

A regular meeting of the Town Board of the Town of Moreau was held on October 25, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:05 p.m.

The Town Clerk called the roll.

Town Board Members Present

Tom Cumm	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Rudy Klick, Special Projects Aide; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director; Jesse Fish, Water Superintendent; Town Residents: Adele Kurtz, Huguette Delvaux, Mike Howard, Clark Howe, Carly Weller, Kimberly Bovee, Nick Smith; Reed Antis, Planning Board Alternate Member and Town Resident; Bob Vittengl, Recreation Commission Member & Town Resident; Elizabeth Lanfear, Recreation Commission Member & Town Resident; Taylor Volkman, Town of Wilton Resident; Andre Delvaux, Village Resident & Chief Operations Officer of the Moreau Emergency Squad ; Steven M. VanGuilder, President/CEO of the Moreau Emergency Squad; Joe Patricke, Building Inspector/Code Enforcement Officer and Garry Robinson, Engineer for the Town entered meeting at 7:11 p.m.

Supervisor Jenkins led the Pledge of Allegiance.

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

MINUTES

The following minutes were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval:

September 27th Regular Meeting, October 4th, October 6th, October 11th (2 Sets), October 12th and October 17th

MINUTES – SEPTEMBER 27, 2011 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of September 27th as prepared.

Roll call vote resulted as follows:

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

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MINUTES – OCTOBER 4, 2011 – BUDGET WORKSHOP

Correction: Page 496 – Change Councilwoman LeClair from being present to being absent

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to approve the minutes of October 4th as corrected.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 6, 2011 – BUDGET WORKSHOP

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of October 6, 2011 as prepared.

Roll call vote resulted as follows:

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

The motion and second failed due to two abstentions and one absent. Minutes will be put up for approval at the next regular meeting of the Town Board.

MINUTES – OCTOBER 11, 2011 – TOWN BOARD WORKSHOP RE; CEMETERIES IN MOREAU

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of October 11th as prepared.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 12, 2011 – BUDGET WORKSHOP

No comments or corrections.

A regular meeting of the Town Board of the Town of Moreau was held on October 25, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of October 12th as prepared.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 17, 2011 – BID OPENING RE: WINTER SAND

No comments or corrections. Received and filed.

MINUTES – OCTOBER 17, 2011 – BUDGET WORKSHOP

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of October 17th as prepared.

Roll call vote resulted as follows:

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

MEETINGS/WORKSHOPS SCHEDULED

Supervisor Jenkins stated that the Town Board wasn't going to meet on Tuesday, November 8, 2011. It is Election Day. The Town Board will meet on Tuesday, November 22, 2011 at 7:00 p.m. and the month-end audit meeting of the Town Board will be held on Tuesday, November 29, 2011 at 7:00 p.m. He asked if all the board members were okay with this.

Councilman Kusnierz advised that a resolution of the board was required to cancel a regular meeting of the Town Board, per our Town Code.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to cancel the regular meeting of the Town Board scheduled for Tuesday, November 8, 2011.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for a workshop of the Town Board to be scheduled for Tuesday, November 22, 2011 at 6:30 p.m. to discuss the potential town-wide recreation capital project reserve fund. No objections were raised by the board members.

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Councilman Cumm asked if they wanted to meet regarding the PEP Grant received by the School District. He asked if they wanted to meet jointly with the Recreation Commission. Discussion followed on when to hold this meeting.

It was the consensus of the Town Board to hold a joint meeting of the Town Board with the Recreation Commission on the commission's regular meeting night which is, Monday, November 7, 2011 at 7:00 p.m. Two Recreation Commission Members were present; Elizabeth Lanfear and Bob Vittengl. Supervisor Jenkins asked Elizabeth Lanfear and Bob Vittengl if either of them objected to holding a joint meeting and neither one voiced any objection.

Councilman Cumm asked Councilwoman LeClair to invite Nick Fitzgerald, Donna Nichols and a representative from the YMCA.

15 MINUTE PUBLIC COMMENT PERIOD

Elizabeth Lanfear stated that at the last Town Board Meeting the Town Board held an executive session to discuss an Article 7, a rec. employee, building department employee and then to do some interviews. After the executive session the Town Board decided to advertise for the position of Assistant Building Inspector and then when the meeting was adjourned and the recorder was off she said that there was discussion about sending letters of declination to the two people interviewed. She asked when the position was made vacant and she asked why the Town Board interviewed before the job was even advertised.

Supervisor Jenkins replied that civil service said we couldn't advertise and we had to act on the list, which is what they did and they were hiring the first person on the list. Four Town Board Members interviewed this person and this is what they decided to do.

Councilman Kusnierz asked if anyone checked with counsel on this and not just civil service. He said it is somewhat erroneous, he thinks. If they had done an advertisement in the newspaper and applicants applied who were existing code enforcement officers in other communities they are eligible to take that position. He thinks it is misinformation to say we can only go from the Saratoga County Civil Service list. He would like clarification on that and he asked Attorney Buettner if she could do that.

Attorney Buettner replied that she could do that. It was her understanding that this is what civil service had said.

Supervisor Jenkins stated that they wanted to go out for advertisement. There were two people who refused to interview and according to civil service we needed to get a written statement from those people that they were refusing an interview. The night of the executive session he was in favor of hiring the person they were planning on hiring. If we don't want those two people we don't have to hire them. The night of the executive session the general discussion was talking about whether or not this person was going to be a long term employee. He worked construction and was in and out of three jobs in a twelve month period. They were management type jobs. He had reference letters from each one of them. He was trying to settle down and take a long term job.

Councilman Cumm stated that he was ready to advertise, when they found out that civil service said they had to hire one of those two people.

Councilman Kusnierz stated that he has been here for at least two "hirings" for this position and they advertised every time knowing full well that if it came down to the choice between someone on the Saratoga County list or a neighboring county's list they would have priority over the selection process. We had to offer it to them and if they refused it then we would have to go on down the list until somebody was no longer reachable on the civil service list and then we could hire them provisionally, which he thought that was what they did with the last employee. He said something isn't adding up.

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Supervisor Jenkins stated that there wasn't anybody on that list previously.

Councilman Kusnierz stated that as a member of the Town Board he hasn't even seen any documentation about the name of the individual or qualifications and he was going to be asked to vote on it tonight.

Supervisor Jenkins said that Councilman Kusnierz wasn't here for the interviews.

Councilman Kusnierz stated that he wasn't here for the executive session. He didn't even know they were going to do interviews, not that he could make it, but he didn't even know they were going to interview in executive session for that slot. He knew that they were going to be talking about personnel issues.

Supervisor Jenkins asked "that didn't state interviews".

Councilman Kusnierz replied no, he was not notified ahead of time that there was going to be interviews.

Councilman Kusnierz stated that he had a conversation with Joe Patricke about issues they had with personnel and he didn't agree with the action that was about to take place and he thought it should be handled at the board level and that was the last conversation he had about filling this slot. When he received the third copy of the agenda yesterday afternoon he saw on the agenda that they were going to hire someone.

Supervisor Jenkins stated that our time was up for civil service. They issued a 30 day extension to fill the position. If we could fill the position from the list, then that is what we had to do.

Councilman Kusnierz asked if there is a time frame from which we can select off the list.

Supervisor Jenkins replied apparently.

Councilman Kusnierz asked if once the time frame expired could they "go anywhere".

Supervisor Jenkins replied no.

Councilman Kusnierz asked what the deadline meant and Supervisor Jenkins said he didn't know. All he knew is that our time was up and they gave us an extension.

Councilman Cumm stated that if they didn't meet the deadline then the job would be there forever and it would be protected by civil service, because "he" was under that probationary time period.

Supervisor Jenkins stated that if they didn't make that decision, then "he" would have stayed on.

Supervisor Jenkins stated it is very confusing, but civil service told us what we had to do. It is a civil service job.

Councilman Kusnierz stated that he was aware that it was a civil service job and he was aware of how civil service works.

This concluded the discussion on the Assistant Building Inspector/Code Enforcement position.

Mike Howard from 131 Feeder Dam Road stated that he received a water bill that had a past due balance on it. He purchased his home from an estranged relative. Through the closing process, through no fault of his own or the Town, the attorney did not do the water meter reading. He inquired about this and the Town Clerk informed him that she would be happy to reach out to the former owner, but if that person didn't pay the bill then it would be his responsibility and it would be levied against his property tax bill. He said he isn't an attorney and he doesn't claim to be, but it didn't make "good common sense" and it

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wasn't in compliance with the Fair Debt Collection Practices Act which he is very familiar with due to the fact that he does run a financial institution. Based on his conversation with the Town Clerk he decided to inquire about this with the Town Supervisor. Supervisor Jenkins told him he would get back to him in a couple of days, he wanted to research the inquiry. Two weeks went by and he did not hear back from him. He ran into Supervisor Jenkins at a public venue and he asked Supervisor Jenkins as to the status of his inquiry and he was told quote: "somebody has to pay the bill it might as well be you".

Supervisor Jenkins stated that wasn't exactly how he said it.

Mike Howard said he had it recorded.

Supervisor Jenkins said that was fine, but the "position" is what the law says and not what he says. The second issue is why should the other people in the water district pay for that expense and not him or the previous owner. He asked Mike Howard if the previous owner is a related party and Mike Howard said that was correct.

Mike Howard stated that his argument is that he didn't incur the debt. He purchased the house. He said they did hire an attorney. An error was made through no fault of his or the Town. It isn't a matter of the past due balance of \$66.00. It is a matter of principle. Whether it is a related party or not doesn't make any difference. Regardless of the situation you would take the same stance. Right is right.

Supervisor Jenkins asked Mike Howard if he purchased a house with a lien on it would he be responsible for that lien and Mike Howard replied yes.

Adele Kurtz stated that as a matter of record that is a different instance. It's not comparing the same.

Mike Howard stated that his point was, what is right is right. He stated that under the Fair Debt Collections Practices Act the Town is obligated to prove that he owes the debt. States rights and the Property Tax Law are very different and he wasn't sure the two correspond. He could spend lots of money and probably win the battle, but it isn't worth it. It didn't seem appropriate to him from a billing practice standpoint. He asked the Town to consider hiring a collection firm on a retainer, as a matter of doing business, because it is not fair.

Supervisor Jenkins stated that normally at closings there are meter readings done and final bills are produced and they are billed out.

The Town Clerk stated for the record that when she spoke with Mr. Howard she gave him the option that she would try to collect from his aunt, but if she didn't pay then it would get added to his Town & County Tax. She also asked Mr. Howard if he had an attorney, because the attorney was paid to do this. There have been cases in the past where an attorney hasn't asked for a final reading and the people go back to their attorney and the attorney collects from the prior owner. Mr. Howard told her that he did the closing himself and he didn't have an attorney.

Mike Howard stated that a search was done to determine previous liens on the property, but there were no liens on the property. The Town hadn't placed a lien on the property. It is common practice to perform a step search to determine if any liens or previous liens are on the property and no previous liens were in existence, except for a first position mortgage, which was paid off. It was an oversight.

The Town Clerk stated that normally there is a final reading and if there isn't the property owner goes back to the attorney and the attorney collects from the prior owner.

Supervisor Jenkins asked the Town Clerk if she knows where the prior owner is and the Town Clerk replied no.

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Councilman Kusnierz stated that obviously the bill was overdue and he asked the Town Clerk how often she sends a statement out when it is overdue.

The Town Clerk replied that she sends an original bill and if it is not paid then it gets added to the next bill.

Councilman Kusnierz asked how much time lapses between bills.

The Town Clerk replied the bills are mailed March 1st, July 1st and October 1st bills. Any bills unpaid at the end of the last collection period are added to the Town & County Taxes in January.

Mike Howard stated that it doesn't sound like a very aggressive collection practice, but that is fine, whatever the Town decides to do is fine. He said he didn't buy the house until June and the past due balance is for the prior six months to him owning the house. He said it wasn't a matter of \$120.00, he could write a check tonight. It is a matter of bringing it to the board's attention and having the board change its billing practices. It is not appropriate and not in this economic situation. It is cash flow that the Town could be receiving from delinquent debtors and we are waiting six months to send them a second bill.

Supervisor Jenkins suggested sending a bill to the prior owner and waiving any penalties on the current bill.

Councilman Cumm asked Mike Howard if he had the address of the prior owner.

Mike Howard stated that she is estranged, but he can get a hold of her.

The Town Clerk stated again that she had offered to do that.

Attorney Buettner said that Supervisor Jenkins brought this to her attention and asked her advice on this. She has done tons of house closings and it should have been done at closing, as has been acknowledged. At this point the bill is overdue and generally what would happen is that the new owner would go after the seller and try to collect on the bill or the new owner would pay it and go to the seller and try to get reimbursement and tell them that this is their bill and it should have been pro-rated at the closing. If the estranged relative had an attorney perhaps that is to whom we should send the letter.

Mike Howard said it doesn't make sense to him that as a homeowner he should have to pursue a debtor to the Town. The Fair Debt Collections Practices says that the Town has to prove that he owes the bill and He and he can prove that he didn't own the house. He wasn't using the service and he doesn't owe the debt. Therefore, he isn't the debtor.

Attorney Buettner said that at the closing is when it should have been addressed. It is a debt on the property and not the owner.

Councilwoman LeClair said she was wondering how is it different from an electric bill or fuel bill?

Mike Howard stated, because it is a municipal bill.

Supervisor Jenkins told Mike Howard that if he could get them an address, they would try and take care of it.

Mike Howard replied that he would take care of it.

Jesse Fish, Water Superintendent, asked what they would do in the case like the house on Route 197 that used 4,000,000 gallons of water and the people are gone. How are you going to collect your money if you

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aren't going to collect it back from the owner or what if the house is sold, is the new owner going to incur the debt, because they are going to have to pay what is on the taxes?

Supervisor Jenkins said the situation he was referring to, involved a foreclosure and that is a little different.

A motion was made by Councilman Kusnierz to waive the water bill penalties for 131 Feeder Dam Road for penalties incurred by a previous owner.

Councilwoman LeClair seconded the motion.

Councilman Kusnierz asked what the penalty amount was and Mike Howard replied \$6.64.

Councilman Kusnierz added this amount to his motion.

Mike Howard stated that \$66.38 is the past due balance and he asked if they could give the previous owner 90 days to pay it and if it isn't paid he would write a check for it.

The Town Clerk stated that it has to be paid by November 4th. That is the last day for collection of water bills and then the unpaid water bills have to go to the county.

Councilman Kusnierz said he heard Mike Howard say that he was going to pay and he asked Mike Howard if he was going to pay it.

Mike Howard said he could pay it.

Councilman Kusnierz said the Town could reimburse him if the past due balance is collected.

Supervisor Jenkins said that what the Town Clerk was saying was that she was bound by law to send it to the county.

Councilman Cumm asked Mike Howard if he had an address of the prior owner so the Town could send a bill and Mike Howard said yes, he would call the Town Clerk in the morning and give it to her.

Councilman Kusnierz withdrew his motion.

Councilman Kusnierz asked Mike Howard if he was going to pay the entire bill with the penalty.

Mike Howard stated that it was his intention, to have the Town assume the responsibility, because it is not his responsibility.

Councilman Kusnierz said he understood that, but from a logistical standpoint.

Mike Howard said from a logistical standpoint \$120.00 won't kill him so he will gladly pay the bill, so long as it is understood, that if the Town collects it, because the Town is the creditor, he would get reimbursed.

Councilman Kusnierz made a motion that for the property at 131 Feeder Dam Road, should the Town collect the overdue payment and fine for that property, for the March billing cycle for water in the amount of \$66.38 plus \$6.64 penalty, it shall be refunded to Mike Howard, current owner of the property.

The motion was seconded by Councilwoman LeClair.

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Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT REQUESTS

The highway superintendent submitted a memo to the Town Board advising that he would be advertising for part-time, on-call, as needed, wing people and a full time laborer to replace Randy Keech who retired.

Councilman Cumm asked how many wing people he intended to hire and Paul Joseph replied three. He asked if any were coming back from last year and Paul Joseph replied one.

No objections were raised by the Town Board Members.

Paul Joseph reported that he would have to take the CAT Loader in for diagnostic testing. It was smoking and skipping. It would cost \$700.00 to have a service tech come to the highway garage. If we take it to the shop then it will cost \$122.00 for the diagnosis. He wanted the Town Board to be aware of this as there will be a bill coming in for this.

WINTER SAND BIDS

A bid opening was held on October 17th when sealed bids received were opened and read aloud. The following are the bids received and opened:

Jointa Galusha, LLC 269 Ballard Road Wilton, NY 12831	Material Rate \$8.00 per ton Freight Rate \$3.75 per ton
Palette Stone Corp. 269 Ballard Road Wilton, NY 12831	Material Rate \$8.00 per ton Freight Rate \$5.50 per ton
Cranesville Aggregate Co., Inc. 85 Saratoga Road Gansevoort, NY 12831	\$5.45 per ton (Price based on material being picked up by contractor at Exit 17S Yard) Ice Control Sand \$8.15 per ton (Price based on material being picked up by contractor at Exit 17S Yard)

Paul Joseph noted that Cranseville bid two different types of sand. The one at \$5.45 per ton is sufficient.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the bid from Cranseville Aggregate Co., Inc. in the amount of \$5.45 per ton and the highway department will pick up the sand.

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Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

None

RECREATION DEPARTMENT REQUESTS

The recreation director submitted a purchase request to replace fencing at field #1 (Little League Field). The following quantity of fencing and pricing was submitted by the recreation director.

550 feet of 4 feet chain link fence with one 10 foot double gate
150 feet of 16 foot high chain link fence for backstop and bleacher area with one 4 foot by 8 foot gate
80 feet of 8 foot high chain link fence
9 gauge galvanized fence, 3 inch terminals, 2 ½" lines, 1 5/8" top rails

Adirondack Fence	\$18,980.00
Removal and Disposal of Existing Fencing Add:	\$3,200.00
TJV Fence Construction	\$14,750.00
Removal and Disposal of Existing Fencing Add:	\$1,540.00
Afsco Fence	\$22,100.00
Removal and Disposal of Existing Fencing Add:	\$2,400.00

This purchase would be made out of HP7180.2. A transfer is required before this purchase can be made from HP7180.4 into HP7180.2.

Supervisor Jenkins stated that he was not prepared to move forward on this request until the board looks at the capital projects and determine how much money they have to spend and how much they will get next year from developers.

Councilman Kusnierz stated he wasn't prepared to move on it. He asked what the problem is with the current fencing. He asked if it was still structurally sound.

Steve Gram said a lot of it needs to be repaired, it is corroding, and it is a safety issue. It was put up in 1972.

Councilman Kusnierz said he was aware of the age of the fencing, but he asked if the entire fencing needs to be replaced and Steve Gram replied yes.

Councilman Kusnierz asked if couldn't they salvage some of it, like the support posts.

Steve Gram replied no.

Councilman Kusnierz said they would be discussing it further. He stated that he was opposed to it being paid for out of the equipment fund.

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Councilman Cumm said that he thought Supervisor Jenkins wanted to take it out of the HP account, because it would be a capital improvement.

Supervisor Jenkins stated that it doesn't mean this is what we should spend the HP money on, until the board makes that decision. We are talking about a new refreshment stand for youth baseball, it needs to be upgraded.

ASSISTANT BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Councilman Kusnierz asked that they table this topic. He would like counsel to look into this and make sure we don't have other options.

Supervisor Jenkins said he had a little problem with that, because the board wasn't going to meet again until November 22nd and that department doesn't have any help.

Councilman Kusnierz stated that we have special meetings all the time so they could schedule a special meeting if they have to.

Supervisor Jenkins stated that if they find out, then they would schedule a special meeting. He asked Councilman Kusnierz if he wanted to do it that way.

Councilman Kusnierz said he wanted to make sure the issues he raised were answered and that it was our only option.

Attorney Buettner asked if what he wanted her to look into was whether they had to go off the list or advertise first.

Councilman Kusnierz replied no. What he has been told and based on the discussion here tonight, we only have one option and that is that we have to select from the Saratoga County Civil Service list and in doing so we have to get letters from existing individuals on that list that they are declining the job and then we have to go on down the list. He wants to know if that is the only option we have or could we advertise and hire someone who is qualified and an existing Code Enforcement Officer from another community. He said it doesn't make sense to him that our hands are tied to a list of two people, when there are people who are qualified and currently doing the job in other municipalities that may be interested in coming here to the Town of Moreau for a \$32,000.00 plus a year job with benefits. He said he hasn't seen any documentation on this. He doesn't like to act on anything without documentation. He doesn't know what transpired since our last meeting.

This concluded the discussion on this topic.

CEMETERY RULES & REGULATIONS

Supervisor Jenkins said he would like for the Town Board to review the proposed rules and regulations and if they have any problems with them to let the Town Clerk know and then the Town Board could adopt them at the November 22nd Town Board Meeting.

Councilman Kusnierz referred to the third bullet and said the wording "restricted to those **entitled** to burial therein" be spelled out more clearly.

Councilman Kusnierz referred to the 7th bullet and suggested they change "Town Board" to "Town Clerk".

Councilman Kusnierz asked if the 4th bullet from the bottom is really needed.

Reed Antis stated that the Town Board should address a fee also.

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Councilman Kusnierz stated that a majority of our cemeteries are already filled and there is limited space available and we are going to generate a minimal amount of fees then he has a problem with that. A majority of the taxpayers have paid to have the cemeteries maintained for some time.

SALES TAX RESOLUTION

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to send \$400,000.00 in sales tax revenue back to Saratoga County to be applied as a credit against the 2012 Saratoga County Real Property Tax Levy.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he was pleased that the board has decided to take this action, because it is something he advocates for each year and he wasn't as successful last year.

Supervisor Jenkins stated that our sales tax revenue is up \$500,000.00 from the previous year and that puts us in a position to do this. Our general fund tax and fire protection tax is going to jump up about \$75,000.00, but we are going to cut the county tax by about \$200,000.00. Therefore, nobody will face a tax increase in 2012 for the things that can be controlled by the Town Board.

RESOLUTION SETTING ELECTED OFFICIALS SALARIES

The Notice of Public Hearing on the 2012 Preliminary Town Budget that will be run in the Post Star Newspaper was read by the Town Clerk. This notice included elected officials salaries for 2012. The Town Board needed to approve these proposed salaries.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair setting the following elected officials salaries for the year 2012:

Supervisor	\$45,076.00
Council People	4 @ \$10,800.00 each
Town Justices	2 @ \$25,425.00 each
Town Clerk	\$40,194.00
Highway Superintendent	\$50,430.00

Roll call vote resulted as follows:

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

Councilman Kusnierz voted no because he feels that there shouldn't be any increase in pay for any elected official in the Town of Moreau in these hard economic times.

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Supervisor Jenkins noted that none of the Town Council people were getting a raise and they haven't taken a raise since 2008.

CHANGE ORDER #6 TO GENERAL CONSTRUCTION CONTRACT #1 – NEW HIGHWAY GARAGE

Supervisor Jenkins stated that the proposed change order was for a trench drain grate for the overhead door at the south elevation in the amount of \$4,372.00.

Councilman Cumm stated the reason behind this change was that the original plans for the garage called for a permanently installed truck lift at that end of the building and they opted for portable jacks instead.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve Change Order #6 to General Construction Contract #1 with TMG LLC for the new highway garage in the amount of \$4,372.00.

Councilman Kusnierz asked why they wanted portable jacks.

Paul Joseph, Highway Superintendent, replied that they are more versatile and they can be used in any bay. They can be moved to the welding area if they are needed there.

Roll call vote resulted as follows:

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

CHANGE ORDER #1 TO ELECTRICAL CONTRACT #2 – NEW HIGHWAY GARAGE

Supervisor Jenkins stated that Change Order #1 to the Electrical Contract #2 for the new highway garage was in the amount of \$622.00 to install one (1) 70 watt halite yard light with down-shade to direct the light down and not out with a 24" extension arm. To support the light they will use a galvanized pipe support imbedded into concrete. He asked Paul Joseph to give an explanation for this change order.

Paul Joseph replied that it was to light up the generator area so it is more accessible if work needs to be done to it.

Councilman Kusnierz asked why they couldn't put the light on the building. It would be a lot cheaper.

Joe Patricke stated he wasn't sure how it would work being that it was down cast lighting and the generator was away from the building. He said they didn't want to broadcast the light. He said he could check into this.

Councilman Kusnierz asked how far away from the building the generator was and Joe Patricke said about 10 feet and Paul Joseph said about 20 to 25 feet.

No action was taken on this change order at this time. Joe Patricke was going to check into the option of mounting the light on the building and the cost.

Supervisor Jenkins stated that there was another change order that wasn't on the agenda. It was a change order for the installation of a gang sink at a cost of \$5,142.95. The original contract called for a small sink.

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This is on the list of expected expenses for Contract #4 Plumbing. It is within our cost estimates at this point.

Joe Patricke advised that the original plans called for two sinks. With a gang sink four people can wash up at the same time. It would be stainless steel.

Councilman Kusnierz stated that \$5,000.00 is a good chunk of change.

Joe Patricke stated that they looked at a cheaper sink that was plastic, but it is harder to clean plastic.

Councilman Kusnierz asked if we are going to come in under budget.

Supervisor Jenkins stated they are showing that there is \$107,424.06 left in the budget and this amount includes a gang sink.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve Change Order #1 to Plumbing Contract #4 with TMG LLC for the new highway garage in the amount of \$5, 142.95 for a gang sink.

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

Councilman Kusnierz said he voted yes, but going forward he wants this project to be significantly under budget and not just a little under budget. He knows that towards the end of the project there will be more change orders coming and we don't have to be so extravagant with this stuff.

15 MINUTE PUBLIC COMMENT PERIOD

Steve VanGuilder stated that the board approved a \$5,400.00 expense for a sink, but they didn't want to spend \$600.00 for a light. He stated that if they put a light on the side of a building and if you have to work off to the side of it, they won't be able to see. By putting a light over the top of it they will be able to see 360 degrees.

Councilwoman LeClair told Steve VanGuilder that he just said it in a way that makes sense.

Councilman Kusnierz stated that he heard that they wanted a light so they could work on the generator and he knows that the highway garage has portable lighting.

Supervisor Jenkins told Steve VanGuilder that the board hasn't decided on this yet. They want to get other prices.

Mike Howard wanted clarification on what Supervisor Jenkins said about the board members not taking raises since 2008 and he wanted to know if that was for only new board members.

Supervisor Jenkins stated that the last time the salaries were increased for the Town Council People and Town Supervisor was when the budget was prepared in 2007 for the year 2008.

Mike Howard asked if the vote just taken on the elected officials salaries had no change since 2008.

Supervisor Jenkins stated that the Town Justices, Town Clerk and Town Highway Superintendent did receive a 2% increase.

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Mike Howard said he served as a City Council Person in Savannah, Georgia. He said granted it was a totally different world, but very similar demographics and population, and as a City Council Person he was paid \$150.00 a month and the City Mayor was paid \$350.00 a month. He said it is public record. He said the board should seriously evaluate how this goes. It is a privilege to serve not a job.

Supervisor Jenkins thanked Mike Howard for his comments.

Huguette DelVaux asked the board if they have given any thought to sending in another request for a speed limit reduction on Bluebird Road between Fort Edward Road and Hudson Falls Road.

Supervisor Jenkins stated that the board could send in a request to the Saratoga County Department of Public Works who in turn will request a reduction through New York State Department of Transportation.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Town Clerk to submit a request to Saratoga County Department of Public Works for a reduction in speed limit on Bluebird Road between Fort Edward Road and the Hudson Falls Road from 55 mph to 45 mph.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked the Supervisor to request stepped up enforcement of the speed limit on that portion of Bluebird road, through the Saratoga County Sheriff's Department.

Adele Kurtz asked if the Town Board had received an updated letter from NYS DEC regarding the Landfill Betterment Fund and whether or not the remaining funds in the account are sufficient.

Supervisor Jenkins replied that a new request has been submitted to NYS DEC and we adjusted the interest rates and present value rates to determine how much money we need. We have just under a one million dollar reserve against that maintenance issue. NYS DEC had said that we can't use that reserve for maintenance, but the reserve fund was established under the law that allowed us to use it for that. We are still awaiting a response. He advised how he requested the State Comptroller's Office to come in and do an audit and they are here now doing the audit. This will allow us to waive an audit next year that will save us a substantial amount of money.

Adele Kurtz asked if the Town Board requested the audit and Supervisor Jenkins replied no, he requested the audit.

COMMITTEE REPORTS

Councilwoman LeClair stated that before they removed the fees from the proposed rules and regulations for cemeteries she wanted to know if they could have brief discussion on it now or at the workshop on the rules and regulations. She stated that \$300.00 was the going rate and she doesn't think it is a lot to charge considering what the cost is for the Town to maintain the cemeteries.

Councilman Cumm stated that Dan Galusha will start chipping brush tomorrow at the transfer station.

Councilman Kusnierz asked the Supervisor to report on the audit he just conducted of the Moreau Emergency Squad's records.

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Supervisor Jenkins stated that the audit went well. They asked some internal control questions. No problems were detected. They had well documented invoices that had check stubs attached. The checks are signed by two different people. Based on cash flows and insurance billings they may be facing problems in the future. Insurance money keeps going down. They staff three vehicles 24/7 and that is great service for the Town and he hopes that they can continue to maintain that. He stated that Steve VanGuildrr was there and he did a great job. He answered every question that they asked and they were comfortable with what they saw.

SUPERVISOR'S ITEMS

Supervisor Jenkins stated that Garry Robinson, Engineer, reviewed the Clark Road Culvert and he believes that it can be lined to cut costs. Authorization is needed to allow Paul Joseph to go out to bid to have the culvert repaired. The estimate to fix the culvert is around \$100,000.00. The board would need to authorize Garry Robinson to write the specifications first.

Garry Robinson stated that a trout stream runs through the culvert. In order to repair the culvert it would fall under a general permit through NYS DEC. NYS DEC would have to be notified that repair work was going to be done under the general permit. One of the conditions under the general permit when a trout stream is involved is that no work can be done between October 1st and April 1st on that culvert in that stream. In order to do work during that time frame an individual permit from NYS DEC would be required. He said that it may be a simple process or it may not. He said they may be able to bid before the end of the year, but tell the contractor that he can't start until April 1st. He wasn't sure at this point. There is some other work that needs to be done besides relining the culvert. There is some erosion of the ditch on the north side of the stream. Some of it has gone down into the stream and it has restricted the entrance to the culvert somewhat. The entrance to the culvert is no longer straight. There is some work that needs to be done to stabilize the drainage ditch. When you line the culvert it makes the culvert slightly smaller. They would grout around it and use inlet piping to help move more water through the culvert after the relining.

Supervisor Jenkins stated that they don't normally go out to bid until the specifications are prepared. He said that Garry Robinson was already authorized to do this.

Councilman Cumm asked if the specifications could be ready for the November 22nd Town Board Meeting.

Garry Robinson replied maybe. He said that it may be a little cheaper to do it in the spring anyway. He said it wouldn't be a very long project. He wanted to find out first what they could do.

Elizabeth Lanfear asked questions about the culvert and her questions were answered.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 8:40 p.m. to discuss an Article 7 litigation case, the history/performance of two zoning board members and the history/performance of an unnamed department head.

Roll call vote resulted as follows:

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

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

A regular meeting of the Town Board of the Town of Moreau was held on October 25, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the executive session and reopen the regular meeting at 9:15 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the regular meeting at 9:16 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk