

A regular meeting of the Town Board of the Town of Moreau was held on May 24, 2011 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**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Gina LeClair	Councilwoman
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**Also Present:** Jeanne Fleury, Town Clerk; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Paul Joseph, Highway Superintendent; Martin D. Auffredou, Attorney for the Town (arrived at 7:09 p.m.); Michael O'Connor, Attorney from Little & O'Connor representing Va Va Voom; Michael J. Vasiliou, CEO of Va Va Voom; Lee Rosen, Home of the Good Shepherd; Lydia Wheeler, Post Star Reporter; Town Residents: Ed Tracy, Reed Antis, Adele Kurtz, Huguette Delvaux, Jeff & Terri Jo Nicholson, Ronald C. Quinn, Jr., Danielle Bourdeau; Village Residents: Harry G. Gutheil, Jr. and Andre Delvaux; and Steven M. VanGuilder, President and CEO of Moreau Emergency Squad, Inc.

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to silence all electronic communication devices.

**MINUTES**

The minutes of April 26<sup>th</sup>, April 28<sup>th</sup>, May 6<sup>th</sup> and May 10<sup>th</sup> were prepared and presented to the Town Board Members in advance of the meeting for their review, comment, correction and approval.

**MINUTES – APRIL 26, 2011 – REGULAR TOWN BOARD MEETING**

Correction: Page 213 – 1<sup>st</sup> motion – 2<sup>nd</sup> line – change account code A1930.4 to A1990.4

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of April 26<sup>th</sup> with the above correction so noted.

Roll call vote resulted as follows:

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

**MINUTES – APRIL 28, 2011 – MONTH-END AUDIT MEETING**

Approval of minutes tabled. Councilman Cumm, Councilman Kusnierz and Councilwoman LeClair were the only three board members to attend that meeting and since Councilwoman LeClair was absent from this meeting the minutes could not be approved.

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**MINUTES – MAY 6, 2011 – BID OPENING – PROPOSED NEW HIGHWAY GARAGE**

These minutes were received and filed.

**MINUTES – MAY 10, 2011 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of May 10<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

Supervisor Jenkins reported receiving a petition signed by businesses in the Town of Moreau requesting that temporary signs, portable signs and banners, be allowed without permit and at the discretion of business owners.

Supervisor Jenkins suggested that the board hold a workshop to review the sign law and discuss possible changes. The workshop was scheduled for June 7<sup>th</sup> at 7:00 p.m. in Town Hall.

Councilman Kusnierz stated that there is an ongoing issue over signage in the agricultural district of the town. The sign law currently reads that a sign that lists produce for sale cannot be changed periodically throughout the growing season to reflect changes in the list.

Councilman Kusnierz said he would like it taken one step further. The code of the Town of Moreau reads that farmers who grow crops on one parcel of land cannot sell those crops on another parcel of land that they own, that is not contiguous to the parcel where the crops are grown. It was his opinion that this should be looked at also.

**15 MINUTE PUBLIC COMMENT PERIOD**

Danielle Bourdeau, Secretary for South Glens Falls Girl's Softball, thanked everyone for everything they did to help get their irrigation project done in the rec. park. She thanked the Town Board members for approving the project. She thanked Terry McGuire and Attorney Auffredou for getting the contract done so quickly. She thanked Paul Joseph, Highway Superintendent, for allowing them to use the dump truck to get it done on the 15<sup>th</sup> of May. She thanked Bruce Abare for use of the Bobcat. She thanked the recreation department staff; Jeremy Tripp, Bruce Siergiey, Nick Mattison and Steve Gram. She said that Steve Gram sometimes gets the rap for not getting things done, but he came through for them on so many different levels to help them get it done. She thanked T. J. Chagnon who put in the system and came back on May 15<sup>th</sup> to help finish the project and put down the sod. She thanked her board members, the 7<sup>th</sup> and 8<sup>th</sup> grade modified team, Duke Seiler, Chad Viele, Scott Carpenter, Jenny Shepherd, Brian McAllister, Tim Burke, Scott Fitzsimmons, Joe Columbo, John Farrell, Joe Capozucca, Joe Marra, Paul Wells and David Clough. She also thanked Lou DeRidder and said the project wouldn't have gotten finished without him. She thanked Mike Yakus and Mike Bock. She thanked everyone who made it possible for her girl's from t-ball to varsity. She said it was amazing that they could do this for them and thank you very much.

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**HIGHWAY DEPARTMENT REQUESTS**

Paul Joseph, Highway Superintendent, submitted the following three quotes for the repair of the front differential, parts & labor, on truck #6:

Metro Ford	\$1,189.94
Carmody Ford	\$1,684.68
Nemer Ford	\$1,214.86

The expense would be paid out of account DB5130.405 that has a balance of \$17,673.05 as of 5/2/11.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the repair to truck #6 in the highway department by Metro Ford at a cost not to exceed \$1,189.94.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked for an update on the Hatchery Road Culvert project.

Supervisor Jenkins stated that the contractor was supposed to start next Tuesday.

Councilman Kusnierz asked what the time frame for completion was.

Supervisor Jenkins replied that the contract calls for six weeks, but it will hopefully be done in one week.

Councilman Kusnierz asked Paul Joseph if the highway department was still pumping water and Paul Joseph replied yes.

**WATER DEPARTMENT REQUESTS**

At a previous meeting the water superintendent requested that the board hire John A. Dixon, Jr. on an on-call, as needed basis in the water department. Mr. Dixon would fill in for Jesse Fish when Earl Ruff, the other on-call person in the water department, was not available. The board asked Jesse Fish to advertise the position. This was done. One resume was received and that was from a company offering their services. Jesse Fish was asking again to hire John A. Dixon, Jr. on an on-call, as needed basis in the water department.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hire John A. Dixon, Jr. on an on-call, as needed basis in the water department at \$16.81 per hour subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

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### **RECREATION DEPARTMENT REQUESTS**

The recreation director, Steve Gram, submitted the following quotes for the purchase of 130 tons of rubble to finish the quad parking lot in the recreation park:

Pallette Stone	\$6.00 per ton x 130 tons = \$780.00 plus mileage and gas
Jointa Galusha	\$7.60 per ton x 130 tons = \$975.00 plus mileage and gas
Peckham Materials	\$6.20 per ton x 130 tons = \$806.00 plus mileage and gas

This purchase would be made out of account A7140.4 that had a balance of \$46,631.91 as of 5/1/2011.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of 130 tons of rubble to finish the quad parking lot in the recreation park from Pallette Stone at a cost not to exceed \$780.00 plus mileage and gas.

Roll call vote resulted as follows:

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

Steve Gram, Recreation Director, presented to the board again a list of people he wanted to hire as seasonal help in the recreational department.

Supervisor Jenkins stated that Steve Gram went through all the resumes and conducted interviews last Friday.

Councilman Prendergast asked Steve Gram if he still needed two lifeguards and Steve Gram replied yes. He said one person submitted an application this afternoon who worked last year as a lifeguard.

Councilman Prendergast asked if everyone that applied for the lifeguard positions were being considered for hiring tonight and Steve Gram replied yes. Councilman Prendergast stated that he understood that one person was from Glens Falls and there was a concern over that person's age and Steve Gram acknowledged that this was correct.

Councilman Kusnierz asked how many applications were received and Steve Gram replied about 40 and he interviewed about 25 people.

Councilman Kusnierz asked if any people on the list were not from the Town of Moreau and Steve Gram replied one was not from the Town.

Supervisor Jenkins asked who that person was and Steve Gram replied Rebecca Auffredou.

Councilman Kusnierz asked if any of the people on the list were related to any town employee or town contractor and Steve Gram replied two.

Councilman Kusnierz asked if the Personnel Committee was involved.

Councilman Prendergast stated that they were aware of what was going on. He reiterated that everyone who applied for the lifeguard positions were being considered for hiring and we still need two more. He also stated that we put out the word and these are the applications.

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Councilman Cumm asked Steve Gram if the Town of Moreau offers the lowest salaries in the area and Steve Gram replied that lifeguards who work for Moreau Lake State Park start out at \$10.00 per hour.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hire the following people for part-time, seasonal work, in the recreation department:

Employee's Name	2010 Rate	2011 Rate	Title of Position	Pre-Employment Physical Needed
Kevin Donohue	10.00 PH	10.20 PH	Swim Instructor	No
Kevin Donohue	8.80 PH	9.05 PH	Lifeguard/Head Lifeguard	No
Jordan Greene	10.00 PH	10.20 PH	Sports Specialist	No
Jordan Greene	8.50 PH	8.67 PH	Lifeguard	No
Kelly Styczynski	8.50 PH	8.67 PH	Lifeguard	No
Rebecca Auffredou	8.80 PH	8.98 PH	Lifeguard	No
Gary Plimpton		8.50 PH	Seasonal Part Time Laborer	Yes
Jo-Ann Morrison		10.00 PH	Head Arts & Crafts Specialist	No
Lori Havens		8.00 PH	Assistant Arts & Crafts Specialist	No

Roll call vote resulted as follows:

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

\*Councilman Kusnierz abstained, because he said that the Personnel Committee should be making these decisions, and we should be giving priority to our town residents, and be very cautious for appearance sake of hiring individuals that are related to town employees or town contractors.

Supervisor Jenkins added that both individuals that are related are rehires.

Item #6 on the agenda was taken care of at the audit meeting held prior to this meeting.

### **VA VA VOOM PLANNED UNIT DEVELOPMENT (PUD)**

Supervisor Jenkins stated the purpose of this being on the agenda was to set a public hearing.

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Councilman Kusnierz stated that this project has been before the Planning Board and Attorney Auffredou indicated at the last meeting that there were significant changes to what was presented to the Planning Board, which caused it to go back before the Planning Board. As part of the PUD process the Town Board is supposed to be presented with what the actual PUD project will entail. He asked if the board has a report from the Planning Board.

Attorney Auffredou stated that he prepared a report from the Planning Board and it was his understanding that it went to Ronald Zimmerman, Acting Planning Board Chairman, for his signature. He also prepared a draft local law for the PUD.

Supervisor Jenkins stated that it was hand delivered yesterday sometime.

Attorney Auffredou stated that as far as he was concerned the board was ready to schedule a public hearing and his work was done.

Councilman Kusnierz asked what the public hearing was going to be on.

Attorney Auffredou replied the public hearing was going to be on the PUD as presented last Tuesday night.

Councilman Kusnierz said he didn't have a copy of the latest version of the recommendation and report from the Planning Board.

Supervisor Jenkins said it should have been in his box.

Councilman Kusnierz asked a copy of what?

Attorney Auffredou started to say that there is a letter/supplemental report from the Planning Board and Councilman Kusnierz interjected that he had what was provided to the Town Board at the last board meeting, which was the outline. He asked if that was what they were working from.

Attorney Auffredou replied no. He stated that following that meeting he prepared a supplemental report from the Planning Board and he delivered it to Preston and Joe on Thursday last week, along with a proposed local law establishing the PUD.

Councilman Kusnierz asked if anybody had that information. He then said he got a copy of the local law, but not the report.

Attorney Auffredou said that the board was going to hold a public hearing on the local law.

Councilman Kusnierz asked if the project has changed from what was initially presented to the Planning Board and the reply was yes. He then said the density changed.

Attorney Mike O'Connor stated that the density was reduced.

Councilman Kusnierz asked by how much, because based on the information he read and listened to they were asking for 8 times what is currently permitted in the R-2 zone. He asked Attorney O'Connor to tell him how it has changed, because that information wasn't provided to him.

Attorney O'Connor replied that it was in the density calculations in the local law that they presented last Wednesday.

Councilman Kusnierz asked Attorney O'Connor if he didn't know what the figure was.

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Attorney O'Connor replied that the density requirement was reduced when they removed the two commercial buildings. He then said that there was one commercial building removed and the potential for a 50 unit apartment building.

Councilman Kusnierz stated that he understood that there were some buildings eliminated, but they also increased the number of units per building. He asked if this was correct and the answer was no.

Councilman Kusnierz asked if anybody could tell him what the change in density was. He said that is what he wants to know.

Attorney O'Connor stated that the density is 64 enhanced, assisted living beds in a commercial building and a second building of the same nature that is a substitute for one of the two retail commercial office buildings. Beyond that he said there would be 94 subsidized apartments and 100 market driven apartments in two 50 unit buildings.

Councilman Kusnierz asked Attorney Auffredou if wasn't he concerned over the fact that the Planning Board didn't hold a second public hearing on the revised project.

Attorney Auffredou replied no.

Councilman Kusnierz asked Attorney Auffredou if doesn't he agree that this is a significant modification to the project.

Attorney Auffredou stated that it was his recommendation that it go back to the Planning Board and that evening he had stated that it didn't necessarily mean that he thought the Planning Board had to hold another public hearing. The reason why, is because the Planning Board conducted a public hearing initially and they were very familiar with the project. It was his understanding that they thoroughly reviewed the revised proposal and spent a lot of time on it. They came up with a recommendation that they were comfortable with and they did not think a second public hearing was necessary. The other reason he does not think another public hearing was necessary is because, this board, which is the legislative board and ultimately responsible for creating the PUD, if it is to be created, must conduct a public hearing.

Councilman Kusnierz stated, on the local law.

Attorney Auffredou confirmed that it would be on the local law.

Councilman Kusnierz stated that was correct and he understood that thoroughly. He stated however, that the Planning Board is charged under our local code to hold a public hearing on the project to allow public input and possible modification on the part of the Planning Board if they so choose.

Attorney Auffredou replied that the Planning Board is a recommending body only in this capacity.

Councilman Kusnierz stated that our code requires a public hearing on their part.

Attorney Auffredou replied that they conducted a public hearing and Councilman Kusnierz said that was correct.

Attorney Auffredou stated that it is his opinion that the Planning Board did not need to hold a second public hearing.

Councilman Kusnierz asked, even if there were "major modifications", and he said those were Attorney Auffredou's words.

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Attorney Auffredou said that was his opinion.

Councilman Kusnierz stated that the public then never had an opportunity to comment publicly on this project, because the Planning Board didn't afford them the opportunity to have a public hearing on the new and revised project. He asked if this was correct.

Attorney Auffredou said that was correct, but the public will have an opportunity to provide comment to the Town Board on the proposed local law, which is the same thing that was before the Planning Board.

Councilman Kusnierz replied "no it isn't".

Attorney Auffredou replied "yes it is".

Councilman Kusnierz stated that what was before the Planning Board was the project and what is before the Town Board is the proposed local law. They are separate and distinct.

Attorney Auffredou said he disagreed.

Councilman Kusnierz asked where they were at with the EAF and asked if wasn't it part of the PUD.

Attorney Auffredou replied that as with any other local law the board will conduct SEQR after the public hearing is closed.

Supervisor Jenkins said he would like the board to schedule a public hearing for June 9<sup>th</sup>.

Councilman Kusnierz asked if shouldn't they wait until there was a full board present to act on something that has this kind of magnitude and impact on our community.

Supervisor Jenkins stated that "she", referring to Councilwoman LeClair, would be present for the public hearing.

Councilman Kusnierz asked if shouldn't "she", referring to Councilwoman LeClair, be entitled to vote on a project of this magnitude, to put it to a public hearing. He added that at the last meeting, she was undecided and would not commit one way or another on the project so shouldn't she be involved in the vote.

Supervisor Jenkins said he received an e-mail from Councilwoman LeClair, two days after the last workshop, indicating that two property owners who live adjacent to the site were in favor of the project.

Councilman Kusnierz asked what Councilwoman LeClair's position was on this project.

Supervisor Jenkins replied that she would be able to vote herself. He thought she was leaning in the direction of being in favor of the project, but he couldn't say how she was going to vote.

Supervisor Jenkins asked for a motion to schedule a public hearing for June 9<sup>th</sup> at 7:00 p.m.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast scheduling a public hearing for June 9<sup>th</sup> at 7:00 p.m. in Town Hall on Local Law No.3 of 2011 on the Va Va Voom PUD.

Councilman Prendergast stated that it does have a large impact on the community, but it is a positive impact. This gives people a place to live in dignity and age in place in their own community. A portion of the project will only take place if the people want it to take place. If the market isn't there for it, it won't happen. He was walking his dog two nights ago and somebody stopped him and he asked him what they

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thought about the project and they said it was about time. He said this wasn't the only person saying this in town. They have been saying it for years.

Councilman Kusnierz asked if they live near the project and Councilman Prendergast replied no.

Councilman Kusnierz stated that is one of the things that the Town Board is overlooking. He said Councilman Cumm lives in an R-2 zone and he asked him if he would be in favor of it, if it was going in next to his house and if it would impact his property value.

Councilman Cumm replied that he isn't faced with that situation so he doesn't know how he would vote.

Councilman Kusnierz said that was the interesting thing, because he said they were. The board represents the entire community and they have to take those concerns into consideration.

Councilman Prendergast told Councilman Kusnierz that he was talking like those concerns weren't considered at all and they were.

Councilman Kusnierz said that he was replying to Councilman Cumm who said he wasn't in that situation. He said there are those in our community that are and those who are not and they have to take all of their concerns into consideration when they move forward.

Councilman Kusnierz stated that at the last board meeting Councilman Cumm referred to what other communities had done and he referred to the projects in Wilton, Malta and Saratoga. He asked the question, are those PUD's and he didn't know if he got a clear answer or not. He said he looked into it. He asked if they knew.

Councilman Cumm replied that one was a PUD and the other two weren't.

Mr. Vasiliou confirmed that the one in Malta is a PUD and the ones in Wilton and Saratoga are not.

Councilman Kusnierz said he did some checking and they were either zoned for this type of project and didn't need a PUD or their local code provided for this type of development through a special use permit. Our code does not provide for that. The only thing you can have a special use permit for is in a C-1 zone where you can put a nursing home in. We are doing something totally different, from a zoning standpoint, from what took place in these other communities in Saratoga County.

Councilman Kusnierz stated for the record that he is all for senior housing/assisted living, but he has a major problem where our current zoning doesn't allow for it, it is a residential zoned R-2 area. The applicant is essentially asking us to go around our master plan. He asked if anybody looked at our master plan that was just updated within the past two years. He doesn't believe that anywhere in the master plan does it call for a PUD to be located in that part of the community.

Supervisor Jenkins stated that we didn't ask for one in any part of the community, but we did want to provide for senior housing.

Councilman Kusnierz stated that by utilizing a PUD, and they should only be utilized in the most extenuating circumstances, we are circumventing our existing zoning to shoe horn in a project that negatively impacts the character of that portion of the town, which is zoned R-2. We have residents who have moved into that area and raised their families there. We heard at the last meeting that they would like their kids to come back to the neighborhood and raise their families there and they won't do that, because this project is proposed to go there. These are people who have purchased property and their homes based on the fact that, that part of the town was zoned R-2 that affords them certain protections under the law and now the board has the potential to move forward and they are going to say that this isn't what they signed up for and they probably wouldn't have purchased property there. He said the board isn't paying close enough attention to the current concerns of the individuals who are most

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impacted by that project. He has great concerns how this whole PUD process came to be through the Planning Board. He said for the third time, that he doesn't have a document before him that has a recommendation from the Planning Board that the board should be taking action on. He asked if doesn't it concern any other board member.

Supervisor Jenkins told Councilman Kusnierz that he could stop and visit his brother-in-law who has a copy to sign.

Councilman Kusnierz asked if he was talking about the copy that was provided to his brother-in-law at 8:00 p.m. last night that he didn't have authority from the Planning Board to sign. He asked if that was the document he was referring to. He asked Supervisor Jenkins if he had a copy

Supervisor Jenkins said he didn't have a copy of it, but he read it.

Councilman Kusnierz stated that he was being asked to take action on something tonight that he hasn't read.

Supervisor Jenkins told Councilman Kusnierz that he could vote no. He then asked the Town Clerk to call the roll on the motion and second to schedule a public hearing.

Councilman Prendergast stated that the code also mentions that if there is a project that would meet a great need of the community it could be considered and from what he hears from the people in the community it is desired.

Supervisor Jenkins asked again for the clerk to call the roll on the motion and second to schedule a public hearing.

Councilman Kusnierz said there is a great need for it in this community, just not there.

Roll call vote resulted as follows:

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

Attorney Auffredou asked Attorney O'Connor if he submitted a long form EAF and Attorney O'Connor replied that he thought so.

Attorney Auffredou asked Attorney O'Connor if it needed to be modified at all for the purposes of this local law process and if not he would use Part I.

Attorney O'Connor stated that the open area or the area that won't be used for construction will be more than originally proposed, because they took out the two buildings, so more of the site will remain open area.

Attorney Auffredou asked Attorney O'Connor to look at Part I of the EAF and update it if necessary and call it Local Law 3 of 2011 and return it to him so he could get it to the Town Board.

Attorney Auffredou stated that the local law itself should be sent to Mike Valentine at the Saratoga County Planning Board for review and he would take care of doing that. He further stated that the code does require that the highway superintendent take a look at this and give a report. He asked Paul Joseph to look at the site layout and submit a letter to the Town Board indicating his concerns or indicating that he

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doesn't have any concerns. As he understands it, there aren't going to be any dedications to the Town so that is why he brings it up.

Councilman Kusnierz said it is required by law. We should have been provided with that before we took action.

Attorney Auffredou said no, and Councilman Kusnierz said it is part of the PUD process, and Attorney Auffredou said no, it is part of the public hearing process that the board is about to engage in. Attorney Auffredou said that provision of the code, as far as the highway superintendent's report, comes after the scheduling of the public hearing. He assured Councilman Kusnierz that he was not leading him astray. This is the way the process works. Once the public hearing is scheduled the very next provision in the code is the county referral and the highway superintendent referral.

Councilman Kusnierz stated that he has other questions on this project and apparently they were moving forward whether everybody was in agreement or not. He asked if the Planning Board required the applicant to issue documentation demonstrating financial and physical ability to complete the plan as designed to the Planning Board.

Attorney O'Connor replied, no.

Councilman Kusnierz said it is required as part of our code, section 149-27 (F) (1). He asked why that hasn't happened.

Attorney Auffredou said he recalled talking to Joe Patricke about that finding in the original decision. He proceeded to look through the code.

Councilman Kusnierz asked if they could pick and choose which parts of the code they were going to follow.

Supervisor Jenkins stated that the board was told last week by the director of the organization that they have an approved grant for just under \$4 million.

Councilman Kusnierz asked if that was included in the documentation, that he apparently is unable to receive in a timely fashion, from the Planning Board. He asked if anyone could answer this question and there was no reply.

Supervisor Jenkins asked him what else he had.

Councilman Kusnierz stated that if they were going to follow the process, whether they were in favor of it or not, they should follow the letter of the law. They can't pick and choose which parts to follow. There is a reason it is in our code. He thinks that if they had all that in order then they could move forward with it.

Attorney Auffredou asked what provision of the code he was referencing and Councilman Kusnierz replied 149-27(F)(1).

Councilman Kusnierz said it had to be included as part of the sketch plan. He said that as attorneys he was sure they were aware of that.

Attorney O'Connor stated that the sketch plan is done through the subdivision process and it isn't part of the PUD.

Councilman Kusnierz stated that he was looking at the process for a PUD approval. The sketch plan approval spells out everything that has to be done before it gets to the Town Board and that is why he asked for it before.

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Attorney Auffredou read from the sketch plan approval section of the code as follows: "In addition, the following documents shall accompany the sketch plan: Evidence of the applicant's physical and financial competence to carry out the plan and his awareness of the scope of such a project." He said that he would have to say that the Planning Board did not receive actual documentation to that effect, but there was abundant discussion at the Planning Board level about the grant and about the Home of the Good Shepherd and what their intentions are and what their track record is. The Planning Board was certainly aware of Mr. Vasiliou's reputation as a developer. He recalled some discussion with Joe Patricke about this, as far as the findings go, but they didn't think it was anything to hold the project up for. They didn't think there was a lack of documentary evidence about this. He stated that the Town Board has approved other PUD applications without that documentation.

Councilman Kusnierz asked if the board violated their own code before.

Attorney Auffredou stated he wasn't saying that at all.

Councilman Kusnierz stated that he appreciated the fact that they had discussions on it and he was very happy that the Planning Board had discussions on it, and he didn't discount the reputation of Mr. Vasiliou at all. However, if something is required to be done, this is why you want a report. He wanted to see a report and he wouldn't have these questions and there wouldn't be these discussions if he had the report in a timely fashion.

Attorney Auffredou replied that he has provided everything in a timely fashion.

Councilman Kusnierz stated that he wasn't accusing him of not providing things in a timely fashion, but he didn't receive it in a timely fashion. At the last board meeting he was handed an outline at the meeting.

Attorney Auffredou said he was told the original report from the Planning Board, dated April 27<sup>th</sup>, and signed by Pete Jensen, is probably one of the most comprehensive, thorough PUD reports out there. The Planning Board met again and it was their recommendation that there was nothing more that they needed to supplement or change other than what was noted in their letter.

Councilman Kusnierz said that Attorney Auffredou said there was a vote taken. He didn't see a resolution in the minutes and he didn't hear it on the audio. He asked if there was a motion made.

Attorney Auffredou said he didn't know. Then he said that in the outline it was indicated that a straw vote was taken that resulted in a 5 to 2 vote in favor of the project.

Councilman Kusnierz asked if it was fair to say that there was no formal resolution vote on. When an answer wasn't given, he stated that no motion was made by a Planning Board Member to send the project, as modified, to the Planning Board. He asked if that was correct.

Attorney Auffredou replied that he didn't think that they felt one was necessary at all.

Attorney O'Connor replied that the Planning Board said the acting chairman would sign the letter to the effect that was indicated and that was it. The change here, and the reason why Attorney Auffredou suggested it go back to the Planning Board, was that they removed the potential for commercial/retail office space.

Councilman Kusnierz said that was a significant change and asked if Attorney O'Connor agreed.

Attorney O'Connor replied, overall, no. The commercial/retail space was going to be built as the market demanded it. He added that commercial/retail space that remote from the center of the town was questionable in his mind right from the start, but someone suggested that it would complete the project

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and present a community within a community. He didn't think realistically that they would find somebody to finance it. He didn't think it would change the character of senior, residential type project.

Supervisor Jenkins said the vote on the public hearing was finalized and they were going to move on to the next agenda item.

### **MOREAU COMMUNITY CENTER BULLDOG FUNDRAISER**

Supervisor Jenkins asked the board members if they wanted to purchase one or two concrete bulldogs that the Moreau Community Center was offering as a fundraiser. He said they could be placed in the rec. park. The cost is \$250.00 for one and \$450.00 for two.

Councilman Kusnierz asked if it would benefit the Moreau Community Center and Supervisor Jenkins stated it was a fundraiser for the community center.

Councilman Kusnierz asked if the board would do it for any other entities that serve the community and Supervisor Jenkins said if they were bulldogs he would probably think it was a good idea.

Councilman Kusnierz asked if the Fire Company or Emergency Squad wanted to do this would the board have a problem.

Supervisor Jenkins said the board would decide every time. He said that if Councilman Kusnierz had a problem with it, it was okay.

Councilman Kusnierz said he was little bit concerned, because at budget time when they established what these not-for-profit entities were to receive in this fiscal year, proportionately we gave the community center more than we gave our other organizations that serve our community and one received significantly less. He said we have demonstrated our commitment to the community center and he didn't think that they needed to expend additional taxpayer dollars to do that.

Councilman Cumm asked when they need to make a decision and Supervisor Jenkins said they didn't have to decide at this meeting. Councilman Cumm said this was the first he has heard of it and he wanted to discuss it with Councilwoman LeClair first.

No action was taken.

### **WATER DISTRICT 1 EXTENSION 2 – CONTRACT #2 – AUTHORIZATION TO GO OUT TO BID CONTINGENT UPON AUTHORIZATION FROM NATIONAL GRID**

Supervisor Jenkins stated that everything is ready to go, except we are lacking one thing. There is a major power station on the right hand side of Route 32 just south of Bluebird Road and the water line will go down that side of Route 32. Approval is needed from National Grid to install the water line on their property. There won't be another meeting for three weeks so Tim Burley was asking the board to approve going out to bid on Contract #2 for Water District 1 Extension 2 contingent upon approval from National Grid.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing Contract #2 of the Water District 1 Extension 2 project to be put out to bid, contingent upon approval from National Grid allowing the water lines to be installed on their property.

Roll call vote resulted as follows:

Councilman Prendergast            Yes

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

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

Steve VanGuilder, President and CEO of the Moreau Emergency Squad, asked if any more consideration had been given to having TV8 televise the meetings.

Supervisor Jenkins replied no, and at this point he didn't have any idea if this would happen or not.

Adele Kurtz asked if the bids were opened for the highway garage and town complex.

Supervisor Jenkins advised her that the bids were opened on the highway garage for the general construction. There is going to be another bid opening on the rest of the highway garage project he thought around the 6<sup>th</sup> or 7<sup>th</sup> of June.

Adele Kurtz asked if any board member had toured the apartment aspect of the Home of the Good Shepherd in Wilton. The answer was no they hadn't. She thought it would be well worth their time to do so. She said she didn't think it was something they would want in the Town of Moreau and especially not if they are going to be three stories. Supervisor Jenkins advised her that they weren't going to be three stories. They were going to be two stories. She didn't think they were practical. She said she would take the Home of the Good Shepherd though anywhere.

Adele Kurtz asked if the density for the projects in Wilton, Malta and Saratoga Springs were the same as for the project proposed here in Moreau.

Supervisor Jenkins said he would assume the one in Wilton would have to be. It is almost the same size parcel as the one in Moreau.

Councilman Kusnierz said he got the density. He recited the following:

Wilton – Home of the Good Shepherd - 54 beds of assisted living on 3 acres  
Malta – Home of the Good Shepherd - 86 beds assisted/enhanced living on 7.96 acres  
Saratoga Springs – Home of the Good Shepherd – 42 beds assisted living on 3.57 acres  
Town of Moreau – Proposal is for 64 beds assisted living on 2.39 acres

### **COMMITTEE REPORTS**

None

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported receiving a thank you from Colleen Maziejka of the Moreau Home School Association for allowing them to use the concession stand during the 2010 soccer season. It was a financial success. They were also requesting to use the concession again for the 2011 soccer season. They would operate on Saturdays to coincide with the dates and times of the Moreau Rec. Soccer Program. They would have a similar menu as last year and they have the required insurance.

Steve Gram stated that he thought that Councilwoman LeClair wanted to bring something up about this regarding the cost to the town. The electric bill went up to \$177.00 for that one month. It is normally \$20.00 per month.

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Supervisor Jenkins asked how about when the legion uses the building. Do they pay the power bill?

Steve Gram said no.

Supervisor Jenkins asked why they would charge the Moreau Home School Association when we don't charge the legion.

Steve Gram said he didn't know. All he knew was that Councilwoman LeClair had a question about it.

The Town Board Members present didn't have any problem with this request and Supervisor Jenkins said he would send them a letter approving their request.

Supervisor Jenkins advised that somehow when the Help America Vote Act was passed the ownership of the town's old voting machines was transferred to Saratoga County by law. Saratoga County said they don't care what the town does with the old machines. They will pick them up if the town doesn't want to keep them. He asked the board what they wanted to do with them. It was the consensus of the board that he should check with the school to see if they want them.

Reed Antis said they should check with Bill Hayes who is in charge of the Village Museum to see if they want one.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the meeting at 8:05 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk