

A regular meeting of the Town Board of the Town of Moreau was held on May 25, 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
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; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Michael Fogel, Attorney from the Gilberti Law Firm, representing Cranesville Aggregate; Harry G. Gutheil, Jr., Village Resident; Patricia Frederick (property owner in the Town), and the following Town Residents: Richard & Patricia Hughes, Reed Antis, Vince Sporrer, Adele Kurtz, Ed Loftus, Elizabeth Lanfear; and Brian Bearor, CEO of the YMCA and John Hurlaman, Branch Executive Director of the YMCA; and Lance Ingmire, President of Friends of Grants Cottage

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone and asked everyone in attendance to turn off or put on vibrate any and all electronic devices during the meeting.

MINUTES

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

April 27th, April 28th and May 11th (2 Sets)

MINUTES – APRIL 27, 2010 – REGULAR TOWN BOARD MEETING

No comments or corrections

MINUTES – APRIL 28, 2010 – MONTH-END TOWN BOARD MEETING

No comments or corrections

MINUTES – MAY 11, 2010 – PUBLIC HEARING RE: WATER DISTRICT 1, EXTENSION 2

No comments or corrections

Received and filed.

MINUTES – MAY 11, 2010 – REGULAR TOWN BOARD

No comments or corrections

A regular meeting of the Town Board of the Town of Moreau was held on May 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of April 27, 2010.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes on the portion of the minutes after 7:35 p.m.
Councilman Cumm	Yes
Councilman Prendergast	Abstain
Supervisor Jenkins	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of April 28, 2010.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to approve the minutes of May 11, 2010 Regular Town Board Meeting.

Roll call vote resulted as follows:

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

The minutes from the Public Hearing held on May 11, 2010 were received and filed.

FUTURE MEETINGS AND WORKSHOPS SCHEDULED

None

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis discussed with the Board illegal dumping in the Town and in particular five old style propane tanks that were dumped along Old Bend Road sometime around 5:00 a.m. Sunday. He asked the Town Board to be more aggressive in trying to curb illegal dumping in the Town.

Supervisor Jenkins advised Mr. Antis that in the past the Town Court has thrown cases out for lack of testimony. The likelihood of Sheriff's deputies patrolling for illegal dumpers was slim. There doesn't seem to be a consistent method of enforcement of illegal dumping in the Town.

Reed Antis suggested a "clean up the Town day" whereby citizens would volunteer to clean up around the Town. He also suggested that more education may prevent illegal dumping (i.e., the propane tanks could have been taken to our recycling center at the Transfer Station for free).

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Councilman Kusnierz said he would be in favor of the Highway Superintendent locating problem areas in the Town and then groups could sponsor an area and four times a year they could clean up the area and the Town would provide a sign free in recognition of the groups effort in that adopted area. People who see the posting may be less likely to toss garbage out if they see somebody is trying to keep it clean.

Harry Gutheil stated he reviewed the amount that has been paid to GAR Associates for the Reval and there is only \$15,000.00 left to be paid to them and he wondered if the Town Board had received any reports from GAR after the informal hearings at which about 700 taxpayers attended, for instance, a report on the shift in property classes. He asked what oversight the Board has had through the Reval process.

Supervisor Jenkins replied that the Board has received a report on the shifts and there has been about an 8% to 9% shift between industrial and residential.

Harry Gutheil stated the percentage that the residential pick up over the whole roll including the utilities is tremendous and there is a huge spread. This is why he has asked a couple of times for the Board to consider adopting a homestead and non-homestead exemption.

Councilman Kusnierz stated that the Board has asked the assessor to provide them with information on what the actual shifts were. This information was received May 13th, but it is rather cryptic. It compares 2009 residential and commercial properties and what the percentage of the roll is and it has figures for 2010 where it has residential at 59% of the total and commercial at 40.9% of the total. What he hoped would be included was the dollar amount of the shift and what the impact of the valuation has been overall and the breakdown of the classes of properties. He has seen a huge shift onto vacant land in the Town and this troubles him. He is involved in a business that requires land holdings to do the business and there are a lot of people who are concerned. He would like the assessor to provide an evaluation in greater detail outlining the exact changes that have taken place (i.e., dollar amounts, classes of property) before the last payment is made to GAR Associates.

Harry Gutheil stated that he has talked to a lot of people who are disgruntled, but didn't grieve their assessments. He stated that a lot of people have given up complaining to government, because they don't believe they can win. This is a shame. People's attitudes towards this Town and Village will change and he stated that the direction this Town is headed in is wrong. If the farmers can't afford to raise crops and be on their farms we won't be able to hang on to open space. People won't be able to maintain their properties and they are struggling to hold onto their properties. Yet, we reduced some of the assessments on businesses. He mentioned a 67% reduction in assessment on a company in the industrial park. How could we have been off that far? He hasn't seen their income and expense statement, but he wonders how they could stay in business if their assessment was reduced that much.

Harry Gutheil asked what the last day was for filing a petition on the permissive referendum on the resolutions passed to create the two reserve funds, because there are petitions on the street he said.

Attorney Auffredou replied that the 30 day period runs from the date of publication.

Harry Gutheil stated that he thought he read in Town Law where it runs 30 days from the date the resolution is adopted. He said nevertheless, he suspected there would be enough signatures. The Board saw fit to approve the resolutions, which forced people like him and others to go out and circulate petitions when this Board could easily have said they were going to put it on the ballot and let the people decide. The people he talks to don't want to spend \$4 to \$5 million on two new buildings.

Vince Sporrer stated, in regards to the Reval and along the same lines as Harry's comments, it seemed to him that the Town Board would want to know more statistics about the Town. What is the average cost of a house, what is the cost of NYS property, County property and Town property and how much does it take

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away from the total value of the Town. He thought they could develop a ratio of commercial and residential property and from that derive a formula that would give us a tax on a property that would put us in the position to say you could put a housing development in or no you can't. You have new data and now would be the time to put in some type of formula. The Town has a master plan that reads we want to maintain our community yet we have been working on zoning for a year and a half. GAR Associates doesn't seem to be giving the Board any statistical analysis.

Supervisor Jenkins said there is some data that is more detailed, but hard to understand. He has gone over it with Harry and with his help we have found some things that needed to be reviewed again and some adjustments made. He stated that he has had people complain about the value, but wouldn't sell their house for that price and that is where it gets difficult.

Vince Sporrer stated there were errors made. An error was found on his brother's property. There are a lot of people out there who just accepted the values. He asked GAR if they were going to go back and look at other properties and they said no, it wasn't their responsibility.

Supervisor Jenkins stated a lot of the reason for the shift was due to the equalization rate.

Councilman Kusnierz stated that he was contacted by several people who contacted the assessor's office this week trying to get information about what they had to do to go before the BAR and they had not received phone calls as of 4:00 today. There is a time frame that they have to file in and if they don't file between 4:00 p.m. and 8:00 p.m. today he wondered if it would impact the process.

Attorney Auffredou replied that it is his understanding that if a person hasn't filed by the end of Grievance Day they waived their administrative rights to grieve. Real Property Tax Law reads that the Town Board can establish other Grievance Days, but it has to be done by local law.

Councilman Kusnierz said the Town would be doing a severe injustice if a person hasn't received a return phone call from the assessor under the deadlines set by statute and especially in this situation where there has been a reval.

Attorney Auffredou said the law is very clear that if a person hasn't filed by Grievance Day they waive their administrative right and can't file an Article 78 either.

Councilwoman LeClair stated that when she was in the assessor's office this morning it was her understanding that Kathy was helping her and Peggy was instructing her on how to direct people on how to fill out the paperwork and what they needed to do. She didn't stay around to find out if that process happened, but Peggy was having other people besides herself handle the phone calls and explain to people on how to file the paperwork.

Adele Kurtz stated that some people called and made an appointment and were told to show up at Grievance Day with their paperwork. She asked Attorney Auffredou if this was going to be a problem if they didn't file the paperwork four days before.

Attorney Auffredou replied that he understood that it has always been that people could just show up on Grievance Day with the form. The four days in advance is just a courtesy to the assessor and the BAR and he didn't know of any statute or regulation that reads "four days before". If they called and were on a list and were told to bring the form with them then it is probably okay and the assessor has record of this.

This concluded the 15 minute public comment period.

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FRIENDS OF GRANT'S COTTAGE PRESENTATION

Lance Ingmire, President of the Friends of Grant's Cottage, was present to request financial support from the Town of Moreau for the many projects that lie ahead to renovate and preserve the Ulysses S. Grant Cottage that is in the Town of Moreau.

Mr. Ingmire's presentation started with a video of Grant's Cottage and the history behind it.

Mr. Ingmire reported that there are major problems with the physical structure of Grant's Cottage. Every room has been compromised by water damage and there is standing water in the basement almost year-round. They obtained one quote in the amount of \$14,000.00 to put a French drain around the visitor's center. They are trying to get D. A. Collins Construction to donate the materials and labor for the drain system.

He explained how they want to reconstruct the log gazebo that Ulysses S. Grant used to sit in. They also want to remove some trees that obstruct the view at the overlook.

They have located a narrow gauge rail car that they want to purchase and then lay track that passes through the property to where the gazebo is so people can sit in the gazebo where Ulysses S. Grant used to sit.

Their annual budget is \$35,000.00 and they have three paid part-time positions that are paid out of this amount.

Town of Wilton contributed \$5,000.00 and if the Town of Moreau contributes they will make sure that it is known that Grant's Cottage lies in the Town of Moreau. In the past it is has been publicized that it is in the Town of Wilton and this was an error.

A request has been submitted to the Saratoga County Board of Supervisors for a contribution.

There will be a fundraiser held on July 2nd at the Wishing Well and there will be professional Mark Twain and Ulysses S. Grant impersonators there. The donation is \$50.00 per head with larger donations accepted.

Brief discussion followed and then the presentation was concluded.

YMCA PRESENTATION

Brian Bearor the CEO of the YMCA and John Hurlman the Executive Director of the Moreau Branch of the YMCA were in attendance to give a presentation on the new YMCA that is in the construction stage in the Town of Moreau.

The presentation started with a power point presentation about the mission, creed and values of the YMCA.

The new YMCA facility will be a 12,500 square foot facility located off Route 9 on property formerly owned by the Rogge family and before that the South Glens Falls Lumber Yard.

The facility will have a modified gymnasium, babysitting service for people taking part in programs at the facility, community meeting room, wellness center with exercise equipment, group exercise room and locker rooms.

Their facility is intended to compliment services already available in the Town and not intended to compete with similar facilities. They are trying to meet the needs of those not already met.

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Some of the questions asked and answers given were as follows:

Question: Will the locker rooms be upgraded fitness locker rooms?
 Answer: No, basic locker rooms. No spa at this time.

Question: How many people are estimated to use the facility?
 Answer: Less than 1,000 on any given day between the hours of 6:00 a.m. and 9:00 p.m.

Question: How many employees will there be?
 Answer: 30 to 50 part-time staff to begin with.

A groundbreaking ceremony will be held on-site Wednesday, June 2nd, at 11:30 a.m.

This concluded the presentation by Mr. Bearor and Mr. Hurlman.

RECREATION DEPARTMENT REQUESTS

The Recreation Director presented the following names of people he would like to hire to work in the Recreation Department during the summer season on a part-time, seasonal basis:

EMPLOYEES NAME	2009 RATE	2010 RATE	TITLE OF POSITION	PRE-EMPLOYMENT PHYSICAL NEEDED YES OR NO
Felix De Jesus		\$8.50 PH	Seasonal Laborer/Security	Yes
David Gorrie		\$8.50 PH	Seasonal Laborer	Yes
Ray Hoag	\$12.50 PH	\$12.50 PH	Sr. High Soccer Specialist	No
Thomas Zauner	\$10.30 PH	\$10.60 PH	Jr. High Soccer Specialist	No
Tanya White	\$10.30 PH	\$10.60 PH	Arts & Crafts Specialist	No
Samantha Pratt		\$8.00 PH	Asst. Arts & Crafts Specialist	No

Councilwoman LeClair stated that she and Fran Thibodeau discussed the need for someone to work at the Transfer Station on a weekend in three weeks to cover for a Transfer Station employee that will be off. Fran left a message for Samantha Pratt to see if she is willing to work that weekend at the Transfer Station. The question is does the Board want her to work at the Transfer Station and if she should be paid the laborer's rate of \$9.00 per hour and does she have to have a pre-employment physical.

It was noted that Samantha Pratt worked for the Recreation Department through the CETA program and did a great job.

Following brief discussion the following action was taken:

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hire the above listed persons to work in the Recreation Department on a part-time, seasonal basis, in the positions listed and at the rates listed and subject to successful completion of a pre-employment physical if so indicated and authorizing Samantha Pratt to fill in at the Transfer Station on a part-time, as needed basis, at \$9.00 per hour, subject to successful completion of a pre-employment physical.

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Roll call vote resulted as follows:

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

A request was received from the Recreation Director to purchase a walk behind 8 hp blower or similar and a backpack blower.

The following quotes were received:

Falls Farm & Garden

Billy-Goat walk behind leaf blower	9 HP	\$1,399.00
Little Wonder walk behind leaf blower	9 HP	\$1,279.95
Stihl br600 back-pack blower		\$ 489.95
Stihl br550 back-pack blower		\$ 429.95

Green Management

Billy-Goat walk behind leaf blower	8 HP	\$ 840.00
Echo blower		
Model PB500T 50.8 cc		\$ 329.00
Model PB770T 63.3 cc		\$ 485.00

Grassland

Little Wonder walk behind leaf blower	6 HP	\$ 769.00
Little Wonder walk behind leaf blower	8 HP	\$1,149.00
Little Wonder walk behind leaf blower	9 HP	\$1,399.00
Kawasaki back-pack blower 64.7 cc		\$ 499.95

The Recreation Director recommended purchasing the Billy-Goat 8 HP walk behind leaf blower in the amount of \$840.00 and the Echo back pack blower Model PB770T 63.3 cc in the amount of \$485.00 from Green Management and this purchase would be made out of A7140.2 that had a balance of \$11,271.04.

The piston seized up and went through the engine on the one they have currently. The backpack blower would be used to clean up the pavilions and the walk behind would be used to blow leaves off the fields.

Councilman Kusnierz said he would support the request, but was seeing a pattern of replacing equipment. He wants to see money used to build picnic tables, buy playground equipment, charcoal grills, etc. He wants to see a balance on what we are spending money on.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a Billy-Goat 8 HP walk behind leaf blower at a cost not to exceed \$840.00 and an Echo back pack blower Model PB770T 63.3 cc at a cost not to exceed \$485.00 from Green Management.

Roll call vote resulted as follows:

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

Steve Gram previously received approval to rent portable toilets, but the cost he cited and that was approved was incorrect. The cost approved was for one handicapped and one regular portable toilet and he needs two regular portable toilets, which means he needs approval for an additional \$525.00 to rent a total of three portable toilets for seven months.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the rental of an additional portable toilet from IBS Septic for the Recreation Department for a seven month period at an additional cost of \$525.00.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that he had information on what the cost for lighting would be if they went ahead with the lighting grant and installed lights in the Rec. Park and he asked Steve Gram to report on this.

Steve Gram stated that he spoke with John Murphy from National Grid and Musco and to light a field five nights a week the cost per month would be \$792.00 for a demand fee and an additional \$1,332.00 with \$540.00 for lighting. It comes out to be about \$22.00 per hour per Steve Gram. The more we use the lights the cheaper the rate would be. If we turn the lights on one time per month we would have to pay the \$792.00 demand fee.

Supervisor Jenkins asked Steve Gram if he knew of any organizations that would pay this fee and Steve Gram replied no.

Councilwoman LeClair stated that when this was discussed at the Recreation Commission Meeting one of the concerns was over the cost to turn the lights on. She thanked Steve Gram and Terry McGuire for the immense amount of time they spent working on this grant and getting the information needed to make a decision. In reviewing the information she doesn't think we should move forward with this grant. We would be spending \$80,000.00 and the cost to turn the lights on would be cost prohibitive. She discussed with Steve Gram and Supervisor Jenkins the possibility of lighting a portion of the area where children go sledding in the winter, but Steve Gram figured it would cost a couple of thousand dollars to install a couple of poles and lights. Supervisor Jenkins had mentioned using temporary lighting to see if it was even feasible. The proposal from Musco would only light about half of the area that we want to light. We would be spending \$80,000.00 to buy lights that are very expensive to turn on and they wouldn't light a complete field. We would be buying something that we can't use without expending other money or we would be buying something that wouldn't fit the bill.

Supervisor Jenkins stated that they asked Steve Gram to explore what it would cost to install lights along the parking lot by the softball field that would also light up the area where the skating rink is in the winter and part of the bowl field. The investment we are looking at to light one field just doesn't make any sense at all.

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Councilman Kusnierz stated he has a hard time walking away from \$80,000.00. He stated he doesn't care if they have to put up 100 watt bulbs if we can use \$80,000.00 of the State's money and go as far as we can go. That is the direction we should move in. In the future the State isn't going to offer this type of grant. It may not light a complete field, but for \$80,000.00 we should be able to light part of a field. The way he understands the grant we just have to light an athletic field and it doesn't stipulate what part of it or how much of it. Maybe we could light the sledding area in the winter. We can start the project at least even if we can't light a whole field now.

Councilwoman LeClair replied that if it costs \$80,000.00 to light one-half of a field then it should cost \$80,000.00 to light the other half.

Councilman Kusnierz said that is what future budgets are for and he asked Councilwoman LeClair if she really wanted to give up the \$80,000.00.

Councilwoman LeClair replied that she is the one who initiated the re-opening of this grant project and asked Steve Gram and Terry McGuire to spend an immense amount of time on this. Last week when she realized that it wasn't going to be feasible she was very disappointed, because she thought it was a shame to lose the \$80,000.00 grant.

Councilman Kusnierz replied that it isn't a shame it is a tragedy.

Councilwoman LeClair stated that she also thought it would be a shame to spend the money in a manner that we aren't going to get immediate use out of or use in the near future. Whether it is State money or Town money it is still taxpayer's money and she can't say let's spend it when we can only do half a project with it when we don't know when we will be able to come up with additional money to finish the project and we don't even know if there are organizations that want to pay to turn the lights on.

Councilman Kusnierz said he isn't convinced it costs \$80,000.00. He stated that obviously depending on the type of lighting installed we could get up into exorbitant costs, but it doesn't have to be state of the art lighting.

Councilwoman LeClair stated that they looked into two different types of lighting. One was the high poles that you see on a typical athletic field and the other type was lights mounted on telephone poles. It seems to be cost prohibitive only to light one-half of a field with athletic type lighting.

Councilman Kusnierz stated that apparently we can't light a field for a sporting event, but we could put up lighting to allow people to have fun down there. It is a shame if, as a Board, we say thanks but no thanks.

Councilwoman LeClair said it just seems a shame to spend \$80,000.00 to light a sledding area and skating rink.

Councilman Kusnierz stated it is not our money. It is State of New York taxpayer money.

Councilwoman LeClair stated it is our money. We pay taxes to the State of New York.

Councilman Kusnierz asked Councilwoman LeClair if she was just going to let another community spend the money.

Councilwoman LeClair replied yes, if they can use it more wisely.

Councilman Kusnierz stated he didn't follow that reasoning at all.

Councilwoman LeClair replied that to just take the money because it is there and spend it is wrong.

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Councilman Kusnierz replied absolutely, that is why they call them member items.

Supervisor Jenkins asked when the due date is.

Councilwoman LeClair replied that Terry called and was told the money is there until June 30th, but until the budget is passed they don't know if the money will be available after that.

Steve Gram stated we have enough power to install two poles with lights. Anymore than that we have to upgrade the electric service.

Councilman Cumm stated that this would be parking lot lighting quality and not stadium lighting.

Councilwoman LeClair stated that they still would be facing a cost of \$792.00 to turn the lights on one time.

Councilman Cumm corrected Councilwoman LeClair by saying that it would only cost that much for the electricity if we went with the Musco proposal. If we went with the D&D Power proposal that would be a regular 400 amp service and regular lighting. He then agreed with Councilman Kusnierz in that we should accept the \$80,000.00 and install wooden poles and lights.

Supervisor Jenkins stated it doesn't fulfill our goal.

Councilman Kusnierz replied that it wouldn't accomplish our goal, but it is either use or lose it.

Supervisor Jenkins advised the Board that we would have to spend the \$80,000.00 and wait for the State to reimburse the Town.

Councilman Kusnierz asked if they had to spend the \$80,000.00 and the answer was no. He stated that we should at least try.

Discussion followed.

Supervisor Jenkins stated they could get better figures and discuss it at the next meeting.

Councilman Cumm asked what additional figures were needed.

Councilman Kusnierz stated they could scale back the project and send out RFP's and Steve Gram stated that it has to go out to bid.

Councilman Kusnierz concurred that we would need bid specifications that include what kind of service we want, how many lights, etc.

Councilman Cumm stated that we already have that information. It is spelled out in the D&D Power proposal.

Councilman Kusnierz asked how much their proposal was without three phase and Supervisor Jenkins replied \$77,160.00.

Councilman Kusnierz said he would take what this company is proposing and put it on a piece of paper and contact two or three other vendors.

Steve Gram stated that there aren't too many companies out there.

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Councilman Cumm stated that the original RFP was for the \$80,000.00 grant and Musco and D&D Power submitted quotes. It has already been put out for RFP.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz authorizing the Supervisor to sign a contract with D&D Power to provide the services per their proposal at a cost not to exceed \$77,160.00 subject to review and approval by legal counsel and subject to it meeting the requirements of the grant.

Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Highway Superintendent to attend an Illicit Discharge Detection and Elimination Program on Storm Water Management at Skidmore College in Saratoga Springs, New York, June 16th and 17th at a cost of \$30.00 for the registration fee.

Roll call vote resulted as follows:

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

A request was received from the Highway Superintendent to purchase a two drum stackable Poly Drum System with catch basin. The following quotes were obtained:

Fastenal	\$597.46
Wallace Supply	\$661.34
Lab Safety	\$693.85
Granger Equipment	\$712.35

This purchase will require a transfer of \$600.00 from A5132.410 into A5132.2.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the transfer of \$600.00 from A5132.410 into A5132.2 for this purchase.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a two drum stackable Poly Drum System with catch basin from Fastenal at a cost not to exceed \$597.46.

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Roll call vote resulted as follows:

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

A request was received from the Highway Superintendent to purchase diesel fuel from Warex Terminals Corp. at a cost of \$20,000.00 out of account DB5142.460 that has a balance of \$41,960.47 as of April 30, 2010.

Councilman Kusnierz asked Paul Joseph if he really needed a blanket authorization in this amount of money at this time.

Paul Joseph stated it isn't like they are wasting it and Councilman Kusnierz said he realized that, but he was looking at it from a budgeting standpoint.

Councilman Kusnierz asked him if he could accept \$10,000.00 for now.

Paul Joseph said he would just be back requesting it again and Councilman Kusnierz said that was okay, he could come back as many times as he wanted and he was sure the Board would approve it.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of diesel fuel from Warex Terminals Corp. at a cost not to exceed \$20,000.00.

Roll call vote resulted as follows:

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

A request was received from the Highway Superintendent to purchase crushed stone under county contract from Peckham Materials and Jointa Galusha at a cost of \$5,000.00 as needed, depending upon availability and price and it would be purchased out of account DB5110.493 that had a balance of \$23,678.87 as of May 1, 2010.

Councilman Kusnierz asked what this stone was for and Paul Joseph replied it was for drainage and rebuilding the shoulders on the roadways.

Councilman Kusnierz asked Paul Joseph if he had any stockpiled and Paul Joseph replied very little.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of crushed stone from Peckham Materials and Jointa Galusha under county contract as needed and depending upon availability and price at a cost not to exceed \$23,678.87.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes

A regular meeting of the Town Board of the Town of Moreau was held on May 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins Yes

A request was received from the Highway Superintendent to purchase three drywells and six frames and grates out of account DB5110.450 that had a balance of \$5,850.00 as of 5/1/10. The following quotes were received:

Chemung Supply	\$2,383.35
Lane Enterprises	\$ 607.50 for drywells & frames & grates not available
Adirondack Highway Materials	\$2,829.00
Neenah Foundry Co.	Contacted - No quote provided

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of three drywells and six frames and grates from Chemung Supply at a cost not to exceed \$2,383.35.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUEST

Jesse Fish, Water Superintendent requested that the Board hire Denise Jones as a meter reader at \$9.25 per hour on an as needed, part-time, basis.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hire Denise Jones to read water meters at a rate of \$9.25 per hour on an as needed, part-time basis and subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

Jesse Fish reported that he found a hydrant that didn't work and it has been repaired.

Councilman Kusnierz stated that at the last meeting he asked that an answering machine be installed in the highway department and that emergency contact information be put on the machine for after working hours. He asked if this had been done.

Paul Joseph reported that he was in the process of getting information on a new phone system along with the Town Court.

Councilman Kusnierz asked how long that was going to take and then asked Paul Joseph to install an inexpensive answering machine in the meantime.

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HATCHERY ROAD CULVERT

Supervisor Jenkins stated that the Board has discussed whether or not to have the Highway Department install a new culvert on Hatchery Road or put it out to bid. We received four proposals from engineering firms to provide engineer services for this project and the lowest was from C. T. Male in the amount of \$5,700.00.

Councilman Kusnierz asked if it has to be engineered and Supervisor Jenkins replied yes according to Joe Patricke and based on the information we have obtained it is going to be too hard for our Highway Department to do the job. They would have to get staff trained for confined space and rent equipment. We are going to need easements also.

Joe Patricke stated that there is no question that a survey will be needed. The engineer has to calculate the load of the stream.

Councilman Kusnierz asked if the Highway Department could do the job if we had the certification and equipment.

Paul Joseph replied that it is going to be harder than they first thought according to the information he supplied the Board with. The air will have to be monitored and soil samples taken. There is only one other Town that he is aware of that would attempt this type of job. He stated that there are a lot of legal issues involved.

Councilman Kusnierz stated that he talked with NYS DOT safety division and they have protocol and if you do a one for one step back going back you don't need confined space training. That is why he posed the questions regarding cost, materials, equipment and labor.

Paul Joseph stated that he couldn't get an exact figure on materials, but a 4' culvert will be about \$8,000.00 and rental of an excavator will cost between \$1,600.00 and \$2,000.00 per week and a trench box will cost about \$400.00 per week. The stone is about \$6.50 per ton and sand about \$5.50 per ton. If we had an engineering study we would have a better idea on the cost. At the five foot mark is when everything steps in. We would have to step it back and we would be taking out a lot more area and we would need somebody there who is certified and competent to test the soil and they would have to be on-site during the whole project.

Supervisor Jenkins stated that if we got 4 inches of rain the two valleys that lead into it would take the road right out.

Councilman Kusnierz asked Paul Joseph if he looked into directional boring.

Paul Joseph replied no, because he doesn't know the size of the pipe that they will be hooking into.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the Supervisor to enter into a contract with C.T. Male at a cost not to exceed \$5,700.00 to provide engineering services in the Hatchery Road culvert project.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on May 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

RE-APPOINT KEITH KREPPEIN TO THE RECREATION COMMISSION

Keith Kreppein submitted a letter requesting re-appointment to the Recreation Commission. His term expires 5/31/10.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair re-appointing Keith Kreppein as a member of the Recreation Commission for another seven year term that will expire 5/31/2017.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Abstained to avoid the appearance of a conflict of interest. Keith is his brother-in-law.
Councilman Cumm	Yes
Supervisor Jenkins	Yes

RESOLUTION – JUSTICE COURT RECORDS AUDIT

Supervisor Jenkins reported that Fran Thibodeau, Senior Account Clerk performed an internal audit of the Town Court's records and did a very nice job. He reviewed the report with her and we need a Board resolution acknowledging that the audit was completed.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair acknowledging that the required examination of the Town of Moreau Justice Court's records for the year ended 12/31/09 has been completed.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that by Fran performing this audit, which took about two days, it saved the Town \$2,500.00. He stated again that she did a nice job with it.

MOREAU EMERGENCY SQUAD CONTRACT FOR JUNE 2010 – AUTHORIZATION TO SIGN

Supervisor Jenkins asked for authorization to sign a contract with the Moreau Emergency Squad that is due before June 1st by order of the court.

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 for June 2010.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on May 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

ESTABLISHMENT OF A SOLID WASTE MANAGEMENT FACILITY RESERVE FUND

Supervisor Jenkins stated that the Solid Waste Management Facility Reserve Fund was created by the State of New York back in 2001 as the result of closure of landfills that were taking place and the reserve monies were used for testing and maintenance of the facilities. We can no longer use monies from the Landfill Fund for testing and maintenance so New York State has said we can establish a Solid Waste Management Facility Reserve Fund under General Municipal Law 6(o). Supervisor Jenkins recommended we transfer the balance of the money owed by the industrial park and cash from the Landfill Betterment Fund for a total of \$839,000.00 into this new account.

He also stated that we are aware now that this is how we should be doing it by law and if we continue to expend funds from the Landfill Betterment Reserve Fund essentially it would be a misdemeanor for all of us. We will continue to maintain the landfill the way we have, but we are simply going to transfer funds from the Landfill Betterment Fund into the new account. He won't sign any checks from accounts that will subject him to a misdemeanor.

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

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the establishment of a solid waste management facility reserve fund for the purpose of financing the continued operation, maintenance, closure and post-closure care of the solid waste management facility owned and operated by the Town of Moreau; and

WHEREAS, a solid waste management facility reserve fund is authorized under Section 6-o of the General Municipal Law of the State of New York; and

WHEREAS, the Town Board has deliberated upon the establishment of such a reserve fund;

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 6-o of the General Municipal Law there is hereby established a solid waste management facility reserve fund to be known as the "Town of Moreau Solid Waste Management Facility Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to finance the continued operation, maintenance, closure and post-closure care of the solid waste management facility owned and operated by the Town of Moreau. The estimated maximum cost of financing of the operation and maintenance of the solid waste management facility is One Million and 00/100 Dollars (\$1,000,000.00); and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to deposit and secure the monies of this Reserve Fund in the manner provided by Section 10 of Article 2 of the General Municipal Law. The Town Supervisor may invest the monies in the reserve fund in the manner provided in Section 11 of Article 2 of the General Municipal Law and consistent with the investment policy of the Town of Moreau. Any interest earned or capital gains realized on the monies so deposited or so invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the Reserve Fund, interest earned by the Reserve Fund, capital gains or losses resulting from the sale or investments of the Reserve Fund, the interest or capital gains which have accrued to the fund, the amount and date of each withdrawal from the Reserve Fund and the total assets of the Reserve Fund showing the cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund; and

BE IT FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No

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expenditure shall be made from the Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-o of the General Municipal Law and any other law.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for a motion to transfer \$839,000.00 worth of assets made up of the balance due from the industrial park plus cash into this newly established fund.

Councilman Prendergast asked if the resolution has to state exactly where the money is coming from and how much is coming from what area.

Attorney Auffredou asked Supervisor Jenkins if the resolution was going to state that it was coming from the Landfill Betterment Fund and Supervisor Jenkins replied yes and that it is made up of cash and receivables from the industrial park.

Attorney Auffredou said that was sufficient.

Councilman Kusnierz asked what the annual earnings were on the \$839,000.00.

Supervisor Jenkins stated right now it is about 1/2 of one percent. We have a minimum of 2% from the industrial park.

Supervisor Jenkins stated if there ever comes a time when the landfill no longer needs maintenance then whatever money is left in this reserve fund would still be restricted for landfill maintenance unless it is transferred out to another capital reserve fund.

Councilman Kusnierz stated it was his opinion that \$839,000.00 wasn't enough. If we ever have a catastrophic failure (sheering or sliding) of the landfill cap then the taxpayers would be on the hook for a lot more than \$839,000.00.

Supervisor Jenkins stated that this amount was based on an engineering study. There is over \$400,000.00 in this amount that was estimated to be needed in case of a failure.

Councilman Kusnierz stated he would like to see one million dollars transferred into the new reserve fund.

The rest of the Board Members were okay with this figure.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to amend the resolution just adopted to create the Solid Waste Management Facility Reserve Fund to increase the amount of \$839,000.00 to \$1,000,000.00.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes

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Supervisor Jenkins Yes

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to transfer one million dollars in accounts receivables from the Moreau Industrial Park and cash that is currently in the Landfill Fund into the Solid Waste Management Facility Reserve Fund.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked for clarification the action just taken by the Town Board and Supervisor Jenkins explained.

Councilman Kusnierz reported that Kathy Landry an Allstate Representative would like to give a presentation to the Town Board on 20 year Term Life Insurance for employees. The Board Members didn't have a problem with this. Councilman Kusnierz said he would provide the Board Members with information on this.

Councilwoman LeClair reported on the condition of the trees out in front of Town Hall. A specialist on apple trees looked at the trees and thought they were stressed from a fungus and he suggested we trim them and apply a fungicide. Jeremy Tripp is licensed to apply this fungicide. She asked the Board Members if they wanted to treat the trees or cut them down.

~~The Board Members were okay with Jeremy Tripp treating the trees with the fungicide and trimming them.~~ **Steve Gram stated that Jeremy Tripp looked at the trees and some branches have fungus on them and some don't. He can cut the dead branches off and the trees may grow on their own. He would rather not spray them.**

Councilman Prendergast said he would rather try that than spraying.

[Amended 6/8/10 jf]

Elizabeth Lanfear asked Joe Patricke if he was working with National Grid on an easement for the Rec. sign and Joe Patricke said he was waiting for a response from National Grid.

Elizabeth Lanfear asked how old the highway garage is and the answer was 21 years old.

Elizabeth Lanfear stated that at the joint meeting between the Recreation Commission and Town Board she asked for a schedule on what the fields are being used for and she asked again if it was something she could get.

Councilwoman LeClair stated the new calendar that Garth Baker put out will give her that information.

Steve Gram stated he could supply this information. He used to supply it and he stopped, because he didn't think anybody wanted it.

The Board Members said it would be nice to have this information and they asked Steve Gram to provide the Recreation Commission with this information.

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Elizabeth Lanfear stated that she noticed that the shrubs were gone that were by the basketball courts and wondered what happened to them.

Councilwoman LeClair stated that they couldn't be saved. The Conservation Committee is going to look for native species that can be planted in their place.

A while back Elizabeth Lanfear submitted a FOIL request to the Town requesting a copy of a surveillance CD from a surveillance camera at the High School. She was told that the CD was in Town Hall. She did ultimately receive a copy of the CD. At This meeting she asked the Board Members questions about the surveillance CD and where it came from and who had possession of it. A lengthy, confusing conversation between Elizabeth and the Board ensued and can be heard on the audio of this meeting.

Paul Joseph reported that when the budget for 2010 was put together the nova chip was cut from the Highway Department budget. He was contacted by the sales representative from Gorman Bros. and the price of nova chip went down to \$4.21 a square. We would have saved \$26,116.00 this year. The offer ends June 30th. He called the other company that does nova chipping and they would have only dropped it \$4,000.00 this year and that was only to put their men back to work since they have been on unemployment so long. He just wanted to bring it to the Board's attention.

Supervisor Jenkins asked if he had the option what would he do.

Paul Joseph stated he would nova chip Burt Road from Clark to Fedor and Thornapple Drive. The total cost would be \$89,883.00.

Councilman Prendergast asked if these two roads would be more of a priority than others.

Paul Joseph replied that Burt Road really needs to be done.

Councilman Prendergast asked Paul Joseph what other project he would give up to nova chip these two roads and Paul Joseph replied there isn't anything budgeted that he could cut.

Supervisor Jenkins said the Board could do a budget amendment. There was \$150,000.00 in the fund balance for the Highway Department at the beginning of the year. If we do them next year it may be an even higher price.

Councilman Kusnierz stated in reply to Supervisor Jenkin's comment that if they followed that reasoning then the price may be even lower next year and Supervisor Jenkins said he didn't think that was likely.

Councilman Kusnierz stated that when the Board put the budget together this wasn't something they could have predicted.

Councilman Cumm asked when Burt Road was last done and Paul Joseph replied that it was last milled and done four years ago.

Councilman Cumm asked when Thornapple was done last and Paul Joseph replied two years ago.

Paul Joseph stated that they wanted to do Thornapple Drive again, because it is such a wet area that the road should be sealed.

Councilman Cumm asked how much it would cost to do Burt Road and Paul Joseph replied, \$62,379.57 from Clark Road to Fedor. Paul Joseph also noted that if they didn't do Thornapple and just Burt Road the price for the nova chip would go up to \$4.50 a square.

Councilman Cumm thought maybe they could strike a compromise.

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Councilman Kusnierz asked Paul Joseph to put it all down on paper and the Board would look at it.

Supervisor Jenkins stated he would put it on the agenda for the next meeting in two weeks.

Paul Joseph said if the cracks in the road open up more and a top coat is needed it will cost a lot more than the \$62,379.57.

Adele Kurtz asked what the remaining balance is in the Landfill Fund after the one million dollars is transferred out to the new reserve fund the board just established at this meeting.

Supervisor Jenkins replied about \$4.1 million.

Adele Kurtz asked how much a special election would cost the taxpayers of the Town. She was referring to a comment made by Harry Gutheil earlier in the meeting when he said that there was a petition on the street that if filed would required the Town to hold a special election to allow the voters to vote on the creation of the two capital reserve funds for a new municipal building and highway garage.

Councilman Kusnierz stated about \$12,000.00 to \$15,000.00 and Supervisor Jenkins stated it would be treated like a regular full blown election.

Adele Kurtz said if it costs that much she wondered if the Town Board could place a proposition on the ballot in November at the General Election.

Attorney Auffredou said there isn't the authority to do that. The Board can't create a mandatory referendum for something that isn't authorized to be a mandatory referendum initially.

Adele Kurtz said the Board could rescind the resolution that was adopted to create the two reserve funds and adopt the resolutions closer to the General Election so that if a petition is filed during the permissive referendum period then it could be placed on the ballot in November.

Discussion followed.

Councilwoman LeClair asked if they were going to entertain the idea of rescinding the two resolutions establishing the capital reserve funds and revisit them closer to the General Election in November so we don't have to hold a special election at a cost of \$15,000.00 to \$16,000.00.

Councilman Kusnierz said he would support that.

Councilman Prendergast said it is a very large sum of money and he would like to see the people decide on it and he would like to save the Town \$16,000.00.

Attorney Auffredou stated that even if the Board rescinded the two resolutions adopted to create the two reserve funds and the Board adopted two new resolutions in late summer or early Fall there still isn't any guarantee that a petition for a permissive referendum during the specified time frame will be filed and if one isn't filed then it won't appear on the ballot in November. He isn't saying don't do it, but what he is hearing is that the Board wants the voters to decide and the reality is that may not ever get before the voters. A petition would still have to be filed to get it on the ballot in November.

Councilwoman LeClair stated that by the Town Board rescinding the resolutions and the Town Board voting on resolutions to reestablish those funds delays the voting on it until the General Election and has the potential of saving \$15,000.00 to \$16,000.00 for a special election.

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Attorney Auffredou reiterated that the Board has to pass resolutions in similar form in late summer or early fall and there has to be the requisite number of signatures on a petition for a permissive referendum for each resolution. Both of these things have to happen in order to get this before the voters for a vote.

Supervisor Jenkins stated that if we delay construction for six months, because we don't do anything for six months then we will increase our costs by \$16,500.00 in rent expense.

Councilman Cumm stated that they have to back up a little and said that we haven't even put any money in the accounts yet. All we have done is set up two accounts. It will take a Board resolution to put any money in those accounts. If there are three people on this Board who don't want to put any money in the accounts then the accounts will remain active, but there won't be any money in them.

Attorney Auffredou said this was correct.

Councilman Kusnierz stated that the whole Board knows how he feels about this money, but if we give the public the opportunity to give a direct say in this and the voters tell the Board that they want to go forward on this then that would change his mind and the Board would have his vote on it.

Supervisor Jenkins asked if the voters vote on this, are we making a commitment to actually put those funds there or are we doing the same thing we have already done? If we ask the voters to approve these projects he would assume they would have to approve funding.

Councilman Cumm stated that we don't even know what is on the petition.

Attorney Auffredou added, or if the petitions would be valid. The vote would be limited to the creation of the funds for the specified amounts within the resolutions creating the funds. The voters essentially have no say on a motion from the Board to fund these accounts. That is not subject to permissive referendum.

Councilman Kusnierz said he understands the dynamics and the legalities of it and if that is what the public wants then he is on Board with it.

Councilman Kusnierz made a motion to rescind the previous resolution whereby the Town Board approved the establishment of a capital reserve fund for a new highway garage at a maximum cost of \$1.4 million with the intent to provide the public with an opportunity to petition the Town Board to place a proposition on the ballot at the General Election to establish a capital reserve fund in an amount up to \$1.4 million for the construction of a new highway garage.

Attorney Auffredou stated that if they rescind the motion then there isn't resolution out there to give them that opportunity.

Supervisor Jenkins asked what time frame the Board has to file for a mandatory referendum.

Attorney Auffredou said again that he didn't think this could be the subject of a mandatory referendum. A Town Board is limited in its authority to do what it can do by statute and generally speaking when something is required by mandatory referendum it is specified by law as mandatory referendum. He doesn't think a Town Board can say we are going to force a mandatory referendum on this.

Supervisor Jenkins asked how they are supposed to get it on the ballot then.

Several people responded that a petition would have to be filed for a permissive referendum.

Councilman Cumm asked if what he was saying was if this Town Board wants the public to decide on this and the Town Board wants to it on the ballot we can't do that?

Attorney Auffredou replied no.

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Councilman Prendergast said the only guarantee of it being on the ballot was to get a petition.

Attorney Auffredou said it is specified by statute what is subject to permissive or mandatory referendum.

Attorney Auffredou stated the only thing the Board is doing here is trying to save the potential of spending \$16,000.00 on a special election if a petition is filed for a permissive referendum.

Councilman Kusnierz stated he would rescind his motion.

Councilman Kusnierz stated that the bigger point here that they were missing was that not only are we potentially saving \$16,000.00, but we will know how the voters feel about this.

Councilman Cumm stated that he has talked to a couple of people who were mad about this, but when he explained to them why the money was there and why it needs to be moved out of the fund and what it can be used for they were okay with it. We haven't done a good job in getting the message out explaining this. How do we as a Board get the message out if we go to a vote?

Attorney Auffredou stated the Board has to be careful about spending funds when it comes to something like this.

Councilman Cumm stated that he realized they couldn't spend funds to promote capital projects.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to rescind the resolution of the Town Board dated April 27, 2010, which established a capital reserve fund to finance the cost of construction of a new highway garage building at a maximum cost of \$1.4 million.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to rescind the resolution of the Town of Moreau Town Board dated April 27, 2010, which established a capital reserve fund to finance the cost of construction of a new Town of Moreau municipal government office building at a maximum cost of \$2.6 million.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn to executive session at 10:00 p.m. to discuss litigation involving the Moreau Emergency Squad.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes

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Councilman Kusnierz	Yes
Councilman Cumm	Yes
Supervisor Jenkins	Yes

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to adjourn the executive session and re-open the regular meeting at 10:16 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to adjourn the regular meeting at 10:18 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk