

A regular meeting of the Town Board of the Town of Moreau was held on March 9, 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 (arrived at 7:50 p.m.) |
| Preston Jenkins | Supervisor |

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Joe Patricke, Building Inspector/Code Enforcement Officer; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Stephen Gram, Recreation Director; Jesse Fish, Water Superintendent; Nancy Ryan, Transfer Station Clerk; Martin D. Auffredou, Attorney for the Town; Nick Reisman, Post Star Reporter; Town Residents: Dawna Miczek, Colleen Maziejka, Matt Manning, Adele Kurtz, Ramona Bearor, Mary Meade, Jake Bartholomew, Ed Tracy, Bobbi Spaulding, Michael LeClair, John Telisky (arrived at 7:20 p.m.); and Village Resident, Harry G. Gutheil, Jr.

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked those present to turn off or put on vibrate cell phones and all 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:

February 18th, February 25th and March 1st

MINUTES – FEBRUARY 18, 2010 – WORKSHOP BETWEEN TOWN BOARD AND GAR ASSOCIATES

No comments or corrections.

MINUTES – FEBRUARY 25, 2010 – REGULAR TOWN BOARD MEETING

Correction: Page 123 – 5th line after the listing of those present – change the word “aloud” to “allowed”

MARCH 1, 2010 – JOINT MEETING TOWN BOARD AND RECREATION COMMISSION

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of February 18th, 25th and March 1st as corrected.

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Roll call vote resulted as follows:

| | |
|------------------------|--|
| Councilman Prendergast | Yes to Feb. 18 th Minutes and Abstain on the Feb. 25 th and Mar. 1 st Minutes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Absent |
| Councilman Cumm | Yes |
| Supervisor Jenkins | Yes |

FUTURE MEETINGS/WORKSHOPS SCHEDULED

The Month-End Audit Meeting of the Town Board was scheduled for April 30th at 4:00 p.m. in Town Hall.

Discussion followed on setting a Public Hearing on a proposed Mining Law.

Attorney Auffredou advised that it would require a referral to the County under General Municipal Law 239-m and Joe Patricke stated that the Saratoga County Planning Board is meeting next Thursday so he will send out the referral to them in the morning.

Attorney Auffredou also advised that this proposed law would require a full Environmental Assessment Form (EAF) review under SEQRA and the Saratoga County Planning Board may want to review the EAF.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to schedule a Public Hearing on proposed Local Law No. 2 of 2010, Sand, Gravel and Mining Law – Existing Operations, for April 13th at 6:45 p.m. in Town Hall.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz stated that previously the Town Board had said that they wanted a set of the reval books here in Town Hall and she was told by Supervisor Jenkins that they would not be.

Supervisor Jenkins replied to this saying that GAR representatives were here in Town Hall all last week and so far this week in place of having the books here. The books are also at the Crandall Public Library.

Peggy Jenkins stated that she has had only one request for a copy of the books and that request was fulfilled. She also stated that GAR decided to keep the books out of Town Hall to cut down on the flow of people into Town Hall.

Councilman Prendergast asked Peggy Jenkins where the books are and Peggy replied the Crandall Public Library and the Moreau Community Center.

Harry Gutheil stated that he was in to talk with Supervisor Jenkins and GAR. He has been studying the information and found so far that there are some major swings in values on some properties that were an eye opener. He wanted to know what their methodology was on arriving at the valuations. He noticed that for every \$1.00 that somebody's valuation went up somebody else's value went down. He asked if the Town Board has seen any spreadsheets or graphs on the changes in values between the classes of

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properties between the Village and the Town. He stated that the shift between the Village and Town will effect the sales tax revenue between the Village and the Town. He questions how the shift will effect the portion of sales tax revenue we give back to the County. He also wondered what the affect will be on the proportionment between the School District (that encompasses three Towns) and the Town and the affect on state aide to the schools. He was trying to determine how accurate the impact notices are. He wanted to know what the Town Board's role is in this. He stated that he is seeing some major difference in the complex properties. One acre of large industrial property in the Moreau Industrial Park has been assessed at \$12,000.00 and the equalized market value is going from \$30 million to \$21.5 million. He said that a lot of it is in the hydro settlement. He knows that the hydro settlement was approximately \$24 million in value difference between the equalized market value and the tentative value. He asked if there are major shifts is the Town Board going to consider a homestead exemption for the residential properties.

Supervisor Jenkins told Harry Gutheil that as he told him today they do know that there is a shift between some commercial and residential and the biggest shift is on the higher valued properties where the equalization rate has the larger impact. They discussed with GAR the SCA property and GAR was going to take a look at it.

Harry Gutheil asked what they could do about it now if they already put a value out there if they find that number is low.

Peggy Jenkins replied that GAR will send out second notices on anything that is being changed. She then explained the process about the impact notices, grievances, etc.

Harry Gutheil said he tried to find comparables on the Saratoga County site and he isn't sure it is the same information that GAR is using. He found one commercial property that sold for \$400,000.00 and the value is \$175,000.00.

Attorney Auffredou suggested that Harry Gutheil put his concerns and questions in writing and present them to Peggy Jenkins and GAR for a response.

Harry Gutheil stated that he did speak with GAR today and some of it is in the inventory and he doesn't know what is on the properties. He used the example of one of the hydro properties and how they updated their generator with a more efficient one and a new turbine in #9 in one of the hydros and that could change their megawatt output. He asked if there are areas with major impacts found who is going to address it.

Supervisor Jenkins replied that some of the shifts are due to the equalization rate that we had and the timing difference in construction.

This concluded the 15 minute public comment period.

CONSERVATION COMMITTEE

Ramona Bearor was present with Mary Meade, Members of the Conservation Committee. Ramona Bearor presented to the Town Board a list of invasive and non-invasive plant species entitled "The Dirty Dozen". The Conservation Committee would like the Town Board to present this list to the Planning Board and ask them to forward the list to developers that come before them and ask them to consider planting the non-invasive plant species in their commercial and residential developments rather than the invasive type.

Ramona Bearor stated that this list was compiled from internet research, her own gardening library and various other sources. The list was given to Drew Monthie who gave recommendations that they

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incorporated into the list. Drew Monthie owns Ecologic Consulting in Glens Falls. He has been gardening for 40 years. He has an A.A.S. in Plant Science, B.S. in Ecology, Masters in ethnobotany and he is a teacher at S.U.N.Y. Empire State College and teaches for the Bershire Botanical Garden.

Ramona Bearor stated that if the Town Board was willing to do this she would like to amend the list before it goes out by adding a footnote that the list was prepared by the Conservation Committee and approved by the Town Board.

Supervisor Jenkins asked if this would require a zoning change.

Attorney Auffredou replied no. He said it appears to be a good idea. However, whether or not it requires Town Board approval is something he is a little hesitant about. The Town Board could recommend that the Planning Board review it and the Planning Board has inherent authority to condition their approvals on their use of this list.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing this list "The Dirty Dozen" to be forwarded to the Town Planning Board for their use as deemed appropriate.

Roll call vote resulted as follows:

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

MOREAU ELEMENTARY HOME SCHOOL ASSOCIATION

Attorney Auffredou asked the representatives from the Home School Association if he understood correctly that they planned to use the Little League Concession Stand in the Town Rec. Park to sell food and they want a portion of the proceeds of the sales to go towards their charitable purposes.

The representative from the Home School Association stated that they are a not-for-profit organization and all their fund raising efforts go back to the Moreau Elementary School to fund their assemblies, purchase playground equipment and a number of other things. They were proposing to sell concessions on Saturdays during the soccer and flag football season. The proceeds would go directly back to the school.

Councilman Cumm stated that we should adopt rules of access.

Attorney Auffredou agreed with this comment. He stated that in the past the Town has allowed this type of use and if the Town wants to continue to allow this type of use then at some point in time the Town Board should adopt an access (use) policy. He wasn't suggesting that the Town Board hold up this request until a policy is adopted, but sometime before year-end a policy should be adopted. He stated right now the park is open to anybody who comes in and requests a similar use for a similar purpose. He further stated that when there is fundraising for a particular group that might constitute an unconstitutional gift of public services if the Town doesn't get some type of fee. That isn't the case in this instance. This group is fundraising for themselves.

Supervisor Jenkins added that they will need to provide liability insurance in the amount of \$1 million naming the Town of Moreau as additional insured. They will be responsible for the facility and it will be inspected by Rec. Staff after they are done using it to determine if there are any problems to be taken care of and/or any cost to the Town to do it. They will need a NYS DOH Permit. We will draft the standard contract that they will have to sign.

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A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to enter into a contract with the Moreau Elementary Home School Association to use the little league Concession Stand in the Harry J. Betar Jr. Recreational Park.

Roll call vote resulted as follows:

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

LAMPLIGHTER ACRES REQUEST FOR WAIVER OF WATER BILL LATE FEE

Supervisor Jenkins reported on a request from David Rogge owner of Lamplighter Acres Mobile Home Park for waiver of a water bill late payment fee in the amount of \$423.50. His administrative assistant received the water bill and filed it with her purchase orders believing she had until the end of March to pay it. It was paid three days late.

Supervisor Jenkins stated it is unfortunate, but it would be establishing a bad precedent if this request was granted.

The rest of the Board Members agreed with Supervisor Jenkins.

Request denied.

HIGHWAY DEPARTMENT REQUEST(S)

The highway superintendent submitted a request to purchase four main and four gutter brooms for the Johnston sweeper out of account DB5130.492 that had a balance of \$39,008.31 as of 2/1/10. He obtained the following quotes:

| | |
|---------------------|------------|
| Cyncon Equipment | \$1,510.00 |
| Old Dominion Brush | \$1,272.00 |
| United Rotary Brush | \$1,117.05 |

The highway superintendent recommended purchasing from United Rotary Brush per their quote of \$1,117.05.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of four main and four gutter brooms for the Johnston sweeper from United Rotary Brush at a cost not to exceed \$1,117.05.

Councilman Cumm asked how long they last.

Paul Joseph replied one season. It all depends on how much dirt is on the road and the consistency of the brooms.

Roll call vote resulted as follows:

| | |
|----------------------|--------|
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Absent |
| Councilman Cumm | Yes |

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[At the March 23, 2010 Town Board Meeting the following clarification/change was made to the above resolution: “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”.

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 as above.

Councilman Prendergast asked if the \$4,200.00 not to exceed amount 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 that what the amount was for was not to hire a contractor, but authorize our employee to do the work.

Roll call vote resulted as follows:

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

At the Joint Meeting between the Recreation Commission and the Town Board Jeremy Tripp had also talked about a wetting agent that could be applied to the fields that would help the fields retain the moisture from irrigation reducing the amount of water needed. This agent can sometimes reduce watering costs by 1/3.

Councilwoman LeClair asked the board members if they wanted to consider this.

Supervisor Jenkins stated he would like Jeremy to present his proposal to the board again.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Jeremy Tripp to attend a class on March 18th hosted by John Deere that would provide him with continuing credits towards re-certification and for the \$45.00 fee to be a proper town charge.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that last Monday night they were given a presentation about a proposed Lacrosse program and he asked Steve Gram for his comments.

Steve Gram stated that it was a good idea, but it isn't a rec. program. They are really a travel club like the South Glens Falls Soccer Club. He suggested they be required to enter into a contract with the Town like the other sports organizations.

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Supervisor Jenkins asked what the cost to the Town would be.

Steve Gram replied they would have to paint the fields a different color so it doesn't conflict with soccer.

Supervisor Jenkins asked Steve Gram to put together the costs and report back to the Town Board.

TOWN CLERK'S REQUEST TO ATTEND CONFERENCE

The Town Clerk requested permission to attend the NYS Town Clerk's Conference April 26 and 27 at the Saratoga Hilton in Saratoga Springs at a cost not to exceed \$165.00 and for this cost to be paid out of account A1410.4 that had a balance of \$6,686.10 as of 2/4/10.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Town Clerk to attend the NYS Town Clerk's Conference April 26 and 27 at the Saratoga Hilton in Saratoga Springs at a cost not to exceed \$165.00.

Roll call vote resulted as follows:

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

[Councilman Kusnierz entered the meeting at 7:50 pm.]

STORM WATER MANAGEMENT PROPOSALS

The following quotes were received from engineering firms to assist the Town in the Storm Water Management Program:

| | |
|----------------------------------|----------------------------|
| Garry Robinson | \$18,000.00 to \$20,800.00 |
| Environmental Design Partnerhsip | \$23,000.00 |
| Chazen | \$25,300.00 |
| C.T. Male | \$29,260.00 |

Supervisor Jenkins was of the opinion that the board should consider the quote from Garry Robinson in the amount of \$18,000.00.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the proposal from Garry Robinson at a cost not to exceed \$18,000.00 to provide storm water management program services.

Councilman Kusnierz asked if his proposal included inventory of post construction storm water management facilities like the other proposals do.

Councilwoman LeClair replied yes and showed him where this was indicated at the bottom of Garry Robinson's proposal.

Councilman Kusnierz stated that Garry Robinson's proposal also indicates that "although we are available to complete all the above items we believe that Town forces can be used to address the following items." He asked is it included in his proposal or not.

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Supervisor Jenkins said it is included in his proposal, but if we do it then it will lower his price.

Roll call vote resulted as follows:

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

INSURANCE PROPOSALS

Three responses were received to the RFP's for insurance quotes and one was incomplete. Supervisor Jenkins stated that there is a significant difference in price between the two complete quotes. Therefore, he would like to hold off acting on these so some analytical work could be done on them. He will prepare spreadsheets and give them to the Insurance Committee and then we can interview the two insurance firms sometime in April.

LOCAL DEVELOPMENT CORPORATION (LDC) MISSION STATEMENT

Supervisor Jenkins advised the board a mission statement for the LDC needs to be adopted. He stated that the board was copied on a proposed mission statement and it has to be adopted in resolution form.

We have until May 1st to get it in and the board will have to sign a statement of fiduciary duties and responsibilities. It is part of the new Public Authorities format. It can be addressed at the second meeting in March or in April.

Brief discussion followed.

AUTHORIZATION TO PRE-PAY DOG CONTROL OFFICER VOUCHER FOR DOG CONTROL SERVICES RENDERED AND A VOUCHER FROM BARTLETT, PONTIFF, STEWART & RHODES FOR LEGAL SERVICES RENDERED

Daniel Styczynski, Dog Control Officer, submitted his voucher for services rendered in January 2010 for audit in February and the voucher was never put through audit and cannot be located. He resubmitted his voucher right after the audit in February and authorization is now being requested to pay the voucher pre-audit and it will be added to the abstract for March.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the payment of the voucher from Daniel Styczynski, Dog Control Officer, for services rendered in January 2010.

Roll call vote resulted as follows:

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

At the last audit meeting in February there was a voucher from Bartlett, Pontiff, Stewart & Rhodes for legal services rendered. Councilman Kusnierz found a charge on the invoice that he found to be excessive and upon investigation it was noted by Attorney Auffredou that the hours charged for development of a policy was in fact a typo. 8.00 hours was charged and it should read .80 hours. There was also another

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typo on the invoice and that was the word “guest”, which should have been “request”. These errors were corrected and the voucher is being resubmitted for payment before the March audit.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the payment of the voucher pre-audit from Bartlett, Pontiff, Stewart & Rhodes for legal services rendered.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Peggy Jenkins stated she wanted to clarify something that was brought up at the workshop between GAR Associates and the Town Board held on February 18th regarding adoption of the tax assessment rolls. She checked with the legal counsel for NYS ORPS and the Town Board does not adopt the assessment roll during a reval. The assessor signs and certifies the tax roll as in any other year. The only authority the Town Board has is to set the level of assessing or change the level of assessing in a reval year.

Councilman Kusnierz stated that the reason he raised the question at that workshop was because when the firms were interviewed one of them indicated that the Town Board would have to adopt the roll. He has since talked with ORPS also and stated that Peggy Jenkins was correct in that the Town Board does not have the authority to adopt the roll.

Peggy Jenkins provided the Town Board Members with a copy of the law.

Councilman Kusnierz apologized if the question he was about to ask had already been addressed earlier in the meeting when he wasn't present, but he was detained at his job in Albany and arrived late to the meeting. He stated that at a prior meeting the Town Board asked for the reval books to be available for inspection in Town Hall and asked what happened with that.

Peggy Jenkins replied that the books are not in Town Hall. There was a GAR representative here in Town Hall to answer calls and meet with the public on the reval all last week and right up until yesterday. They started informal hearings today at the Fire House. The books are at the Crandall Public Library and the Moreau Community Center.

Councilman Kusnierz stated that the Town Board wanted the rolls here and asked why they weren't.

Peggy Jenkins replied that GAR didn't feel they should be in Town Hall.

Councilman Kusnierz stated that the Town Board decided it was a good idea for the books to be here in Town Hall and now he finds that is not the case. He has received a lot of complaints from people who said they came to Town Hall and were told the books were not here.

Peggy Jenkins replied that she only received one request for a copy of the books and that request was fulfilled. No one else came to Town Hall looking for the books and no one called asking if the books are here.

Councilman Kusnierz told Peggy that he told people the books would be in Town Hall and the Town Board told her the books should be here and if the board makes a decision that the books should be here then they should be.

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Supervisor Jenkins stated he didn't disagree, but the GAR representative was here for six days reviewing information with the people and the people who came in were happy with the way it was working so he didn't step in and do anything. He stated that he didn't know where they would have gotten another set of books fast enough. The one extra set we ordered went to the library.

Adele Kurtz asked how many grievances were anticipated and if additional members should be added to the Board of Assessment Review.

Peggy Jenkins stated that historically the Board of Assessment Review has held Grievance Day on one day a split shift and if they needed more meetings they were scheduled. At this point in time we don't have any idea of how many grievances there will be. As with any other year we never really know until that day.

Councilman Kusnierz asked Peggy if she has received any feedback since the notices were sent out.

Peggy Jenkins replied that the workshops have helped a lot. They have received excellent feedback on the workshops. People have left the workshops saying they weren't going to bother requesting a review. They are doing reviews now and for the next two weeks. Friday is the last day people can schedule a review. We don't know if some people will pass that process and go right to grievance. GAR Associates said they have never worked in a municipality where it has been so quiet.

Councilman Kusnierz asked Peggy if she was saying that she hasn't received one single complaint and Peggy replied no. She stated that she had people come in and talk with her. The people are mostly focusing on taxes. She said that nothing has been out of the ordinary.

Attorney Auffredou stated "adding official additional grievance days beyond the 4th Tuesday in May can only be done by local law". He then stated "adding additional days beyond the 4th Tuesday in May that is something that Peggy and the chairman of the Board of Assessment Review can schedule if they think that it is necessary". He further stated that they may want to take a look at that in the early part of May to see what the word on the street is about the anticipated number of grievances so they can let the public know that there will be grievance day on the 4th Tuesday in May plus we anticipate that as long as you file and bring your petition to Town Hall on that day we will schedule another day for you to come in and be heard.

Councilman Kusnierz asked how many requests GAR Associates received to come in for reviews and Peggy Jenkins stated that she would have to find out.

Harry Gutheil asked how many attended the workshops.

Peggy Jenkins replied that last night there were 80 in the first session and 73 in the second session. Every session has been full except for the one at the community center with the seniors. They tried to cut it off at 60 people, but last night they couldn't because the story in the Saratogian didn't mention that people needed to register and people were coming in without registering.

This concluded the 15 minute public comment period.

COMMITTEE REPORTS

Councilman Cumm stated that a couple of weekends ago there was an incident at the corner of Tanglewood Drive and Feeder Dam Road where a young man hit a fire hydrant with a car and took out a couple sections of fencing on Rudy Klick's property. He complimented Jesse Fish, Earl Ruff and the Fire Department for their cooperative effort in getting the hydrant replaced at a minimal cost to the Town.

Councilman Prendergast stated that Jesse Fish had to call for help and he paid the help out of his own pocket. It was his understanding that for safety reasons and efficiency he tried to get a hold of Earl Ruff and couldn't get a hold of him and so he called Mike Shaver after 1:00 in the morning and Mike

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responded and Jesse paid him out of his own pocket and the Town should reimburse Jesse for this expense.

Councilman Kusnierz asked Jesse Fish why he called a non Town employee and why he didn't call the highway department.

Jesse Fish replied, because they don't have the knowledge of what needed to be done.

Councilman Kusnierz said it is a "slippery slope" from a liability standpoint if you don't have a "Town employee down in a hole like that" and he said to correct him if he was wrong.

Jesse Fish replied that there wasn't anybody down in a hole.

Councilman Kusnierz then said "working for the Town's behalf". He asked Attorney Auffredou if he had a problem with that.

Attorney Auffredou said it isn't ideal, but it sounds like he didn't have any other choice.

Supervisor Jenkins stated that we lost 400,000 gallons of water.

Attorney Auffredou stated that maybe there is some other process that the Town may want to follow in the future. He didn't have a problem with the Town reimbursing Jesse for this. It is a proper Town charge.

Councilman Kusnierz asked Jesse how much he paid Mike Shaver and Jesse replied \$100.00. They were out until about 5:00 in the morning and he noted that he didn't ask for reimbursement. He paid Mike for coming out that time of the morning and the extra knowledge he provided helped him to get it shut down as quick as they did.

Councilman Kusnierz asked Jesse Fish if the Town should provide him with more training so he has that knowledge.

Jesse Fish replied that he has the knowledge, but it was dark and he couldn't get the covers off the valves due to the age of the valves.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the reimbursement of \$100.00 to Jesse Fish, Water Superintendent.

Roll call vote resulted as follows:

| | |
|------------------------|-------|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes * |
| Supervisor Jenkins | Yes |

* Councilman Kusnierz said he voted yes, but he wasn't voting for that type of operation in an emergency by bringing in a non-employee of the Town.

Jesse Fish stated it wouldn't happen again.

Supervisor Jenkins presented a voucher from Vellano Bros. in the amount of \$785.47 for parts that were needed on an emergency basis so that job could get done. Supervisor Jenkins said he approved the emergency purchase. He also noted that it has been submitted for reimbursement to the insurance company along with a claim for the lost water and payroll costs. He asked for a motion authorizing this purchase from Vellano Bros.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing an emergency purchase from Vellano Bros. in the amount of \$785.47 for parts to repair the fire hydrant.

Roll call vote resulted as follows:

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

SUPERVISOR'S ITEMS

Supervisor Jenkins reported on a bill received from Schultz Construction in the amount of \$798.50 to tighten up bolts on the flange in the water tower. The breakdown was as follows:

| | |
|-----------------------|-----------------|
| Labor cost | \$642.00 |
| Equipment Cost | \$ 52.50 |
| 15% Profit & Overhead | <u>\$104.00</u> |
| Total | <u>\$798.50</u> |

Jesse Fish questioned this bill and thought it was excessive. He stated that the job consisted of three men and a couple of large open end wrenches literally.

Supervisor Jenkins said he would be calling Schultz Construction and discussing this bill.

Attorney Auffredou asked Supervisor Jenkins if he wanted to request Town Board authorization for him to sign another 30 day contract with the Moreau Emergency Squad.

Councilman Prendergast stated there are still some concerns over the lack of information supplied.

Attorney Auffredou stated that there are some concerns about the contractual language for a substantive agreement for the balance of the calendar year.

Councilman Prendergast added that what the Moreau Emergency Squad has drafted doesn't give us what we are asking for in the terms of access.

Attorney Auffredou said he thought they needed some discussion on it. He drafted the contract in keeping with what the Town Board's directive was and it came back from the squad with substantial revisions and in his view there should be another contractual extension until April 1st.

Councilman Prendergast was of the opinion that they needed to meet on it.

Attorney Auffredou agreed that the board needs to let the squad know where they stand.

Councilman Prendergast asked Attorney Auffredou if he (meaning Attorney Auffredou) were to contact Attorney Tarantino and tell him the board isn't satisfied would this be proper and Attorney Auffredou replied yes.

Supervisor Jenkins and Councilwoman LeClair were agreeable to this.

Attorney Auffredou stated that in the meantime a written contract should be put in place for March.

Councilman Cumm asked what the payment would include and Attorney Auffredou replied 1/12 of the payment based upon the 2010 budgeted amount and the soft billing.

A regular meeting of the Town Board of the Town of Moreau was held on March 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm said “even though they’re not complying with anything we want”.

Attorney Auffredou said the short answer is yes.

Councilman Kusnierz said he wouldn’t say they aren’t complying with anything we want. That is a pretty “flippant statement”. They have agreed to some of the things the Town Board is looking for.

Supervisor Jenkins didn’t think they had. “The final agreement doesn’t appear that they have agreed to anything.” He added that he has some information, such as he has a pile of invoices that don’t relate to anything unless he puts them all on a spreadsheet himself.

Attorney Auffredou said he would write Attorney Tarantino and call him. He stated that he is always willing to entertain modifications to language that he drafts. Within the context of what we are proposing and looking for we can entertain reasonable changes, but what he is hearing is that the Town Board wants to head in the direction of the contract that he drafted on behalf of the Town and they don’t want to retreat and go in their direction.

Supervisor Jenkins said he was correct.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign a contract with the Moreau Emergency Squad for the month of March.

Roll call vote resulted as follows:

| | |
|------------------------|------|
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Councilman Cumm | No * |
| Councilman Prendergast | Yes |
| Supervisor Jenkins | Yes |

* Councilman Cumm stated he was voting no, because they need to know we are very serious about this situation and for them to send us a contract that they think we are going to approve is beyond comprehension.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 8:32 p.m. to discuss an Article 7 re: Midtown Plaza and to discuss the performance of an unnamed Recreation Commission Member.

Roll call vote resulted as follows:

| | |
|------------------------|----------|
| Councilman Cumm | Absent * |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Supervisor Jenkins | Yes |

*Councilman Cumm stepped out the meeting room for a few minutes before the roll call.

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 9:15 p.m.

Vote resulted in all yeses and zero nos.

A regular meeting of the Town Board of the Town of Moreau was held on March 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 9:15 p.m.

Vote resulted in all yeses and zero nos.

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk