

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:14 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
-----------------	------------

**Also Present:** Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Joe Patricke, Building Inspector/Code Enforcement Officer; Jesse Fish, Water Superintendent arrived at 7:42 p.m.; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Harry G. Gutheil, Jr., Village Resident; Town Residents: Denise Clothier, Adele Kurtz, Elizabeth Lanfear, Reed Antis, Vince Sporrer, John Telisky; and Lydia Wheeler, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

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

**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 28<sup>th</sup>, September 30<sup>th</sup>, October 4<sup>th</sup> Budget Workshop, October 4<sup>th</sup> Bid Opening, October 6<sup>th</sup> Budget Workshop, October 12<sup>th</sup> Regular Meeting, October 13<sup>th</sup> Budget Workshop, October 14<sup>th</sup> Bid Opening, October 18<sup>th</sup> Budget Workshop, October 18<sup>th</sup> Bid Opening

Councilman Prendergast, Councilman Kusnierz and Supervisor Jenkins were the only board members present at the meetings held on September 28<sup>th</sup> and 30<sup>th</sup> and since Councilman Prendergast was absent from this meeting these minutes could not be approved.

**MINUTES – OCTOBER 4, 2010 - BUDGET WORKSHOP**

No comments or corrections.

**MINUTES – OCTOBER 4, 2010 – BID OPENING BASKETBALL SHIRTS**

Received and filed.

**MINUTES – OCTOBER 6, 2010 – BUDGET WORKSHOP**

No comments or corrections.

**MINUTES – OCTOBER 12, 2010 – REGULAR TOWN BOARD MEETING**

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

None of the Town Board Members present had received a copy of the October 12<sup>th</sup> meeting minutes so approval was tabled.

### **MINUTES – OCTOBER 13, 2010 – BUDGET WORKSHOP**

Councilman Kusnierz stated that he received a notification from the Town Clerk that there was additional text added to the minutes per the request of Councilwoman LeClair and he pointed out that the minutes are a matter of public record and any changes should be made in open session at a board meeting, because it also included additional comments made by himself which he didn't have a problem with, because he expects anything he says in public to be on the record. However, if they were going to modify them then he wanted the following comment included: Page 565 same section as changes, he asked the squad whether or not in their budget as presented to the Town if any of the line items were utilized for paid salaries and they responded that they do not use those for paid salaries.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes of October 4<sup>th</sup>, October 6<sup>th</sup> and October 13<sup>th</sup> with the above comment so noted.

Roll call vote resulted as follows:

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

### **SET FUTURE MEETINGS/WORKSHOPS**

A public hearing on the proposed dog law was scheduled for November 9, 2010 at 6:30 p.m. in Moreau Town Hall.

A public hearing on the 2011 Preliminary Town Budget was scheduled for November 4, 2010 at 7:00 p.m. in Town Hall.

Supervisor Jenkins stated he would like to hold a special meeting of the Town Board to discuss elected officials salaries on October 28, 2010 in Town Hall.

Councilman Kusnierz said he thought they were going to be discussed tonight.

Supervisor Jenkins said he wanted a full board present.

Councilman Kusnierz asked if it would be at 5:00 p.m. and Supervisor Jenkins replied yes.

Councilman Kusnierz asked how he would have a full board present at 5:00 p.m. when he couldn't be at Town Hall until 7:00 p.m.

Supervisor Jenkins said they would hold it at 7:00 p.m. then.

Councilman Kusnierz said he was confused, because at the budget workshop they had the whole board there and they discussed it.

Supervisor Jenkins said Councilman Prendergast was at the hospital with his mother and he wants to be present when they discuss it.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz said he didn't realize that and he only wanted an explanation, because it appeared he was trying to change things that were already agreed upon. He didn't have a problem with 7:00 p.m. on the 28<sup>th</sup> of October.

[Later in the meeting the board members ended up discussing the elected official's salaries.]

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

Harry Gutheil asked if the board considered the homestead exemption. According to a legal notice in the newspaper the village is considering doing away with the (blank) assessing unit. [It was inaudible on the audio recording what Mr. Gutheil said just before "assessing unit".]

Mr. Gutheil further stated that if they don't then he doesn't know if they could still do a homestead exemption or not. When the village taxes come out next spring it is going to hurt a lot of people.

Supervisor Jenkins said we have to look at this in January or February before the tentative assessment roll.

A comment was given by the assessor that was inaudible on the recording.

Supervisor Jenkins said the board could schedule a workshop on this, but he would prefer to wait and schedule it at the next meeting. He wasn't against looking into. He has concerns that it would increase the number of Article 7's.

Adele Kurtz asked if the newsletter went out in the mail or was it just on the website.

Supervisor Jenkins said it went out in the mail.

Adele Kurtz said the language in the propositions was very helpful.

Adele Kurtz said that in the newsletter it stated that legal counsel has advised that the reserve funds could only be used for something that would benefit the entire tax base. She asked if since the village has its own highway department and our highway department doesn't plow or maintain the roadways inside the village then how is it that a new Town highway garage would benefit the entire tax district.

Supervisor Jenkins replied that municipal law states that everyone who lives in the Town is responsible to fund the highway department. It is a little unfair, but it is the way the law is written. The village residents pay for double services. They also fund the Town Hall and the people sitting here on this board.

Harry Gutheil said he was surprised the resolution was to build a new building at the Route 197 location. He was never convinced that is the place for a new Town complex. It is okay for a court building. If you look at the population center and the future growth of the Town and the line would be around Bluebird Road.

Supervisor Jenkins replied that may be, he would like to have been on Route 9, but the cost would have been about a half of a million dollar to obtain the land on Route 9. We got this land by swapping land with Saratoga County, which was a pretty good deal for us. He didn't disagree that there may be a better place to build.

Harry Gutheil didn't think the land swap was a good deal. We gave up ten acres of land with a lot of road frontage for "back land" that doesn't have road frontage.

Supervisor Jenkins replied we have road frontage at the Route 197 property.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

John Telisky asked if they knew the propositions were going to be on the back of the ballots.

Supervisor Jenkins replied yes.

John Telisky asked if that was in the newsletter and he was told yes.

Supervisor Jenkins said the library proposition is also on the back of the ballot.

Elizabeth Lanfear stated that the only thing the public is voting on is the establishment funds and asked if this was correct.

Supervisor Jenkins replied yes, it establishes a reserve.

Councilman Kusnierz asked if wasn't it worded to establish the fund and expend funds for it.

Attorney Auffredou said no. The propositions simply establish the funds and then putting funds into those funds is another resolution and then expending those funds is another resolution.

Elizabeth Lanfear read "establish a capital reserve fund under Section C... to accumulate and expend there from monies to finance the cost of a specific capital improvement namely the construction of a government office complex.....".

Attorney Auffredou advised Elizabeth Lanfear that he took that language right from the State Comptroller and they provide sample language for that. Obviously it says expend, but the law is clear that before you can expend the board has to by majority vote authorize an expenditure from that fund. Anytime you establish a fund the intention is to place money in there and eventually expend. However, the act of placing money in the fund and the act of expending money from the fund are two separate resolutions that this board would have to make.

Elizabeth Lanfear asked if she was correct in that the only thing the Town has a say in is the establishment of the fund. When the fund is funded and the funds are expended is solely up to the majority of the five board members.

Attorney Auffredou told Elizabeth Lanfear that he told her at the last meeting she was correct and he was telling her again now that she is correct.

Elizabeth Lanfear stated that is not clear to the public in this newsletter in any way, shape or form. It does not say nor can you pick from this, if you did not know what was discussed before, that the only thing we are voting on is the creation of a fund. We are not voting on whether or not to create a whole new municipal center. That is not up to the general public and the general public is not given that information. It is slanted in the newsletter as far as not giving 100% clarity on the information.

Supervisor Jenkins stated that all he knows is the legal language he got from Attorney Auffredou.

Elizabeth Lanfear stated there is legal language and then there is responsibility to make sure the people in the Town are clear on what you are trying to do.

Supervisor Jenkins stated that he recalled two weeks ago they were criticized for including language that was a little easier to understand.

Elizabeth Lanfear told Supervisor Jenkins that the "walk through the Town Hall" scenario wasn't easier to understand it was "way" slanted as far as his personal opinion.

Supervisor Jenkins said that was her opinion and he didn't think it was.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Lydia Wheeler the Post Star Reporter asked if the voters approve to move money into the funds and there is a resolution on it would there be a public hearing on it.

Supervisor Jenkins advised that the only thing the voters are approving are the reserve funds. The funds already exist and they are in another capital reserve fund for landfill closure, which is complete. Transferring those funds to these reserves is not subject to approval by the taxpayers.

Lydia Wheeler noted that it was mentioned that the funds could only be used for town-wide projects and she asked if expanding cable service to areas of the Town that are not served now would qualify as a town-wide service.

Supervisor Jenkins said depending on what Attorney Auffredou finds out it may be possible.

Attorney Auffredou said he didn't think so.

Councilman Kusnierz stated that it does benefit the whole Town, because we are putting the franchise fees into the general fund.

Elizabeth Lanfear asked why this wasn't looked into.

Attorney Auffredou said there is an assumption here that it is legal and he doesn't think it is.

Elizabeth Lanfear asked if they would hold a public hearing before they expend the funds.

Councilman Kusnierz told Elizabeth Lanfear that the whole genesis of why this is on the ballot is because this is a significant financial decision and rather than five board members making the decision, even though they are elected to represent all the people coming to a decision on that, collectively the board (even though it was a split vote) felt that they wanted to give the public a direct say on whether or not they wanted us to expend these funds. Ultimately, we don't need a referendum to do that, but we are giving the public an opportunity to have their say.

Supervisor Jenkins said if this passes the board will decide what has to be built and how to build it with the input of an architect and staff. Hopefully the cost will fall within what we can afford to do. The reason there is a maximum amount in the propositions is because that is all the voters are approving.

Harry Gutheil stated that these funds have been a big benefit to the Town by being able to be used for inter-fund loans. When those funds are gone and the Town needs cash the Town will have to borrow money or get money from another fund. He stated that the utility companies will be coming back after us and it is unwise to use those funds.

Supervisor Jenkins stated that we can't make inter-fund loans with those funds legally and if we do then we have to pay them back by the end of the year with interest.

Harry Gutheil stated the Town Board can invest those funds.

Supervisor Jenkins said if they move those funds to another fund they would be breaking the law unless we followed the rules and paid them back by the end of the year.

Attorney Auffredou stated those funds can't be used as a tax certiorari reserve either.

Harry Gutheil stated they could approach the legislature under Municipal Home Rule Law if they had something significant that they felt it should be spent on and they may allow us to do something else with the money.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said his experience dealing with Home Rule Legislation is that it is very difficult to get and he doubted they would do allow us to do anything that would violate Municipal Law 6c that affects the entire state, every municipality and school district in the State of New York.

Harry Gutheil said generally if the community is on board it is a cake walk through the legislature.

Supervisor Jenkins said it didn't happen that way on a simple land transaction that didn't have any major issues.

Councilman Kusnierz said speaking about conforming to the law, we just postponed discussing the elected official's salaries and we are bound by statute and a time frame when we have to establish the elected official's salaries for publication.

The Town Clerk noted that the legal ad for the preliminary budget, which has to include the elected official's salaries has to go to the newspaper tomorrow for publication on Friday.

Supervisor Jenkins said they would discuss the elected official's salaries later in the meeting then.

#### **WATER DISTRICT 4 EXTENSION 2 – ARROWHEAD MEADOWS SUBDIVISION**

Travis Mitchell from Environmental Design Partnership was present to request an extension of public water and sewer to the Arrowwood Meadows Subdivision. They have received final approval from the Town Planning Board for an 84 lot subdivision on a 46 acre parcel of land at the corner of Bluebird Road and Gansevoort Road. This property is not entirely within the boundaries of a water service area. This was discussed with Tim Burley the Town's engineer and he said this project that was consistent with the underlying zoning would have been included in the Town's long range plans for water. The water usage requirement for this subdivision would be 17,000 gallons per day. The connection to the Town's water system would be at Bluebird Road and the eight inch water mains would be dedicated to the Town and they understand that there is a \$1,700.00 water connection charge per unit.

Councilman Kusnierz asked if there is senior housing included.

Travis Mitchell replied that there will be 21 units dedicated to senior housing and the remaining 63 units would be single story, single family residential units. There will be a Homeowner's Association.

Councilwoman LeClair noticed on the plans that Travis Mitchell presented to the board at this meeting that there would be a buffer between the subdivision and a farm and she asked if the buffer consisted of trees.

Travis Mitchell replied it was an existing tree row. In the light shaded areas around the perimeter they proposed vegetation to promote natural succession and natural growth of the buffer area.

Councilwoman LeClair said the reason she asked is because when Moreau Fun Days was going on there was a definite odor coming from the farm in the evening hours. She stated that people will be paying a fair amount of money for these homes and how disappointing it would be in the evenings when the smell comes wafting in. She thought it was important to have a buffer.

Councilman Kusnierz stated that there is a Right to Farm Law on the books.

Councilwoman LeClair said she isn't criticizing rather she is saying that she would be disappointed if she bought a home and went out in the evening and there was that odor.

Travis Mitchell stated that the Right to Farm language would be on the subdivision plans as required.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Auffredou stated the next step would be for the Town Board to schedule a public hearing. He said they aren't prepared to do this tonight, but the Town Board could hold a public hearing at their second meeting in November. If instructed by the Town Board he would prepare an order for the board's first meeting in November that would declare the map, plan and report complete and ready for a public hearing and the board could then officially schedule the public hearing. The public hearing has to be in the paper at least ten days before the public hearing date.

Councilman Cumm asked Travis Mitchell if he would address the sewer issue at a later date.

Travis Mitchell replied that it is their intent to request an extension of the sewer district also for this subdivision, but they are not ready to present that tonight.

Attorney Auffredou asked if we have a letter from Tim Burley on this map, plan and report.

Joe Patricke replied no, not yet, he has reviewed it though.

Attorney Auffredou stated he would talk to Tim Burley and have him get something to the Town Board.

Attorney Auffredou recapped for Travis Mitchell that the action anticipated to be taken by the Town Board at the November 9<sup>th</sup> Town Board Meeting is adoption of an order scheduling a public hearing on this request for their November 23<sup>rd</sup> Town Board Meeting and theoretically the Town Board could take action on the 23<sup>rd</sup> to create the district extension depending on the public comment.

#### **RECREATION DEPARTMENT REQUESTS**

Supervisor Jenkins stated the Recreation Commission at their November 4<sup>th</sup> meeting voted on and passed unanimously three recommendations that they wanted to present to the Town Board for consideration.

They are as follows:

Upgrade the existing concession stand in the rec. park by constructing a 10' to 12' wide by 36' long addition on the east end of the building to be used as a serving area. Stone work approximately 36" from base, replace existing roof and provide privacy stalls in bathrooms. Also, a barrier to prevent access to the roadway with a designated crosswalk to bath house on other side. Little League has approximately \$8,000.00 to contribute in cash towards the project and they request that the Town match the funds to get started. Little League will also search for donated materials such as blocks, stone, etc. and possibly donated labor. They would like to have plans prepared and hopefully pour the slab this fall and finish construction by the end of playoffs in 2011 so it will be ready to go for the 2012 season.

The second recommendation was to eliminate late fees for registration of Town programs, because the Town does not have any additional expenses as the result of late sign ups and programs seem to be shrinking. The commission feels they need to expand programs through the ease of sign ups and future advertising.

The third recommendation was to purchase first aid kits for the soccer coaches from Red Cross at a cost of \$15.00 per kit and these kits would be used for other sports programs in the rec. park.

Supervisor Jenkins asked if the board wanted to act on these recommendations.

Councilman Cumm stated that the Red Cross does not have the lowest price.

Elizabeth Lanfear stated that the Recreation Commission has not seen the minutes from their October 4<sup>th</sup> meeting yet and they were posted on the Town's website and distributed to the Town Board before they were reviewed and approved by the commission. She stated she voted against the concession stand.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

What is in the minutes is not what the motion was. The motion was to look into the feasibility of moving ahead with the concession stand. She stated that apparently the vote was six to one.

Elizabeth Lanfear stated there is a \$6.00 first aid kit that can be purchased. What the commission was trying to say was they wanted to provide first aid kits for all the teams and the chairman put in the minutes \$15.00, but she said at the meeting that there was a lower price.

Supervisor Jenkins stated they could approve an amount not to exceed and when the board has all the information.... (Elizabeth Lanfear interjected by saying that the board was given all the information at the last Town Board Meeting.)

Councilman Kusnierz stated he was on board with this purchase, but he suggested that, as we do with all department heads, we require that they submit to us what fund it is coming out of and the three quotes. He asked Elizabeth to talk to Steve Gram or talk to the Recreation Commission about the first aid kits and determine how many are needed and get back to the board.

Councilman Kusnierz made a motion and it was seconded by Councilwoman LeClair to eliminate the late fees on registrations for Town recreation programs.

Councilwoman LeClair said she seconded the motion, but she wanted the Recreation Commission to come up with a plan on how to handle late registrations. Getting t-shirts was a nightmare when parents were registering and expecting a t-shirt in a day or two, which was impossible at times.

Discussion followed.

Roll call vote resulted as follows:

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

Discussion followed on basketball shirts that needed to be ordered.

A motion was made by Councilman Cumm and seconded by Councilman LeClair to accept the quote from Northwind Graphics for basketball shirts at a cost of \$3.95 each.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

Paul Joseph, Highway Superintendent, submitted a purchase request to the Town Board in which he informed the board that he would be contracting with Town & Country Bridge & Rail for installation of used guide rails on the east end of Clark Road and on the south end of Old Saratoga Road. Town & Country Bridge & Rail is on the Saratoga County Contract #10-PWUGR-36R. There is \$11,000.00 budgeted for this expenditure in DB5110.494.



A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Paul Joseph advised the board that he is waiting for them to give him the total cost. He is running on a deadline.

Councilman Kusnierz asked Paul Joseph what amount he was asking the board to approve.

Paul Joseph replied that he was asking for approval to use Town & Country Bridge & Rail and he will give the board the total cost as soon as he receives it. He suggested the board give him authorization not to spend more than \$11,000.00, but he didn't expect it to cost that much. Last year the cost was about \$8,500.00.

Supervisor Jenkins suggested approving an expenditure of up to \$9,000.00 for this work to be done.

Councilman Kusnierz said he was uncomfortable approving something that they don't know what the cost will be on.

Supervisor Jenkins suggested waiting until the month-end meeting to act on this and the board agreed.

Paul Joseph submitted a memo to the Town Board requesting permission to contract with the Town of Wilton Highway Department to lay down shoulder material on Sweet Road, Paris Road and Old Bend Road. The rental cost is \$700.00 per day for the machinery and the operator is approximately \$22.00 per hour. It is estimated that this work should take two days. There is money allocated in DB5112.493.4 for this work to be done.

Brief discussion followed.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the highway superintendent to contract with the Town of Wilton Highway Department to lay down shoulder material on Sweet Road, Hatchery Road, Paris Road and Old Bend Road at a cost of \$700.00 per day for the machinery and \$22.00 per hour for an operator for a two day period.

Roll call vote resulted as follows:

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

The board discussed the Hatchery Road culvert project next.

The low bidder on the project was Don Kingsley Construction Corp. who bid \$32,420.00.

Supervisor Jenkins said he checked his references and they checked out okay.

Councilman Kusnierz asked if they could do the culvert work out of the 2010 budget.

Supervisor Jenkins said there is money in the contingency fund. He noted that only one party is willing to sign an easement at this point and they are working on the other one.

Councilman Cumm asked why they submitted a check rather than a bid bond and Attorney Auffredou stated it was their personal preference apparently and the Town has accepted checks before in-lieu of bid bonds and the Town Clerk acknowledged that this was correct.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said this expenditure would come out of DB1990.4, which is the highway contingency fund and the current balance in this fund is \$41,100.00.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to engage the services of Don Kingsley Construction Corp. in an amount not to exceed \$32,420.00 out of DB1990.4 for replacement of the Hatchery Road culvert subject to review by legal counsel.

Roll call vote resulted as follows:

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

One bid to supply sand for the winter months to the highway department was received from Charles Friedman Excavating, Inc. as follows:

\$4.20 picked up at their pit on County Route #16 in Fort Ann, New York M-F 7-3 or \$8.35 delivered.

Supervisor Jenkins stated that Paul Joseph recommended that the Town Board go back out to bid again in hopes of getting more than one bid and the one bid received was very high compared to bids received in the past.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to reject the bid from Charles Friedman Excavating, Inc. and to go back out to bid for sand.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he voted yes to reject the bid, because the Town only received one official bid.

Paul Joseph reported that the hydraulic telescopic ram blew out on the one ton dump truck and the quote received to fix it was in the amount of \$1,995.00. He was trying to get another quote and he would call the board members with the other quote when it was received.

### **WATER DEPARTMENT REQUESTS**

Jesse Fish, Water Superintendent, requested permission to purchase a three inch mole kit to be used to put in water lines under the roadways at a cost of \$5,037.00 from Wallace Supply. He contacted four vendors and three responded. The lowest quote was from Wallace Supply. The cost would be distributed amongst the water districts.

Councilman Kusnierz stated that there is only \$651.00 in account I8310.

Supervisor Jenkins said there is a total of \$21,697.00 in all of the water equipment accounts combined.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked Jesse Fish to explain how often this piece of equipment will be used and can we rent one. He noted that some of the water accounts are tight.

Jesse Fish replied that this is one of the things that was included in the water hook up fee schedule that was being discussed. It would save taxpayers money since he wouldn't have to hire an outside contractor to come in and do the work. Frequency is hard to determine. It would vary from year to year. It is hard to find a place that sells one let alone rent one.

Councilman Kusnierz asked how we do the work now and Jesse Fish replied that we hire Tom Flaherty to do the work and it can run from \$2,500.00 to over \$3,000.00.

Harry Gutheil asked if we could borrow one from the village and Jesse Fish said the village does have one, but they aren't too keen on us using it and they usually send someone with the equipment to do the job for the Town.

Councilman Kusnierz asked if they are cheaper than hiring an outside contractor and Jesse Fish replied we have shared services with them and they may not charge anything.

Councilman Kusnierz said he wasn't convinced it was a necessity at a cost of \$5,037.00.

Councilman Cumm stated they were also considering the purchase of a compressor next year to go with this mole and Jesse Fish stated that he could use the compressor for a lot of things.

Supervisor Jenkins said they could table this purchase for now.

Supervisor Jenkins asked Councilman Cumm to report on the Water Committee's recommendation regarding water hookup fees.

Councilman Cumm said he would prefer to discuss their recommendation when Councilman Prendergast was in attendance.

### **TRANSFER STATION REQUESTS**

The compactor at the transfer station needs semi-annual service and Nancy Ryan wanted permission to obtain pricing. The board didn't have an objection with this.

Last year the Town Board authorized the transfer station to close the day after Thanksgiving as the rest of the Town departments do and Nancy Ryan was asking the board again if the transfer station could close the day after Thanksgiving. No objections were raised by the board members to this request.

Councilman Cumm stated the only company that quoted on servicing the compactor last year was Artran at a cost of \$395.00.

Supervisor Jenkins stated that Nancy Ryan should get quotes first.

Councilwoman LeClair suggested that Nancy Ryan post the closing of the transfer station the day after Thanksgiving ahead of time.

Supervisor Jenkins stated that only one bid was received for waster container and disposal services at the transfer station and that bid was from Waste Management. The bid price was very good. He stated that the board doesn't have to decide tonight and the board can review the bid more closely. The bid price is better than we have right now. The savings would be about \$1,700.00 over a two year period.

Councilman Cumm said he was prepared to accept the bid tonight.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked if they have to accept it tonight and Supervisor Jenkins replied no, our current contract doesn't expire until the end of December.

Councilman Kusnierz asked what changes were made in the bid specifications other than dates.

Attorney Auffredou replied nothing except there was an option for a one or two year contract.

Councilman Cumm stated that the problem with our current contractor is that they don't have any help on-site on Saturdays and they have to call somebody in and that leaves us without anyone to haul the garbage out on Saturdays, but they didn't bid anyway. When he talked to their management he was informed that they weren't making as much money as they thought they would make off the contract.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept Waste Management's bid for a two year contract for waste container and disposal services per their bid proposal and authorizing the Supervisor to issue and sign all necessary contract documents.

Roll call vote resulted as follows:

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

### **SALES TAX RESOLUTION**

Supervisor Jenkins stated that last year the Town Board resolved to send \$400,000.00 of sales tax revenue back to Saratoga County to apply as a credit against the 2010 Real Property Tax.

He stated that sales tax revenues are up a little this year and our highway fund balance is going way down so he personally didn't think they should send any money back to the county, but he was willing to listen to what the other board members had to say on this issue. If we send money back to the county we wouldn't have the money to fund what we have in the budget right now. What he would consider is reducing it to \$200,000.00. Our sales tax revenues will be up next year to offset that and Saratoga County is predicting that the Town's share of sales tax revenue next year will increase by \$500,000.00 based on the percentage of allocation that we get. Saratoga County will be distributing to municipalities in the county \$51,200,000.00 in sales tax revenue. We will get 4.63%.

Councilman Kusnierz stated he is happy to hear some of the things that Supervisor Jenkins said and said he was right about the projected sales tax revenues for next year. Our sales tax revenue is down 13% from where we were at this point last year and the mortgage tax recording revenue is down. When we went through the budget he didn't have a position on some of the big ticket items only because he wanted to see how it impacted the tax rate as opposed to applying it to 100% of assessment vs. a 32% equalization rate last year. He stated they should revisit the highway budget because there are some taxpayers who were hit really hard with the reval and they are trying to figure out how to pay their bills and if we don't send money down to Saratoga County then their county tax rate is going to increase. Of all the years that we have sent money back to the county this is the most important one. He stated he thought we should send back \$400,000.00 because the county tax rate is remaining flat from last year so our Town outside residents won't see an increase in the county tax rate and if we don't send that money back they will see an increase. He asked the board to support revisiting the highway budget and postpone purchasing some of the big ticket items so they could get back to sending the \$400,000.00 back to the county.

Councilman Cumm said he didn't have a problem revisiting the highway budget, but he agreed with Supervisor Jenkins in that we should send \$200,000.00 back to the county.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz stated that the previous year we sent \$800,000.00 down and then we cut it in half to \$400,000.00 and now we are talking about cutting it again in half and we should be going the other way in these tough times.

Supervisor Jenkins stated he wasn't saying we shouldn't go the other way, but we have serious problems in our highway department right now. We have roads that we are falling behind on and equipment we are falling behind on and we can't keep going in that direction or we will just keep digging the hole deeper and deeper. We should split the difference and send \$200,000.00 back to the county. He wasn't opposed to looking at the highway budget again and maybe there are some more things they can cut, but most of what is in the highway budget needs to be done.

Councilman Kusnierz stated he wasn't saying that what was discussed in the budget workshops shouldn't be done. He said that they weren't spending money extravagantly, but what he was saying was that the board should be very sensitive to the impact that even minor increases in taxes have on the taxpayers.

Councilwoman LeClair asked if they could revisit this issue after they revisit the budget.

Supervisor Jenkins said the county wants a number soon.

Councilwoman LeClair asked if they could discuss it Thursday night.

Councilman Kusnierz asked Councilwoman LeClair how she felt about the sales tax and Councilwoman LeClair stated that she would be okay with sending \$200,000.00 down to the county.

Harry Gutheil stated it was a shell game and the people will have to pay it one way or another. If you vote not to send the money down then you are voting for an increase in the county tax rate to avoid one in the Town. It requires control of your appropriations at the Town level and the County level. As the result of the reval the community is going to be sending around \$400,000.00 more to the county, because you are picking up more of the county budget and you won't get that much back in extra sales tax money. That is money that leaves this community and that we won't see again.

Supervisor Jenkins stated the reval has increased the sales tax revenues by that much. The county treasurer has already provided him with the figures. We will increase our sales tax revenues by \$500,000.00 next year. We will get 6.74% more out of the sales tax revenues than we did this year.

Councilman Kusnierz stated that it is not the little increments that break the backs of the taxpayers, but it is the overall tax impact. If you look at the impact that reval had on the library tax for our community and compare it to the City of Glens Falls "their adopted budget went up \$397.00" and the Town of Queensbury went up 1.6% and the Town of Moreau taxpayers will be required to provide an additional 10.6% in revenue for the Town of Moreau's share of taxes to fund the library. They have a tax increase there and if we don't change things they are facing a back door county tax increase. In the news everyone is running on lower taxes.

Supervisor Jenkins stated that he understands this, but we have to properly plan for the future. The hole keeps getting deeper and it is deeper now than it was last year and it was deeper last year than two years ago, because in 2005, 2006 and 2007 sales tax revenues were substantial.

Councilman Kusnierz stated that sales tax revenue will come back, it takes time. This is not the year to have a 38% increase in "revenues" for the highway.

Harry Gutheil said this didn't make sense to him. The board is talking about raising taxes and yet they are talking about spending \$5 million on new buildings.

Supervisor Jenkins said that 38% is for a culvert that has been waiting six years to be fixed.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz made a motion to return \$400,000.00 in sales tax revenue back to the county to reduce the town outside county tax liability for our residents.

Motion failed for lack of a second.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to send \$200,000.00 in sales tax revenue back to the county to be applied as a credit against the 2010 County Real Property Tax Levy.

Councilman Kusnierz stated he would be opposing the resolution, because he would not support a tax increase for our residents.

Roll call vote resulted as follows:

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

#### **FINANCIAL ASSURANCE LANDFILL CLOSURE – ENGAGE ACCOUNTING SERVICES**

Supervisor Jenkins advised that RFP's were sent to six accounting firms and only one proposal was submitted and that was from Whittemore, Downen and Ricciardelli LLP in the amount of \$750.00.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the proposal from Whittemore, Downen and Ricciardelli LLP to prepare the Financial Assurance documents for landfill closure at a cost not to exceed \$750.00.

Roll call vote resulted as follows:

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

#### **TIME WARNER CABLE FRANCHISE AGREEMENT**

Tabled

#### **HUDSON RIVER ACCESS CONTRACT AND ESTABLISH RECREATION RESERVE FUND**

Supervisor Jenkins suggested tabling this topic. There are a lot of changes to be made to the contract and Attorney Auffredou is trying to come up information on a recreation reserve fund.

#### **NUISANCE LAW**

Supervisor Jenkins said the board received information from Attorney Auffredou and it was labeled as "Nuisance Law" on the agenda, but it would most likely end up being a zoning change if it reaches that point. Attorney Auffredou provided information clarifying the definition of motel/hotel operations and defining terms such as, what does transient mean. He stated that the board didn't have to act on this tonight.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

### **MINING SPECIAL USE PERMITS**

Supervisor Jenkins stated there are three applications for a special use permit from mining operators. He asked if the Town Clerk has reviewed them and the Town Clerk replied yes and the Building Inspector/Code Enforcement Officer has also.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the issuance of a special use mining permit to D.A. Collins Construction to run concurrently with their NYS DEC mining permit which expires on 4/6/2014 for their mining operation known as the "Old Shaw Pit" located off Route 9 in the Town of Moreau.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the issuance of a special use mining permit to Cranesville Aggregate to run concurrently with their NYS DEC mining permit which expires on 4/15/2014 for their mining operation known as the located off Route 9 in the Town of Moreau.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the issuance of a special use mining permit to Lehigh Northeast Cement Company to run concurrently with their NYS DEC mining permit which expires on 07/28/2013 for their mining operation located off Harrison Avenue in the Town of Moreau.

Roll call vote resulted as follows:

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

### **MOREAU EMERGENCY SQUAD CONTRACT FOR NOVEMBER**

Supervisor Jenkins asked for authorization to sign the contract for the month of November for the Moreau Emergency Squad. The payment would be reduced from \$14,750.00 to \$12,450.00. The court amended the temporary order to change the payment to \$12,450.00 to match our \$218,400.00 budget.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the Supervisor to sign the contract with the Moreau Emergency Squad for the month of November.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

Reed Antis asked for an update on what is going on with the Moreau Emergency Squad.

Supervisor Jenkins said there isn't anything he could discuss in public. It was going to be discussed in executive session. He hopes they are getting closer to a resolution. As far as what the court will do we have no idea.

#### **JUDGE & DUFFY – LEGAL SERVICES – TAX CERTIORARI**

Supervisor Jenkins stated a voucher was received for legal services rendered in an Article 7 filed by a citizen that our attorney for the Town couldn't handle due to a conflict of interest. The amount of the invoice is \$128.00. Approval is needed from the Town Board authorizing these legal services.

An approval is also needed authorizing Monica Duffy, attorney with Judge & Duffy, to represent the Town in this Article 7.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing an expenditure of \$128.00 to Judge & Duffy, Attorneys at Law, for legal services rendered in an Article 7 proceeding on behalf of the Town and authorizing Monica Duff, attorney from the law firm of Judge & Duffy to represent the Town in the Article 7 proceeding.

Roll call vote resulted as follows:

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

#### **AGREEMENT - SARATOGA COUNTY ANIMAL SHELTER SERVICES FOR 2011**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to sign the 2011 annual agreement with the Saratoga County Animal Shelter in the amount of \$1,995.00.

Councilman Kusnierz asked how much the agreement was in 2010 and the reply was around \$1,700.00.

Councilman Kusnierz said this would be paid out of the 2011 budget, but the 2011 budget hasn't been adopted yet.

The Town Clerk advised that we normally don't pay for 2011 services until January.

Attorney Auffredou stated that the contracts with the Fire Company and Moreau Emergency Squad are approved the year before, but after the budget is approved. He said if there isn't any urgency to signing the contract then he suggested they hold off approving it until after the first of the year.

Councilman Cumm rescinded his motion.



A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

**AMERICAN DISABILITIES ACT POLICY**

A recommendation was received from Adirondack Trust Insurance the Town's insurance company to have the Town Board adopt a written policy regarding the American Disabilities Act. They provided a copy of a policy that the Town of Malta is considering.

Attorney Auffredou said the Town has policies and the Town follows equal opportunity and ADA and he doesn't have any major objections to a policy of this type, but these policies are something that would be addressed at the organizational meeting rather than during the course of a year. He suggested the Town Board review all their policies on an annual basis at the organizational meeting. He suggested that the Town Board provide the highway union with a copy of the policy that the Town Board is contemplating taking action on for their review.

Councilman Cumm asked Attorney Auffredou to give the board a list of policies that they should be reviewing at the organizational meeting.

Attorney Auffredou advised Councilman Cumm that the board does have a policy handbook. It hasn't been updated in a while and the board should revisit that also.

**PROCLAMATION HONORING FRANK GAROFALO FOUNDER OF THE NEW YORK INDEPENDENCE TRAIL**

Supervisor Jenkins advised that Mr. Garofalo discussed with him things about the Independence Trail and he has obtained grants already and wants to apply for more grants through the federal government and he would like the Town Board to recognize his accomplishments so far so he could send it with his grant applications. He has been recognized by the Washington County Board, Town of Fort Edward, Village of Lake George and various other organizations. The Independence Trail is a plan to bring tourism from Manhattan to Lake Champlain and there are historical sites along the way that are highlighted for people to visit. It is something the state has approved in the past.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adopt the following proclamation:

WHEREAS, Frank Garofalo the creator of the not-for-profit New York Freedom Trail has a profound passion for history and takes great pride in New York State, and

WHEREAS, Frank Garofalo is a supporter of heritage tourism, educational awareness of the historical and cultural aspects of communities around the state and a supporter of economic development, and

WHEREAS, Frank Garofalo has worked tirelessly and has been successful in obtaining funding from the State of New York to promote historical sites around the state and make them accessible to the public, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau extends their gratitude and appreciation to Frank Garofalo for his dedication and supports him in his continuing efforts to obtain funding to help keep New York's history alive.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast	Absent
Supervisor Jenkins	Yes

**TRANSFER OF FUNDS AND INCREASE IN APPROPRIATIONS AND REVENUES**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the following increase in revenues and appropriations:

Increase revenues by \$9,700.00 in V2140 – Water District 5 – Metered Sales and increase expenditures by \$1,500.00 in V8310.1 – Water 5 – Administration – Personal Services and \$8,200.00 in V8310.4 – Water 5 – Administration – Contractual.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the following transfers:

\$500.00 from I8330.4 – Water 1 – Purification – Contractual  
\$1,200.00 from I8340.4 – Water 1 – Transmission and Distribution – Contractual  
\$1,700.00 from I8310.4 – Water 1 – Administration – Contractual

To pay for expenses associated with Water 1, Extension 2 until the financing becomes available and any remaining 2010 expenses.

\$5,594.00 into VI8310.2 – Water 6 – Administration – Equipment  
\$12,756.00 into VI8340.4 - Water 6 – Transmission & Distribution – Contractual  
\$18,350.00 into VI8310.4 – Water 6 – Administration – Contractual

To pay remaining 2010 expenses.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked if they needed to address a request for water service received from Elizabeth Hendricks.

Supervisor Jenkins said they weren't going to address it. He stated the board approved an outside water user contract for another person and they were going to do it for this person, but Tim Burley said it isn't that they don't have water and they can wait. He wants to do it during the "regular period" and he doesn't want to ask too many times to have "them" allow "them" to be part of the project. "They" are in the area where the project is going to be and "they" are aware that it is going to be done next year.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

Elizabeth Lanfear asked if the Hatchery Road culver project is all set and the only thing the board is waiting on is easements.

Supervisor Jenkins said one resident has agreed to an easement. The permanent easement area has been reduced. The people were concerned that it was going to be  $\frac{1}{4}$  of an acre of their property and there was no reason for the easements to be that large. The engineer who prepared it felt it should be full size in case we have to redo it someday. We are still waiting to hear from the other person on the other easement. Once we get the easement the job should be done in three or four days.

Discussion followed on this.

Councilman Kusnierz asked about the Hillman Bros. lease.

Supervisor Jenkins stated that basically in Mr. Hillman in his letter states we are in a month-to-month lease and the minute we adjust to the payment schedule he submitted it spells out the terms for the future and if we make a payment now are we agreeing to those terms.

Attorney Auffredou replied not necessarily, but it would give Mr. Hillman a stronger argument.

Councilman Cumm stated that Mr. Hillman was supposed to get quotes to replace the windows and he hasn't done so yet.

Councilman Kusnierz said what happens if he doesn't want to deal with us anymore and he tells us to find a new facility. He thought it was generous of Mr. Hillman to allow us to go month-to-month. We could have been locked into a contract that would have been extensive without any repairs.

Supervisor Jenkins stated the board could adjust our payments and agree to his payment schedule, but if we choose to leave in the future we may have to pay six month's rent.

Supervisor Jenkins stated we have to start making the payments, but he wasn't prepared to sign a long-term lease.

Attorney Auffredou asked what about his obligation to fix the place up.

Supervisor Jenkins stated there isn't anything in the agreement about that. He just sent a payment schedule.

Attorney Auffredou stated they could meet with Mr. Hillman and give him a time frame for the improvements to be made and this is the amount we are willing to pay over "x" period of time and that is it and we will have to see where we are at, at the end of that time period.

Supervisor Jenkins stated that Mr. Hillman is going to tear the place down if the Town ever moves out.

Reed Antis asked what the Town would do if Mr. Hillman said the court had to move out. Is there a contingency plan?

Supervisor Jenkins said one possibility would be to utilize the building on Route 197 and have a modular brought in to utilize or find another site.

Reed Antis asked if the American Legion building that is for sale would work.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins replied possibly, but there are a lot of problems with that building too the way it is structured.

Reed Antis stated there are a lot of problems with the whole situation and Supervisor Jenkins agreed.

Supervisor Jenkins stated after the election next week if the people say we can do something then we will move ahead and if they don't then we will have to seriously address the situation. The site we are in now has a lot of problems and the landlord doesn't want to do anything and next year we are going to be paying \$42,000.00 a year in rent.

Reed Antis asked Councilman Kusnierz if he had any comments on this.

Councilman Kusnierz said he already commented. He then asked Reed Antis what he wanted to know.

Reed Antis said the Town's back is against the wall as a Town on this court facility. We have this vote coming up and if it is voted down what is the Town going to do.

Councilman Kusnierz said the Town has the inherent right to.....(Reed Antis interjected "to raid the fund".)

Councilman Kusnierz replied "correct" and stated that quite frankly he would probably be outnumbered in vote for a new Town facility. He said let the people decide.

Supervisor Jenkins stated they would get caught up in the payments to Mr. Hillman through December and then in January we will start paying the new rental amount.

Elected Officials salaries were discussed next.

Supervisor Jenkins stated the following proposed 2011 salaries for elected officials:

Supervisor	\$45,076.00 unchanged from 2010
(4) Council people	\$10,800.00 each unchanged from 2010
(2) Town Justices	\$24,926.00 unchanged from 2010
Highway Superintendent	Increase to \$49,441.00
Town Clerk	Increase to \$39,406.00

Supervisor Jenkins asked if any board member wanted to make a motion to set these salaries for elected officials.

Councilman Kusnierz stated it was his feeling that, as he said last year, these are tough economic times. These are elected positions and you can argue part-time or full-time, but elected officials have no set hours and they can do whatever they want and elected officials shouldn't receive raises this year. The state hasn't given raises to their elected officials since 1999 and the Governor is asking for "give backs" from the unions for the budget going forward in Albany. They haven't provided raises to non-union employees for the past two years. They have much deeper pockets than the Town of Moreau. This isn't the time to give raises to elected officials.

Councilman Cumm stated that Councilman Prendergast was adamant at the budget workshop about discussing full-time elected officials who make a living off of these salaries, namely, the Town Clerk and Highway Superintendent.

Councilman Cumm said he didn't feel right discussing this without Councilman Prendergast here to discuss it.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm asked the Town Clerk how she felt about it and then Councilman Kusnierz said let's ask the elected officials how they feel about it and he proceeded to ask Paul Joseph, Highway Superintendent, how he felt about this.

Paul Joseph replied that as a taxpayer in the Town and as a person who makes a living off his salary he realizes that he doesn't have set hours, but he can guarantee that he works at least 40 hours a week or more.

Councilman Kusnierz stated he has no disagreement with that. He asked Paul if he thought the Town Board should approve a raise for his position.

Paul Joseph replied yes.

Councilman Kusnierz asked the Town Clerk how she felt.

Jeanne Fleury, Town Clerk, stated what she said last year and that is that there isn't any rhyme or reason to his argument. Out of the entire payroll for the Town of Moreau, probably upwards of 50 part-time and full-time employees, you are going to spend thousands and thousands of dollars by giving a 2% raise. Yet the board is not going to give themselves raises to the tune of about \$2,000.00 total for all five of them and \$500.00 for her and Paul. If it is hard economic times and it is going to increase the budget and taxes then the board shouldn't give out any raises. It doesn't make sense to give raises to everybody else and not give themselves raises. She said she was fighting on principle. \$500.00 wasn't going to make or break her. It wasn't the money. She stated she was very satisfied with her salary. However, the hours they put in are much more than what the Town Board and Town Justices put in.

Supervisor Jenkins made a motion to set the elected official's salaries as stated above.

Councilman Cumm seconded the motion.

Councilwoman Kusnierz stated he would be voting no, because the department heads are the highest paid individuals in the Town and he didn't think that was where the money should be going if we are adamant about spreading around a couple hundred bucks. It should go somewhere else. In fact it is more than a couple hundred bucks.

Roll call vote resulted as follows:

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

### **COMMITTEE REPORTS**

Councilwoman LeClair reported that Nextel/Sprint has given us four phones to try out and the recreation department, water department and highway department have tried them and they didn't work out and the gentleman from Nextel/Sprint suggested that we try Verizon as they may have better coverage in our area. She asked if anybody has any specific needs with their cell phones to let her know.

Councilwoman LeClair stated she has been working with Jeremy, Bruce and Nick in the recreation department and they have been reviewing things that need to be repaired or replaced in the rec. park. Things that Steve Gram hoped to get done by the end of the year. They also discussed the ice rink and she asked Councilman Cumm to talk with Jeremy about this so he could report on it in two weeks.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm stated that Jeremy talked to him and Councilwoman LeClair about the ice rink. We need some type of system to contain the water. The water is soaking right into the ground and it takes forever to create an ice rink. Jeremy recommends purchasing a system whereby you lay down a heavy duty sheet with walls that is self leveling that would capture the water.

Councilwoman LeClair thought it costs around \$3,000.00 to \$4,000.00. It is something that you would take up at the end of winter and use over and over. Jeremy also talked about putting up some type of fence as a windbreak for the kids. There may be only one quote for this as he is having trouble finding other places that sell this item. He will be putting quotes in our mailboxes.

Supervisor Jenkins asked that the Recreation Commission review this recommendation from Jeremy and give their recommendation to the Town Board.

### **SUPERVISOR'S ITEMS**

Rick Kubis, Alternate Zoning Board Member, requested permission to attend a Planning & Zoning Conference on January 26, 2011 and for the registration fee of \$55.00 to be a proper town charge.

Supervisor Jenkins stated that he thought that most of our Planning and Zoning Board Members would be authorized to go. He stated that the Town Board doesn't have to act on this tonight, but we can let Mr. Kubis know that he can attend.

Supervisor Jenkins reported that all the Town Board members should have received information from the "Authorities Budget Office records" indicating that all board members of the "authority" have to attend state approved training as required by Section 2824 of the Public Authorities Law.

Supervisor Jenkins stated the five Town Board members are board members of the authority and the training is this Thursday and he won't be able to attend.

He further stated that it is kind of strange that we have this Local Development Corp. which is a public authority and it does virtually nothing at this point. We had to file a whole bunch of information that we spent hours on. He would like to know if we need to have this authority. He knows that it had something to do with when we originally started the industrial park.

Attorney Auffredou stated that most communities have them. If they talked to the Jack Kelly's and Ken Green's of the world they will probably say it is a good idea to have them.

Supervisor Jenkins stated that there is zero dollars in the account for this and it is creating a lot of work for us. We haven't had any activity and we haven't in years. He would like to know if we still need it.

Attorney Auffredou said he could guide him on this.

Councilman Kusnierz said for the record that he wanted to point out some inaccuracies portrayed a little while ago about salaries. The Town Board just approved a salary increase for the Highway Superintendent of a \$969.00 and the Town Clerk \$941.00 and it is more than just that, the Town has to pay retirement contributions too, which are not being factored. So to say just a couple hundred dollars or \$500.00 is misleading the public.

The Town Clerk said she would look at the budget again tomorrow, because she thought it said \$500.00, but again she wanted to say "why would you give salaries to everybody else if you are trying to keep costs down, because it is political suicide that's why".

Councilman Kusnierz stated that elected officials are there to serve the public not for a career.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The Town Clerk replied that most politicians are in it for a career and asked how long Joe Bruno was in office. There are career politicians. She said she didn't take this job as a politician, she was appointed as Deputy Town Clerk and ran for election as Town Clerk when the Town Clerk at the time retired and made it her career. She said again that she didn't care about the raise, but she likes things to make sense and it doesn't make sense. When you say the only reason you are not giving us one is because of hard economic times, well hard economic times means you make cuts wherever you can. She told Councilman Kusnierz that he said the state doesn't give raises so she asked him why he was giving raises to all the employees of the Town.

Councilman Kusnierz told the Town Clerk that the average state salary is far above what the Town employees make.

The Town Clerk asked what that had to do with whether they get a raise or not.

Councilman Kusnierz said he was in support of a 2% increase for Town employees, because a lot of them are making less than \$30,000.00 a year.

The Town Clerk started to respond when the Supervisor interjected and asked for a motion to go into executive session.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 9:37 p.m. to discuss an Article 7 proceeding involving Hendel/Midtown, contractual issues involving insurance representatives in regards to the competitive process for professional services, discussion involving the history or performance of a particular unnamed Recreation Commission Member and litigation involving the Moreau Emergency Squad.

Councilwoman LeClair asked the board members if they still wanted to meet on Thursday night about the budget. They didn't have to discuss the elected official's salaries any longer, but there are a few things that we thought we should review again.

The board members acknowledged that they would meet at 7:00 p.m. on Thursday regarding the budget.

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 motion was made by Councilman Cumm and seconded by Councilman Kusnierz to adjourn the executive session and re-open the regular meeting at 10:37 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 the executive session.

A regular meeting of the Town Board of the Town of Moreau was held on October 26, 2010 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 retain TD Insurance to serve as the Town of Moreau's consultant for employee and retiree's health insurance benefits for the 2011 year for the amount of the insurance contract cost.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to adjourn the regular meeting at 10:39 p.m.

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk