>th</sup> and authorizing a cash advance in the amount of \$500.00 and for all reasonable and necessary charges to be a proper town charge.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on March 23, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The highway superintendent requested permission to purchase crushed stone from Jointa Galusha and Peckham Materials under Saratoga County contract in the amount of \$5,000.00. This purchase would be made out of DB5110.493 that had a balance of \$30,000.00 as of 3/1/10.

Councilman Kusnierz asked Paul Joseph what he would use this stone for and Paul Joseph replied for shoulders along the roadways and turnarounds. It will be mixed with dust they already have to make it more stable.

Deputy Supervisor LeClair asked how long this would last and Paul Joseph replied that it should last through the summer.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of crushed stone from Jointa Galusha and Peckham Materials under Saratoga County contract at a cost not to exceed \$5,000.00 out of account DB5110.493.

Roll call vote resulted as follows:

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

#### **RECREATION DEPARTMENT REQUESTS**

Steve Gram, Recreation Director, informed the Town Board that Shaun Nolan the son of the late Michael Nolan has offered to volunteer to work in the recreation department.

Councilman Kusnierz asked Steve Gram if Shaun would be operating any Town equipment and Steve Gram replied no. When asked what he would be doing Steve Gram replied that he would assist Jeremy, Bruce and/or Royce with mowing cemeteries, repairing fencing, painting, etc.

Attorney Auffredou recommended that the Town Board check with the Town's insurance company first to make sure Shaun would be covered in the event of injury.

Councilman Kusnierz asked Attorney Auffredou how this was any different than community clean up day at the park.

Attorney Auffredou replied that community clean up day is a Town sponsored event where on one particular day people come together on a volunteer basis versus this individual who would be repeatedly coming onto Town property to do work for the Town as a volunteer, but essentially in the same capacity as an employee under the supervision of the recreation director. He said there is a distinction.

Deputy Supervisor LeClair asked Steve Gram if Shaun specifically wanted labor work or would he be willing to work on the Moreau Fun Days or Conservation Committee or other committees that could use help on projects.

Steve Gram replied that he did not know the answer to this question.

Councilman Cumm said the first step is to check with our insurance carrier.

Attorney Auffredou stated that if they don't have any problems with it then we are all set.

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A request was received from Steve Gram for the purchase of a mower to be used in mowing the cemeteries. The following quotes were received:

Falls Farm & Garden	John Deere X300 with bagger – 38” deck	\$2,913.19
Grassland	Toro 74534 Grandstand no bagger – 36” deck	\$5,555.00
	Toro 74444 Z-Master no bagger – 48” deck	\$5,741.20
Smith’s Lawn & Garden Equip.	Simplicity Regent w/bagger – 38” deck	\$2,664.00
	Simplicity Regent w/ bagger – 44” deck	\$3,098.00
Green Management	Toro Time Cutter Z w/bagger – 42” deck	\$2,995.00
	Toro LX427 w/bagger – 42” deck	\$2,095.00
	Hustler Hydro w/ Kaw Engine w/bagger 36” deck (Walk behind unit)	\$4,875.00
	Snapper w/Briggs Engine w/bagger 42” deck	\$3,295.00
	Snapper Tractor w/bagger – 42” deck	\$2,395.00

Royce Pixley recommended purchasing the John Deere X300. It is a heavy duty lawn tractor. He will use it to mow the cemeteries, Town Hall property, industrial park, etc. The John Deere X300 has a 38” deck which is best suited in his opinion to go around the headstones and will eliminate the need for a lot of hand trimming, which is very time consuming. It comes with a four year warranty where most come with a two year warranty.

The board members asked questions about the quotes and answers were given by Royce Pixley and/or Steve Gram.

The quotes that were lower were for mowers with larger decks and it would be more difficult to mow around the headstones in the cemeteries.

The John Deere dealer in Schaghticoke was called and since the quotes are under State Contract that dealer couldn’t provide any better of a price.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of the John Deere X300 mower with bagger at a cost not to exceed \$2,913.19 from Falls Farm & Garden.

Roll call vote resulted as follows:

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

Steve Gram, Recreation Director, obtained quotes for the repair of 30 +/- lineal feet of four feet high chain link fence and straighten and align eight posts along the tennis court and repair fencing around the batting cage in the recreation park. The quotes were as follows:

Afsco Fence Supply Co.	\$7,155.00
Tri-County Fence	\$3,500.00
Adirondack Fence	\$7,655.00

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In the discussion that followed it was noted by Steve Gram that the damage occurred when the Town Highway Department snowplow pushed the snow up against the tennis court fencing and then the batting cage fencing collapsed.

Councilman Kusnierz asked if we were going to bill the Highway Department for this repair since they bill back work done for other departments.

Paul Joseph replied that there is some discrepancy over who was at fault. He stated that there is a guard rail in between so it would be hard to push the snow through the guardrail and into the fence. He stated that snow previously brought the top down on the batting cage two years ago.

Councilman Kusnierz asked if the damage was reported and the answer was yes to the insurance company and then Councilman Prendergast asked if it was reported to the Town Board and Steve Gram replied that he reported it to the Supervisor. Councilman Kusnierz asked if it was in his monthly report and Steve Gram replied that he hasn't done his monthly report yet. Councilman Kusnierz stated the reason he asked was, because he was just learning about this tonight. Steve Gram said it was done during the last snowfall.

Councilman Cumm stated that he went down and looked at it right after it happened and it appeared that the snow accumulated against it and on the top rail of the fence and bent the top rail and separated it from the outside fence on the batting cage and the inside fence for the tennis court. It appeared to be a combination of this and a little bit of snow from the plow.

Councilman Kusnierz stated that he and Councilwoman LeClair were liaisons to the Recreation Commission and he asked Steve Gram to notify them of things like this in addition to the Supervisor.

Councilman Prendergast noted that two of the quotes were significantly more than the one and in one of the higher quotes they mention replacing fencing and asked if they were all given the same information to quote from. We are talking about repairing the fencing and the one quote mentions replacing fencing and he wondered if this could be why it is significantly higher.

Steve Gram replied that he told the fence companies exactly what the insurance agent told him to say and all three were given the same information.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the quote from Tri-County Fence Co. at a cost not to exceed \$3,500.00.

Roll call vote resulted as follows:

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

Councilman Cumm mentioned the letter from Schultz Construction that was in reply to the Town's questioning of their bill to repair a leaking flange on the ceiling of the control room below the 750,000 gallon elevated water tank. In the letter the project manager states that the repair took 2.5 hours and our water superintendent claims it took 30 minutes. Discussion on this subject will be deferred until the water superintendent is present at a meeting.

#### **WATER DEPARTMENT REQUESTS**

None

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**LOCAL DEVELOPMENT CORPORATION (LDC) MISSIONS STATEMENT RESOLUTION**

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt the following mission statement and performance measurements for the Town of Moreau Local Development Corporation (LDC):

Public Authority’s Mission Statement:

The corporation is formed for the following purposes: Relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instruction or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding the community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest.

List of Performance Goals:

- Relieve and reduce unemployment including promoting and providing additional or maximum employment;
- Maintain job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs;
- Attract new industry and encourage development in the community

Additional Questions:

1. Have the board members acknowledged that they have read and understood the mission of the public authority? Yes
2. Who has the power to appoint the management of the public authority? Moreau Town Board
3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority? Yes, by Town Board Resolution

Roll call vote resulted was follows:

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

**ANNUAL UPDATE DOCUMENT (AUD) PROPOSALS**

The following quotes were received from accounting firms to prepare the AUD for the Town for the year ended 12/31/09:

Marvin & Company	\$3,500.00 to \$4,500.00
BST	\$2,900.00
Jenkins, Beecher & Bethel	\$2,500.00

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Deputy Supervisor LeClair stated that Supervisor Jenkins wanted everyone to be aware that if he could have been present at this meeting tonight he would have abstained from the vote on this to avoid the appearance of a conflict of interest.

Councilman Kusnierz asked when the proposals were provided to the Town Board Members and Deputy Supervisor LeClair replied that at a previous meeting the Supervisor gave them information and advised the Board that the information was on file and that anybody that wanted to review them could come in and do so.

Councilman Kusnierz asked if they planned to vote on this tonight, because he just received the information in his mailbox today.

The Town Clerk noted that Fran said late this afternoon that it was imperative action be taken on this tonight, because there is a deadline that has to be met.

Councilman Kusnierz asked if they were expected to act on something they just received information on tonight.

Deputy Supervisor LeClair recalled that at the last meeting the Supervisor had the proposal with him and had said they were available in his office for review.

Councilman Kusnierz asked what the difference was between the three proposals and Councilman Cumm replied that there really wasn't any except for price.

Councilman Cumm asked Attorney Auffredou why "they" have gotten so picky. It never used to be a big deal and now they are requiring all this paperwork.

Attorney Auffredou replied that he didn't know of any changes in the industry or requirements the Town has for an annual update.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to accept the proposal from Jenkins, Beecher and Bethel at a cost not to exceed \$2,500.00 to prepare the AUD for the Town for the year ended 12/31/09.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked that in the future the board members be copied on the scope of services page of any and all proposals.

### **COMMITTEE REPORTS**

Royce Pixley reported on the damage to the fence in front of Rice Cemetery on Route 9 that occurred when a vehicle hit it. There are six sections of fencing that were damaged. Two sections are badly bent and he wasn't sure if they could be straightened or not and if not then he suggested removing the two end sections of the fencing and putting them in place of those and leave the ends open.

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Deputy Supervisor LeClair asked Royce Pixley if this was something we could do ourselves and Royce replied if we have the manpower.

Councilman Kusnierz asked why the Town would do this work and asked if we contacted the insurance company of the individual who was responsible.

Steve Gram said he received a call today from Terry and was asked to get three quotes.

Councilman Cumm referred to the note on this and it read that the claim had been submitted to the insurance company.

It was decided that more information is needed.

Deputy Supervisor LeClair reported that she and Councilman Cumm discussed the other day about the possibility of allowing Town Residents to bring brush into the Transfer Station for free during the time of brush pickup by the Highway Department. They wanted to know how the board felt about this. Rather than waiting for the Highway Department to pick it up a resident could bring it in themselves.

Councilman Kusnierz asked how long the brush pickup is done for and asked if it was one week.

Paul Joseph replied the whole month of May and Councilman Kusnierz asked how many loads a day they pick up. Paul Joseph replied they try and limit it to one tandem load per house and on an average day they pick up ten tandem loads.

Councilman Kusnierz was surprised that brush from one house would fill up a tandem truck.

Paul Joseph stated that one time there was enough for three tandem loads.

Councilman Kusnierz said they had to use common sense. We aren't allowing lot clearing and asked if they were just downed limbs from the winter and Paul Joseph stated that is what people tell them.

Councilman Kusnierz asked what the size limit was and Paul Joseph replied maximum of four inches in diameter and eight feet in length.

Paul Joseph stated that he recommended changing the dates to the middle of April for a start date and end the middle of May.

Joe Patricke advised that under New York State Law people can't burn between March 15<sup>th</sup> and April 15<sup>th</sup> so he suspected that a lot more people will be having their brush picked up.

Councilman Cumm asked Paul Joseph if the brush pick up is one reason they wanted to go to four ten hour days early this year and Paul replied yes.

Councilman Prendergast asked Paul if he thought it was a good idea to open up the Transfer Station to free brush disposal during the brush pickup program and Paul replied yes and Nancy Ryan has suggested it too.

Councilman Kusnierz stated that he wouldn't be opposed to allowing people to bring in brush for free to the Transfer Station for a two week period.

Deputy Supervisor LeClair asked Paul what a typical load size was and Paul replied a pickup truck load.

Councilman Cumm was of the opinion that the free brush disposal in the Transfer Station should be synchronized with the brush pick up by the highway department. Allowing people to bring it into the

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Transfer Station for free for a two week period only would be too confusing. Nancy Ryan can monitor the loads and make sure it is not brush from lot clearing that is being brought in.

Deputy Supervisor LeClair stated that it would save the Town a little money probably if we allowed people to take it into the Transfer Station for free during the pickup period.

It was the consensus of the board members to allow Town residents to bring brush into the Transfer Station for free during the period of April 19<sup>th</sup> through May 15<sup>th</sup> when the highway department will be picking up brush.

A request was received from Ron Gilligan, CSEA Unit President, to start their four ten hour work days on April 19<sup>th</sup> and end October 15<sup>th</sup> and this request was supported by Paul Joseph, Highway Superintendent. In the request it was noted that there will be two men on-call on Fridays per a pre-set schedule to cover any situation that may arise. This work schedule as in the past will enable the highway department to have a longer production day with fewer interruptions.

Attorney Auffredou stated that a resolution should include the proviso that each and every year the Town Board has the discretion whether to approve this type of request or not. **[Amended 4/13/10 jf]**

Councilman Kusnierz asked if we would run into an issue of past practice for contract purposes.

Attorney Auffredou stated that the contract specifically provides that they have to come in each and every year and request this. As long as the resolution makes it clear that this request is being approved for this year only. They may come back and say it is a past practice, but the Town Board's argument would be that it was clearly stated in the resolution that it was 2010 season only per the contract.

Councilman Kusnierz said it is a negotiated contract.

Attorney Auffredou stated each and every year it is negotiated in the contract so that each and every year the Town Board approves when it starts and this year we are being asked to start it a little earlier.

Councilman Cumm stated it would extend it two weeks on the other end.

Councilman Kusnierz asked if it was a request for a four week addition to the four ten hour days and Paul Joseph said it was a one week addition on the end.

Councilman Kusnierz said he wouldn't support it if it was back to back. There is a reason we negotiate things in contracts and we shouldn't be doing it here piece meal. The contract is coming up for extension.

Councilman Cumm made a motion to grant a four day work week for the highway department for the period of April 19<sup>th</sup> through October 15<sup>th</sup>, 2010, with the understanding that this is a one-time approval and they have to come back on a yearly basis and request approval from the Town Board.

Councilman Prendergast stated that it has worked well in the past so he wasn't convinced it needed to be extended.

Paul Joseph stated that they were still paving at the end of the four ten hour work days last year. It takes 1 ½ hours to 2 hours to set up and break down. That means they lose a good two hours of productivity in an eight hour day.

Councilman Prendergast said that is on the end and what about the front.

Paul Joseph said they were going to start brush pickup.

Councilman Kusnierz stated the genesis of the four ten hour work days was paving.

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Paul Joseph said mainly for road maintenance, ditching, culvert repair. If they were replacing a culvert and ran into a small problem they could run into overtime and that would end up costing more. This way we are guaranteed that most of the time they are out of there.

Councilman Kusnierz said he wasn't convinced it was necessary to bump it up two weeks.

Councilman Cumm asked what it will hurt to try this and Councilman Kusnierz replied that there won't be a work crew on Fridays.

A comment from the audience was "for two Fridays".

Councilman Kusnierz stated that the taxpayers pay for a five day work week for all Town employees.

Comment from the audience "this is 40 hours" and Councilman Kusnierz replied that the highway department is.

Councilman Kusnierz said they would lose a day of having somebody working at the highway garage.

Deputy Supervisor LeClair stated that somebody would be on-call.

Paul Joseph stated that there would be a set schedule. Last year there was one Friday when a person had to be called in and Councilman Kusnierz asked if that was overtime and Paul Joseph replied yes. Councilman Kusnierz stated that it becomes more expensive then. Paul Joseph said they would run into more overtime on the back end. When they are replacing a culvert they are pushing the limit to get it done in ten hours.

Councilman Kusnierz said that isn't good management and we shouldn't be going into overtime unless we have to.

Paul Joseph replied that is why they try to cut out the overtime with the ten hour days.

Councilman Prendergast stated that every year this pitch comes in and they hear that it works well so why change it and then five years from now the request will be for another two weeks.

Paul Joseph stated that Clifton Park does it year-round and when Councilman Kusnierz asked how large their staff was the answer was 18. They have four on a list to be on-call for Fridays.

Councilman Kusnierz didn't see the necessity of two additional weeks. If they were paving now it might be different.

Deputy Supervisor LeClair seconded by motion made by Councilman Cumm.

Roll call vote resulted as follows:

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

Councilman Cumm stated they could bring it up at the next meeting.

Deputy Supervisor LeClair asked if they wanted to vote on the typical 4 ten hour workday period that they approved in the past.

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A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve a 4 ten hour day work week for the highway department as has been typically done in the past.

Roll call vote resulted as follows:

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

Councilman Cumm stated that this will be on the agenda for the next meeting and the topic will be brought up again.

Councilman Kusnierz asked “for next year” and Councilman Cumm replied “for this year”.

### **SUPERVISOR’S ITEMS**

Deputy Supervisor LeClair reported that Steve Gram was requesting to hire Nick Mattison at \$9.60 per hour as a part-time, seasonal laborer and since he has worked for us before he won’t need a pre-employment physical. He will work for the Moreau Community Center in the summer.

Steve Gram stated that he needs Nick to work nights. Since the weather has been nice they have been keeping the park open later.

Councilman Kusnierz asked who would pay for this person, the Moreau Community Center.

Deputy Supervisor LeClair advised that Nick Mattison is going to be heading the day care program through the Moreau Community Center this summer so we aren’t looking to hire him for the whole summer rather just for now as needed.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hire Nick Mattison on a part-time, seasonal basis, for the recreation department at \$9.60 per hour to start as soon as possible.

Roll call vote resulted as follows:

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

Deputy Supervisor LeClair wanted to make the board members aware that a boil water order is in effect within the White Birch Estates Mobile Home Park. It is within the jurisdiction of the park and not Town water lines.

Joe Patricke stated that as of 6:00 p.m. this date they will have been without water for 24 hours. The park is working on it.

A request was received from Mary Miller the Assistant Manager in charge of recruiting census workers. She would like a notice put on the Town’s website letting people know that they need workers. The board members didn’t have a problem with putting this information on the website.

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

Reed Antis asked if the soda machines in the recreation park were ready to go for the season and asked if we could sell the old machines.

Steve Gram replied that we have a new vendor now and the old machines are gone and Councilman Kusnierz added that the soda machines were not ours to sell.

Reed Antis asked about the Arrowwood Subdivision and how this development will help us tax wise.

Peggy Jenkins, Assessor, replied that it will be added to the tax rolls, but the project is only at the beginning stages and it is unknown at this point how it will help with taxes since taxes are set by adoption of the budgets for the school and Town.

Reed Antis asked if the complex properties were revalued and Peggy Jenkins replied that they are done.

Councilman Kusnierz added that some of those are tied to the stipulation of settlement in particular he mentioned the hydros and Peggy Jenkins mentioned the Spier Falls Hydro.

Reed Antis asked if the Town could be good neighbors and pick up trash and debris from along Butler Road and Route 9.

The response was that the cub scouts clean up along Butler Road twice a year and a senior citizen group cleans up along Route 9.

Elizabeth Lanfear a member of the Recreation Commission stated that at the joint meeting between the Recreation Commission and Town Board it was mentioned about updating the Town Code and she stated that in two sections of the Town Code it reads that the number of members shall not exceed seven and she stated that they have eight members. They are going to be holding elections next week and asked what they should do.

Councilman Kusnierz stated that the alternate is a non-voting member.

Elizabeth Lanfear stated that there isn't any provision in the Town Code for an alternate for the Recreation Commission. She asked if he votes when there isn't a quorum.

Councilman Kusnierz said the alternate cannot ever vote.

Elizabeth Lanfear stated that she submitted a FOIL request to the Town for three items and she received a response that read that one document was available, which she picked up, and the other two items were not available, because they were not on file in Town Hall. She then referred to Section 86 of the FOIL Law and read from same. She stated that the response letter from the Town didn't list who she could appeal to. She asked if the Town Board had in their possession the surveillance tape or anonymous letter that she requested a copy of in her FOIL or if it was ever reproduced by somebody who works for the Town and if it was "why it's not foilable".

Attorney Auffredou said if a FOIL request is denied it can be appealed and the law is specific that it can be appealed to the Supervisor of the Town and the fact that it wasn't included in any response letter isn't of any significance and there is a time period within which an appeal can be made. If the response from the Town was that the document or record doesn't exist then it doesn't exist. An appeal can be made to the Supervisor and the Supervisor can deal with that appeal, but it isn't appropriate for the Town Board to get into a discussion tonight as to what existed, where it existed, how it existed, because the response was made it doesn't exist.

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Councilman Kusnierz asked what the response from the Town was and Elizabeth Lanfear replied that it read "it was not on file in Town Hall".

Attorney Auffredou stated it is not a record of the Town.

Elizabeth Lanfear started to interject and Attorney Auffredou said it is semantics. If it is not on file with the Town it is not a record of the Town therefore it cannot possibly be reproduced because it is not a record of the Town.

Elizabeth Lanfear stated she had a dispute then, because she is wondering if anybody on the Town Board, "as she has been told before", had any copy at any time of an anonymous letter or of surveillance footage from the high school.

Attorney Auffredou asked Elizabeth Lanfear if wasn't the letter provided to her and Elizabeth Lanfear replied that she requested two letters one was signed and she was provided with a copy of that letter, but the anonymous letter was not provided. She was told it was not on file in the Town Hall. Attorney Auffredou replied if it isn't on file then it isn't on file and it is not a record of the Town.

Elizabeth Lanfear stated that according to the FOIL if it had ever been produced or reproduced by the agency meaning the Town Board then it should be "foilable" even though it may not currently be in this building. She wanted to know if she could ask the board members if they ever had it.

Attorney Auffredou told Elizabeth Lanfear that she could file an appeal with the Supervisor and the Supervisor can inquire of the board members as to whether or not they have a copy or reproduction of what she was looking for.

Councilman Kusnierz said he would answer her question and asked her what her question was.

Elizabeth Lanfear asked him if he has or has he ever had or been in possession of the anonymous letter or surveillance footage or seen them.

Councilman Kusnierz replied he has not seen it nor has he been in possession of the surveillance footage and he has been in possession of an anonymous letter.

Elizabeth Lanfear asked him if he still had it and Councilman Kusnierz replied that possibly somewhere.

Elizabeth Lanfear asked if any of the other board members could answer her questions.

Councilman Cumm asked Elizabeth Lanfear why she didn't request a copy of the surveillance tape from the school district if it is a school surveillance tape and Elizabeth Lanfear replied that she has, but she also "foiled" it from the Town. She asked him if he ever saw it or had possession of it and Councilman Cumm said he wasn't going to answer that, because as Attorney Auffredou said this isn't the time nor place.

Elizabeth Lanfear said it is a foil request.

Attorney Auffredou said his advice was to let her file an appeal with the Supervisor.

Elizabeth Lanfear asked if there was any reason why they couldn't answer her question.

Attorney Auffredou said his advice was to let her file an appeal with the Supervisor.

Elizabeth Lanfear asked Attorney Auffredou "so you won't answer my question sir"?

Attorney Auffredou said his advice was to let her file an appeal with the Supervisor.

A regular meeting of the Town Board of the Town of Moreau was held on March 23, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Adele Kurtz asked for information about the joint program between the Town of Moreau and the Moreau Community Center.

Deputy Supervisor LeClair advised that the Moreau Community Center is looking to develop a day care program for the summer to help pay the debt on their new building that they had hoped to build, but are no longer going to be able to. She and Steve Gram have met with them along with representatives from the Village of South Glens Falls and School District. They would like to use the rec. property and the school district is going to allow them to use Moreau School. It is at no cost to the Town. Steve has offered to use his expertise in an advisory type service.

Adele Kurtz asked if the programs that Moreau Community Center plan to run in the rec. park are going to be run by Moreau Community Center personnel.

Steve Gram stated that it will be a camp and people have to sign up. There will be programs separate from the rec. programs.

Councilman Cumm asked Steve Gram if he was going to supply the Town Board with a list of employees and Steve Gram replied yes.

Adele Kurtz asked if the employees will be employed by the Town of Moreau or the Moreau Community Center.

Adele Kurtz asked why the Town of Moreau would have a list of employees if they are going to be employees of the Moreau Community Center.

Councilman Cumm asked whose employees will they be.

Steve Gram replied they are employees of the "camp" and Adele Kurtz asked "who is the camp" and Steve Gram replied "it is a joint program and there are three of us".

Deputy Supervisor LeClair stated that we are lending support if they need it, but not financial support. If they want to use a field for baseball or play basketball then we will work with them to make that possible as is the school and the county.

Councilman Prendergast asked "they are not our employees" and Attorney Auffredou added "who will they get a W-2 from"?

Deputy Supervisor LeClair said no they are not.

Deputy Supervisor LeClair said it is confusing, because Nick Mattison was our employee last year and he won't be our full-time employee this year and he will be working with them and he will not be on our payroll.

Elizabeth Lanfear stated that there is an overlap. In order for them to have the camp there must be a progressive swim instructor. The Town employs that person. The Moreau Community Center paid to have that person trained and certified. All summer except Wednesday afternoons the progressive swim instructor will be paid by the Town of Moreau and on Wednesdays they will be on the camp clock. So they will have dual employers.

Adele Kurtz asked about liability for the Town with this joint program.

Attorney Auffredou replied anytime you turn on a light or open a door the Town of Moreau is possibly liable.

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Elizabeth Lanfear asked if the Moreau Community Center has a certificate of insurance naming the Town of Moreau as additional insured like everyone else and Deputy Supervisor LeClair replied yes.

Councilman Kusnierz asked Peggy Jenkins for an update on how the reval reviews went and how many residents attended.

Peggy Jenkins replied they are still going on.

Councilman Kusnierz asked if there was a good turnout.

Peggy Jenkins replied that she didn't have the count with her, but she could get him the numbers. She has had a lot of positive feedback from the taxpayers from their experience with GAR and review process.

Councilman Prendergast asked how many more meetings **will they** ~~they will~~ have. **[Amended 4/13/10 jf]**

Peggy Jenkins replied they are booked every Tuesday, Thursday and Saturday through the 27<sup>th</sup>. They didn't fill anything past that so they cancelled the dates. They will reschedule if they have to.

Councilman Kusnierz reported on a Recreation Commission Meeting held last night. There was discussion on their request for a recording secretary. They now prefer it if an audio recorder is left out for them to record their meetings on and then the audio of the meeting can be posted on the Town's website.

Elizabeth Lanfear said the discussion was that one person would do a summary of the meeting and the meeting could be recorded and the recording put on the website. This would save from paying someone \$65.00 to act as secretary and take minutes and the recording would give people more details of the meeting if they want it.

The Town Clerk asked what would happen if the meetings are held at the rec. park.

Elizabeth Lanfear said that was discussed too last year and they are going to hold all the meetings in Town Hall. They prefer that.

Councilman Prendergast and Councilman Cumm said in regards to putting the audio on the Town's website he was hesitant to sign Fran up for anymore work without consulting with her first.

The Town Clerk said regardless of whether it would be put on the website or not she would set the recorder up for the meetings.

Councilman Kusnierz thought it was a good idea. It would increase people's access to Town government.

Deputy Supervisor LeClair stated that even though it may not be put on the website a person could request a copy of the audio and it could be put on a CD for them.

Councilman Kusnierz stated that the other request from the Recreation Commission was in regards to the sign for the beach. It is very small and easy to miss. They would like the Town Board to work with the Village of South Glens Falls or buy a larger sign to install so it is more visible. They would also like an additional sign down by the highway garage on Route 9 that advertises throughout the years activities that are about to take place or are taking place.

Paul Joseph stated that if they planned to put a sign up on Route 9 a state highway then we would have to contact the State for approval.

Deputy Supervisor LeClair reported that the amount of litter is unbelievable in the Moreau Industrial Park.

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Joe Patricke stated it is all over Town and there is more than ever.

Reed Antis asked if we could increase the fines for dumping and use our constable for enforcement.

Paul Joseph stated that a person would have to physically catch a person dumping and be willing to testify in court.

Joe Patricke added that our fines for illegal dumping are rather substantial now.

Councilman Kusnierz clarified for the record in response to Elizabeth's request for a document that he may or may not have, so as not to be in violation of FOIL, he will check and if he does have it he will provide it to the Town Clerk.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the meeting at 8:40 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk