

A regular meeting of the Town Board of the Town of Moreau was held on October 12, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll.

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; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Maureen Leerkes, Highway Department Clerk and Moreau Fun Days Committee Member; Paul Joseph, Highway Superintendent; Joe Patricke, Building Inspector and Code Enforcement Officer (entered meeting at 7:15 p.m.); Melissa Gonyea, Pam Gonyea, Loretta Salazar and Tom Tracy, Moreau Fun Days Committee Members; Town Residents & Recreation Commission Member: Elizabeth Lanfear (entered meeting at 7:16 p.m.), Adele Kurtz, Ed Loftus, Vince Sporrer and Reed Antis

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 during the meeting.

MINUTES

The minutes of September 28th and September 30th, 2010 were prepared and presented to the Town Board by the Town Clerk on this date.

The Town Board Members did not have time to review the minutes before the meeting so approval was tabled until the next regular meeting of the Town Board.

SET FUTURE MEETINGS AND WORKSHOPS

Councilman Prendergast suggested a meeting of the Water Committee to discuss water rates in Water District 2 & 4. The fund balances in these two districts tell him that the Town is charging more for water rates than we have to in districts 2 & 4.

The Water Committee will meet on Monday, October 18th at 10:00 a.m. in Town Hall.

The month-end audit meeting of the Town Board was scheduled for Thursday, October 28th at 4:30 p.m. in Town Hall.

MOREAU FUN DAYS PRESENTATION

Councilwoman LeClair introduced the members of the Moreau Fun Days Committee that were present as follows: Melissa Gonyea, Pam Gonyea, Tom Tracy, Loretta Salazar and Maureen Leerkes.

Not present from the Moreau Fun Days Committee were Nancy Salazar and Mary Meade.

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Councilwoman LeClair stated that the recreation department staff goes above and beyond to help with Moreau Fun Days as well as Paul Joseph and his staff in the highway department. The Rotary Club, Fire Company and Moreau Emergency Squad help out. This is a phenomenal group of volunteers. Community businesses donate thousands of dollars every year. The Moreau Fun Days Committee raises money to help pay for the event. There is great support. She turned over the presentation to Melissa Gonyea who started a slide show presentation of Moreau Fun Days.

At the conclusion of the slide show presentation Maureen Leerkes thanked the board for the opportunity to make this presentation. She stated that the last three years have been a lot of fun and to see the field where Moreau Fun Days is held full of people makes her heart feel good. The committee feels the need to expand and is open to different ideas to help make it grow and bring in more and more people every year. She stated that the Moreau Fun Days Committee has been able to donate over \$500.00 to the Moreau Community Center's "Mailings to the Military" program. They raised the money through food sales and silent auction. Local businesses are canvassed and asked for donations for the silent auction. They raised over \$700.00 through the silent auction during the course of a weekend of Moreau Fun Days. It pays for all the kids and adult game prizes. Horse and wagon rides are free. The only thing people have to pay for at Moreau Fun Days is food and anything they purchase at the vendors booths. The bounce houses were a huge success and the fabulous fireworks show at the end. Moreau Fun Days allows an opportunity for not-for-profit organizations to sell food, provide valuable information about their services and increase community awareness of their organization. Some of the organizations that have taken advantage of this opportunity are: South Glens Falls Fire Department, Moreau Emergency Squad, Moreau State Park, State Police, Saratoga County Sheriff's Department, Crandall Library, South Glens Falls Rotary, Moreau Community Center, Saratoga County Public Health, The Girl Scouts, YMCA and the Med Flight out of Albany Medical. The community has been very supportive. They thanked the recreation department. They go way beyond to help. Steve Gram, Recreation Director, is there before it starts until after it is over on Saturday night. Paul Joseph, Highway Superintendent, has been there on his day off on Friday and Saturday to make sure everything is running smoothly and the lights work and everything. They appreciate the help from the recreation department and the highway department. She stated the reason for their attending this meeting is to ask for everyone to help not only by attending, but by giving of their time if only for an hour or two to help at a food booth or sale of raffle tickets. They are at a point where their core group cannot handle it. It has grown that much. This past event they had to shut down a bounce house for lack of anyone to man it. They are pleading for volunteers and they asked department heads to encourage their staff to help out at Moreau Fun Days.

Councilman Prendergast stated that what they do is really great for everyone and he really appreciates it.

Supervisor Jenkins thanked the committee for their work and it is amazing they can put on this event at no cost to the taxpayers. He remembered back to January 2008 when he said to Councilwoman LeClair that we ought to put on an event of this type like the Town did at one time and Councilwoman LeClair said she would do it and didn't hesitate a second and she knew where to go to get the help.

Councilman Prendergast said he didn't want to skip over the Town employees who go out of their way to help with this on their own time. He thanked all employees and department heads who helped out.

Jesse Fish asked what the dates were for next year's Moreau Fun Days and he was told it was August 12th and 13th.

Councilman Cumm on behalf of the Rotary thanked the Moreau Fun Day Committee for putting on this event. It has helped their organization a lot also.

15 MINUTE PUBLIC COMMENT PERIOD

Vince Sporrer asked where the budget revenues and expenses were to-date.

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Supervisor Jenkins replied that we are well within the budget.

Vince Sporrer asked about the mortgage and sales tax.

Supervisor Jenkins replied that the sales tax is up over last year and the mortgage tax revenues are down some. He noted that the highway budget is the tightest one. We have a large culvert project that we hope to start working on this year.

Vince Sporrer asked how much of fund balance was used this year and Supervisor Jenkins replied “six something” and at the end of the year we expect to have a fund balance of around \$3.5 to \$3.6 million in the general fund and close to \$1 million in the town outside fund. The water districts combined have a fund balance of around \$1.6 million.

Reed Antis stated that there hasn’t been much said publicly about the propositions that will be on the ballot in November for the proposed new highway garage and municipal building and he wondered if the public even knows that we need a positive vote.

Supervisor Jenkins advised that under item eight on the agenda he was going to ask the Town Board to review and give input on a newsletter that he wants to mail out giving the public information on what the issues are with the existing buildings.

Reed Antis asked when the newsletter will be mailed out and Supervisor Jenkins said he hoped to mail it out by the end of next week.

RECREATION DEPARTMENT REQUESTS

Supervisor Jenkins reported that Steve Gram, Recreation Director, was out of work with back trouble and going to physical therapy and this being the reason he was not in attendance at this meeting.

Supervisor Jenkins reported that sealed bids were received for basketball shirts and he read the bids received as follows:

Northeast Promotional Group	Declined to Bid
Northwinds Graphics	\$3.95 per shirt
Synergy Promotions	\$4.33 per shirt-Additional charge of \$1.00 per shirt for add-on shirts after initial order is in production
Glens Falls Printing	\$9.13 per shirt plus s/h
Landmark	\$5.80 per shirt

Steve Gram did not submit a purchase request sheet and the board members did not know how many shirts were needed so they tabled accepting a bid until Steve Gram gave his recommendation and purchase request with the number of shirts needed.

Councilman Kusnierz asked if there was a recommendation about first aid kits. He received some information in this mailbox.

Supervisor Jenkins and Councilwoman LeClair said it was just for review.

Supervisor Jenkins stated that when he spoke with Steve Gram about this about a week ago the price he was given was \$58.70 per first aid kit. The idea was to buy enough for each field and after the competition they would be returned to the maintenance building.

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Elizabeth Lanfear stated that Steve Gram was not at the Recreation Commission meeting on Monday night when the Recreation Commission voted on it. Before the Recreation Commission meeting she obtained three quotes from the internet. What they talked about at the Recreation Commission meeting and approved were from the Red Cross Store and cost \$14.95 each. However, she discovered that they can be purchased for \$6.00 each and we can buy cold packs for 89 cents each. There were some less expensive from Amazon.com, but with shipping they cost more.

Councilman Kusnierz asked Elizabeth if the Recreation Commission saw all this information and the information from Steve Gram and did they come up with a recommendation.

Elizabeth Lanfear replied the recommendation was to go with the Red Cross Store, but the other quote was less. At most they approved the \$14.95, but if they could get them for \$6.00 each it would be a huge savings. The Recreation Commission recommended buying enough for all the coaches for the soccer program and to order extra ice packs and store them at the rec. building in case they are needed. They also discussed having some parents volunteer at the end of the soccer program to inventory the packs and see if we need to buy more. In her opinion there were some things she would leave out of the kits like aspirin or ibuprofen or any kind of medication.

Councilman Kusnierz asked her if the Recreation Commission needs more time.

Elizabeth Lanfear said no, they voted on it and passed it. The Recreation Commission had all the quotes she obtained and the quotes Steve Gram obtained.

Supervisor Jenkins said basically they were looking to purchase five from American Red Cross at \$33.04. He asked if this was the recommendation.

Elizabeth Lanfear said no. That was the initial recommendation until they could find out which one was least expensive. She referred to the quotes she gave the board. She stated they were looking to purchase 80 first aid kits and 144 ice packs for roughly what the soccer program took in, in late fees.

Councilman Kusnierz asked if they got a report on this and then asked if the Director would be giving them a report.

This ended the discussion on the first aid kits and ice packs for now.

HIGHWAY DEPARTMENT REQUESTS

Paul Joseph, Highway Superintendent, submitted a request to purchase diesel fuel from Warex Terminals under state contract #PC64673 at a cost of \$15,000.00 out of account DB5142.460 that had a balance of \$18,126.48 as of 9/3/10.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of diesel fuel from Warex Terminals Corp. under state contract #PC4673 at a cost not to exceed \$15,000.00.

Councilman Kusnierz asked Paul Joseph how long this would last and Paul Joseph replied hopefully through to the end of the year.

Councilman Kusnierz asked Paul Joseph if he was keeping an eye on the non-contract price and if this was still a better deal and Paul replied yes.

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Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

None

2010 HOLIDAY PARADE

A request was received from Dan VanWie from Glens Falls National Bank as to whether or not the Town of Moreau wanted to sponsor a band for the 2010 Holiday Parade on November 21, 2010. The Town could contribute a full sponsorship of a band for \$500.00 or co-sponsorship for \$250.00.

Discussion followed on what the Town did in the past when it sponsored balloons.

Councilman Prendergast asked if we could pick our own band and Supervisor Jenkins said probably, if they weren't already sponsored by someone else.

Councilman Prendergast stated he wouldn't mind contributing a full sponsorship if we could sponsor the South High Band.

Joe Patricke stated that he didn't think that the South High Band was available, the Rotary already tried to do.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing a co-sponsorship of a band for the Holiday Parade at a cost of \$250.00.

Roll call vote resulted as follows:

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

NEWSLETTER – REVIEW DRAFT AND APPROVE FUNDING AND MAILING

On the General Election ballot in November there is going to be a proposition that voters will vote on as to whether or not they want capital reserve funds created for the construction of a new municipal building and highway garage.

Supervisor Jenkins had prepared and distributed to the board members a draft newsletter that he wanted the board members to review and approve the mailing of to all residents of the Town of Moreau informing them of the propositions and outlining the facts about the conditions of the Town's office building. The estimated cost to mail the newsletter was \$2,220.00 plus the cost of paper and printing so he was looking for approval to spend up to \$3,000.00 to mail the newsletter. There is money in the publicity account that could be used for this newsletter, but a transfer of \$650.00 from contingency into the publicity account would be required to bring the account up to a total of \$3,000.00.

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Supervisor Jenkins said he would need the board members comments by early next week, because he hoped to mail it by the end of next week.

Councilman Prendergast stated it is an issue that is going to be voted on so the people need the information. He would like to give people information so they know what they are voting on whether they vote for or against it. This is important to the people, we are talking a lot of money and it is our obligation to give them the information.

Councilman Kusnierz stated that he isn't on board with spending \$3,000.00 of taxpayer's money to mail a special newsletter. He agreed that this information should be made available to the public, but we can put it on the website and provide handouts to anybody who calls for them.

He has two issues with this as follows:

1. The cost to taxpayers. These are tough times, people are unemployed, we are working on a budget and it is going to be a tight budget especially with sales tax revenues down.

He asked if Attorney Auffredou had seen the newsletter and Attorney Auffredou said he hadn't seen it. Councilman Kusnierz said he was sure Attorney Auffredou was well versed in what municipalities can and cannot do to promote propositions and Attorney Auffredou said he was.

Councilman Kusnierz said if they looked at the case law Phillips vs. Mauer 1986 it is very clear on the Town Law section that authorizes Towns to publish and distribute reports. We are entering a gray area here. It could be construed, if the Town Board approved the mailing of the newsletter, that they were essentially asking for a yes vote and that isn't appropriate.

Attorney Auffredou said he understood that it was supposed to be neutral and fact specific and not promotional, but he hasn't seen the newsletter.

Councilman Kusnierz referred to the 4th paragraph that reads in part "The Town currently has \$4 million in the capital project fund". That is not accurate it is the "Landfill Betterment Reserve Fund".

Supervisor Jenkins said it is a capital project fund, but if he wanted it spelled out by name that would be easy enough to do.

Councilman Kusnierz said they should also provide the taxpayers with information on what other purposes that money could be used for. The newsletter as drafted only reads "used for other capital projects". He asked Attorney Auffredou if he knew about Town Law and what we can and can't do and there is an opinion from the State Comptroller on it and there was a court case Schultz vs. the State of New York which involves funds being used for economic development purposes. We are walking a fine line with this.

Attorney Auffredou stated there is also a court case involving an environmental fund where the State was deemed to have been promoting that and he thought it was during the Pataki time.

Councilman Kusnierz said there is case law involving the Workmen's Compensation Board and the ruling read in part "prohibits public funding for partisan advocacy aimed at persuading the public to vote in a certain way". This newsletter is trying to persuade the public to vote in a certain way and it is disingenuous with the intent of the law and it is in violation of state law.

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Supervisor Jenkins didn't think his conclusion on the first page was too pushy and it read as follows: "Please take some time, read the issues and comments from our department heads and decide what you believe is the best for Moreau. Voice your decision by voting on November 2nd. Thank you for your time."

Councilman Kusnierz stated that it isn't too pushy, but if you read through the details and he could read it for the public if they want to hear it, but you start off with "Take a tour with me through a 68 year old Town building, cramped spaces, ladies washing dishes in the ladies room." He said it was one sided.

Councilman Kusnierz stated he doesn't disagree that the public should know what the money is being used for and we could make it available in this building, in this format, but he couldn't support spending \$3,000.00 for a special mailing to try and push through a referendum whereby the public shouldn't be unduly influenced by it.

Supervisor Jenkins stated originally he drafted a newsletter that listed a structure by department heads and issues by departments and Terry revised it. He said if any of the board members wanted to write something for the newsletter they were welcome to that might outline what they feel this money should be used for, another capital project. It is our responsibility to provide this information to the public. Our school district does it every time they have a project. They present what it is going to cost and the information.

Councilman Kusnierz told Supervisor Jenkins that the letter he wrote on the front page of the newsletter was adequate, but he doesn't need to go with the inferences on the backside from the various department heads.

Supervisor Jenkins said this resulted from what he thought may be boring information and Terry took it and revised it into something she thought people might want to read. She was trying to take the people through a tour of the building.

Councilman Prendergast said Attorney Auffredou should review it. His whole premise is that he walked into the voting booth before and seen items at the very top and he hasn't had all the information that he should have had on those items and he wished he had more information on them. If we send this out the only way they won't have the information is if they completely ignore it. This is a big decision, because it is big dollars. The voters may say no, but that is fine if that is what they want. He is just placing himself in the voting again and in the past he may have voted no on something that he would have voted yes on if he had all the facts and he may have voted yes on something he should have voted no on if he had all the information. He doesn't want to do anything that breaks the law. His premise is that he likes the idea of the public getting all the information so when they go in the voting booth it will help them decide and it may cost some money to do this.

Councilman Kusnierz said he thought they should get the information, but they shouldn't have to pay \$3,000.00 to get it. We can do it for free.

Councilman Kusnierz asked the Town Clerk if she has had a lot of calls with questions on the propositions and the Town Clerk replied no, but she didn't **think** the public knew anything about it. She didn't even know if it was in the newspaper, she didn't see it. **[Amended 11/10/10 jf]**

Supervisor Jenkins stated that right now he thought the awareness was limited. He didn't think putting it on the internet will get them to look at it. The \$3,000.00 may be high, it may cost \$2,500.00. We are going to be mailing 7,772 newsletters.

Reed Antis asked if they could give out press releases and Supervisor Jenkins said the Post Star and Chronicle have published information, but it is very difficult to get them to print just factual information.

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Councilman Kusnierz said he had to disagree with the comment from Supervisor Jenkins that nobody is looking on the website, because he was looking at the time period between 9/11/10 and 9/17/10 when we had 10,299 hits on our website.

Supervisor Jenkins replied that he wasn't saying that nobody was looking at our website, he was saying that limited people are going to read it on our website.

Elizabeth Lanfear stated that the link on the Town's website that allows a person to enter their e-mail address and receive updates from the Town isn't working. She entered her e-mail address and has never received one thing from the Town. If it was working it would be an outlet to get the information to the people. She asked how many e-mail addresses been entered in the site.

Councilwoman LeClair stated she could find out from Mannix Marketing, but those people are the same ones who use the website. So whether we e-mail them directly or put it on the website they will see it. There may be some new users regularly.

Elizabeth Lanfear said she comes to the meetings regularly so she thinks she understands the propositions, but she asked for clarification. She asked if it was correct that what they were voting on in November was simply the creation of capital reserve funds right?

Councilman Kusnierz replied the creation of the two dedicated funds and also to put money in those funds.

Attorney Auffredou replied no to Councilman Kusnierz's comment and said that is the next step.

Supervisor Jenkins corrected Councilman Kusnierz and stated that the vote was just to establish the capital reserve funds.

Attorney Auffredou said the vote is to establish the funds and if the funds are established then it is up to the Town Board on a discretionary vote as to whether or not they want to fund those funds.

Elizabeth Lanfear asked if that information is in the newsletter and Councilman Kusnierz replied no.

Elizabeth Lanfear said in her opinion that was a factual thing and as a taxpayer people should know, because that is a municipal law kind of thing that people don't know about and they should.

Supervisor Jenkins agreed with her that this should be included in the newsletter and Elizabeth Lanfear said to her that is the most important thing.

Councilman Kusnierz stated that the dollar amount isn't even in the newsletter and that is a significant detail.

Supervisor Jenkins said the newsletter isn't done yet. He thought it was close to being done, but he has heard a couple things at this meeting that need to be included or changed.

Supervisor Jenkins stated to his thinking he didn't think spending the money was the wrong thing to do and the school district spends money to inform us on a regular basis on what they are doing and on the budget process and all kinds of issues.

Councilman Kusnierz said they have a \$50 million budget.

Supervisor Jenkins replied that's not the question. The question is, is it the right thing to do or not. We aren't broke. We have funds for publicity that we put in the budget. The last newsletter we didn't mail rather we provided it to sites around Town and in Town Hall and only got rid of 500 to 600 of them.

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Vince Sporrer stated communication is very difficult. When government operates there is always a vision of secrecy and you can't communicate enough. He tries to read minutes and gets a little frustrated when he doesn't see them so to spend \$3,000.00 to communicate to all the people out there out there isn't too much and not everyone has a computer. There are a lot of older folks who rely on the newspaper and other types of mailings. This is an important decision for the Town and it would seem to him that you would want to communicate it to the people as best as they can. How it is written is going to be difficult, because you don't want to be misleading and you don't want to be biased. He suggested that the Town Board sit down and do some pros and cons and come up with a newsletter very quickly.

Adele Kurtz told Supervisor Jenkins that the problem is he can't spend taxpayer money to promote or disapprove or disenfranchise(the rest of comment not audible on audio recording).

Supervisor Jenkins said they weren't asking people to approve it, they were asking the people to vote on it.

Adele Kurtz suggested a postcard that reads "turn the ballot over", because the people aren't going to know the proposition is on the back of the ballot and then put the wording of the proposition on the postcard and then direct them to the Town's website at www.townofmoreau.org for more information. It would cost less and generate interest.

Supervisor Jenkins went back to what Councilman Prendergast said early and he recalled going into the voting booth and reading the state proposition that talked about establishing bond resolutions for sewers and that was fine, but it didn't say where the sewers were for and he thought they were probably for NYC area and he would end up voting no. We have funds from State that we are getting at a zero percent interest rate for a water project that was part of one of those and he probably voted no for lack of information. As for the library budget there is some information disseminated, but people look at that proposition and all they see is the dollar amount. This was an approach to letting the people know what our problems are with the Town buildings. There are serious issues with the Town Hall. He mentioned the American Disability Act. If someone else occupied this they wouldn't get away with that.

Councilman Kusnierz replied that nobody on this board disagrees that we don't have serious issues, that isn't what we are discussing right now.

Supervisor Jenkins said the people should have the information to make a good decision. Right now most of the people don't know about this.

Elizabeth Lanfear asked if they could put something up in the polling places explaining what the proposition is for.

Supervisor Jenkins said they could probably put up a basic, factual explanation.

Vince Sporrer stated that one of the important facts is that it isn't coming out of pocket. You have the funds available. It isn't coming out of tax dollars. That is very important. Those funds are setting there.

Councilman Kusnierz said they are earning interest.

Supervisor Jenkins said there is \$4 million and it is earning 4/10 of one percent.

Adele Kurtz said the issue is even narrower than that. It doesn't matter what the money is doing. You are only voting on the creation of those accounts and that is it. You have to be factual about the creation of those accounts and not factual about what you can do with that money as far as building Town offices. It is creating those accounts.

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Vince Sporrer said yes, but that is semantics. If you approve the account why wouldn't you approve the dollars?

Elizabeth said that isn't up to us.

Vince Sporrer said it is up to the board, but the board represents you. They are going to the will of the people.

Supervisor Jenkins replied that if the creation of the accounts is approved then he was pretty sure most of the people on this board would move ahead.

Councilwoman LeClair said she couldn't imagine anyone voting to set up the accounts who doesn't want it to move forward.

Adele Kurtz told Councilwoman LeClair that she voted to create the accounts, but she voted not to fund them and she wasn't in support of funding them.

Councilwoman LeClair replied that she was in support of waiting so that we could put it on the ballot. She told Adele that she was the one who brought it up at the meeting and asked how much it would cost to hold a special election and she recalled the Town Clerk answering that it would cost about \$14,000.00 to \$16,000.00.

Supervisor Jenkins stated that is when she changed her position.

Adele Kurtz recalled Councilwoman LeClair saying that she was not in support of funding them at this point in time.

Councilwoman LeClair said this was correct.

Supervisor Jenkins asked for a motion to authorize the newsletter being mailed pending approval by the Town's attorney.

Councilman Prendergast said there were a couple of good suggestions made that should be included in the newsletter.

Supervisor Jenkins agreed and said the newsletter could be revamped and rather than reading like a story they could list the facts. Terry felt if she got it in the mail and it just listed the facts she probably wouldn't read it. She thought if it started out taking the people on a tour of the buildings they might be more inclined to read it.

Councilwoman LeClair stated that it is too important of an issue to not let the public know what is happening.

Councilman Kusnierz said they weren't saying not to let the public know. He heard here at the meeting about not everyone having a computer, but everyone has a telephone and they can call Town Hall and ask for the information to be sent to them.

Councilwoman LeClair had a contractor at her home and he asked her about the Route 197 building and he asked what was happening with it and when she proceeded to tell him what we were looking at he had no clue and he lives in the Town of Moreau. The public doesn't know.

Ed Loftus stated that if the people want to know they will know. Everyone has made really good points here. If you want to hook someone from a marketing standpoint then you want to go with something like

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what Adele said. You want them to have to turn the card over to learn more about it. Get them interested and give them just enough information so they have to look it up. You can spend all the money you want, but you still have to get them to vote. The people sitting here are always sitting here.

Supervisor Jenkins said realistically from a voting viewpoint, most of the people who would vote no on this project, if they know about, would turn it over and vote. Most of them won't turn over the ballot. Who votes on resolutions? The library gets about 35% of the votes and a smaller percentage on those who represent us at the library. This is going to be more difficult, because the propositions are going to be on the back of the ballot.

Supervisor Jenkins asked if anyone wanted to make a motion.

Councilman Cumm made the motion that once the newsletter is put together then Attorney Auffredou will review it and if he approves it then we will provide the funding to mail the newsletter to the 7,772 people in the Town of Moreau.

Councilman Prendergast said somehow the board has to take a look at the newsletter and say it is a go.

Councilman Kusnierz said if something is going out with his name on it then definitely wants to read it.

Attorney Auffredou stated that what he would like to see something that all five board members have agreed to in concept and if they haven't agreed to it in concept then let him know what the concerns are and he will look at that. He doesn't want to look at it only to have comment after comment come in to him. He wants to review what the board thinks is ready to go and then he will let the board know what he thinks.

Councilwoman LeClair said if they were going to do this then she wants it to go out in time for people to read it and talk about it amongst themselves. She didn't want it to land on their doorstep the day before they have to go vote on it. It won't give them enough time.

Councilman Kusnierz asked Councilwoman LeClair why people have to talk to their neighbors to decide how to vote.

Councilwoman LeClair replied that she learns a lot from listening to all the board members. She may not always agree and sometimes she changes her opinion. She learns a lot from different conversations if there are different opinions. It is important to be able to listen to other people and get other ideas.

Councilwoman LeClair seconded the motion.

Attorney Auffredou asked if the amount was included in the resolution and the answer was no, but the amount is up to \$3,000.00.

Councilman Cumm recapped his motion as follows:

We as a board will look it over, come to a consensus and then forward it on to Attorney Auffredou for his stamp of approval.

Attorney Auffredou said he wasn't going to review it for purposes of anything other than whether or not there are any legal infirmities with it.

Councilman Kusnierz said he was just told this is not what is going out and we are voting to....(sentence not finished).

Attorney Auffredou recapped what he thought the resolution was and that is as follows:

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Fund up to \$3,000.00 a newsletter or a document that will be mailed to 7,000 mailing addresses in Moreau that is going to be put together and sent to him for review of legal compliance.

Councilman Kusnierz asked when the board members would review it.

Attorney Auffredou said all board members were going to have to get it and review it before it goes to him. The worst thing that could happen would be for him to get the document and give his comments when some of the board members may not have chimed in yet. What he would like to see is a document that the board members have come to a consensus on as far as content or at least concerns about content.

Councilman Kusnierz asked when they would do this, at the next board meeting.

Supervisor Jenkins replied they can't wait until the next board meeting, the elections are on November 2nd.

Councilman Kusnierz asked if they were going to have free willing discussions on what may or may not be in there behind closed doors.

Supervisor Jenkins said he could supply the information to the board sometime Tuesday.

Attorney Auffredou said they could draft it and send it to him by e-mail. That is totally permissible.

Councilman Kusnierz thought the public should know their feelings on the draft that is going out.

Someone said do a letter to the editor and Councilman Kusnierz replied you can only do one a month.

Councilman Kusnierz stated that if he doesn't agree with the letter and there are four board members that come to a consensus over the telephone or whatever on it then how is the public going to know why he didn't agree with it. They won't and that isn't appropriate especially since his name will be on it.

Supervisor Jenkins said that if he didn't agree with any of it he could put that in the newsletter.

Councilman Kusnierz asked if he could do that and Supervisor Jenkins replied yes.

Adele Kurtz said no he couldn't. Town Law doesn't allow it.

Supervisor Jenkins said he could put in factual reasons why he didn't agree with it.

Councilman Kusnierz said he couldn't do that, because he would be in violation of Town Law. He read from Town Law section 116 (3) as follows: "The report authorized by the Town may not contain articles by board members which set forth the individual position or opinion of a particular board member."

Councilman Prendergast said to only put the names of the board members who want it to go out. He said state the facts.

Loretta Salazar stated that at the beginning of this she thought that Councilman Kusnierz was objecting to spending the money to mail out such a letter.

Councilman Kusnierz stated he was.

Loretta Salazar stated that not being truly computer literate this is something that she as a taxpayer would like to see funded. She goes into the voting booth too and she sees the propositions and there may be something on the wall, but people are standing on line and she can't take the time to read it and absorb what these propositions mean. She is not able to go on the computer and find out what they mean, but if

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she could get something in the mail, something she can read and understand then if she needs to know more she can inquire. She said Councilman Kusnierz's first objection was to spending money to mail out this information.

Councilman Kusnierz told Mrs. Salazar that there is nothing in what she said to prevent her from calling the Town Clerk's Office and asking them to please mail her a copy.

Mrs. Salazar asked how many people do that and Councilman Kusnierz replied anybody who cares about it.

Councilwoman LeClair stated anybody who knows about it.

Mrs. Salazar said she cares very much, but she can't be on the phone all the time asking questions about things that she has no idea what they are about, what is on the proposition until she gets information about it.

Councilman Kusnierz stated that he wasn't saying that she couldn't get the information.

Mrs. Salazar stated that she objects to Councilman Kusnierz's objection to spending the money to inform people like her.

Councilman Kusnierz stated he respected her opinion, but he disagrees with it.

Supervisor Jenkins said there is a motion and a second and he asked for a roll call vote.

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

Adele Kurtz asked the board what they just voted on.

Attorney Auffredou recapped as follows: "Expend up to \$3,000.00 for the purposes of mailing an informational document to the mailing addresses in Moreau regarding the establishment of capital reserve funds and that he will review it for legal compliance before it goes out."

Councilman Kusnierz asked if the newsletter was going to include the cost of the project. This is the most important fact.

Supervisor Jenkins said that would be included.

Supervisor Jenkins said that early next week he would try and get it wrapped up and e-mail a copy to the board for review then the board could get back to him with changes. They were going to try and present the facts and they weren't going to push an opinion. We don't have enough room

Councilman Kusnierz stated the issue here is not whether we need it or not, we all know that we need it. The issue is how we are going to pay for it.

Vince Sporrer asked "you all agree that you need it". He said that he thought that Councilman Kusnierz was against the Town garage.

Councilman Kusnierz said he was against the Town garage, but he thinks we are in desperate need of a new Town facility.

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BURLEY & GUMINIAK, ENGINEERS – JOINT CONTRACT WATER DISTRICT 1 EXTENSION 2

Supervisor Jenkins advised that the board was copied on a proposed contract with Burley & Guminiak for Water District 1 Extension 2 in the amount of \$664,000.00. He said it would be about two years worth of work for them. They have already been paid \$80,000.00 towards this for all the work they have done to get the grants. The cost would come out of the project, which is a \$5.2 million project. His personal feeling is that without Tim Burley and his firm we wouldn't have this interest free loan. We are fortunate that we have had Tim around a while. He helped us get Water District 6. We are not required to get RFP's.

Councilman Prendergast asked if didn't it have to go out to bid and Attorney Auffredou said not, because it is professional services and not subject to competitive bidding. The Town Board could seek proposals from other engineering firms if they want to.

Councilman Kusnierz asked if wouldn't it put their proposal at a competitive disadvantage if we went out for bids or quotes, because the amount has been disclosed.

Supervisor Jenkins said it would be a real disadvantage, because the EFC has all the projected costs and they are subject to disclosure. It is public information.

Councilman Prendergast asked Attorney Auffredou if he reviewed the contract and he replied he has not.

Councilman Cumm stated according to a note on his it was faxed to Attorney Auffredou on September 14th.

Attorney Auffredou said if it was it was not on his desk and he didn't review it. However, the board can approve it subject to his review.

Supervisor Jenkins said if they didn't act on this now then Fortsville Road area won't be started until spring, which would be unfortunate and it is dependent now on weather.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the contract from Burley & Guminiak in the amount of \$664,000.00 for engineering services regarding the Water District 1 Extension 2 project subject to review by Attorney Auffredou.

Roll call vote resulted as follows:

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

The Town Clerk asked if the board had to approve a transfer of \$650.00 for the mailing of the newsletter and Supervisor Jenkins replied yes.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to transfer \$650.00 from A1990.4 from the General Fund, Special Items, Contingent Account into A6460.4 General Fund, Economic Assistance, Contractual Fund.

Roll call vote resulted as follows:

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

EDP VOUCHER APPROVAL

Supervisor Jenkins stated that there was a voucher from Environmental Design Partnership for the lighting project in the recreation park. Previously the board approved payment to EDP for work done on this project and approval is needed for an additional \$80.00. There could be a another slight additional amount.

Councilman Prendergast stated that before he does anymore work he wants to know what he proposes to do.

Councilman Kusnierz stated he hasn't seen the voucher.

Councilman Prendergast said he wants to know ahead of time what he is going to do and the projected cost so we can say yes or no, not after the fact.

Supervisor Jenkins asked Joe Patricke what was left to be done down there.

Joe Patricke said nothing. In this case when we approved the change order for the installation of an additional pole and light EDP went down to the park and laid out where the contractor was going to install the light. It resulted in a one hour charge.

Councilman Kusnierz asked if didn't the change order include a not to exceed amount.

Joe Patricke said the change order was issued to the contractor, McBain Electrical for the actual cost of the pole, fixtures and electrical work and Jim Mitchell had one hour involved in getting the change order together.

Councilman Kusnierz asked if they were going to see anymore expenses involving this contract.

Joe Patricke replied no, but there is \$8,000.00 left over from the grant money of which we were looking to do some building lighting around the restroom for safety and security purposes. He was going to get proposals and bring them to the board, but that won't involve Jim Mitchell.

Councilman Prendergast said there isn't going to be anymore bills from Jim Mitchell then?

Joe Patricke replied that to the best of his knowledge there will be no more from Jim Mitchell.

Councilman Prendergast said that Jim Mitchell has to understand that the board needs to know about it before they get a bill in order for the board to pay him.

Joe Patricke said he thought he understood, but he asked Councilman Prendergast to think of this picture, we approved the change order and then we told him to go put it in and it was hard to tell Jim Mitchell in advance when we gave him one hour notice to do what he did. It isn't fair to him.

Councilman Kusnierz asked why this wasn't being done at an audit meeting.

Supervisor Jenkins told Councilman Kusnierz that they could do it at the audit meeting, but the board has to approve it before it can be paid and usually we don't like to do these types of authorizations at an audit meeting and rather at a regular meeting.

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Councilman Cumm explained to Joe Patricke that if there are other lighting needs that we can include in the \$80,000.00 grant then they need to be brought to the board and discussed and then if the board has to hire an engineer then they can.

Councilwoman LeClair asked if we have gone beyond the date when we can get the \$8,000.00 balance and Supervisor Jenkins said no.

Joe Patricke said he wasn't envisioning an engineer to have to be involved in lighting the restroom area. We are looking for new LED lights so the doorways are lit. He stated that Steve Gram was going to get three quotes from contractors.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing an additional \$80.00 to be paid to Environmental Design for services involving the lighting project in the Town's recreational park.

Roll call vote resulted as follows:

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

HUDSON RIVER ACCESS CONTRACT

Supervisor Jenkins stated that all the board members have had a copy of the proposed contract re: the Hudson River Access for quite a while now. There would be a study of the sight to come up with a comprehensive plan of sorts to determine what we could do at the site in general. The cost would be \$59,950.00.

Councilwoman LeClair said that is an estimate and dependent on the contractor we choose. When she applied for the grant she had to include an estimate between the low and high bidder. She doesn't imagine it going that high.

Supervisor Jenkins said assuming it does the contract cost would be \$59,950.00 and the state grant would be \$29,975.00 and there would be in-kind services of \$12,900.00 so the Town's share would be \$17,075.00.

Councilwoman LeClair said unless she could get other grants or we provide more services. It is dependent on volunteer services and the number of hours we put in and what we pay our staff.

Councilman Kusnierz asked if they had to act on it tonight, because he just got the agenda by e-mail this morning (through no fault of the Town Clerk) and so he didn't review it, because he didn't know it was going to be on the agenda.

Supervisor Jenkins said the only thing this would do is this would go to the state with the numbers. They could be changed, but there could be problems with that too.

Councilman Kusnierz asked if they needed to establish the capital reserve fund tonight and Supervisor Jenkins said they didn't have enough information to do that at this meeting. They would have to have Attorney Auffredou review the establishment of the account when it was done. It was called the Harry Betar Park Capital Project Fund or something like that. When it was established by the board it was part of the resolution when they established taxing developers and collecting fees from developers for

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recreation. Those two are tied together. So they would have to change something in the information about the fees collected and where they would go. Right now the fees have to go to the recreation park.

The board needs time to review that part. As for the contract he asked Attorney Auffredou if he reviewed it and Attorney Auffredou said if he did it was some time ago. He will provide Attorney Auffredou with a copy.

Councilman Kusnierz asked if this topic would be on an agenda for a future meeting and Supervisor Jenkins replied yes.

Councilwoman LeClair said that the board should have received copies of the proposals from four engineers.

Councilman Kusnierz said he did, but he gets his mail the night before the meeting and he isn't here during the day and if he doesn't have the agenda before then he doesn't know what he has to review for the meeting.

15 MINUTE PUBLIC COMMENT PERIOD

Vince Sporrer asked where the Re-Zoning Committee was at.

Joe Patricke replied that they met through the Planning Board. The Planning Board reviewed the recommendations from the Re-Zoning Committee and they are formulating a recommendation.

Vince Sporrer asked if that document would be made public and Joe Patricke replied yes.

Elizabeth Lanfear asked for the graffiti to be removed from the signboard in front of the Town' Route 197 building.

Elizabeth Lanfear asked why the agenda wasn't on the Town's website and Supervisor Jenkins advised her that Monday was a holiday for the Town Offices.

Vince Sporrer said he checked the website this morning and the last audio of a Town Board meeting on the website was September 16th.

The Supervisor and Town Clerk said all of them should be on there and they would check it out.

Adele Kurtz asked if the board voted on what the language would be for the propositions that would be on the ballot.

Supervisor Jenkins said it was approved by the attorney and sent to the Board of Elections. The board approved it to be on the ballot.

Adele Kurtz said the language of the propositions should be included in the newsletter.

Harry Gutheil apologized for missing a good portion of the meeting, but asked what the Hudson River Access Contract was all about.

Supervisor Jenkins explained that there is an area of land that has been reclaimed as part of the GE cleanup that can be accessed through the industrial park and through property owned by Henry Sporrer. They would need permission from Mr. Sporrer to access the site through his property. It is an open area that has been seeded. We would be getting a plan on how to use it.

Vince Sporrer stated that the board needs to discuss this with his brother. There are significant issues.

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Councilwoman LeClair said they were waiting until they knew if they were going to move forward on this project or not.

Harry Gutheil said the Town can't spend money to promote the referendum.

Supervisor Jenkins stated that they can't promote it, but they can state factual information.

Harry Gutheil said the board should check the election law. He thought there was something about a newsletter can't be mailed 30 days prior to the election.

Councilman Prendergast stated that the newsletter won't go out unless Attorney Auffredou says it can go out.

Reed Antis stated that the board waited way too long. There is less than 21 days until the election. The board dragged their feet and they are tripping on this whole thing and the information isn't going to get out. It is very disappointing.

Councilman Kusnierz said the board doesn't have to listen to the public they can take action at any time.

Reed Antis said they waited until there isn't enough time.

Councilman Kusnierz said that what he was saying was that regardless of what happens with the proposition the board has the authority to take action as they see fit.

Reed Antis asked if this is just a sugar and lollipop being offered to the public.

Councilman Kusnierz replied no, the majority of the board felt it was important on a project of this size that was going to ~~utilize~~ **utilize** millions of dollars that we give the public an opportunity to voice their opinion individually on the proposed project. **[Amended 11/10/10 jf]**

Reed Antis stated that most of the public doesn't know about the choice that they have.

Councilman Kusnierz said they couldn't comment to that. He does know that the people get the newspaper and there is a lot of information circulating in the coffee shops. He doesn't know he isn't here during the day. **[Amended 11/10/10 jf]**

Harry Gutheil asked when the newsletter would be mailed and Supervisor Jenkins replied, the end of next week.

Councilman Prendergast stated that he didn't think the people needed a lot of time. What they read they may discuss it with people. The case could be made that if we sent it out sixty days ahead of time then they could forget all about it come election time. This will be fresh in their minds. They will read it and then go vote on it. He thought this way more people will know about it than any other way. It may even get more people to vote period, which is always a good thing.

Harry Gutheil asked if it was true that the propositions would be on the back of the ballot and the answer was yes. He asked if the library proposition would be on the back of the ballot also and the answer was yes.

Harry Gutheil said he FOILED the September 16th memorandum from the engineer on the sewer and the public/private partnership. Part of the charge appears to include a recommendation from the engineer on a zoning change. He asked if this was out of bounds to ask an engineer and pay him to recommend a zoning change in our Town.

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Supervisor Jenkins said there isn't any zoning changes involved in what we are talking about. That may be standard language. Everything we are going to be doing would be on public right-of-ways.

Harry Gutheil stated the model was going to be done for commercial development and what he has seen in projects before the Town Board not too long ago when someone wanted to put residential in a commercial zone if you read between the lines there might be something there.

Supervisor Jenkins stated that if someone came to the board and asked for a PUD and sewer was available then the board may approve it or they may not. He didn't know.

Harry Gutheil asked if we are doing a sewer model for residential or commercial only. If it is residential then why is the Town paying for it.

Supervisor Jenkins all we are talking about is supply sewer mains along Route 9 to Bluebird Road and down Bluebird Road to Fort Edward Road that would give us availability of sewer for commercial properties.

Harry Gutheil asked if the model was going to be for build out in the commercial zone as commercial. When you plug the numbers in to come up with a hydraulic model you got to use something and what are we going to be using.

Supervisor Jenkins advised that there is a hydraulic model already for that area, which was part of what was filed with EFC and now he has to prepare a separate model for just that part of the project.

Harry Gutheil asked if the industrial park was included in the model assuming full build out. He stated that at one time there was a huge inquiry from an industry about the industrial park that would have used a tremendous capacity and we looked into a secondary sewer treatment in the industrial park and drawing water out of the dam in Fenimore. We have to make sure we don't use too much capacity so the force main isn't big enough to accommodate an industry that could bring in 300- 500 jobs.

Supervisor Jenkins stated that Tim Burley said an eight inch line would handle just about anything and it just depends on what you use to pump it with and store it in on-site. That would be part of the model. The pumping stations would be built for the future.

Harry Gutheil asked what the status was of our commitment to the pellet manufacturing company.

Supervisor Jenkins said the only commitment we made was in exchange for them putting in water and sewer lines to the end of our road we were going to give them one road and a right-of-way to another road. That hasn't happened. We have an agreement and we can rescind that agreement at any time and that may happen at some time. He doesn't think the project is going to happen. He doesn't think the company has the funding for it.

Brief discussion followed.

COMMITTEE REPORTS

Councilwoman LeClair stated that there is a voucher from Entertainment One for Moreau Fun Days for rental of a bounce house, velcro wall and bungee run. There was an equipment failure and the bungee run had to be shut down and there was problem with the velcro wall, it wasn't holding the kids. Entertainment One proposed a reduction of \$200.00 out of a \$1,000.00 bill and she didn't feel that was enough.

Councilman Kusnierz suggested paying him half and Councilwoman LeClair concurred. The rest of the board was in agreement also.

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Councilwoman LeClair will call Entertainment One and tell them this.

Councilwoman LeClair thanked Paul Joseph for having his highway crew clean up in front of the industrial park.

Councilman Kusnierz noted that he was receiving some employment applications that had social security numbers on them and they aren't blacked out.

The Town Clerk advised him that they weren't going to ask for the social security numbers anymore until they are hired so that will take care of that problem.

Councilman Cumm asked how they were going to handle the massive number of applications they were getting for the Assistant Building Inspector/Code Enforcement position.

Councilman Prendergast said this was an important position and he thought all the board members should look at all the applications and the entire board should be involved in the interview process.

Supervisor Jenkins asked the personnel committee to go over the applications with Joe Patricke and slim the list down a little as to whom they were going to interview.

Councilman Cumm said a lot of the applicants don't meet the qualifications of the position and he thought they should be able to narrow it down to 10 to 15 candidates. He stated that Joe Patricke needs to have a lot of input this time around on who they select.

Councilman Kusnierz said that any board member can compile a list of who they want to interview and turn it into the Supervisor.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn to executive session at 8:50 p.m. to discuss the potential hiring of a particular firm that is still in the competitive phase and litigation involving the Moreau Emergency Squad.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
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 Councilman Kusnierz to adjourn the executive session at 9:27 p.m. and re-open the regular meeting.

Roll call vote resulted as follows:

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

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

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A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the regular meeting at 9:27 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 9:27 p.m.

Respectfully submitted,

Jeanne Fleury
Town Clerk