

A regular meeting of the Town Board of the Town of Moreau was held on November 22, 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
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; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived 7:15 p.m.); Town Residents: Michael Greenlaw, Renee Schoonmaker, Diane & John Izzo, Gayla Dzialo, Reed Antis, Bob Vittengl, Adele Kurtz, Ed Tracy; Village Resident: Danny Shannon (arrived at 7:40 p.m.); David Taube, Post Star Reporter; and Allyson Mullin and Ashley Allen from Glens Falls; and Katy Lancette from Queensbury

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or put on vibrate all electronic communication devices.

**MINUTES**

The minutes of October 25, 2011 (3 sets) were presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – OCTOBER 25, 2011 – SPECIAL MEETING OF THE TOWN BOARD RE: SCHOOL DISTRICT'S PEP GRANT RECEIVED**

No comments or corrections.

**MINUTES – OCTOBER 25, 2011 – MONTH-END TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – OCTOBER 25, 2011 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A regular meeting of the Town Board of the Town of Moreau was held on November 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve all three sets of minutes dated October 25, 2011 as prepared.

Roll call vote resulted as follows:

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

### **MEETINGS/WORKSHOPS SCHEDULED**

Councilman Kusnierz asked for a workshop on the Sign Law to be scheduled. He also noted that Celine Estes wants to serve on the Sign Law Committee and asked that her name be added to the list. After brief discussion it was decided that Councilman Kusnierz and Councilwoman LeClair would meet with the Sign Law Committee in a workshop setting and then bring back information to the full Town Board.

A workshop on the Sign Law was scheduled for December 1, 2011 at 7:00 p.m. in Town Hall.

### **15 PUBLIC COMMENT PERIOD**

Michael Greenlaw who resides at 47 Feeder Dam Road was present and asked the Town Board for help with a problem he is having with a dog boarding/kennel business that is being conducted on his neighbor's property and the noise it is creating from barking dogs. He spoke with the DCO about this and the DCO told him he has attempted to talk to the owner of the property to no satisfaction and he indicated that he cannot go any further with it. The property is not zoned for this business. There was mention about it being grandfathered in. The property owner does not have a Kennel License.

Councilman Prendergast asked Mr. Greenlaw if his concern is over the noise or the fact that a business is being operated on the premises.

Mr. Greenlaw replied that it is the noise mostly. There are 6 to 10 dogs there on any given day and 5 or 6 are in the yard at one time starting at 5:30 a.m. and the barking continues all day long. The owner of the property has lived there for 40 years and he has lived in his home for 5 years. In the summer time he has to keep his windows closed and fans running to block out the noise.

The Town Board told Mr. Greenlaw that they would have to look into this and get back to him.

Mr. Greenlaw thanked the Town Board for their time.

### **WATER DISTRICT 5 HOOK UP REQUEST**

Diane & John Izzo and Gayla Dzialo who reside on the Reservoir Road were present to discuss the possibility of hooking up to Water District 5 and the cost to do so.

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Mr. & Mrs. Izzo explained that when the water line was installed along Reservoir Road property owners were offered the opportunity to hook their homes up to the water line and according to Mr. & Mrs. Izzo the fee at the time was \$600 to \$700 plus \$400 for a water meter and storage tank surcharge and an estimated fee of \$800 for the owner to complete the hook up. However, according to Mr. & Mrs. Izzo they were never approached and asked if they wanted to hook up. Now the hook up fee is around \$3,000 and they want to know why they have to pay so much.

Ms. Dzialo who lives next door to the Izzo's said that she asked at the time if she could hook up to the water line and she was told no. Peggy Springer also asked if she could hook up and she was told no. She wanted to know why people in the new water district that is going in, don't have to pay anything to hook up. She also stated that the area they live in was heavily polluted by Abelene-Orkin and there have been a lot of cases of cancer in her area so she would like to get hooked up to the water system. She said the Springer's did finally get hooked up, but they had to pay \$3,000. She wanted to know why they had to pay this fee when people in the new water district are getting hooked up for free.

Supervisor Jenkins explained that there are similar situations in other water districts, where there may have been a vacant lot when the water lines were installed and now a house is being built on the lot and if the property owner wants to hook up to the water line now they will have to pay \$3,100 to hook up.

Councilwoman LeClair explained to Mr. & Mrs. Izzo and Ms. Dzialo that the people in the new water district are paying for the hook up as part of their water bill. If the people in the new water district don't hook up now and they come to the Town Board in the future and request to hook up then they will pay the same fee that they were quoted. If the people in the new district have a line run into their home, but they don't have the water turned on then they will have to pay about \$105.00 per year towards the cost of running that water line and for their share of the infrastructure. Then in two years if they want the water turned on there won't be any cost, because they are already hooked up.

Supervisor Jenkins asked Mr. & Mrs. Izzo and Ms. Dzialo why they didn't contact the Town about hooking up.

The response was that they did ask the people installing the water line and the board noted that those people were not the "Town".

Supervisor Jenkins stated that when the water lines were run along Reservoir Road to Route 32 the property owners along the way would have been contacted and had the option to hook up.

Mr. & Mrs. Izzo and Ms. Dzialo said that they received no information at the time.

Supervisor Jenkins said this goes back 9 years. The board will have to discuss it. Under the current fee structure the cost to hook up would be \$3,100.

Ms. Dzialo asked who is paying for the new water lines to be installed.

Supervisor Jenkins replied that the Town received an interest free loan for 30 years through the

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Environmental Facilities Corporation (EFC). The people who use the water will pay back the loan. He said that without more information the board won't be able to decide on this tonight.

Councilman Kusnierz asked if wouldn't there be documentation on file that they were or weren't notified.

Joe Patricke explained that the water line in question was installed and paid for by the Michael's Group for their subdivision so there wouldn't be any documentation on file.

Supervisor Jenkins told Mr. & Mrs. Izzo and Ms. Dzialo that the board would have to get back to them on this.

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted a request for the purchase of box beam guide rails for Old Saratoga Road in the amount of \$8,213.13 from Town & Country Bridge and Rail under county contract 11-PWGR-24R and 11-PWOGR-36R and out of account DB5110.494 that had a balance of \$8,503.48 as of 11/1/11.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of box beam guide rails from Town & Country Bridge & Rail under county contract at an amount not to exceed \$8,213.13.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request for the purchase of rock salt in the amount of \$74,000 from International Salt under county contract 11-PWS-10R and out of account DB5142.490 that had a balance of \$74,382.07 as of 11/1/11.

Paul Joseph stated that he has 50 tons left. This approval was for a blanket purchase order in case he needs more salt. It is dependent on Mother Nature.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of rock salt from International Salt under county contract at a cost not to exceed \$74,000.

Roll call vote resulted as follows:

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

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Supervisor Jenkins                      Yes

The highway superintendent submitted a request for the purchase of a distance measure in the amount of \$1,056.00 from Jamar Technologies out of account DB5130.2 that had a balance of \$5,779.53 as of 11/1/11. This is a dealer item only per the highway superintendent.

The distance measure would be used to map street signs, measure shoulders of roads and maintenance performed on roads and it can be used in 4 different vehicles. The wheel that is used now to measure is coming up with different measurements than what the suppliers of materials (Gorman Bros. & Peckham Materials) are coming up with. The measurements taken for blacktop have varied by as much as 100 feet to 200 feet and that difference equates to a big expense.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of a distance measure from Jamar Technologies at a cost not to exceed \$1,056.00.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request for the purchase of 100 gallons of bulk motor oil, Kendell Super D XA (Ti) 15W-40 in the amount of \$1,212.00 from Farrell Oil Co., Inc. out of account DB5142.460 that had a balance of \$14,518.15 as of 11/1/11.

The highway superintendent submitted a note with his request that indicated that the highway department has used Kendell Oil for 20+ years with great results. Farrell Oil supplies the highway department with the storage tanks and air pumps and the Town gets free oil analysis that helps them keep a service history on the oil and to keep track of any potential problems.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of 100 gallons of bulk motor oil Kendell Super D XA (Ti) 15W-40 from Farrell Oil Co., Inc. at a cost not to exceed \$1,212.00.

Roll call vote resulted as follows:

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

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**RECREATION DEPARTMENT REQUESTS**

The recreation director submitted a request to hire the following people for the Town of Moreau Recreation Department Youth Wrestling Program:

<b>Employee's Name</b>	<b>2009 Rate</b>	<b>2010 Rate</b>	<b>Title of Position</b>	<b>Pre-Employment Physical Needed Yes or No</b>
Ron King	\$13.14 hr.	\$13.41 hr.	Head Wrestling Coach	No
John Chowske		\$8.25 hr.	Asst. Wrestling Coach	No

Councilman Kusnierz asked why there was a big difference in hourly rates.

Supervisor Jenkins replied that they were based on last year's rates.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to hire Ron King as Head Wrestling Coach on a part-time, temporary basis, at \$13.41 per hour and to hire John Chowske as Assistant Wrestling Coach on a part-time, temporary basis at \$8.25 per hour and neither individual is subject to a pre-employment physical.

Roll call vote resulted as follows:

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

**WATER DEPARTMENT REQUESTS**

Jesse Fish stated that he put in the Town Board's mailboxes a purchase request and quotes and explained that there was an emergency repair made by Vellano Bros. to the sewer pump station at a cost of \$1,880.00. The water superintendent contacted four board members by telephone and got approval for this repair. This service would be paid out of account GI8110.4 that had a balance of \$31,906.63 as of 11/1/11. The original quote was \$1,880.00, but they ended up finding a cheaper valve and the cost was only \$1,118.90.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the repair to the sewer pump station by Vellano Bros. in the amount of \$1,118.90 out of account GI8110.4.

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Roll call vote resulted as follows:

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

### **YOUTH BASEBALL**

There were no representatives present at this meeting from Youth Baseball so this topic was tabled.

### **CHANGE ORDER #6, #7, #8, #9 NEW HIGHWAY GARAGE**

The Town Board had before them for consideration the following change orders to the general construction contract with TMG for the new highway garage:

Change Order #6 – Paint and finish the metal stud sheetrock partitions in the office areas, restrooms, janitorial closets, men’s locker room, break room. Cost: \$4,425.00

Change Order #7 – Page two (2) concrete knee-walls 48” in height at the north and south building walls. A total of 1,120 square feet and 80 lb. bags of gray Silpro Concrete Finish, Silpro C-21 latex, and acrylic bonding agent. Cost: \$5,283.65

Change Order #8 – Labor and materials to install base and wall cabinets including finish countertops in the break room. The cabinets will be manufactured by Merillat, Essentials Line including the Mildridge ii door style. All hardware will be from the Millbridge decorative hardware group. Cost: \$3,499.14

Change Order #9 – Labor and materials to form and pour a concrete pad to support the newly provided generator pad. Also provide (6) six Grade 40 steel bollards. Bollards will receive concrete fill and will be painted. Cost: \$2,867.66

Councilman Kusnierz asked why the work under Change Order #6 wasn’t included in the bid from TMG.

Supervisor Jenkins said it was the intent that if the price came in too high we could do it ourselves.

Councilman Kusnierz said all the other change orders have a breakdown on the materials and labor and insurance. This change order doesn’t have the breakdown.

Joe Patricke replied that it should have a breakdown and he doesn’t know why it doesn’t. Councilman Kusnierz referred to Change Order #9 and said that is just a concrete pad we are putting in for a generator. The materials only cost \$1,322.00 and we are up to almost \$3,000.00 by the time we pay for freight/delivery and performance bond. He asked why our personnel can’t do this.

Joe Patricke stated that the reason they did this was not because of the pads, but because of the bollards.

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We do have people who could have put the pad in, but then we would have to get a short load and another short load for them to put in the bollards. In the end it is cheaper to have the contractor do it.

Councilman Cumm made a motion to approve a change in proposal #7 in the amount of \$5,283.65, change in proposal #8 in the amount of \$3,499.14 and change in proposal #9 in the amount of \$2,867.66 under the general construction contract with TMG for the new highway garage.

The motion was seconded by Councilwoman LeClair.

Councilman Kusnierz asked if we are putting in a solid surface countertop and Joe Patricke replied Formica.

Roll call vote resulted as follows:

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

[Note: Change in Proposal #6 was put on hold until a breakdown of the costs was received.]

Councilman Kusnierz asked for a copy of where we are at on the costs for this project and how we are changing the costs as we move forward.

### **CEMETERY RULES & REGULATIONS**

Supervisor Jenkins stated that the board has a draft of rules and regulations for cemeteries in Moreau that are maintained by the Town that the board was supposed to review and comment on or make changes to. The fee has to be determined that would cover the perpetual care of the cemeteries. He suggested \$1,000. It is a lot less than a person would pay in any other private cemetery in the region. We are spending \$8,000 to \$9,000 a year maintaining the cemeteries.

Councilman Kusnierz asked how many lots are left.

Reed Antis replied that he didn't know and the cemeteries haven't been plotted out. Griswold Cemetery is the one used the most. He said there is probably 40 to 80 in Griswold and 20 in Reynolds, but nobody has mapped it. There is a record of lots and markers, but nobody has surveyed them to determine how many lots are available. There is a lot to be done.

Councilman Kusnierz asked how many burials we have had in the public cemeteries.

Reed Antis replied that this year none and in the last decade about a dozen to 15.

Councilman Kusnierz stated that in his opinion \$1,000 is excessive and essentially it is a death tax on a

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resident of this community who paid taxes all the time they have been alive. He can't support a death tax in the amount of \$1,000. Especially since the Town has only buried one additional person in a cemetery that the Town by State Law is required to maintain.

Reed Antis said that the Town hasn't buried anybody and Councilman Kusnierz replied that somebody has.

Reed Antis said that somebody neglected the cemetery and it became our responsibility.

Councilman Kusnierz replied that is the way the law is written. He said we shouldn't force that expense on a person who is buried in our community to try and defray the cost of maintaining all of our cemeteries. He said that is ludicrous.

Reed Antis stated that if you go in any other public cemetery that is being used you have to pay a fee to buy that lot and an additional fee for interment. All we are asking for is a fee for the lot. The taxes pay for the maintenance of the property.

Councilman Kusnierz said that is all we are required to do by law.

Reed Antis stated that he doesn't think anybody should have the right to free burial. He said in the paper recently there was an article about people who are going to the Town of Elba to be buried, because it is cheaper. Burials are very expensive and to give it away for free isn't fair to the Town or other individuals.

Councilman Kusnierz said we aren't giving it away; the taxpayers are paying for it every year.

Reed Antis asked Councilman Kusnierz how he knows who is going to be buried there. He said a person from out-of-state could be buried there and they don't pay Town taxes.

Councilman Kusnierz replied that he doesn't know who uses our recreational facilities, but he assures him that people come in from outside the Town who don't pay taxes and use it, and it is not an issue.

Councilwoman LeClair stated that they pay to use it.

Reed Antis stated that if there is an out-of-town tournament then they pay an extra fee to use our facility to cover our costs, because they don't pay taxes.

Councilman Kusnierz stated we ask an awful lot from the taxpayers in our community and he won't subject them to a \$1,000 death tax and he won't support it.

Supervisor Jenkins said he would like to know where the rest of the board stands on this.

Councilman Prendergast stated that he thinks \$1,000 is high. He was thinking about \$500.

Councilman Cumm said he would support \$400 or \$500. He said a lot of the other Towns provide a lot more services for burials. He wouldn't go higher than \$500.

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A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt a fee of \$500 to cover the cost of the perpetual care of cemeteries that are the responsibility of the Town of Moreau and to adopt the following rules and regulations:

Councilman Cumm asked what the fee was going to be for the transfer of title to a lot, which was one of the regulations listed in the rules and regulations.

Discussion followed.

Supervisor Jenkins said he would think that it would be the same amount as the fee for the perpetual care.

Councilman Kusnierz asked Attorney Buettner if she believes that the adoption of these rules and regulations will put a greater responsibility onto the Town than what is required by State Law.

Attorney Buettner replied no, because the Town is already required to do certain things under 163.

Councilman Kusnierz said that isn't spelled out in the rules and regulations. It appears we are taking on more responsibilities.

Attorney Buettner said that the only additional responsibility that she can see is the acceptance of a fee.

Councilman Kusnierz asked who was going to make sure there aren't any dogs in the cemeteries or that nobody is planting shrubs or who is going to enforce items that are stolen.

Attorney Buettner said the law does allow the Town to have a person in charge of the cemeteries and incorporate monies for that person.

Councilman Kusnierz said he was aware of that, but right now under State Law we are only required to mow the grass and weed a minimum of three times per year and maintain fences. If we adopt these regulations we will have to do more won't we?

Attorney Buettner said she didn't think so. The Town is already the defacto owner of the cemeteries so whatever the Town does with the rest of their municipal land carries over to that. Whether the rules and regulations are in place or not, she doesn't think the Town is taking on more responsibility or liability just by putting into effect rules and regulations and in fact the Town is actually protecting itself by putting rules and regulations in place and it isn't just out there for people to do what they want. You already know that you have to do certain things under Article 17. This doesn't state that you are doing more than that. You are accepting fees for the interments.

Councilman Prendergast stated that if need be we can enforce anything that happens down there, because we did enact these rules and regulations.

Attorney Buettner stated that the Town Residents are more on notice also that the Town has a role in maintaining the cemeteries.

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Discussion followed on the process of filing burial permits.

Roll call vote on the motion and second to adopt the following rules and regulations and fees resulted as follows:

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

<b>RULES AND REGULATIONS GOVERNING CEMETERIES MAINTAINED BY THE TOWN OF MOREAU</b>
All affairs of cemeteries maintained by the Town of Moreau are managed and governed by the Moreau Town Board in furtherance of Article 17 of the Town Law of the State of New York.
All lots in cemeteries maintained by the Town of Moreau shall not be used for any other purposes except as a burial place for deceased human beings.
Interments in lots are restricted to those entitled to burial therein. Proof of ownership of lots must be presented to the Town Clerk and permission for burial of those entitled to be buried in said lots must be obtained from the Town of Moreau prior to the interment taking place.
Interments shall not be allowed without a burial-transit permit (NYS DOH form DOH 1555) first being filed in the Town Clerk's Office in the Town of Moreau and approved by the Town Clerk.
A fee of \$500.00 is due and payable to the Town of Moreau before any interment(s) shall be allowed to cover the cost of the perpetual maintenance of the lot(s) by the Town of Moreau.
Lot owners are prohibited from allowing interments to be made on their lots for compensation.
Lot owners may transfer title of their lot(s) to a new lot owner at no charge or at a fee of \$500.00 as proscribed by the Town Board of the Town of Moreau. The fee for transfer of ownership will be retained by the transferor. Notification of the transfer must be given to the Town Clerk and approved by the Town Board prior to the transfer of ownership taking place.
Lot owners are required to notify the Town Clerk of any change of address and all required notices will be sent to the last known address of each lot owner.
The Town of Moreau is the designated caretaker of Town maintained cemeteries.
All burials shall be in accordance with State Law.

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The Town of Moreau Town Board reserves the right to:

Remove all flowers, wreaths, or other decorations from lots as soon as they become unsightly.

Remove, after due notice to the lot owner, any embellishment (s) on the lot, effigy, or inscription which is unsightly or dangerous.

Restrict the planting of shrubs and trees and to remove any shrub or tree deemed dangerous to the public, or any shrub over 3 feet tall that might endanger the public or the cemetery grounds.

Placing of glass blocks or vases as receptacles for flowers, either artificial or grown on graves or plots is prohibited.

These rules and regulations may be amended and/or added by resolution of the Town Board of the Town of Moreau by majority vote.

### **EPA COALITION ASSESSMENT GRANT FUNDING**

Skipped.

### **RFP DESIGN SERVICES - NEW MUNICIPAL CENTER**

Supervisor Jenkins said he wanted approval to send out Request for Proposal's (RFP's) for engineering on the new municipal complex, assuming the board members agree with the wording of the RFP. He then said it could wait until the Month-End Meeting next Tuesday.

### **HOLIDAY PARADE**

A voucher was submitted by Glens Falls National Bank on November 10, 2011 in the amount of \$250.00 the Town's 50% share in the cost of sponsoring a band for the 2011 Holiday Parade. Supervisor Jenkins said it was under the \$500 allowed under our procurement policy so he authorized it a couple of weeks

ago, but he was now asking the board members to ratify this so the bill could be paid at the Month-End Audit Meeting next Tuesday.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the sponsorship of a band in the amount of \$250.00 for the 2011 Holiday Parade and for payment to be made to Glens Falls National Bank.

Roll call vote resulted as follows:

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

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**RE-APPOINTMENT OF ANDREW A. HUSARIK AS BOARD OF ASSESSMENT REVIEW MEMBER**

Andrew A. Husarik sent in a letter requesting re-appointment to the Board of Assessment Review for another five year term.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to re-appoint Andrew A. Husarik as a member of the Board of Assessment Review for the Town of Moreau for another five year term, which will expire on 9/30/2016.

Roll call vote resulted as follows:

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

**ZONING BOARD MEMBERS ATTENDANCE**

Supervisor Jenkins advised that this topic would be discussed in executive session.

**15 MINUTE PUBLIC COMMENT PERIOD**

Adele Kurtz asked what the effective date was for the rules and regulations for cemeteries and she was told that they were effective immediately upon adoption.

Adele Kurtz asked what band was sponsored and the answer was that we contributed 50% towards a band and Supervisor Jenkins would have to find out what band the money went towards.

Adele Kurtz asked for an update on the audit being done by the State Comptroller's office.

Supervisor Jenkins advised that he assumes they will be done in a week or two and then they will issue a report.

Adele Kurtz asked if they will let the Town know if there is enough money in the Landfill Betterment Fund or not and will that be part of their report.

Supervisor Jenkins said he doesn't think they will make that decision. A copy of the audit report will be sent to DEC. DEC didn't recognize that we have a \$1 million capital reserve to support it. They took the position that the capital reserve couldn't be include, when in fact, that is a specific reserve the State designed to service waste sites.

Reed Antis asked if any progress has been made on the emergency response plan.

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Supervisor Jenkins replied no. The county has issued a new policy, a shorter version. We haven't restructured ours yet and we need to.

### **COMMITTEE REPORTS**

Councilwoman LeClair reported that she attended the Recreation Commission Meeting last week and South Glens Falls LaCrosse has approached the commission about the Town taking over their K through 2 LaCrosse Program. Steve Gram doesn't see a problem with it. South Glens Falls LaCrosse is willing to help with training of coaches. They did suggest that boys and girls be on separate teams since there are different rules for boys and girls. She questioned what would happen if someone had a daughter who wanted to play on the boy's team, because they don't have enough for a girls team. They recommended against this, because if they move into a girl's team as they get older they will have learned to play very differently than if they had been on a girl's team from the beginning. The insurance would be carried by USA LaCrosse. There are currently 20 children in the program. They are also looking to use the fields and they were going to speak with Steve Gram about possibly coordinating that with other teams and other sporting events that use the fields. Steve Gram should have more information for us at the next meeting if he has a chance to work with them on that.

The other topic the Recreation Commission discussed was the community garden. In the end they were in support. There were two concerns. One was that people would grow illegal substances in the community garden and the other was vandalism. They went round and round with those two topics. In the paperwork she presented to the Town Board on the proposal for the community garden she estimated pricing for fencing for the garden to help keep deer out and help prevent vandalism. The packet of information gives the board a breakdown on estimates on costs and how she arrived at them. There is also a proposed list of rules and regulations that people would be required to sign if they wanted to participate in a community garden. She hopes in the next meeting or two the board will decide if they want to move forward with this or not so they can move forward with plans. It is the hope that we can raise donations. There were several people at meetings who said they would solicit donations. One person is Mary Meade who has raised between \$8,000 and \$10,000 every year for Moreau Fun Days so we do have one person who has been able to raise funds for us before. She said the board could review the information and if they have questions they can call her.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins asked for a motion and second to authorize the opening of a checking account at TD Bank for the Palette Lighting District.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the establishment of a new checking account at TD Bank for the Palette Lighting District.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes

A regular meeting of the Town Board of the Town of Moreau was held on November 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Supervisor Jenkins said he had a resolution to transfer funds that needed the board's approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the following transfers:

\$1,436.26 from A1990.4 General Fund, Special Items, Contingent Account into A3510.1 General Fund, Control of Dogs, Personal Services to compensate for payment to the previous dog control officer as instructed by the IRS.

\$4,000.00 from VI8310.1 Water District 6, Administration, Personal Services and \$9,000.00 from VI9060.8 Water District 6, Employee Benefits, Hospitalization/Medical Insurance into VI8310.4 Water District 6 Administration, Contractual to pay remaining 2011 vouchers for Water District 6.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for approval of an increase in appropriations as follows:

Increase appropriations by \$4,500.00 in I8310.1 Water District 1 Administration, Personal Services  
Increase appropriations by \$125.00 in I9000.8 Water District 1 Employee Benefits, Medicare  
Increase appropriations by \$375.00 in I9030.8 Water District 1 Employee Benefits, Social Security

A total appropriation increase of \$5,000 is requested from available and unreserved fund balance (I599) to pay extra payroll and payroll taxes until EFC reimburses the Town for Water District 1 Extension 2 Capital Project.

Councilman Kusnierz asked what is the extra payroll, what are we covering.

Supervisor Jenkins said it is extra reporting work to the EFC and they will reimburse us out of the project for the payroll costs for Rudy to do this.

Councilman Kusnierz asked if he had to put in extra hours to do the paperwork and Supervisor Jenkins replied yes.

Increase appropriations by \$25,000.00 in LF8160.4 Solid Waste Administrative, Contractual, which will be from available and unreserved fund balance (LF599) to pay vouchers for 2011.

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Councilman Kusnierz asked if all of the increased appropriations were to cover Rudy's costs or do we have other personnel that will be paid out of the \$5,000.

Supervisor Jenkins replied that it is basically Rudy's costs, but there was something else in there eligible for reimbursement, but he can't remember what it is.

Councilman Kusnierz said that is a lot of time.

Supervisor Jenkins said he didn't know if they were going to spend it all. Right now we need it to cover where we are at. A month and a half from now it may be half of this.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the above increases in appropriations.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked the board members if they want to try and sell the old voting machines on the internet. He understands that the Board of Elections sold voting machines for \$2,000 each on the internet. The board agreed with this.

Supervisor Jenkins reported receiving a fall newsletter from SEDC and in the newsletter they promoted the Moreau Industrial Park.

Councilman Kusnierz stated that the board members used to get copies of all the attorney vouchers before the audit meetings and he is not sure when that practice stopped, but he would like to start receiving them again.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn to executive session at 8:20 p.m. to discuss the employment history or performance of an unnamed employee and a possible litigation issue involving an accident and the attendance record of two unnamed Zoning Board Members.

Councilman Prendergast said he wanted to invite Mr. Vittengl into the executive session and Supervisor Jenkins stated that he wanted Paul Joseph to sit in on the first part of the executive session.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes

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Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 8:59 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the Town Clerk to advertise for alternate positions on the Zoning and Planning Boards and the Conservation Committee.

Supervisor Jenkins asked if all were in favor and all board members replied yes.

Attorney Buettner said they were also going to make a motion authorizing a letter to be sent to the Zoning Board Members indicating that the board was going to set a public hearing.

Councilman Cumm made a motion to this effect and it was seconded by Councilman Prendergast.

Supervisor Jenkins asked if all were in favor.

Councilman Cumm said yes.

Councilman Kusnierz said they had to get on the record what the motion is and what they are doing.

Supervisor Jenkins asked if these were the only resolutions they were going to do.

Attorney Buettner said the board was going to make another motion to allow Richard Kubis to fill the unexpired term of one of two Zoning Board Members if one resigns.

Councilman Cumm made a motion to this effect.

Supervisor Jenkins asked why they would do that.

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Councilman Cumm stated that he didn't think they had to do this at this point in time. We can do it after the fact if we have to.

Attorney Buettner said that is fine, but there was mention about wanting to make a motion to this effect.

Supervisor Jenkins said since there is no opening he didn't think this needed to be done yet.

Councilman Cumm suggested they let this play out.

Councilman Prendergast said that the motion needs to indicate who the Zoning Board Members are and to say what the public hearing is for not just that they have to be here.

Councilman Cumm asked if that was going in the letter and Councilman Prendergast said both.

Supervisor Jenkins said the motion is for a letter to be sent. They aren't going to schedule a public hearing yet.

Councilman Prendergast asked, they aren't?

Supervisor Jenkins said no, they are hoping that they will resign.

Supervisor Jenkins asked for a motion to adjourn the meeting.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the regular meeting at 9:01 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned at 9:01 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

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