

A regular meeting of the Town Board of the Town of Moreau was held on May 28, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Erin Trombley, Part-Time Recreation Director; Natalie Walsh, Garden Coach for the Family Community Garden; Jamie Munks, Post Star Reporter; Justin Tyler and Greg Demarse from Monolithe Solar Associates, LLC; Reed Antis, Town Resident and Planning Board Member; Susan Stockman, Assessor's Clerk (arrived at 8:35 p.m.)

**MINUTES**

The minutes of May 14<sup>th</sup> were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – MAY 14, 2013 – REGULAR TOWN BOARD MEETING**

Corrections: Page 176 – 8<sup>th</sup> line from top – add the letter “e” to the letter “H” forming the word “He”  
Page 176 – 3<sup>rd</sup> paragraph from bottom – first line – delete the word “are” before the word “we” and add the word “are” after the word “we”  
Page 198 – 2<sup>nd</sup> motion on page – change “A motion was made by Councilman Prendergast” to “A motion was made by Councilman Vittengl”  
Page 198 – 3<sup>rd</sup> motion on page – change “A motion was made by Councilman Prendergast” to “A motion was made by Councilman Vittengl”  
Page 198 – 4<sup>th</sup> motion on page – change “A motion was made by Councilwoman LeClair” to “A motion was made by Councilman Vittengl and change “seconded by Councilman Prendergast” to “seconded by Councilwoman LeClair”

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the minutes of May 14<sup>th</sup> with the above corrections so noted.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes for the portion of the meeting he was in attendance
Supervisor Jenkins	Yes

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

None

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

Natalie Walsh, Garden Coach for the Family Community Garden in the Harry J. Betar Jr. Recreational Park, was present and stated that a lot of the plants for the Family Garden are being donated, but not all of them. She gave a list of plants needed to the Town Board. She also presented a picture of a trellis that is a design she thinks will work well in the garden and Jeremy Tripp prepared a list of materials needed to build the trellises for the garden. She also needs aged cow manure for the garden beds.

Councilwoman LeClair said she would donate the plants needed.

Councilman Kusnierz asked how much cow manure will be needed and Natalie replied a truck load.

Councilman Kusnierz asked Councilman Vittengl to coordinate the use of a truck to haul the manure to the park from his farm.

Supervisor Jenkins said the cost for the materials to build the trellises is \$98.50 and he suggested the board authorize an amount not to exceed \$100.00. There were no objections voiced by the board members.

Reed Antis asked if someone was going to supervise the lifeguard program.

Councilwoman LeClair replied that because we don't have any full-time people working in the recreation department she and Councilman Vittengl have agreed to hold a meeting at the park with the staff in the recreation department and go over who is supposed to answer to whom. They also agreed along with Erin Trombley to take turns checking in on the staff throughout each day. A check list will be maintained showing the jobs to be done and as each job is done the job will be checked off the list. That way when one of them stops in at the park or the beach they will know what jobs were supposed to be done and if they have been done or not.

### **CASH FOR CANS**

There was no one present to go over the Cash for Cans Program.

### **MONOLITHE SOLAR ENERGY**

Justin Tyler and Greg Demarse were present from Monolithe Solar Energy to answer questions from the board and Attorney Buettner regarding their proposal and proposed contract.

Attorney Buettner stated that there is mention of an early termination amount in the contract, but it is not defined in the contract or how it is calculated.

Justin Tyler replied that if the Town stops paying and the solar panels are still producing power and they need to remove the equipment then they would have to charge for the removal of the equipment.

Councilman Kusnierz said he thought that because the Town would be giving them the right to generate power and use the Town's facility then the Town would see a reduction in their electric bill.

Justin Tyler replied the Town would see a reduction in their bill, but he has to make sure that the Town pays their bill for the power that his solar panels are providing. In the Town's case he isn't as concerned about this, but he needs some type of compensation for removal of the equipment in the event the Town stops paying their electric bills. He said he could come up with a price per watt for removal of the equipment and define it in the contract.

Attorney Buettner stated that in the March Draft Contract there were two appendices a 60 day and 90 day and in the May Draft Contract these appendices were not included.

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Justin Tyler replied that the appendices should have been included and they could add them to the latest version of the proposed contract.

Attorney Buettner asked what they were attaching to the contract. She noted that there was mention about attachments B, C, E1, but no A and D and appendices G and F. She asked what they were attaching and to what. She noted that some apply to NYSERDA.

Justin Tyler stated that some apply to the NYSERDA contract and some apply to the National Grid contract. They have to get approval from National Grid to tie into their utility. They want to know what the project is. The entire thing makes a package, but it is all these pieces coming together from the different parties involved.

Attorney Buettner asked Justin Tyler if Monolithe is the liaison with National Grid and Justin replied yes, they do everything.

Attorney Buettner stated that there is mention of a Town Hall A and Town Hall B.

Justin Tyler said we are talking about building a 100,000 watt system. To-date there is a 50,000 watt maximum per meter. To make it work for today and to submit it to NYSERDA today it has to be split into A and B and as two separate systems. In two weeks the cap is going to be increased from 50,000 watts to 100,000 watts and at that time it can be one system, but today they can't legally offer it as one large system.

Supervisor Jenkins stated that one concern he has is that in seven years what happens if the panels are not aesthetically pleasing anymore. What type of maintenance plan do they have in place to address this?

Justin Tyler replied that as for the aesthetics of the panels he knows that with the older technology there was concern about fogging. Fogging was where moisture accumulated between the layers. That doesn't happen anymore. They solved that issue by laminating the entire piece of silicon that is in there and where all the action is happening, it is all encased in a type of sealed envelope essentially so you don't get the fogging. He said the frames are made of a really nice extruded aluminum with a mill finish so there is no chance of it fading. He said there are other options for aesthetics and they can make it shine. He wants it to be a show piece for the Town and it is going to be beautiful. He showed a picture of a ground mount system whereby the metal framework is not visible and it looks like it is hovering and it has a very light footprint. He thinks it would work nicely for the layout the Town has on the site of the new municipal complex. He wants to work with the landscape.

Supervisor Jenkins asked what would happen if the Town isn't happy with it.

Justin Tyler stated that as far as the installation process, layout and design they will be working with the Town Board on that. Other than that he doesn't know what would change.

Councilwoman LeClair told him to drive across the bridge to Glens Falls and look at the railings that the paint is flaking off of.

Justin Tyler said the framework for the solar panels is hot dipped galvanized and it does not flake. It is a nice quality material and there won't be rusting and flaking.

Councilman Prendergast said their feeling is that anything that is left out in the elements for ten years or a long period of time does not look the same as when it is new. The bottom line question is what happens if a panel or panels become weathered to a point where they should be resurfaced or replaced. Will the Town have any say about? It may be functioning to Monolithe's satisfaction, but to us, when we look out the window it looks horrible.

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Justin Tyler said he can only speak to his experience. He and his father built a house in Rhode Island about 20 years ago and there is a solar system on that house and the frame of the modules and the components that went into that system are essentially as they were on day one. These are high quality materials that are all designed to be outside for 30 to 40 years. That is the standard. He said it is difficult for him to speak about what the Town Board may consider a blemish or whatever.

Supervisor Jenkins asked if he would listen to them and Justin Tyler said he absolutely would listen to them. He knows this is a big step for the Town and he wants it to be a show piece.

Supervisor Jenkins said that he thinks green energy is important, but it is a big step and if the board heads in this direction then they want it to be a show piece.

Justin Tyler stated that his lawyer should be able to come up with something to put in the contract. He said that beauty is in the eye of the beholder and that would be a difficult case and he sees it as a point of contention.

Councilman Prendergast asked Justin if he would own this system and Justin replied yes.

Councilman Prendergast asked if it is damaged what happens and Justin Tyler replied that if it is damaged they would fix it. They own it so they would fix it. They have a \$1 million policy on every one of the systems they have out there.

Paul Joseph asked what would happen if one of the panels comes loose and flies off and into the municipal building and damages the building.

Justin Tyler replied that his \$1 million policy would cover it.

Supervisor Jenkins said the new technologies today are very expensive so they aren't competitive and he asked Justin Tyler if he expected it to stay that way.

Justin Tyler replied that like anything, somebody had to buy the first laptop to get us where we are today. Yes the technology will increase with time, but is it going to change so drastically in the next 10 to 15 years that we shouldn't do the project? No, he doesn't believe so. He said if there is the latest, greatest technology that is going to do it better then maybe they will replace it and upgrade the system. If they deem that the system has lived its life and served us well then maybe they would remove it and replace it with the latest and greatest and maybe it will be a smaller footprint, but they are way off from any drastic changes in the industry like that.

Councilwoman LeClair asked about mowing.

Justin Tyler stated that he prefers to lay down road paper and stone under each section so it doesn't have to be mowed. It gives it a nice finish. You mow up to it. The grass growing up can be a problem and do serious damage if it grows up through the modules. He would want to keep a two foot border outside the footprint of the array and stone it off so it doesn't have to be weeded and mowed.

Councilman Kusnierz said that because technology isn't at the point where it is cost effective to utilize these types of systems in an effort on the part of government to increase **renewable (amended 6/11/12 jf)** energy sources he asked Justin to share with them the amount of Federal or State tax credits in this project.

Justin Tyler stated that the State will give them \$1.40 per watt up to 50,000 watts and the Federal Government will give them 30% of the job cost and it comes to them in the form of ITC (Investment Tax Credit).

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Councilman Kusnierz asked if they have venture capitalists that have invested in their company that benefit from the credits.

Justin Tyler replied no, they have no outside investors. They are a local company, home grown and started in a garage, the three of them.

Councilman Vittengl asked if the new building would be put on demand.

Justin Tyler said National Grid will put the new building on demand.

Councilman Vittengl asked if they will charge demand right away or will they wait four months.

Justin Tyler said he thinks they will want to see a 15 minute peak of demand and that will set the rate for the new building. He said they are in the process right now of working with the Public Service Commission and trying to have them say that if there is a new construction and a system that is going to provide 100% of the energy then don't bother with the demand meter and don't even start, because you aren't going to get it. However, right now they are going to do their thing and put a demand meter on the building.

Councilman Vittengl said if they put us on demand then we will have to go twelve months to get off demand.

Justin Tyler replied that this was correct and then added that if their system was running from day one when the Town starts operation in the new building then the Town would never use the 2,000 kw hours to begin with so the Town wouldn't be put on demand. He wasn't entirely sure about that, because it is a new situation for them. They are fighting to have the demand meter eliminated when they do these projects.

Greg Demarse stated that from what he understands the new building would be put on demand, but the demand charge would be a lot less, because the amount of kw's being pulled from the grid is going to be minimal.

Reed Antis asked when this would be on line and working.

Justin Tyler stated that if they had a signed contract tonight it would be installed probably in September. They need NYSERDA and National Grid approval and then order materials. It would take about two weeks to install.

Councilman Vittengl asked Attorney Buettner if she was going to work out the contract language with Monolithe.

Attorney Buettner said she wasn't going to connect with their attorney until the Town Board decided what they wanted to do.

Discussion followed on where the solar panels would be installed on the property.

### **HIGHWAY DEPARTMENT REQUESTS**

A request was received from the highway department for the purchase of gasoline from G. A. Bove under state contract #PC64747 at a cost of \$10,000.00 out of account DB5142.460 that had a balance of \$69,259.64 as of 5/1/13.

Councilman Kusnierz asked Paul Joseph how much money has been utilized for gasoline out of this account so far this year.

Paul Joseph replied about \$9,785.00.

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A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of gasoline under state contract #PC64747 from G. A. Bove at a cost not to exceed \$10,000.00.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the purchase of 1,400 tons of rubble from Palette at \$11.50 per ton for use around the new municipal complex for a total not to exceed \$16,100.00.

Roll call vote resulted as follows:

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

A request was received from Paul Joseph asking for authorization to repair guide rails on the east end of Clark Road that were damaged in a personal injury motor vehicle accident at a cost of \$3,269.00 out of account DB5110.494 that had a balance of \$12,000.00. A claim will be put in against the motorist's insurance company requesting reimbursement for the cost of repairing the guide rails.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the repair to the guide rails on the east end of Clark Road at a cost not to exceed \$3,269.00.

Roll call vote resulted as follows:

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

### **RECREATION DEPARTMENT**

Erin Trombley, Part-Time Recreation Director, presented a copy of a recreation program guide that she drafted and wanted to know if the board had any objections to any of the programs or the brochure itself.

Supervisor Jenkins stated that the presentation of the guide is very nice and there are some new programs listed which is nice to see.

No objections were voiced by the board members over the program guide.

### **WATER DEPARTMENT REQUEST**

Supervisor Jenkins stated that the board members should have receive a copy of a proposed Memorandum of Agreement between the Town and the Village of South Glens Falls for the Town to

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provide water to the Village for a period of six weeks to three months. We have had meetings with the Town of Queensbury and worked out the details. We won't be hooked up to the Saratoga County Water System until late July, but they will allow us to hook up to their water supply on an emergency basis. He said the rate the Village of South Glens Falls will pay for water is \$2.25 per 1,000 gallons, but the first 45,000 gallons of water will be charged at a rate of \$2.70 per 1,000 gallons. We have a capacity contract with the Town of Queensbury right now of 1,250,000 gallons of water per day maximum. We went over that amount a few days last year. Because we won't be buying additional capacity from them they want 33 cents per 1,000 gallons over the 1,250,000 gallons as an adjustment. Since we will be billing the Village \$2.25 per 1,000 gallons it won't be affecting our overhead or operating costs and we will realize a profit of around \$.85 or \$.90 per 1,000 gallons.

Councilman Kusnierz asked what this will do to our overall average usage.

Supervisor Jenkins stated that our usage is quite a bit higher than last year, because we added about 500 new users. We went over 1,000,000 gallons three times this year.

Supervisor Jenkins asked for authorization to sign the Memorandum of Agreement.

Councilman Kusnierz asked if we would exceed our threshold quite often during this period or maybe four or five times.

Supervisor Jenkins said it all depends on the weather. We could go from 500,000 gallons per day one day and up to 1,000,000 gallons overnight. We have 90 degree weather coming a couple days this week and those days could be heavy usage days.

Councilman Kusnierz asked if we would be regularly exceeding our contract price.

Supervisor Jenkins said we will go over that price and we will be paying an extra 33 cents per 1,000 gallons of water used.

Councilman Kusnierz asked if the extra cost would be spread out over all the water districts and how will we account for it.

Supervisor Jenkins said the revenues coming in will be pro-rated the same way we pro-rate our expenses and that is by volume used in each water district and that equates to a percentage for each district.

Councilman Kusnierz said he doesn't have a problem helping the Village out, but he wants to make sure it doesn't fall on the backs of current rate payers.

Councilwoman LeClair stated that if we go over a certain amount of water usage and the price we pay to Queensbury goes up and bringing the Village on-line causes us to go over then the Village should pay the additional charge.

Supervisor Jenkins stated that our water customers won't be paying any additional fees. We will be getting \$2.25 per 1,000 gallons from the Village and our net cost to Queensbury will be around \$1.30 for any excess water and other than that it will be closer to \$1.96 per 1,000 gallons of water used.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Supervisor to sign a Memorandum of Agreement between the Town of Moreau and the Village of South Glens Falls.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

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Councilman Kusnierz	Abstain
Supervisor Jenkins	Yes

Councilman Kusnierz said he abstained, because he just saw the agreement at the board meeting tonight and he hasn't had a chance to read the agreement thoroughly.

Supervisor Jenkins stated that Queensbury is going to charge us an extra 33 cents per 1,000 gallons for any usage over our capacity that we purchased in the past, which is 1,250,000 gpd. He asked for authorization to sign an agreement with the Town of Queensbury for the extra 33 cents per 1,000 gallons.

Councilwoman LeClair asked if it was going to be picked up by the Village.

Supervisor Jenkins said yes, they are going to pay us \$2.25 per 1,000 gallons of water used and basically our cost is going to go up 33 cents per 1,000 gallons. We will have excess revenues from this project.

Councilman Kusnierz said that increase isn't going to be just for this project, it is going to be for all excess usage in the Town of Moreau right?

Supervisor Jenkins replied yes, anything over 1,250,000 gallons we will have to pay that additional 33 cents per 1,000 gallons. Last year we went over a couple of days ourselves, they were very heavy usage days.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the Supervisor to sign a modification to our existing agreement with the Town of Queensbury for the additional 33 cents per 1,000 gallons of water and subject to approval by the attorney for the Town.

Roll call vote resulted as follows:

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

Councilman Kusnierz said a resident contacted him who is using municipal water for agricultural purposes and Councilman Kusnierz said he knows there is an agricultural rate, but this person told him that he isn't eligible for an agricultural rate. How can that be?

The Town Clerk knew who Councilman Kusnierz was talking about, because the gentleman came into her office before he called Councilman Kusnierz and asked about the rates and why there wasn't an agricultural rate in his district. The Town Clerk replied to a question from Councilman Kusnierz by saying that this gentleman is in either Water District 4 or 5 and when the rates were set for those districts the board didn't establish an agricultural rate.

Councilman Kusnierz stated that wouldn't we have the same class of rates for each district.

The Town Clerk replied no, each Water District is different.

Supervisor Jenkins said that the board can set an agricultural rate and said that he thought there was an agricultural rate in Water District 6.

The Town Clerk replied that there is an agricultural rate in Water District 4. Water District 5 and 6 does not have an agricultural rate. There was an agricultural rate set in Water District 4, because that is where Kathy Brown lives and she uses the water for agricultural purposes and is charged an agricultural rate.

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Councilman Kusnierz asked the Water Committee to work on this. He thinks that each district should have the opportunity to have an agricultural rate regardless of whether they use it or not.

Councilman Prendergast agreed.

Councilman Prendergast asked if the agricultural rate is different in each district or all the same.

The Town Clerk replied that she thought that only one district had an agricultural rate and that is Water District 4. When Water District 4 was formed there was one person in that district that wanted to use the water for agricultural purposes and the agricultural rate was established for that person. However, each subsequent property that hooks up to the water system in that district and wants to use the water for agricultural purposes would get the benefit of that rate. When Water District 5 and 6 were created the board didn't set an agricultural rate.

### **SUSAN STOCKMAN – REQUEST FOR VACATION BEFORE ANNIVERSARY DATE**

Supervisor Jenkins stated that Susan Stockman, Assessor's Clerk, requested vacation time in advance of her anniversary date, which is September 17, 2013. Her sister from Germany is coming to visit and she hasn't seen her in two years and would like to take vacation time from August 15<sup>th</sup> through the 21<sup>st</sup>. This request doesn't fit our policy and that is why it is before the Town Board.

Councilman Kusnierz asked how much time she will have accrued and asked if doesn't she have any usable time before her anniversary date.

Supervisor Jenkins said that she has used up her personal time.

Councilman Kusnierz asked how long it will take her to accrue the time she wants to take off.

Supervisor Jenkins said that was a good question and then said that after one year of service she would get two weeks of vacation.

Councilman Prendergast stated that the practice at the place where he works is if a request is made such as this the department first assesses whether or not they can be without the person and if they feel as though they can then, on a case by case basis, they will allow the individual to take the time off, but they don't get paid for the time until they reach their anniversary date.

The board members thought this was a fair way of doing it.

Supervisor Jenkins said he would look up and find out when she accumulates those five days and then he will call the board members and try to resolve it. He said he thought what Councilman Prendergast said was a good way to do it. He said he didn't think anytime was an easy time to take off when there is only two people in the office. Peggy Jenkins showed some concern when she discussed this with him from the point of view that Susan has used most of her sick days and any other time she had coming to her. However, this is a different situation and if this is all factual then he would go along with what Councilman Prendergast suggested. He will get the details and get them back to the board and they can decide. They could even decide at the next meeting.

### **LIFEGUARD REHIRES**

The following names were submitted to the Town Board for consideration as lifeguard re-hires for the 2013 summer season and the hourly rates for 2013 include a 2% increase from the 2012 rates.

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<b>Name</b>	<b>Position</b>	<b>2012 Hourly Rate</b>	<b>2013 Hourly Rate</b>
Marikka Ryan	Head Lifeguard	\$9.00 Hour	\$9.18 Hour
Marikka Ryan	Swimming Lessons	\$10.00 Hour	\$10.20 Hour
Johanna Williams	Lifeguard	\$8.67 Hour	\$8.84 Hour
Nicolas Graham	Lifeguard	\$8.50 Hour	\$8.67 Hour
Kelly Styczynski	Lifeguard	\$8.84 Hour	\$9.01 Hour

Councilman Kusnierz thought that there was normally a 25 cent per hour increase or thereabout in hourly rates rather than a percentage.

Supervisor Jenkins replied that the 2013 hourly rates are what were established in the budget.

Supervisor Jenkins stated that they checked the Family Watch Dog Site and didn't find anything wrong with them, but there isn't much information they can get on anyone under the age of 18. However, these are all re-hires from last year.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to re-hire the above named people at the 2013 hourly rates listed as lifeguards, head lifeguard and swimming instructor on a part-time, seasonal basis.

Roll call vote resulted as follows:

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

### **BACKGROUND CHECKS**

Supervisor Jenkins stated that Attorney Buettner sent an e-mail to the Town Board with a lot of information regarding background checks.

Councilwoman LeClair reported that she and Supervisor Jenkins and Fran Thibodeau and Terry McGuire and Attorney Buettner will meet at Clifton Park Town Hall on June 3<sup>rd</sup> at 1:00 p.m. to learn about their municipality's background check process.

Attorney Buettner stated that she spoke with Jim Dexter from BOCES and they can't do it for us and we can't use their information. The Education Law doesn't allow it. They do their own fingerprinting.

Councilwoman LeClair spoke with the Sheriff's Department regarding fingerprinting and they referred her to a company that does fingerprinting at the Landmark Motel once a week for a couple of hours. She e-mailed them and she hasn't heard back from them.

Councilman Prendergast stated that fingerprinting is a lot more involved, but you can get a criminal history check with a person's name, date of birth and social security number.

Attorney Buettner said that this was correct and that they don't need to do fingerprinting.

Attorney Buettner advised that last week the Senate passed a bill that prohibits sex offenders (it didn't say which level, only sex offenders who have to register) from being employed at a place where they would have substantial contact with children or volunteering at such a place. The bill also made it a misdemeanor for someone to knowingly hire such a person or allow them to volunteer. It just went to the Assembly and is in committee there and it is just in its baby steps.

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A workshop of the Town Board to discuss background checks and the information obtained at the meeting in Clifton Park was scheduled for June 4<sup>th</sup> at 7:00 p.m. in Town Hall.

Brief discussion followed.

### **SARATOGA COUNTY DEPARTMENT OF PROBATIONS**

The Saratoga County Department of Probations submitted a request to conduct their probation office reports in the new municipal complex. They are currently and have for years conducted their probation office reports in the Town of Moreau Court Building.

Supervisor Jenkins said he talked to Jeff McCabe, Town Justice, and he indicated that it helps the court to have them there and it is not an issue for them and they would like the Saratoga County Department of Probations to continue on with their probation office reports in the new building.

Councilwoman LeClair said she wasn't sure how she felt about this. She said that she knows that we have worked with them before, but when she listened to them talk about it and the people that will come here from other Towns, she isn't too excited about it being done in Town Hall. When it was at the Court Building it was different, there was a court officer there. If we utilize the building in front for the Sheriff's Department maybe they could meet there, but in Town Hall she is not sure.

Supervisor Jenkins stated that he thought the probation officer would be in the Sheriff's Department section of the new municipal building and that area will be secured from the rest of the building.

Councilman Kusnierz stated that a case is totally different when it involves a parole officer vs. a probation officer there is a big difference between the two.

Councilwoman LeClair said she would have another conversation with the Town Justices.

Supervisor Jenkins said it is easier for the Judges to have them there.

### **REQUEST FOR REFUND PAVILION RENTAL FEE**

Supervisor Jenkins stated that he didn't have any information on the request for a refund of a pavilion rental fee.

Councilwoman LeClair gave him the information from her paperwork.

The request for a refund was from Michelle Sheffer of A Child's World. She rented covered pavilion #2 last year and when she arrived there were no tables in the pavilion. She went to the grounds garage and the men moved some tables for her. She rented the same pavilion again this year on May 10<sup>th</sup> and when she arrived there were no picnic tables under it again and no one available to move any. She said thankfully it was a nice day and they used the picnic tables outside of the pavilion this year. She paid \$35.00 for rental of a covered pavilion and there should be picnic tables in the pavilion.

Supervisor Jenkins stated that he heard that this wasn't totally true from what he was told by people who were there and that they were working and available and nobody contacted them.

The Town Clerk stated that Michelle Sheffer stated that she went looking for someone and couldn't find anyone.

Supervisor Jenkins said he knows what was said, but the employees said they were there and working.

The Town Clerk said this is the second year in a row that this has happened.

A regular meeting of the Town Board of the Town of Moreau was held on May 28, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said the question is does the board want to refund the money. It is only \$35.00 and they did use the facility and it was a nice day and there were picnic tables that weren't under cover.

The Town Clerk stated that they paid \$35.00 for a covered pavilion and they didn't get that and that is the complaint.

Councilman Kusnierz stated that they didn't get what they paid for and we have an obligation to refund the money.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing a refund of \$35.00 to Michelle Sheffer of A Child's World for use of a pavilion.

Roll call vote resulted as follows:

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

#### **CHANGE ORDER DOORS IN NEW MUNICIPAL COMPLEX**

Supervisor Jenkins stated that this is the third straight meeting that the topic of the doors for the new municipal complex has been discussed. He said he checked back and the \$7,055.00 is the cost of the doors and it does not include anything for alarms, because the alarms would be installed by whoever we hire to install a security system, but they are designed so that they could put them on there, but they will not have alarms. He said the doors will be inside and in the middle of the building so he doesn't know why we would want alarms on them. The cost is \$7,055.00 and it is his understanding that our balance in the account is around \$100,000.00 that has not been committed and we have money budgeted to complete the project the best he can determine. There may be additional amounts in the future, but we are in great shape. He said he doesn't know what the board wants to do.

Councilman Prendergast said he knows that we did try to get another price and couldn't get one.

Supervisor Jenkins stated the problem is that the installation of the doors will take two or three people per Joe Patricke and they will have to pay prevailing wage unless there are three self-employed people in a partnership doing the work. The 15% overhead/profit is the only thing that is not a true cost. The materials are quoted at \$4,755.00 and there is no mark up on the materials. The labor is quoted at \$69.00 per hour, which is the prevailing wage. The only real difference is the overhead/profit of 15%.

Councilwoman LeClair made a motion authorizing HVC to install doors inside the new municipal building between the Court section of the building and the Town Hall section of the building at a cost not to exceed \$7,055.00.

Councilman Prendergast stated that he feels that these doors are needed, but his concern is that there are no other quotes.

Councilwoman LeClair stated that Andy Sweet was contacted for a quote and he declined to submit one.

Supervisor Jenkins stated that under the contract we can't have anyone other than HVC install the doors until the construction is complete.

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Councilwoman LeClair asked if HVC would hold their price and Supervisor Jenkins replied yes.

Councilman Prendergast said we could be facing an additional cost if we wait until the project is finished to install the doors.

Supervisor Jenkins stated that he heard so much from the people who are going to be working in the building and they are very concerned about it. He said that the Town Clerk, Jeanne Fleury, has talked about the time when the Court shared the current Town Hall and the Judges have mentioned how people attending court bring small children with them and they create a lot of noise. He said that at this point he could go either way. He understands how the people feel and that is some concern. The doors aren't going to be locked so there is nothing to stop people from going through them unless the court officer stops them. It is a public building.

Councilwoman LeClair said that when she went to visit the Galway Town Hall the Galway Town Clerk talked about how disruptive court was for people coming in to conduct Town business.

Councilman Vittengl seconded the motion.

Councilman Kusnierz stated that he was going to vote no, because he can't justify spending \$7,000.00 for a set of swinging doors that can't be locked and without alarms on them.

Councilwoman LeClair stated she works in a professional office where people think it is okay to roll on the floor with their children. She sees people from all walks of life. People come in with children and the children are not supervised and the children run, play and scream while the parents sit there for 1 ½ hours paying for a professional service while their children are out of control. If there are doors in the new municipal building that are at least closed then hopefully the doors will help keep this from happening in the Town Hall when Court is in session. She is amazed at how many people come in and do not feel it is necessary to watch their children while they are in a public facility. That is why she thinks containment when someone tries to come in and speak with the Town Clerk or Supervisor or any department in the Town Hall, she said trust her it is not a pleasant atmosphere when kids are that out of control and it is almost a daily occurrence at her place of work when they are really busy.

Councilman Kusnierz said that is a very good point from the perspective that it is a public building and these are public employees and that is what goes with working in public environment.

Councilwoman LeClair said it is the public she is concerned about. It is not a pleasant atmosphere for the client that is in the building. They are there to conduct business and it is very uncomfortable for them, so if we can do anything to help the people who come in to take care of business then we should.

The Town Clerk was looking at the quote from HVC and said that it reads that the doors do have alarms for the \$7,000.00.

Supervisor Jenkins replied that it doesn't include alarms.

The Town Clerk said the quote reads that they are alarmed doors and she read "Doors to operate as follows: alarmed rim exit devices to be used."

Supervisor Jenkins said they were told that there are no alarms on the doors.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	No *
Councilwoman LeClair	Yes
Councilman Kusnierz	No

A regular meeting of the Town Board of the Town of Moreau was held on May 28, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins                      Yes \*\*

\* Councilman Prendergast voted no, because there is only one quote. He is in favor of the doors, but would be more comfortable with another price.

\*\* Supervisor Jenkins said he voted yes, because they have spent enough time on this and it is his feeling that because of the size and structure of the doors and the amount of labor required to install them that three prices wouldn't generate much difference and to install them after the construction of the building would probably result in a higher price so he doesn't see any potential savings.

**NEW MUNICIPAL COMPLEX – CABLING AND PHONE SYSTEM**

The board members discussed quotes on cabling and a phone system for the new municipal complex.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to accept a quote from StoredTech in the amount of \$6,825.50 plus up to three additional cable drops at \$120.00 each, if needed, out of the Municipal Center Capital Project Fund.

Roll call vote resulted as follows:

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

A quote was discussed from Kost It Consulting, LLC for a phone system for the new municipal center.

Supervisor Jenkins said he needed to have Kost It Consulting revise their price. It will be around \$7,500.00. No decision was made at this meeting on the phone system.

**TIM JOHNSTON – PART-TIME RECREATION MAINTENANCE SUPERVISOR**

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to change Tim Johnston's job title from Part-Time Laborer to Part-Time Recreation Maintenance Supervisor and to increase his hourly rate of pay to \$15.00 per hour.

A background is not necessary in this case as Tim Johnston works for the Saratoga County Sheriff's Department.

Roll call vote resulted as follows:

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

**MOREAU HOME SCHOOL ASSOCIATION USE OF SNACKBAR IN REC. PARK**

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the Moreau Home School Association to use the snack bar in the Rec. Park.

A regular meeting of the Town Board of the Town of Moreau was held on May 28, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

**HIRE LABORERS/CLERK FOR REC. DEPARTMENT/TRANSFER STATION**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to hire the following people to work as Part-Time Laborers in the Recreation Department and Transfer Station as needed and as a clerk in the Transfer Station Fee Booth as needed at an hourly rate of \$8.67 to \$11.94 depending on the position and subject to successful completion of pre-employment physical and background check.

Deborah DuFore
James Greene
Kimberly Zupan

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked about the status of the culvert work.

Paul Joseph replied that the work should be done in July or August.

**COMMITTEE REPORTS**

Councilwoman LeClair reported that she has three moving companies lined up to come and take a look at what has to be moved from the current Town Hall to the new Municipal Complex so they can give us a quote.

Councilwoman LeClair reported that she and Councilman Kusnierz met with the Farmland Protection Grant Committee and they talked about signage and the fact that many people aren't aware of how many farmers or how much farmland are in our community and how there should be zoning for farmland and it should be included in our rezoning.

Councilman Kusnierz reported that they talked about posting signs at the entrances to the Town of Moreau indicating that the Town of Moreau does have a Right to Farm Law in effect.

Paul Joseph was asked to put together a list of entrances to the Town of Moreau and Supervisor Jenkins asked someone to get prices on signs.

Councilwoman LeClair said they talked about a map being put on-line depicting the farms and types of farms in the Town of Moreau and it could be an interactive map whereby people could click on a farm and information would pop up describing that particular farms activities.

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Councilwoman LeClair stated that she meant to put on the agenda a discussion about the easements for the River Front Park Grant Project and she asked for it to be put on the agenda for the next meeting.

Councilwoman LeClair asked if since the Part-Time Recreation Director and Part-Time Recreation Maintenance Supervisor are already stretched for hours, do they need to attend all Town Board Meetings.

Supervisor Jenkins stated that in his opinion they only had to attend meetings when there was something on the agenda that pertained to their department and that the Town Board needed to discuss with them.

No objections were raised by the other members of the Town Board.

Councilman Vittengl advised that Youth Baseball is going to purchase two sheds and they will replace the sheds near field 2 and 4. They need the areas cleared for the placement of the sheds.

Councilman Vittengl advised that Tim Streeter from the South Glens Falls Soccer Club e-mailed a proposal to run the soccer program this year instead of the Town of Moreau. They want to increase the fee \$5.00. They want to buy better uniforms. They will utilize electronic registration. The program will be run as the Town has run it in past years, but South Glens Falls Soccer will run the program. Does this need to be approved by the board?

Councilman Kusnierz replied that the fee increase would have to be approved by the Town Board and Councilman Vittengl said he would bring it up at the next meeting then.

Supervisor Jenkins stated that it isn't going to be a Town Fee and Councilman Vittengl and Councilman Kusnierz said it is going to be a Town Program though and Supervisor Jenkins said it isn't going to be a Town Program if the South Glens Falls Soccer Club is taking it over.

Attorney Buettner asked what they do with Little League and Supervisor Jenkins replied we don't collect their fees. They establish their own fees.

Attorney Buettner asked the board members if they officially turned the soccer program over to the South Glens Falls club by resolution and the answer was no.

Supervisor Jenkins stated that they will run the program now and it takes the responsibility off the Town's Recreation Director.

Attorney Buettner asked where the money is going to go and Supervisor Jenkins said the South Glens Falls Soccer Club would collect the fees.

Councilman Kusnierz asked what the fee would be and he was told it was \$15.00 per child now and it would go to \$20.00 per child. He said that for a family who has one or two children the fee is manageable, but if you have a family of four or five it can add up.

Councilman Vittengl said he would bring it up at the next meeting.

Councilman Kusnierz said he would like a formal proposal with what the fees are going to be and Councilman Vittengl said he would ask Tim Streeter to attend the next meeting and answer questions.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins mentioned that he received another e-mail from Mr. Dorsey stating that how the Town is utilizing the sand pit by his house is devaluing his property and pretty much said that it appears that the Town isn't willing to help him out.

A regular meeting of the Town Board of the Town of Moreau was held on May 28, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated that Mr. Dorsey cleared his property of trees up to the sand pit so there is no longer a buffer zone between the two and said that what the Town is actually doing in the sand pit is remediating an old mining site and it is legal for the Town to do what it is doing.

Paul Joseph added that Mr. Dorsey dumps his leaves in the sand pit and has taken sand out of the pit for his own use. He also talked to Mr. Dorsey about the Town building a berme between the sand pit and his property and maybe planting some trees so it would be a buffer zone and Paul instructed his drivers to go slowly in and out of the pit to keep the dust down.

Supervisor Jenkins asked if there was any interest in placing an ad on the Birds Eye View Map and there was none.

Supervisor Jenkins asked for a motion to go into executive session at 8:59 p.m. to discuss a contractual matter regarding the Town's purchase of the house on Route 197 in front of the new municipal center and the employment history/performance of an unnamed employee.

Councilwoman LeClair stated that one person who submitted a quote to do work on the roof at the Transfer Station has had dealings with the Town in the past and it didn't end up well for this person so she wondered if they could discuss it in executive session. It didn't qualify for executive session so the discussion continued on this person.

Supervisor Jenkins stated that he didn't think it had any effect on this person's ability to do the job and if he wasn't happy with the Town then he wouldn't have submitted a quote. He stated that this person wanted to do a land exchange with the Town a few years ago and the Town Board didn't go for it, but it had nothing to do with this person as an individual. It was nothing personal against him. The board just felt that if they did it for one person they would have to do it for all who requested a similar thing. He doesn't see it as an issue. This person did not submit the lowest quote anyway.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to adjourn to executive session at 9:05 p.m. to discuss a contractual matter regarding the Town's purchase of the house on Route 197 in front of the new municipal center and the employment history/performance of an unnamed employee.

Roll call vote resulted as follows:

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

The Town Board invited Susan Stockman and Erin Trombley into the executive session one by one.

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 10:58p.m.

Roll call vote resulted as follows:

Councilman Vittengl	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 28, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

No action was taken in the executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Supervisor to sign the closing documents on the purchase of the house and property located at 353 Reynolds Road.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the regular meeting at 10:59 p.m.

Roll call vote resulted as follows:

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

Meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk