

A special meeting of the Town Board of the Town of Moreau was held on March 5, 2012 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.

Town Board Members Present

Robert J. Vittengl, Jr.	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; Karla Buettner, Attorney for the Town; Reed Antis, Town Resident and Alternate Member of the Planning Board; Andre M. Delvaux, Village Resident and Chief Operations Officer for the Moreau Emergency Squad; Joseph Hayes, Town Resident and EMT with Moreau Emergency Squad; Helen M. Glen, Town Resident and Secretary and EMT with Moreau Emergency Squad; Ronald C. Quinn, Jr., Town Resident and 1st Lt., 1st Responder & Paramedic with the Moreau Emergency Squad; John Bonn, Village Resident; Tim Tracy, Town Resident; John Otoupal, Village Resident; Paul Rittereiser, Town Resident; John Dickinson, Town Resident; Jordan Daley, Town of Northumberland; Adele Kurtz, Town Resident

Supervisor Jenkins stated that the meeting was to discuss a complaint inquiry form that he was going to ask the board's permission to file with the New York State Attorney General.

He then read a letter that was received from the Moreau Emergency Squad as follows:

March 5, 2012

Moreau Town Board
Moreau Town Hall
61 Hudson Street
South Glens Falls, NY 12803

Dear Supervisor Jenkins and Town Board Members:

On the behalf of the Moreau Emergency Squad Board of Directors, I am submitting this letter regarding a recent article in the Post Star entitled "Moreau Board to file complaint on EMS squad with the Attorney General's Office." I request that this letter be read for the record at the commencement of your meeting scheduled for this evening.

First and foremost, our Board of Directors are profoundly disappointed in the manner in which we were made aware of the Town Board's concern relating to this matter...a telephone call and email by David Taube from the Post Star on Saturday March 3, 2012. It's our belief, that this is the common denominator and a catalyst that has led us to where we are today. Town Board members have continually contradicted one another on what exactly it is they want from the Squad and even in a public forum have been unable to answer this very question. It should be also noted that the Town Board has refused to negotiate contract issues in good faith (as per the most recent public hearing regarding the Moreau Emergency Squad, Inc. and the Town of Moreau contract). That being said, we would like to address the following:

The vehicles in question are owned and operated by Moreau Emergency Squad, Inc. and

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are not subject to taxation and/or registration fees. The vehicles may be used for personal use in accordance with the law up to 20% of the time. Furthermore, tax advice was sought as it relates to these vehicles from our Certified Public Accountant (Jenkins, Beecher and Bethel, LLP). This agency would welcome any audit by the Attorney General's office and/or NYS Comptroller related to this or any other matter.

It is quite evident that the manner and procedure for raising this issue pertains to a non-legal and/or non-tax inquiry and may be driven by political motivations of a few Town Board Members.

Our Board of Directors remain ready, willing and able to review any pressing issue with the Town Board. We ask the Town Board to provide a list of said issues, **in writing**, for our Board of Directors to review and to evaluate in accordance with our existing legal procedures.

Sincerely,
Moreau Emergency Squad, Inc.
Steven M. Van Guilder
President and CEO

SMVG/hmg
Cc: Board of Directors
Cc: The Post Star

Supervisor Jenkins asked the Town Clerk to read the following resolution:

RESOLUTION
TOWN BOARD
TOWN OF MOREAU

SUBJECT: COMPLAINT AGAINST MOREAU EMERGENCY SQUAD, INC. TO ATTORNEY GENERAL

WHEREAS, the Town has continuously expressed concerns over the management of the Moreau Emergency Squad, Inc. with respect to funds given to it by the Town and third-party billing and lack of transparency as to its records, and

WHEREAS, these concerns are regularly expressed to members of the Town Board and the Supervisor by members of the public, and

WHEREAS, for the purpose of addressing these concerns the Town Board desires to request that the New York State Attorney General review the concerns;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Supervisor to execute and file a complaint with the office of the New York State Attorney General regarding the Moreau Emergency Squad, Inc.

Supervisor Jenkins asked for a motion and second to adopt this resolution and said he would then open it up to discussion.

Councilwoman LeClair made a motion to adopt the above resolution and it was seconded by Councilman Prendergast.

Supervisor Jenkins stated that his concern is that the statements made by the squad in their letter about the vehicles is different than three other presentations, one at a public hearing that is on audio, another meeting in the office at the Moreau Emergency Squad when he did an audit of just the "Moreau

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Checkbook” and now he has another verification of these vehicles. That is one reason for this. Another reason is that the amount of money spent on banquets is a violation of their non-profit standing. The personal use of these vehicles, 20% is not even the law. It is the actual personal use that is a percentage of the total use and there is no 20% rule. This is not a tax free benefit. It is a pre-tax benefit, substantive tax that should have been picked up on their W2’s. The understanding he got was that these are definitely personal vehicles and they did it because of insurance purposes and now they are changing their statement. This is another reason why they want somebody else to take a look at this and we have no other choice, because they won’t open their books for us.

Councilwoman LeClair stated that he Supervisor Jenkins said it all and she has said everything that she has wanted to say at other meetings. If anybody wants to hear what she said they can FOIL the audios of the meetings from the Town Clerk.

Councilman Prendergast said he made his desires known prior to this meeting. There is information that they have asked for that has not been supplied. The bottom line is that the Moreau Emergency Squad receives tax dollars. There is a difference of opinion whether they should supply or have to supply this information. He still stands by what he said a long time ago, when you receive tax dollars you accept responsibility of the questions from the public and they expect answers and the public is asking and the squad is not supplying all of the information that we think they should supply. When you sit in this seat and tax dollars are involved, he can tell them from personal experience being on this board as long as he has, that you can’t afford to trust when you sit in this seat when it comes to tax dollars you are required to verify to the people who pay it. We are required to verify what is happening. They want to know. The longer you say no, the deeper the suspicion. He said he would “drive this one more time”, whether you take the tax dollars as being used directly for what we are asking for or not, there are tax dollars involved. People who are paying want answers.

Councilman Vittengl said they covered it enough.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for a motion and second to close the special meeting.

Adele Kurtz asked Supervisor Jenkins if he was going to allow public comment and Supervisor Jenkins replied no.

Adele Kurtz asked if she could ask one question. She said under the Open Meetings Law they were required to provide all the documents. She asked if they had a copy of the complaint that they were going to file with the Attorney General.

Supervisor Jenkins said it was not going to be released. It is not subject to FOIL until the Attorney General receives it.

Adele Kurtz asked who was signing it.

Supervisor Jenkins replied that he was signing it as Supervisor.

A copy of the Attachment to the Complaint and Inquiry Form that was prepared by the Supervisor was made available to the public at this meeting and Adele Kurtz referred to this document and in particular she cited from item 7 in the document and the sentence that reads “I informed the unidentified

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individual that I could not provide him with the name of any attorney". Adele Kurtz asked Supervisor Jenkins if he didn't know who the individual was then how did he return the individual's call.

Supervisor Jenkins replied that he told the person to call him back, which he did.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn the special meeting.

Adele Kurtz asked if she could make one more comment.

Supervisor Jenkins replied no.

Adele Kurtz continued to speak saying that the Supervisor read a letter into...

Supervisor Jenkins told Adele Kurtz that he said no, thank you.

Adele Kurtz continued to speak saying that he read a letter into the public record; he opened it up to public comment....

While Adele Kurtz continued to speak Supervisor Jenkins asked the Town Clerk to call the roll to close the special meeting.

The Town Clerk started the roll call, which resulted as follows. All the while Adele Kurtz kept speaking and saying that the Supervisor couldn't accept comments, whether written or oral, from one person and not allow the public to speak and she said thank you.

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

Special Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Jeanne Fleury
Town Clerk