

A regular meeting of the Town Board of the Town of Moreau was held on October 27, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

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

Town Board Members Present

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

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Steve Gram, Recreation Director; Paul Joseph, Highway Department Laborer; Mike Montgomery, Deputy Highway Superintendent; Martin D. Auffredou, Attorney for the Town (arrived at 7:14 p.m.); Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:18 p.m.); Nick Reisman, Post Star Reporter; Town Residents: John Benoit, Shelley Englert, Adele Kurtz (arrived at 7:34 p.m.); Village Resident: Brigid Martin

Supervisor Jenkins led the Pledge of Allegiance.

MINUTES

The minutes of 10/6, 10/13, 10/19 (2 Sets) were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval.

MINUTES – OCTOBER 6, 2009 – TOWN BOARD BUDGET WORKSHOP

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to approve the minutes of October 6, 2009 as prepared.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 13, 2009 – REGULAR TOWN BOARD MEETING

No comments or corrections.

MINUTES – OCTOBER 19, 2009 6:34 P.M. – SPECIAL TOWN BOARD MEETING RE: INTERVIEW FOR DOG CONTROL SERVICES

No comments or corrections.

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MINUTES – OCTOBER 19, 2009 7:35 P.M. – TOWN BOARD WORKSHOP RE: OUTDOOR HYDRONIC HEATERS PROPOSED LAW

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of October 13, 2009 and both sets of minutes from October 19, 2009 as prepared.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS/WORKSHOPS

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair setting a public hearing on the 2010 preliminary town budget for November 5, 2009 at 7:00 p.m. in Moreau Town Hall.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

John Benoit residing at 438 Fortsville Road in the Town of Moreau was present and addressed the board.

He commented on a newspaper article about the proposed water district that was for his area to the tune of about \$831,000.00 to \$1.2 million. He has talked with about fourteen of his neighbors on the north end of Fortsville Road and they do not support this proposed district and the expenditure and/or borrowing of this kind of money to get water to five homes on Fortsville Road. He worked for the South Glens Falls DPW for eighteen years and ran their water treatment facility. He said that these five families are asking an awful lot of the Town to give them a water line just because they have an antiquated water system. He knows of several people who have drilled wells in that area recently and they didn't have to go down that far for water. He mentioned a house across from the Fortsville Methodist Church and another one by Thompson's Farm. He said they should have to at least try to drill for water. There are alternative means from spending \$1.2 million. He recalled a time when the GE settlement came through and the water lines were run down the Fort Edward Road and the east side of Bluebird Road, but not quite to Sisson Road and there were a couple people at the end of that line that wanted the lines extended 200 feet to their homes and they were denied. He spoke about a conversation he had with Mike Shaver the former Water Superintendent for the Town about a water line tie in up Sisson Road so he could sever Fenimore from the village system and put them on the Queensbury system and that couldn't be done, because it would cost about \$300,000.00. It was a money issue. The Town didn't want to spend \$300,000.00 to hook up 100 homes to the tie in, yet we are going to run about 1.2 to 1.3 miles of water line to five or six homes at a cost of over \$1 million dollars when they haven't even tried to drill a well. He felt this was excessive.

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Supervisor Jenkins explained to Mr. Benoit that there are two potential projects. One is the Fortsville Road area all by itself, which is not likely to happen. The other is Water District 7 which includes many issues and Fortsville Road is only one of the issues and it makes it affordable as part of a total project. We are talking about a \$5.2 million project. It will connect Sisson Road and put the water system in that area on our own water system or connect us into Saratoga County as a redundant source of water and we will be able to negotiate in the future to keep good prices. We have several places where there are dead ends and we will create loops by doing some extensions. It will provide a water tower in our industrial park, which the state will pay for 100%, because they are requiring it. When it is approved and if it goes through we should be under construction sometime next year. It will involve as much as 50% grant money and interest free loans. He told Mr. Benoit that if he didn't want to hook up to the system he wouldn't be required to and it won't cost him anything. It would be a user fee based district.

Mr. Benoit said the article was misleading then, because it read that residents would pay \$640.00 per year over a thirty year period to pay for this. It didn't read that only the users would pay for it.

Supervisor Jenkins said if he hooked up when the system is being put in there wouldn't be a charge for the hook up, but if he joined the system after the fact then he would have to pay for the hook up.

Mr. Benoit stated that when he went to see the people who bought Jerry Pickett's house they thought the article read that their water was bad and they were very scared.

Supervisor Jenkins said he got some calls from people who thought their water was bad also. It is limited to those five homes that are using one well system.

Mr. Benoit said he couldn't believe that anybody in this day and age would take water out of a brook and drink it. Even with a filter it isn't a filtration system. The village is in the process of looking into a filtration plant, because the state says they have to. They don't have a problem with their water. There is a big difference between putting a filter on your line and putting in a filtration system.

HIGHWAY REQUEST

A request was received from the Highway Department to purchase gasoline from G. A. Bove in the amount of \$4,000.00 under NYS contract out of account DB5110.460 that had a balance of \$6,807.00 as of 10/02/09.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of gasoline from G. A. Bove at an amount not to exceed \$4,000.00 out DB5110.460 under state contract.

Roll call vote resulted as follows:

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

The highway department requested permission to purchase rock salt from International Salt at a cost of \$44,000.00 under county contract #09-PWS-10R out of account DB5142.490 that had a balance of \$44,354.96 as of 10/01/09.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of rock salt from International Salt at a cost not to exceed \$44,000.00 out of DB5142.490 under county contract #09-PWS-10R.

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Roll call vote resulted as follows:

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

Supervisor Jenkins reported on an update from the budget workshop held last evening when the board discussed purchasing a truck body this year. There is a truck body available from Arrowhead at a cost of \$36,500.00. It would require a transfer from highway contingency DB1990 of \$36,500.00 to cover the cost. It would be transferred to highway general repairs DB5130.405.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the transfer of \$36,500.00 from highway contingency fund DB1990.4 into highway machinery fund, general repairs, DB5130.405.

Councilman Kusnierz stated he normally is never in favor of using contingency for equipment purchases, but after last night's discussion and the necessary repair that has to be made to make the truck usable and the fact that it will be cheaper than buying a box in the next calendar year he will be voting yes.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of a box for truck #14 from Arrowhead at a cost not to exceed \$36,500.00 including freight, installation, painting, sandblasting and painting frame.

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

Supervisor Jenkins stated for informational purposes and relating to their discussion last evening that an estimate has been received on the 1987 Heston tractor with mower. It is going to cost about \$2,100.00 to repair it for next spring.

Councilman Kusnierz said he realized repairs would have to be made, but they should be made and paid for out of the 2010 budget.

Specifications for the purchase of sand and a notice to bidders were given to the town board for review and consideration.

The Town Clerk asked the board if they wanted to go out to bid for the sand and if they want to authorize the advertisement of the notice to bidders.

Mike Montgomery said for the past ten years they have gotten their sand from Cranesville. They have good ice control sand and they are accessible during the winter and within a five mile radius. There has

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been times when they have had to truck sand into the highway department and he asked the board to take this into consideration when the bids come in.

Attorney Auffredou reviewed them yesterday and he discussed the ad with the town clerk and it has been reviewed internally.

Councilman Kusnierz asked if everybody was on the same page and the answer was yes.

Attorney Auffredou asked Paul Joseph and Mike Montgomery if they were agreeable with the specifications and the answer was yes.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the advertisement of bids for sand for this season.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUEST

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the promotion of Bruce Siergiey to a permanent employee status versus an interim employee status at an hourly rate of \$12.00 per hour for the rest of 2009 and \$12.36 per hour for 2010.

Roll call vote resulted as follows:

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

Councilman Kusnierz said for the record that he wanted to recognize and thank Steve Gram for following up with the board in writing as to the disposition of a matter that came before the board involving Danielle Bourdeau.

ROLL OFF CONTAINER HAULING AND DISPOSAL SERVICES – PROCUREMENT DOCUMENTS

Attorney Auffredou stated that at the last meeting he handed out procurement documents and there are three blanks in the document that need to be completed assuming that the town board is ready to go with these bid documents. Our contract with Waste Management expires at the end of this year. He streamlined the documents. It will be for one year. There are three dates the board members need to decide on and they are: 1) Date of bid opening; 2) Date bids are due in; 3) Date questions about the bid specifications have to be submitted to the town clerk's office.

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Following discussion the following dates and times were agreed upon and will be filled in, in the bid document:

11/12/09	3:00 p.m.	Bid opening
11/12/09	3:00 p.m.	Bids are due in
11/10/09	1:00 p.m.	Questions on the bid document must be received

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the advertisement for bids on the roll off container hauling and disposal services for the calendar year 2010.

Roll call vote resulted as follows:

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

JIMAPCO AGREEMENT

A proposal was received via e-mail from JIMAPCO offering to put a link on the town's website to a Moreau community map that would be paid for by businesses in the town that JIMAPCO would solicit. There is an agreement that JIMAPCO is asking be signed to provide this service. Attorney Auffredou has reviewed the contract and has some suggested changes. Attorney Auffredou wants direction from the town board as to whether or not they want him to negotiate this agreement with JIMAPCO as there will be some legal fees involved for him to do this.

Councilman Kusnierz said it would be a great benefit to the community to have such a mapping ability on the website, but in reading the agreement it is clear that the reason they are being so generous to us is because they plan to derive revenue from advertising. He didn't have a problem with that, but the town should get a cut of the revenues. They will be using our internet site for advertising.

Supervisor Jenkins said he understood this, but he didn't know how we would determine what fees or how often it was used.

Councilman Kusnierz said we could structure the agreement so that every business that comes on-line or that they have access to in our town as the result of their advertising through JIMAPCO and placed on our website we get a flat fee. We should both be able to benefit.

Councilman Kusnierz asked if Attorney Auffredou would engage in dialogue with JIMAPCO on the agreement.

Supervisor Jenkins said yes for starters and then we would sit down and negotiate with them.

Councilman Cumm stated that he didn't like the agreement the way it is written now. They are getting everything and we are getting something, but not anywhere near what we should. The insurance issue is another problem, the hold harmless clause.

Councilman Kusnierz said he didn't see where we were getting anything. What are we getting?

Attorney Auffredou replied the town is getting a map of the town on the website. The town is clearly not getting any revenue from this. They are supplying a map and in return they are going to get the revenue. He said if the town doesn't get some revenue then it would be an impermissible use of the town's website.

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A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing Attorney Auffredou to proceed with Phase 1 of this agreement with JIMAPCO.

Roll call vote resulted as follows:

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

2010 COUNTY TAX LEVY – SALES TAX APPLICATION

Supervisor Jenkins stated that we need a resolution indicating how much we are going to send back to the county in sales tax revenue to keep the county tax rate down. The application has to be sent in by November 2nd. The number we are considering is \$400,000.00

Councilman Kusnierz asked how much we anticipate we are going to receive in 2010.

Supervisor Jenkins replied it is estimated at \$2.1 million and of that we have \$1.6 million going to the highway budget, \$400,000.00 to county and \$100,000.00 to town outside village. Those are the figures in the budget.

Last year we sent back \$419,000.00.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing \$400,000.00 of the Town of Moreau's share of sales tax revenue to be returned to Saratoga County and applied as a credit against the 2010 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

DOG CONTROL SERVICES

Supervisor Jenkins stated that two individuals were interviewed for dog control services and he hoped the board was in a position to act on this. He turned it over to Councilman Cumm who is on the personnel committee.

Councilman Cumm stated that all the town board members interviewed the two candidates and the recommendation is to go with Dan Styczynski as dog control officer for a two month trial period per the suggestion of Councilman Kusnierz. We checked on the insurance and he can get two months worth of insurance.

Attorney Auffredou said the motion should authorize the supervisor to sign an independent contractor agreement with Mr. Styczynski and Councilman Cumm added with some minor changes in the agreement.

Attorney Auffredou asked what the rate of pay would be for the two month period and Supervisor Jenkins replied \$1,100.00 per month.

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A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authoring the supervisor to enter into an independent contractor agreement with Daniel Styczynski for a two month trial period at \$1,100.00 per month.

Councilman Kusnierz said he wanted to explain his position on this. He was happy the board was in agreement to only offer this on a two month trial period. His reasoning for wanting a two month trial period was that it is a policy of the town to advertise for all of our jobs and board openings and we had not advertised for this position in almost 1 ½ years. He wasn't saying there was anything wrong with the two candidates they interviewed, but in fairness to the people in our community we need to make sure we offer this position to everyone in the community as we do with every other job opening. His other reason for the two month trial period was that the prior agreement required the person to be available on a 24 hour basis and the person we are selecting tonight indicated there was a certain period of time during the day when he wouldn't be available. A two month trial period will allow us to make sure it is going to work in the long run and in January we can open it up to a one year agreement with some changes in the agreement.

Roll call vote resulted as follows:

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

The town clerk asked the board members if she was supposed to advertise for dog control services. The board members told her to wait until the middle of November.

Shelley Englert asked the board members if they were requiring a background check on Mr. Styczynski since he will be patrolling the town and will be around children.

Councilwoman LeClair stated that the last dog control officer chose to patrol. It is not required per contract.

Supervisor Jenkins added that Mr. Styczynski is a NYS Correctional Officer and he is sure that he has had background checks done on him and passed or he wouldn't be a correctional officer.

COMMITTEE REPORTS

Councilwoman LeClair reported that another newsletter is being planned. If anyone has information for it they should let her know or Terry McGuire.

SUPERVISOR'S ITEMS

Joe Patricke, Building Inspector, asked the board if they wanted to waive a \$25.00 building permit fee for the South Glens Falls Fire Company for two pre-built garages/sheds for their Route 197 station.

Supervisor Jenkins stated that the town is a big supplier of funds for them to operate and if we charge them then they are paying the fee out of our funds.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the waiver of the \$25.00 building permit fee for the South Glens Falls Fire Company.

Councilman Kusnierz asked if we would waive a fee like this for the Moreau Emergency Squad if they came before us.

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Supervisor Jenkins replied yes.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for authorization from the board allowing him to process the paperwork with the USDA for the proposed route 9 sewer district. This is preliminary paperwork for the USDA to determine what they may have for us in grants and loans. We aren't making any commitment of any sort. Tim Burley has completed the survey and the documents are ready to go.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the supervisor to process the paperwork with the USDA for the route 9 sewer district.

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 Councilman Cumm and seconded by Councilwoman LeClair to adjourn the meeting at 7:45 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