

A regular meeting of the Town Board of the Town of Moreau was held on October 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

Town Board Members Present

| | |
|-----------------|--------------|
| Tom Cumm | Councilman |
| Bob Prendergast | Councilman |
| Gina LeClair | Councilwoman |
| Todd Kusnierz | Councilman |
| Preston Jenkins | Supervisor |

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Mike Montgomery, Deputy Highway Superintendent; Martin D. Auffredou, Attorney for the Town; Steve Gram, Recreation Director; Joe Patricke, Building Inspector; Town Residents: Adele Kurtz, Michael & Linda Chowske, Carol Bromley, Bill Amadon, Shelley Englert, Reed Antis; Village Resident: Brigid Martin; and Post Star Reporter, Nick Reisman

Supervisor Jenkins led the Pledge of Allegiance to the Flag.

MINUTES

The minutes of 9/22, 9/23, 9/28 and 10/1 were prepared by the Town Clerk and distributed to the Town Board Members in advance of the meeting for their review, comment, correction and approval.

MINUTES – SEPTEMBER 22, 2009 – REGULAR TOWN BOARD MEETING

Corrections:

Page 438 – After 3rd paragraph the following was inserted: “Mr. Flores has been part of the 4H Shooting Sports for 12-15 years, a member of the Rifle & Shotgun Instructors of New York State, a member of the National Pistol Instructors and has experience in setting up ranges.”

Page 439 – 2nd paragraph – Change “Councilman Kusnierz” to “Councilman Cumm”

MINUTES – SEPTEMBER 23, 2009 –SPECIAL TOWN BOARD MEETING

Corrections:

Page 455 – 2nd paragraph – last line – change the word “It” to “I”

Page 458 – 6th paragraph – change “\$243 million plus” to “143 million plus”

MINUTES – SEPTEMBER 28, 2009 – MONTH-END TOWN BOARD MEETING

No corrections or comments.

A regular meeting of the Town Board of the Town of Moreau was held on October 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

MINUTES – OCTOBER 1, 2009 – TOWN BOARD WORKSHOP RE: 2010 TENTATIVE BUDGET

Correction:

Page 466 – 4th paragraph – change the word “sale” to “salt”

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes of 9/22 and 9/23 with corrections noted.

Roll call vote resulted as follows:

| | |
|------------------------|---|
| Councilman Kusnierz | Yes |
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes to the minutes of 9/23 and abstain on the minutes of 9/22 |
| Councilwoman LeClair | Yes |
| Supervisor Jenkins | Yes |

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of 9/28 as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to approve the minutes of 10/1 with corrections noted.

Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED

No new meetings or workshops were scheduled.

It was noted that Budget Workshops were already scheduled for October 20th and 21st at 7:00 p.m. in Town Hall and a Town Board Workshop on Outdoor Hydronic Heaters proposed law was already scheduled for October 19th at 7:00 p.m. in Town Hall.

It was also noted that the Month-End Town Board Meeting would be held 10/27 at 6:00 p.m. as previously scheduled.

A regular meeting of the Town Board of the Town of Moreau was held on October 13, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

15 MINUTE PUBLIC COMMENT PERIOD

Carol Bromley who resides at 370 Fortsville Road spoke regarding their water supply and asked if the Board had any more information for them.

Supervisor Jenkins stated on 9/23 EFC announced that around \$80 million was added to the federal funding. Many of the companies ahead of us in funding were added to that and they delayed publishing the 2010 program. It should be out sometime next week. We have a 99% chance that we will be moving up on the funding list. This means we should be able to move forward with a district formation and we can try and push to get construction underway by spring at the earliest. He assumed that the first part of the project would be the Fortsville Road Extension.

Carol Bromley asked if they could get tanks of water brought in to their location for the residents who have unusable water.

Supervisor Jenkins said he hasn't done this since he has been in office and doesn't know the process right at the moment. He wasn't sure where the tanks come from.

A resident spoke up and said the Army Corp of Engineers. It was also stated that five tanks are needed for five families.

Supervisor Jenkins said he would find out where to get the tanks from.

Councilman Kusnierz stated that since this was a critical public health issue we need a plan B to parallel this effort, because it is all well and good if we go through the process and we do have access to receive financing on this extension, but if it doesn't come through we need something else out there for another viable option.

Supervisor Jenkins stated that we have two options now. One option is the EFC financing and the other is the USDA and that is a matter of filing a final application. If we don't get money from EFC then we can move ahead with the USDA funding and the EFC said once the project is done they will let us transfer the loan into the completion of Water District 7. To start it would be an interest bearing loan at about 2 ½% plus a 29% grant.

Councilman Kusnierz asked how this would impact the timing of this project. If we don't get the funding through option 1 the way we are seeking it now and if plan B comes to fruition is it going to throw off the scheduling? Are we still looking at spring time to get the ball rolling as far as construction?

Supervisor Jenkins said the time frame should be similar. We would still have to go through district formation process and the sequence would be pretty much the same. He has had some dealing with the USDA and they don't move particularly fast, but they do have funds available.

Carol Bromley stated she has a folder full of things she received from the NYS DOH for the last two years condemning their water supply and she also has a copy of a letter from NYS DOH to Tim Burley dated 5/20/09 saying that they approved a preliminary engineering report for the extension of a water district for the Fortsville Road area.

Supervisor Jenkins told Carol Bromley that this was correct it was a preliminary report. Proposed Water District 7 originally did not include bringing water out to their area on Fortsville Road and the plan was amended to include their area.

Councilman Kusnierz asked those present from the Fortsville Road area if they were asking the Board to get them a water buffalo.

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A resident stated that they were looking for some action or they won't have any water this winter. The creek that supplies their water has changed. They are fighting beaver and beaver dams.

Councilman Kusnierz asked Supervisor Jenkins to line up a water buffalo for them.

Supervisor Jenkins said he would see what was available.

Councilman Kusnierz stated that we have used them in our community in other situations and at a minimum something was needed to take care of their problem for now.

A resident stated that NYS DOH has deemed their water supply a public health hazard so maybe they can step in. He also stated that a water buffalo would at least give them water through the winter. He stated that the Board has seen their system. It is down the hill in a field and in the winter if they don't keep a path cleared to it, it is hard to get to and keep the system running.

Carol Bromley stated the chlorine kills the bacteria, but not other things. It would never pass NYS DOH standards. She stated that there are four families that are in dire straight.

A resident stated that there is a pump in existence and maybe they could put the water buffalo in a place where they could use their pump.

Carol Bromley stated that a 500 gallon water buffalo wasn't a lot to serve four or five families.

Adele Kurtz of 11 Snowberry Lane addressed the Board next. She noticed that the Zoning Board vacancy made the agenda. She thanked the Board, because she applied for the position. She said that interviews were held back in the spring before the full Board and interviews were held by the Personnel Committee a week ago and Joe Patricke was there and it was a nice opportunity for everybody to be introduced to the candidates. She wanted to thank them for their time. She noticed on the website there is another vacancy opening up December 31, 2009 and based on the fact that it has taken ten months to fill the vacancy created by Darrell Finlayson's resignation back in January 2009 and there are a number of qualified candidates she asked the Board to vote tonight to fill the current vacancy and the one coming up in December on the Zoning Board. It would allow for some continuity on the Zoning Board. There have been some meetings they have not been able to hold, because they did not have a quorum. She asked that the Board do this at this point so it is not another ten months before that position is filled.

Supervisor Jenkins asked if there were any other comments. There were none.

HIGHWAY DEPARTMENT REQUESTS

The Highway Department submitted a request for the purchase of diesel fuel from Warex Terminals Corp. in the amount of \$10,000.00 under state contract #PC64673.

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 #PC64673 at a cost not to exceed \$10,000.00.

Discussion:

Councilman Kusnierz asked Mike Montgomery, Deputy Highway Superintendent, if he contacted any vendors for prices, because state contract lately isn't always the lowest.

Mike Montgomery stated last year they tried and either didn't get any response or the supply and demand wasn't there.

Roll call vote resulted as follows:

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

RECREATION REQUESTS

The Recreation Director submitted a request to purchase fencing for the Rec. Park as follows:

Four foot high chain link, nine gauge galvanized with 2 ½ weight posts, two inch galvanized line posts with top rail 1 5/8" galvanized.

400 plus or minus feet of fencing for the main road plus two three foot gates
114 plus or minus feet of fencing for field #4

Five quotes were received as follows:

| | |
|-----------------------------|-------------|
| Afsco Fence Supply Co. Inc. | \$ 9,790.00 |
| Tri-County Fence Co. | \$ 5,600.00 |
| Stanton Fence | \$12,000.00 |
| Adirondack Fence | \$ 6,980.00 |
| TJY Fence | \$ 7,400.00 |

The Recreation Director recommends accepting the quote from Tri-County Fence in the amount of \$5,600.00. It will be paid out of A7140.4 that has a current balance of \$29,977.31.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the quote from Tri-County Fence at a cost not to exceed \$5,600.00.

Councilman Kusnierz asked if all the vendors knew they were quoting on 514 feet and Steve Gram replied yes.

Roll call vote resulted as follows:

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

The second request from the Recreation Director was the payment of \$7,000.00 from the Recreation Department to the Water Department for the 2002 Chevy Silverado 4x4 2500HD Pickup Truck that was transferred from the Water Department to the Recreation Department.

The truck's value was researched in the Kelley Blue Book and the values were as follows:

| | |
|-----------|------------|
| Fair | \$6,300.00 |
| Good | \$7,100.00 |
| Excellent | \$7,575.00 |

Supervisor Jenkins stated that he considered the truck in fair condition.

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A motion was made by Councilman Cumm to approve the payment of \$6,300.00 from the Recreation Department to the Water Department for the 2002 Chevy Silverado 4x4 2500HD Pickup Truck.

Councilman Kusnierz asked if the money would be proportionately distributed amongst the various Water District accounts.

Supervisor Jenkins stated that it would be distributed as the purchase price was distributed from the Water District accounts originally.

Councilman Prendergast seconded the motion.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked Mike Montgomery for an update on paving in the Rec. Park.

Mike Montgomery reported that they started to prep around the quad and get the base set. They talked about drywells for drainage. Timing is the key now. They hoped to get some blacktop down before winter.

Councilman Kusnierz stated that at the last meeting Girl's Softball raised questions and concerns and the Board directed Steve Gram to follow up on these questions and concerns and do a memo to the Board. He didn't get a copy so he asked Steve Gram what happened.

Steve Gram stated that he spoke with Danielle Bourdeau and she said there weren't any problems.

Councilman Kusnierz asked if he let the Board know this and Steve Gram said no he did not.

Councilman Kusnierz stated he was asked what happened with that and he couldn't answer so he told Steve Gram that if the Board directs him to do something it would be very helpful to follow through on it so that when the public asks one of them, they represent the public, they can get back to them.

CHICAGO, BRIDGE AND IRON CONTRACT CHANGE ORDER

A change order from Chicago Bridge & Iron (CB & I) in the amount of \$5,896.00 for the water storage tank in Water District #6 was reviewed by Tim Burley the engineer and before the Town Board for approval.

The changes in the contract were as follows:

| | <u>Decrease In Contract Price</u> | <u>Increase In Contract Price</u> |
|---|---------------------------------------|---------------------------------------|
| Deduct Nolan Road Tank Room | \$9,545.00 | |
| Add Heat Trace to Altitude Valve | | \$ 1,220.00 |
| Tape Pipe for Chlorine Analyzer at New Tank | | \$ 2,530.00 |
| Upgrades to Radio System for UHF Communications | | \$ 11,155.00 |
| Overhead and Profit | | \$ 536.00 |
| Totals | \$9,545.00 | \$15,441.00 |
| Net Change in Contract Price | | \$ 5,896.00 |

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A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve a change order in the amount of \$5,896.00 from Chicago Bridge & Iron for Contract No. 2 for the water storage tank in Water District #6.

Roll call vote resulted as follows:

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

PROCLAMATION – OCTOBER YOUNG ADOLESCENT MONTH

The South Glens Falls Middle School principal requested that the Town Board approve the following proclamation:

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

WHEREAS, the period of early adolescence (ages 10-15) is a distinct, developmental period between childhood and full adolescence; and

WHEREAS, this period has been little understood nor its importance recognized; and

WHEREAS, youth between the ages of approximately 10-15 undergo more extensive physical, mental, social, moral, and emotional changes, with the possible exception of infancy, than at any other time in life; and

WHEREAS, the attitudes and values young adolescents develop during these formative years largely determine their later behavior; and

WHEREAS, parents continue as primary models and guides, even as young adolescents give increased attention to the peer group; and

WHEREAS, the community itself is also a “classroom” in which young adolescents learn many lessons; and

WHEREAS, much valuable information and research about this important age group now exists and should be circulated;

THEREFORE, BE IT RESOLVED, that October be declared the Month of the Young Adolescent in the Town of Moreau, and

BE IT FURTHER RESOLVED, that all those in the Town of Moreau join the celebration by extending their knowledge about these critical years and undertaking actions that will support the healthy development of young adolescents.

Roll call vote resulted as follows:

| | |
|------------------------|-----|
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |

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Supervisor Jenkins

Yes

LAND DEVELOPMENT FEE

Joe Patricke said he could address what they talked about at the last meeting when the question was raised if whether or not someone in an agricultural district was going to build a building and disturb more than one acre of land would they be charged a fee. He went and reread the law that was taken from a model law published by the state and there would be a fee for anyone in an agricultural district that was going to build a building and disturb more than one acre and the fee would be \$50.00. This is a proposed fee.

He went on to read from the law the definition, in part, of agricultural, "shall not include the operation of dude ranch or similar operation or the construction of new structures associated with agricultural activities". He stated that an activity that would be included would be "active farm including the grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products and cutting timber for sale". "Any other disturbance of an acre or more would require a land disturbance permit."

Councilman Prendergast asked what prompted this.

Joe Patricke stated that the EPA put down the directive to DEC and DEC passed it on to the locales.

Councilman Kusnierz asked what account this fee would be deposited into.

Joe Patricke stated he thought 3620 then he said 8150. Then he said he wasn't sure, but it would be the revenue account where all the fees go.

Councilman Kusnierz asked if that account was operating on a deficit or in trouble financially. Why is this coming before the Board? Why is there a fee being requested of the Board?

Supervisor Jenkins stated that we have to have these applications as part of the process and there will be time involved when we have to send our Building Inspector out into the field to inspect the land and different issues that relate to that. It isn't any different than any other service we have to provide to developers or property owners.

Councilman Kusnierz stated that was his point exactly. The taxpayers are paying the salaries of Town Staff to do that, why are we going to tack on another fee?

Supervisor Jenkins asked him if he thought we should drop our other fees too.

Councilman Kusnierz stated that when we have a balance in an account that is healthy we don't need to be looking at fees.

Joe Patricke stated the fee portion of his account is way out of balance. They don't generate nearly as much fees as the cost to operate his department. He told Councilman Kusnierz that if he looks he will see sales tax money in his account, but that isn't touched.

Councilman Kusnierz asked how much he anticipated would be generated for the Town with the \$50.00 fee.

Joe Patricke replied about \$200.00 a year.

Councilman Kusnierz stated that for \$200.00 per year we are going to institute a new fee in the Town of Moreau.

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Supervisor Jenkins stated we are using funds generated by taxpayers outside the village to do something for one taxpayer and that isn't right. It is like we do everything else, we try to keep our funds separate and treat them that way.

Councilman Kusnierz asked how we are doing it for one person and not another, he didn't understand.

Joe Patricke stated it has to be one acre or more of land disturbed.

Councilman Kusnierz said in an agricultural district a person needs five acres of land to build a house so anybody building down there disturbing land would be subjected to it.

Joe Patricke said he understood what he was saying, but typically a home wouldn't take up half an acre unless they cleared it from boundary line to boundary line.

Councilman Kusnierz stated that in that part of Town a five acre lot is required to build a home on and he gave the scenario of a person building a house in the middle of their lot and they put in an extensive driveway he asked if the driveway would be added to the one acre land disturbance.

Joe Patricke replied yes.

Councilman Kusnierz then said that this fee is discriminating against people who live in an R-5 zone, because they are more likely to be required to pay it than somebody living in an R-1 or R-2 zone that isn't going to disturb more than one acre. It is onerous and unnecessary.

Councilman Prendergast said he understood what Joe Patricke said earlier about the EPA directing DEC and DEC passing this on to locales, but he asked if that is what prompted the fee.

Joe Patricke stated we have to have a land disturbance permit whether the Town wants to charge a fee or not is up to the Town.

Councilman Prendergast asked Joe Patricke if the fee is similar to other inspections that he goes out on.

Joe Patricke said they don't charge fees for inspections, but they charge for permits.

Councilman Prendergast asked if it was similar to other permits.

Joe Patricke said it was substantially less then.

Councilman Prendergast said he wasn't talking about the amount. Is it a fact that we have a fee for others as we will for this?

Joe Patricke answered yes.

Councilman Prendergast asked Joe Patricke if in his opinion is there any reason why we should treat this differently.

Joe Patricke replied no.

Councilman Prendergast made a motion to adopt a Land Development Fee of \$50.00.

Councilman Cumm seconded the motion.

Roll call vote resulted as follows:

| | |
|---------------------|----|
| Councilman Kusnierz | No |
|---------------------|----|

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| | |
|------------------------|-----|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Supervisor Jenkins | Yes |

INTERSECTION NOLAN ROAD AND COLUMBINE AVENUE – SAFETY CONCERNS

Supervisor Jenkins was copied on an e-mail received by Councilwoman LeClair from a citizen with young children expressing their concern over the traffic that comes from down by the river at the end of Nolan Road up over the hill on Nolan Road and almost immediately there is an intersection on Nolan Road where it intersects with Columbine Avenue. This resident is concerned over the safety of the children that play in that area and they would like the Board to consider installing stop signs at that intersection.

The Board Members asked the Town Clerk to send a request to the County DPW and State DOT for the installation of stop signs at that intersection.

TANGLEWOOD DRIVE LIGHTING DISTRICT REQUEST

A letter was received from Dr. James P. McCarthy, Ph.D., Superintendent of Schools dated October 6, 2009 in which he indicated that the Safety & Security Committee met on October 5th and they discussed the lack of lighting on Tanglewood Drive and they want the Town Board to consider establishing a lighting district on Tanglewood Drive and he was sure the school district would be underwriting the cost for this initiative. The east side of Tanglewood Drive along the High School's athletic fields is extremely dark.

Councilman Prendergast assumed that this came about due to the night games held at the High School. The fields are lighted, but once you get off the field it is very dark. During games there are cars parked along Tanglewood Drive and there is pedestrian traffic there and he assumed that is what prompted this request.

Attorney Auffredou said his initial reaction to this is that School Districts like Towns are creatures of statute and they only have the authority and power to do things that they are empowered to do by statute and he was pretty confident that a School District cannot fund off school district property improvements or cover expenses for off school district property improvements. He assumed there were private property owners along this road. They are the ones most impacted and they would have to be consulted. Like any other district the Town can create it on its own initiative or by petition. The Town would have to pay for it or the adjacent property owners.

Mike Montgomery, Deputy Highway Superintendent, reminded everyone that there is no parking along Tanglewood Drive. We shouldn't encourage people to park in a no parking zone.

Supervisor Jenkins said after 4:00 p.m. they can.

Attorney Auffredou suggested the Board find out what the cost for the lights would be from National Grid and reach out to the property owners along Tanglewood Drive and see how they feel about it.

Supervisor Jenkins agreed that the first step was to get a cost estimate from National Grid and then the Board can decide if they want to go ahead with the lighting district as a safety factor or see if the people want to present a petition.

ZONING BOARD VACANCY

Councilman Prendergast stated that the Personnel Committee interviewed several candidates all of whom were very good. They narrowed it down to three candidates. The second interview process included the Building Inspector. Their recommendation is John England.

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Councilman Kusnierz asked if they had a second candidate.

Councilman Prendergast said they didn't even discuss it until it was brought up tonight.

Councilman Kusnierz told him that they have been through all six candidates and there must be another one and they may as well take care of them both so we are ready to go.

Councilman Prendergast said they aren't prepared for this there wasn't any discussion on it.

Councilman Kusnierz said they had to have ranked them when they came to this recommendation.

Councilman Prendergast said they weren't interviewing for two vacancies.

Councilman Kusnierz asked if they ranked one and all the rest were last.

Councilman Prendergast said all the rest were not picked. We were out to pick one not two.

Adele Kurtz said for the Recreation Commission they did the same thing and they had candidates to pick from and they picked two before somebody even resigned since they were going through the interview process and it was the spur of the moment that evening and she suggested they do the same thing here since it has taken ten months to fill one vacancy.

Councilman Prendergast said he wasn't prepared to do that tonight there wasn't any discussion on it and Councilman Cumm agreed.

Adele Kurtz said they were going to have an executive session and perhaps they could discuss it. It benefits the community to do that. She said they could bring Mr. Patricke into the executive session. It would be a smart idea.

Councilman Prendergast asked when the next opening was and Adele Kurtz said December 31, 2009.

Councilman Prendergast said the Board has to decide if they want to re-advertise.

Adele Kurtz told Councilman Prendergast that was funny because she asked the same question when they had this issue before the Recreation Commission and the resignation hadn't even been submitted yet and you said it wasn't necessary there were a number of qualified candidates. If you don't have any qualified candidates then she would understand why they would want to re-advertise, but if they do then she suggested they pick one.

Councilman Prendergast stated again that they weren't ready to recommend another person.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to appoint John England to the Planning Board.

Councilman Kusnierz said he was in on the first round of interviews and they had a well rounded group of individuals. He wasn't in on the second round of interviews when it was the Personnel Committee and Joe Patricke. In the future, as a courtesy, he would like to be notified when those personnel meetings take place so if he has an interest in finding out additional information on a candidate he would know when it takes place so he could be included in the process.

Councilman Cumm stated that the Board knew when it was.

Councilman Kusnierz said the Board did not know, because had he known he would have been in on the interview. He asked as a courtesy and equal member of the Board to be informed when the Personnel Committee meets.

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Supervisor Jenkins said they could do that.

Councilman Kusnierz said thank you.

Councilman Prendergast asked if just when they meet or more.

Councilman Kusnierz replied when they interview for a job, an appointment, any of the Boards or Commissions, he would like to know when they take place.

Attorney Auffredou asked if the Personnel Committee Meetings are advertised.

The Town Clerk stated that normally she does put them on the calendar and added that she would need to know when there are three members present, because then it would be a meeting of the Board and it would have to be noticed.

Adele Kurtz asked if they were going to re-advertise.

Councilman Prendergast stated there was a motion on the floor. He asked for a vote on the motion. He stated they would discuss whether or not they wanted to re-advertise after the vote.

Roll call vote resulted as follows:

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

Councilman Prendergast asked if the Board wanted to re-advertise.

Supervisor Jenkins said normally they have. He recalled that when they were looking for a laborer at Rec. we had 200 applications and we re-advertised again.

Adele Kurtz interjected that it was for the Recreation Commission.

Councilman Kusnierz added that it was for a full-time position, what she is referring to is the Recreation Commission.

Supervisor Jenkins said he understood that. Every time we brought up appointing someone it has been that way and he told Councilman Kusnierz that we re-advertised and most of the time it was at his request.

Councilman Kusnierz said that was because most of the time we didn't have any candidates interested.

Councilman Cumm suggested they re-advertise.

Adele Kurtz asked if she had to re-submit her application or would the Board reconsider the ones that have already been submitted.

Supervisor Jenkins said if it was his decision she wouldn't have to re-submit, but she would have to go through the interview process again.

Councilwoman LeClair stated that we have excellent candidates, but we are talking a couple months down the road so they should be interviewed again if they are still interested. We could re-advertise, but we

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should let the people know who applied that we are re-advertising for another position and offer them the opportunity to interview again.

Councilman Prendergast suggested they re-advertise again. We can't go wrong re-advertising.

Councilman Kusnierz told Adele Kurtz that he suggested she reapply if she is still interested.

INTERMUNICIPAL STORM WATER MANAGEMENT PROGRAM COOPERATIVE RESOLUTION

Supervisor Jenkins said this was discussed previously and he recalled that Attorney Auffredou found we weren't very well protected so it wasn't signed. The county has changed the language.

Attorney Auffredou asked Joe Patricke if they changed it or are changing it before the Supervisor signs it.

Joe Patricke stated that they advised everyone who hadn't signed it to change it to include Attorney Auffredou's recommendations and the ones who already signed at the Supervisor's Meeting they are going to address it and they will change it.

Attorney Auffredou said that there is urgency on the part of the county now to get this done.

Joe Patricke stated that they have to submit it by the 15th of October

Attorney Auffredou asked Joe if the Supervisor will have a revised copy with his changes to sign.

Joe Patricke said he thought Attorney Auffredou was going to arrange this with Blue Neils.

Attorney Auffredou said he had not contacted Blue and he thought Blue was going to take care of it, but he would contact Blue in the morning.

Attorney Auffredou suggested the Board take up a motion authorizing the Supervisor to enter into the agreement on behalf of the Town of Moreau subject to advice of counsel.

Councilman Kusnierz asked if we had an agreement.

Supervisor Jenkins said we had one before. There was a situation where other municipalities in Saratoga County had aided another community in an emergency situation and they are seeking reimbursement and they can't get reimbursement without this agreement. This agreement would cover us if we sent our highway crew or building department to assist in an emergency. We could seek reimbursement from FEMA, but they won't reimburse us unless we have this agreement in place.

Attorney Auffredou said this has to do with storm water management in the Town and who is responsible and that is where his concerns arose. He met with Blue Neils and Joe Patricke and Cornell Cooperative Extension and they agreed to his suggested changes. This is an agreement that the MS4 municipalities are all signing on to. He thinks it is worthwhile to be a team play in the storm water management program in the county.

Supervisor Jenkins said the cost of this program was going to be absorbed by the Towns, but the County is now going to pay for this service.

Joe Patricke added that a large portion is going to be funded by a grant and part of the grant requires that this agreement be signed.

Attorney Auffredou added that it was with the motivation from DEC to do this.

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Councilman Cumm commended Attorney Auffredou for being the only person to question the original agreement.

Councilman Kusnierz asked what agreement they were talking about and Attorney Auffredou said this one.

Councilman Kusnierz said a similar agreement came up and the whole Board was involved in the discussion and we voted on it.

Attorney Auffredou said Joe and Blue sent this to him for review and he identified a couple of issues.

Councilman Cumm added that the issues were so important they decided to change the contract for the whole County.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the Supervisor to enter into the agreement on behalf of the Town of Moreau subject to advice of counsel

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz said she read the Stipulation of Settlement after the Board approved it. She said she thought there wasn't going to be any refunds and the way she read it the school was going to refund \$401,000.00.

Supervisor Jenkins stated that the school will be paying \$410,000.00 for 2009.

Adele Kurtz said it had to be paid within 90 days and Supervisor Jenkins said that was correct.

She asked if the Town would pay refunds in January and Supervisor Jenkins said no, we aren't paying any refunds. They are going to pay us less, but we aren't going to give money back to them.

Adele Kurtz asked if they would pay the lower amount for the subsequent five years and Supervisor Jenkins said yes.

Adele Kurtz asked what the dollar amount would be and Supervisor Jenkins said he didn't have that information before him, but he thought it was \$27,000.00.

Supervisor Jenkins told Adele Kurtz that the assessment would be \$120 million for five years. There will be a revaluation of the property, but we will use the \$120 million regardless of what the reval figure is.

Peggy Jenkins said the \$120 million was for settlement purposes only.

Adele Kurtz said after the five years GAR has agreed for \$15,000.00 to review the current data for accuracy and in the settlement we already said it wasn't usable and accurate.

Supervisor Jenkins said they will do a review of the data and if they agree with it there won't be any additional charge. If they don't agree with it then they will charge \$15,000.00 to re-evaluate it.

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Adele Kurtz said isn't it safe to say that there is a problem with the valuations if we came out with \$147 million in the first place and it was reduced.

Supervisor Jenkins said the \$147 million was a figure that was arrived at based on the 1982 value and the equalization rate being applied to it over the years and it had no real relationship to the fair market value.

Adele Kurtz asked how we are going to change our assessment process so we have a defensible value on the property. In five years what are we going to do?

Supervisor Jenkins said GAR does valuations of these type facilities. We are going to have an established value in 2010 by a committee and Adele Kurtz asked who that committee was.

Peggy Jenkins stated that GAR is going to come up with a true market value, but we will have to stick with the value stipulated to. GAR has to come up with a value on the current contract. If they have to go into further review and more documentation to come up with a value then there is going to be an extra charge.

Supervisor Jenkins said that when Harry Guthel questioned this several months ago they got clarification from GAR as to their position on what their statement meant. It states that they are going to review the data and if they agree with the values then there is no charge. If they don't agree with the values and they have to come up with new values then they will charge \$15,000.00.

Adele Kurtz said there was a letter included in the contract.

Supervisor Jenkins said the letter wasn't included in the contract it was separate and she could get a copy if she wanted.

Adele Kurtz asked what the date on the letter was.

Peggy Jenkins said it was dated this year and it summarized what the contract said they would do.

Adele Kurtz said she thought she had that letter.

This concluded the public comment period.

COMMITTEE REPORTS

Councilman Cumm commended Peggy Jenkins for being elected President of the New York State Assessor's Association and he stated that it is amazing how highly regarded she is at the New York State Association and the number of people who look up to her for advice and counsel and it made Town of Moreau look very, very good.

Councilman Prendergast said congratulations.

Peggy Jenkins thanked them.

Councilman Kusnierz said the Trustees and representatives for the Town of Moreau met on October 8th and held a public hearing in Town Hall on the library's proposed budget for 2010. There is going to be an increase in the budget of less than 1% and they were able to make a number of cuts in staffing due to the new technology and automation. The number of users has increased significantly. The number of check outs for August was greater than the entire calendar year prior.

SUPERVISOR'S ITEMS

Supervisor Jenkins reported receiving an e-mail from Carol McTygue, Senior Municipal Consultant, from the New York State Department of Public Service regarding the status of the Cable TV franchise renewal

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agreement. The Department of Public Service just extended Time Warner's franchise agreement another six months. She asked if the Town was still discussing the issue of extending cable service to other areas of the Town and she needs to know the outcome.

Supervisor Jenkins said that nothing has happened. We have contract language and Time Warner could provide service to rural areas in the Town at a relatively low cost and cover the cost, but they aren't doing anything about this. Time Warner was supposed to come up with the cost to the Town to extend cable to certain areas in the Town and Supervisor Jenkins said he was still waiting for these figures. They don't seem to care very much. He will contact Public Service and ask what our next step is. A few years down the road they are going to have serious competition.

Councilman Kusnierz stated the last time this issue was discussed by the Town Board he asked that a letter be sent to Verizon to see if they would be interested in providing service to us.

Supervisor Jenkins said the only service they can provide right now is tied into satellite. They don't have service using existing lines. He contacted the congressman's office and a meeting is trying to be established amongst several supervisors in Saratoga County whose communities are encountering the same problem. There is a non-profit corporation in Plattsburg that is doing this process in Warren and Washington County right now. The bad news is he read an article the other day where the USDA got \$4 billion and they have requests nationwide to the tune of \$160 billion. He said we are still going to pursue this. We filed with the State and the State said they aren't doing it and we have to deal with USDA and our local USDA representatives are in Greenwich and they don't deal with it and they give out a Washington DC address and phone number. He will contact Carol McTygue to find out what she has to say and what she has to offer and her job should be to help us not the cable company, but he hasn't seen that type activity.

Councilman Kusnierz said he recently found out that high speed internet is required for children to get homework assignments on-line or to do interactive homework on-line so the children in the less populated areas of our Town are at an educational disadvantage without high speed internet.

Attorney Auffredou handed out to the Town Board and Town Clerk the "Procurement Documents for Roll Off Container, Hauling and Disposal Services for the Town of Moreau". He was able to reduce the size of the documents. The Supervisor, Fran Thibodeau and Nancy Ryan were very helpful in this process. The Board doesn't need to act on this tonight. He suggested they review the document and discuss it at the next meeting. He recapped the changes. This document is on Terry McGuire's word processor so that in subsequent years she can print them out and ship them off to potential bidders. The current contract expires 12/31/09. At the October meeting the Town Board can fill in the blanks and decide when to go to bid.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the meeting to executive session at 8:20 p.m. to discuss the history and/or performance of an unnamed contractor and the history and/or performance of a particular unnamed employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 9:00 p.m.

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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.

Attorney Auffredou stated that based upon the discussion in the executive session it was his understanding that the Town Board Members were prepared to entertain a motion to terminate effective immediately the independent contractor agreement with Ed Robbins for Dog Control Officer.

A motion was made by Councilman Prendergast to terminate effective immediately the independent contractor agreement with Ed Robbins for Dog Control Officer.

Councilman Kusnierz asked if this was with the understanding that the provisions of the contract regarding the 45 day.....(sentence not finished).

Attorney Auffredou said there is a 45 day termination period that would be effective immediately and as far as the 45 day provision goes he asked if Councilman Kusnierz was suggesting that Mr. Robbins be compensated for that 45 day period pro-rata pursuant to the contract and Councilman Kusnierz said "correct".

Councilwoman LeClair seconded the motion.

Roll call vote resulted as follows:

| | |
|-----------------|-----|
| Councilman Cumm | Yes |
|-----------------|-----|

Councilman Kusnierz asked for more discussion on the motion.

He stated that when the Board hired Mr. Robbins for dog control he abstained from that vote to avoid any appearance of a conflict of interest and with this vote tonight he will also be abstaining from the vote to avoid any appearance of a conflict of interest, which would be consistent with his vote to hire.

| | |
|------------------------|---------|
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Abstain |
| Supervisor Jenkins | Yes |

Adele Kurtz asked who would be doing the service of the Dog Control Officer.

Supervisor Jenkins said the County Animal Shelter will help us for a few days.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn the meeting at 9:03 p.m.

Roll call vote resulted as follows:

| | |
|------------------------|-----|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |

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Supervisor Jenkins

Yes

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk