

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

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

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Jesse Fish, Water Superintendent; Nancy Ryan, Transfer Station Clerk; Peggy Jenkins, Assessor; Joe Patricke, Building Inspector/Code Enforcement Officer; Jeff McCabe, Town Justice; Martin D. Auffredou, Attorney for the Town; Steve Gram, Recreation Director (arrived at 7:55 p.m.); Mike Vasiliou, one of the Principles of Va-Va Voom Developers from Lake Luzerne and Barbara Vasiliou; Lee Rosen, Builder/Developer; Andy Laing, alternate member of the Town of Moreau Recreation Commission & Town Resident; Elizabeth Lanfear, Recreation Commission Member & Town Resident (arrived at 7:20 p.m.) and Chris Lanfear, Town Resident (arrived at 7:20 p.m.); Town Residents: Reed Antis, Viola Farnsworth, Bobbi Spaulding; Village Residents: Gerald Fitzgerald; Harry Gutheil (arrived at 7:48 p.m.)

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins asked everyone present to turn off all electronic 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:

August 24<sup>th</sup> and August 26<sup>th</sup> (2 Sets)

**MINUTES – AUGUST 24, 2010 – REGULAR TOWN BOARD MEETING**

No comments or corrections

**MINUTES – AUGUST 26, 2010 – MONTH-END TOWN BOARD AUDIT MEETING 4:30 P.M.**

Correction: Page 477 – Councilman Prendergast was listed as both present and absent and he should only be listed as present.

Comment: Councilman Kusnierz referred to the 2<sup>nd</sup> paragraph on page 477 that read “Vouchers number 1584 and 1585 were lacking the signature of Councilman Cumm or councilman Kusnierz in order for them to be paid and since neither of these council people was present it was decided to include the vouchers in the warrant and hold them for signing.”

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Councilman Kusnierz asked if the vouchers required five signatures and he was told that they were vouchers made out to Councilwoman LeClair reimbursing her for supplies/expenses for Moreau Fun Days and since she signed the departmental approval section she was not able to sign approving the voucher as a council person. Therefore, the two vouchers needed to be signed by either Councilman Cumm or Councilman Kusnierz.

Supervisor Jenkins stated that Councilman Cumm subsequently signed the two vouchers.

Councilman Kusnierz replied that it was worded as such that it made it sound like they had to be signed by him and Councilman Cumm.

**MINUTES – AUGUST 26, 2010 – JOINT MEETING TOWN BOARD AND RECREATION COMMISSION 5:00 P.M.**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve all three sets of minutes with the above correction and comment so noted.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Abstain
Councilman Cumm	Yes for the August 24 <sup>th</sup> Minutes Abstain for the August 26 <sup>th</sup> Minutes
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

The month-end audit meeting of the Town Board was scheduled for September 29<sup>th</sup> at 4:30 p.m. in Town Hall.

Councilwoman LeClair asked if the Board wanted to set a meeting with the Recreation Commission and Little League to walk the Recreation Park and discuss the pros and cons to leaving the concession stand where it is vs. moving it.

Supervisor Jenkins advised that he met with John from Little League and Bob Vittengl, Chairman of the Recreation Commission and they aren't ready to meet with the Board.

Councilman Kusnierz asked Councilman Prendergast if he wanted to meet as the Cemetery Committee before the regular Town Board meeting on September 28<sup>th</sup> at 6:30 p.m. Councilman Prendergast said he was willing to. Reed Antis said that he thought they had most of the information they needed and they could always e-mail him.

**MIKE VASILIOU – PROJECT PRESENTATION**

Mike Vasiliou introduced himself as one of the principles of the Va-Va Voom a land development company.

Va-Va Voom is proposing to develop a 26 acre parcel of land at the corner of Bluebird Road and Sisson Road in the Town of Moreau. They propose to create a PUD for senior citizen housing, senior citizen assisted living housing and enhanced assisted living housing.

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They propose three buildings for assisted living and enhanced assisted living and one apartment complex of 100 units for unassisted living and 25,000 square feet of retail space and two professional office buildings. They are proposing to set aside land for a community center/senior center. He stated there is water and sewer available to them.

Lee Rosen as builder/developer and operator of an assisted living/senior housing complex in Wilton named the "The Home of the Good Shepherd" was present and stated that he has developed several senior and independent living complexes. The complex in Wilton on Route 9 has 48 units and there is one in Malta that has 82 units. This project they are proposing here in Moreau will be similar to these two complexes. It will give people a chance to stay in Moreau in an environment that is age appropriate and meets their needs.

Councilman Kusnierz asked if they have had any formal or informal discussions with the Town of Moreau Planning Board.

Attorney Auffredou replied that the only thing the Town Board can do at this meeting is to refer it to the Planning Board. The code provides that the applicant appears before the Town Board for conceptual review. They don't necessarily have to spend a lot of time and money on design and engineering at this point. The next step for the applicant is for the Town Board to say that the Town Board is comfortable with the project initially and refer it to the Planning Board. The Planning Board would then take it up at their next regular meeting and when they are ready they schedule a public hearing and reply back to the Town Board with a favorable or unfavorable review. It would then be referred to the Saratoga County Planning Board and the Town Board would be SEQR lead agency. A PUD, which this applicant is requesting, is a legislative action, it is a change in zoning, and the Town Board is the only one that can do a legislative action. Ultimately, it will come back to the Town Board and the Town Board usually relies heavily on the recommendations of the Planning Board.

Councilman Cumm stated he is a big proponent of senior housing. The Town Board has approached several builders and requested senior housing. He toured the "Home of the Good Shepherd" and was "blown away". We could keep our seniors in the community with a project like this. Right now seniors are moving out of the Town, because there is no place for them to live. He loves the concept at this point in time.

Councilwoman LeClair copied a brochure of the "Home of the Good Shepherd" and gave them to the Town Board. She toured the facility in Wilton and there were people sitting outside in rocking chairs and talking and laughing and inside people were interacting. It seemed like a nice place to be. It didn't seem like a place where people put their relatives and they weren't happy. They weren't tucked away in a room. It is a beautiful facility. She was really impressed.

Councilman Kusnierz asked what the cost is to purchase one.

Mr. Vasiliou replied they aren't for purchase and Councilman Kusnierz asked what the rental is.

Mr. Rosen stated that the independent senior apartments in Wilton were done through the NYS Division of HUD and they had different grant programs and low interest programs so down there the rent is about \$600.00 per month including utilities for a one bedroom unit. There are some units set aside for people who have lower median income levels and the rent is lower.

Mr. Rosen explained that the assisted living units offer different levels of assistance. The assisted living section that provides three meals a day and aides to assist seniors with daily living skills run around \$3,000.00 per month and that includes everything. The enhanced assisted living would cost about \$4,000.00 per month and the Alzheimer care is very expensive.

Councilman Kusnierz asked how they would insure rentals go to seniors.

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Mr. Rosen replied that there will be deed restrictions on the property and they will only allow rental to seniors (people over 55 years of age).

Councilman Kusnierz stated that he knows that senior housing means different things to different people. The previous board was successful in changing the zoning law to provide an incentive for senior housing and he and Councilman Prendergast were instrumental in this. He mentioned the Cerrone development off Reservoir Road. One of the things he would be very sensitive about is the fact that this development would be an opportunity for seniors exclusively and he would also be very concerned about the capacity required on our water and sewer system. He realizes that the Planning Board will address the water and sewer.

Councilwoman LeClair stated for the record that the back entrance to and from the proposed development will come out almost directly across from where she lives and when she toured the facility in Wilton and saw how well maintained it was she didn't think "oh my gosh, I don't want that in my neighborhood" instead she thought what a beautiful facility and how well maintained the grounds were and she didn't see it as a negative for her neighborhood. She couldn't speak for her neighbors, but she didn't look at it as "oh, look what I am going to have to look at".

Councilman Cumm stated that in his previous job he had to call on a lot of nursing homes and the facility in Wilton is by far the most beautiful facility he has ever seen. He would have no qualms putting his mother or grandmother in a place like that.

Supervisor Jenkins thanked Mr. Vasiliou and Mr. Rosen for their presentation.

Attorney Auffredou asked the Board if they wanted to make a referral to the Town Planning Board at this time.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to refer this proposed project to the Town of Moreau Planning Board.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that with his vote tonight he wanted it to be known that he will be very sensitive to the needs of the residents down there since it is an R-2 zone and he will be looking at the pros and cons of the project if and when it does come back to the Town Board.

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

Gerald Fitzgerald from Fourth Street in South Glens Falls read the following statement:

"My name is Gerald Fitzgerald  
I live on Fourth Street  
In the village of So Glens Falls  
Mr. Supervisor, members of the town board

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I want to address you this evening as a town resident who resides in the village. A village resident who is not happy with this board. When I look at the results of the assessment revaluation, read and listen to the recordings of the minutes of the board's meetings, I get a feeling there are members of this board who think of the residents and government of the Village of South Glens Falls as a thorn in their side.

#1- The overvaluation resulting from the revaluation conducted by this board in the town outside the village was bad, but the overvaluation in the village was outrageous. This board allowed village residential and small business property to be overvalued by at least 25 percent while at the same time allowing hydros and large businesses in the village to be devalued by 18 percent, an absolutely unjustified action. There is not much chance the residents and small businesses will go to court but I wouldn't bet the 18 percent devaluation will satisfy the hydros and large businesses.

#2- Reading or listening to minutes of the last 3 regular board meetings show there has been a ridiculous amount of time wasted on whether the village should or should not pay for brush they bring into the landfill area. The board bickering back and forth, the suggestions as to what the board can or should do might be comical if it wasn't for the fact it is real.

For years the village has picked up the village residents grass and brush and dumped it in the area by the police station, the pickup is done by village employees and paid for with village taxes. There is a printed pick up schedule mailed to the village property owners at the beginning of the year and there are times the DPW has to deviate from the schedule because of unforeseen circumstances. There are also times an unscheduled pick up may be done.

After the landfill was closed and the transfer station was opened the town began to allow the town residents to dump grass and brush in the landfill area with no fee charged. I believe the town trucks also dumped, in the same area, any brush picked by town trucks.

I believe the transfer station town employee the village helps pay for is also required to work on the brush pile but I never heard of the village board complaining as to whether the arrangement was unfair.

I suggest you get rid of the brush fees and if the village picks up the residential grass **and** brush and the people are paying for it with taxes, so what. If you want the village to split the cost of getting rid of the brush, discuss it with the village board.

#3- The money you have set your sights on, the Landfill Betterment \$4 million was raised by charging excessive fees for dumping garbage and paper mill sludge. The minutes from the board meeting of July 27 contains a question from a member of the audience, quote "where did the money come from"? end of quote. The answer by the supervisor, (quote) "it was from landfill operations, paper mill sludge brought into the landfill" (end of quote), was too brief. The facts are, when the DEC mandated the dump be closed, the town began to charge a fee to dump garbage, not to haul it away, a fee just to dump it. A booth was set up with an attendant, and everyone who dumped garbage was charged. It was not until the later stages of the closing, Encore Paper Co sludge was found to be a good material to use for the capping of the landfill. Encore and Scott Paper were both faced with a problem everyone was going to have- no place to dump. The sludge came about because the companies were no longer allowed to let the white water, containing cellulose fiber waste from their paper making process, to flow into the river. The Town board was able to come up with a plan that would be beneficial to both Encore and the town of Moreau. Moreau needed money to close the landfill and Encore needed a place to dump the sludge and they were willing to pay. There is no doubt the lion's share of the \$4 million came from higher than necessary charges to Encore, a village business but there was also a considerable amount of money put into the fund by the higher than necessary fees charged to residents and commercial haulers But

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the fact is most of that money is from fees paid by a village business.

Now comes the question, what does the money get used for? The supervisor said (quote) "it cannot be used to lower taxes, etc." (end of quote). I have no idea what that means. I do have information that says no one from this board has asked for any information from the NY State Comptrollers office as to how the fund can be used or what it can be used for.

To start with, the money was raised because of the need to get rid of garbage; garbage is always going to be a problem and a costly one. If the town is going to stay in the garbage business they should use money from the fund to build a good collection and transfer system. A system with accurate accountability. A system that will provide an accurate weight print out for whatever is being dumped and showing a fee fairly and accurately based on whatever transfer cost the town has contracted for. Such a system would actually be a betterment of the landfill area and for the town. I'm betting there would be no problem getting approval for money for that use.

Brush -As long as the town has trees, and residential owners have trees, plants and shrubs there is going to be brush. Because burning is no longer an option a planned grass and brush intake and disposal system is needed. A system that would be for the betterment of the landfill area and the town. Don't say it can't be done, you haven't tried and the money is there.

You are only looking at what you want and not what is needed.

First, **the** Town Court building, it is needed and has been needed for years and would have been in use by now if board members had vision instead of agendas, go ahead and use the money needed, it won't cut taxes it just won't raise them, at least not right away.

A new town garage is not needed; the village residents helped pay for the present town garage and also paid for a village garage.

A new town hall is not needed at this time. The village residents helped pay for the present town hall and also paid for the present village hall.

I wish this board could deviate from their agendas and kind of look into the future and maybe see the entire area northwest and west of the rec. area as an entire town complex area, and maybe plan toward a goal like that.

Thank you for your time."

Supervisor Jenkins responded to this statement as follows:

The brush fees are on the agenda tonight and he agreed with everything Mr. Fitzgerald said about brush fees.

As for the money that is in the landfill betterment fund, Supervisor Jenkins stated that they can't be used for the Transfer Station, because that is the enterprise fund and not supported by taxpayers. If we did what he suggested we would have to put the money back into the general fund and then we would be taxing everybody even those who don't use the Transfer Station. The \$4 million dollars that is in the landfill betterment fund is in a fund that was established back in 1982 by the town Board to store funds to close the landfill. The landfill is now closed and it is a capital fund under Article 6c of the General Municipal Law (GML) and we have spoken with the State Comptroller's Office and we have a four page report from our attorney who reviewed this with the State Comptroller and the only thing we can use the money for is a town-wide capital project. He thanked Mr. Fitzgerald for his comments.

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Mr. Fitzgerald said he had a letter from the State Comptroller that reads that no one from the Town Board contacted the State Comptroller's Office.

Supervisor Jenkins replied that he talked to the State Comptroller's Office long before Attorney Auffredou did. Attorney Auffredou has a four page report on how those funds can and can't be used and the restrictions on the use of the money.

Councilman Kusnierz said he contacted the State Comptroller's office and spoke to a man named Mike Kupferman.

Attorney Auffredou advised that he had at least one lengthy conversation with Mr. Kupferman and maybe more and he provided Mr. Kupferman with the history of the reserve fund. In defense of the State Comptroller's Office he didn't know if they keep track of all inquiries that come into their office. It is a very busy office. He told Mr. Fitzgerald that he couldn't explain why a letter was sent saying that. He did know that the council reached out to the State Comptroller's Office also.

Mr. Fitzgerald stated that the Transfer Station operation is a joke and we don't know how much is going in and how much is going out.

Councilman Cumm responded to this saying that they did know how many loads were going to Hiram Hollow and we know what the tonnage is going out of the Transfer Station and our tonnage is going down. They bill us by the hauling and tonnage. Hiram Hollow weighs the trucks going in and going out.

Viola Farnsworth spoke next about her new assessment as the result of the revaluation.

She stated that she has an 8.8 acre wooded lot and it was previously assessed for \$7,000.00 and now it is assessed at \$79,000.00.

Supervisor Jenkins explained that the assessed value on her lot hasn't changed since 1981 and the equalization rate didn't apply to vacant land before the revaluation.

Mrs. Farnsworth also expressed concern over the fact that she only has 30 days to pay her bill without penalty.

Supervisor Jenkins asked her if she went for a review of her assessment and Mrs. Farnsworth replied no. She didn't think it would be that big of a shock.

Councilman Kusnierz asked Peggy Jenkins the assessor if she was familiar with this property and if there were wetlands on it.

Peggy Jenkins replied that she was familiar with it and she hasn't received anything from DEC saying there are wetlands on the property.

Councilman Kusnierz stated that he has property adjoining Mrs. Farnsworth's property and if there are wetlands then that would have a significant impact on the assessment.

Peggy Jenkins told Mrs. Farnsworth that she would look at the assessment for next year.

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent sent a memo to the Town Board indicating that the cost for tree and stump removal from the town right-of-ways would cost \$9,680.00 and the amount approved by the Board was \$10,180.00. This will leave a balance in the highway account DB5110.457 of \$2,320.00. He plans to leave

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this balance in the account to cover any emergency tree work that may arise between now and the end of the year.

Councilman Kusnierz stated that at a previous meeting he asked Paul Joseph, Highway Superintendent, to put together a policy regarding driveway aprons and asked if this had been done yet.

Councilman Cumm stated that the last he knew Paul was working on it.

### **COURT REQUESTS**

Lori Pike, Court Clerk, requested permission to attend the NYS Association of Magistrates Court Clerks 2010 Annual Conference October 10<sup>th</sup> through the 13<sup>th</sup> in Albany and for all necessary expenses to be a proper Town charge. She estimated the cost to be \$263.12. She estimated her mileage at 55 cents per mile and Councilman Kusnierz noted that the mileage rate is 50 cents per mile.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing Lori Pike to attend the NYS Association of Magistrates Court Clerks 2010 Annual Conference October 10<sup>th</sup> through the 13<sup>th</sup> in Albany at an estimated cost of \$263.12 and for all necessary expenses to be a proper Town charge.

Roll call vote resulted as follows:

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

Councilman Cumm reported that he met with the Town Justices and Mr. Hillman regarding the court building.

Jeff McCabe, Town Justice, reported that 27 windows need to be replaced and he thought that Mr. Hillman's eyes were opened when he toured the building and saw the condition of it. He stated that the heating bill for one month was \$974.00. Mr. Hillman suggested converting to oil or gas to save money and Justice McCabe advised him that the \$974.00 was electricity only and not for heat. He mentioned the EPA regulations regarding lead paint and asbestos. The rent was discussed several times during his meeting with Mr. Hillman. He advised Mr. Hillman that the rent wasn't the main concern right now it was the condition of the building. Justice McCabe told the board that Mr. Hillman has a very fruitful business down there and the Town has never been an expense to him.

Justice McCabe then reported on the telephone system. It was his recommendation that the Board accept the quote from Wade Sherman and JR Pettis in the amount of \$5,300.00 for a new phone system.

Supervisor Jenkins asked Justice McCabe to present the information to the Board again and they would take it up at their next meeting.

Justice McCabe mentioned a lease agreement for a phone system and Attorney Auffredou stated it would not be uncommon to lease a phone system.

Justice McCabe stated again as he did at a previous meeting that the phone system could be relocated if the court moves to a different location.

Councilman Prendergast reported that in the meeting with Mr. Hillman they expressed their concern over the rent and their displeasure with the condition of the building and how it is in need of repair badly. He

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thought it was a good meeting and that Mr. Hillman seemed like a reasonable person and that he will make an effort to improve the building.

Justice McCabe noted that Mr. Hillman said he didn't want to sink \$150,000.00 to \$200,000.00 into the building only to have the court move out in two to three years. Mr. Hillman plans to demolish the building when the court leaves.

Discussion followed about the landfill betterment fund again and the use of the money and the court building.

Justice McCabe stated that five years from now the cost to build isn't going to be any less.

### **RECREATION DEPARTMENT REQUESTS**

Steve Gram reported that the recreation department truck broke down on the Northway and it had to be towed to Cardinale's and the cost to repair the fuel pump is going to be \$600.00.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the repair to the recreation department truck at a cost of \$600.00.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked Steve Gram in the future to get a quote faxed to him before the meeting for the Board to review outlining the details of the repair.

Steve Gram explained that it was after 4:00 p.m. when he got the quote and Town Hall was closed so it couldn't be faxed.

### **REQUEST FROM JOSH KRUG – BOY SCOUT PACK 99 – SELL POPCORN IN REC. PARK**

Josh Krug was not present so this topic was tabled.

### **PRINCIPLE ACCOUNT CLERK – REQUEST TO ATTEND SEMINAR**

Fran Thibodeau, Principle Account Clerk, requested permission to attend a seminar on October 13<sup>th</sup> at the Holiday Inn in Saratoga Springs and for the \$20.00 registration fee to be a proper Town charge.

The purpose of the seminar was to discuss the new Health Care Law.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz authorizing Fran Thibodeau, Principle Account Clerk, to attend the seminar on October 13<sup>th</sup> in Saratoga Springs and for the \$20.00 registration fee and mileage reimbursement to and from the seminar to be a proper Town charge.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes

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Councilman Prendergast	Yes
Supervisor Jenkins	Yes

**CODE ENFORCEMENT OFFICER – REQUEST TO ATTEND COURSE**

A request was received from Joe Patricke, Code Enforcement Officer, to attend the 2010 Code Update Course on September 23<sup>rd</sup> from 8:00 a.m. until 5:00 p.m. at the Queensbury Central Fire Department. This course is mandatory in order to receive his certification for next year.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Joe Patricke, Code Enforcement Officer, to attend the 2010 Code Update Course on September 23<sup>rd</sup> at the Queensbury Central Fire Department and for mileage reimbursement to be a proper Town charge.

Roll call vote resulted as follows:

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

**ASSESSOR’S REQUEST TO ATTEND NYS ASSESSOR’S ASSOCIATION CONFERENCE**

The assessor requested permission to attend the NYS Assessor’s Association Conference on September 27<sup>th</sup> through 29<sup>th</sup> in Lake Placid and for mileage reimbursement to be a proper Town charge. The rest is paid for by the State.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the assessor to attend the NYS Assessor’s Association Conference September 27<sup>th</sup> through 29<sup>th</sup> in Lake Placid and for the mileage reimbursement to be a proper Town charge.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked Peggy Jenkins if her office would be closed that day.

Peggy Jenkins replied no.

Councilman Kusnierz asked who was going to cover it and Peggy Jenkins replied, Linda Blackburn.

**WATER DEPARTMENT REQUESTS**

Jesse Fish, Water Superintendent, requested permission to purchase an air compressor with 50 feet of hose. He obtained the following quotes:

Wallace Supply	\$12,974.42
Advance Rental & Supply	\$14,000.00
Skyworks Equipment	\$11,900.00
Walter S. Pratt	\$13,750.00

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It was Jesse's recommendation to purchase from Skyworks who had the lowest quote. This compressor would be paid for out of all water accounts and the sewer account.

Councilman Prendergast asked if this would replace an old one and Jesse replied no, we don't have one.

Councilman Kusnierz asked how often it would be used and Jesse replied he would use it more often if he had one versus borrowing one.

Councilman Kusnierz asked Jesse if he had considered renting one.

Councilman Cumm stated that we are using the one from the Village right now and Jesse stated that Paul Joseph borrowed the one in "cold storage" and it took a dump truck and another person to load it and tow it around.

Councilman Kusnierz asked if this was budgeted and the answer was yes.

Jesse Fish stated he considered buying a used one, but the price difference was only a couple thousand dollars.

Councilman Kusnierz asked if it is under state contract and Jesse replied no.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of an air compressor from Skyworks at a cost not to exceed \$11,900.00.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated he voted no, because he is not convinced that we need to spend \$11,900.00 for the current work that we need it for.

Jesse Fish asked Councilman Kusnierz what he suggested they do to get the valves open that are under the road.

Councilman Kusnierz said he would rent one.

Jesse Fish asked him if he authorize him to rent one for an unlimited period of time and Councilman Kusnierz said he would authorize it for a limited period of time.

### **WATER DISTRICT 1 EXTENSION 2 FINAL ORDER**

Supervisor Jenkins advised that yesterday was the last day of the 30-day permissive referendum period for Water District 1 Extension 2.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adopt the following resolution that was read aloud by the Town Clerk:

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, the Town Board of the Town of Moreau conducted a public hearing on August 10, 2010 for the creation of Extension No. 2 of Water District No. 1 in the Town of Moreau; and

WHEREAS, by resolution dated August 10, 2010, the Town Board approved the establishment of Extension No. 2 of Water District No. 1 including the boundaries thereof as set forth in the Map, Plan and Report of Extension No. 2 of Water District No. 1, and authorized the construction of the necessary infrastructure and water supply improvements; and

WHEREAS, the resolution was subject to a permissive referendum as provided for in Section 209-e (3) of the Town Law; and

WHEREAS, said resolution establishing Extension No. 2 of Water District No. 1 was published in the legal advertising section of the Glens Falls Post-Star newspaper on August 14, 2010; and

WHEREAS, no petition for a permissive referendum has been filed with respect to the establishment of said water district extension within the time frame prescribed by Section 209(e)(3) and Article 7 of the Town Law; and

NOW, THEREFORE, IT IS HERE BY ORDERED, pursuant to Town Law Article 12-A, that Extension No. 2 of Water District No. 1 of the Town of Moreau is hereby established. A copy of the general description of the areas included in Extension No. 2 of Water District No. 1 has been previously published in the Glens Falls Post-Star and a boundary description is set forth in detail in the Map, Plan and Report on file in the office of the Town Clerk of the Town of Moreau.

Supervisor Jenkins asked if there were any comments.

Harry Gutheil stated that he attended the public hearing and he listened to people being told that they didn't have to hook up and that they should ignore the numbers in the map, plan and report and that they would be paying less. If people don't hook up then the people who do are going to be paying more. He stated that Water District 1 has been very marginal, if not in the red, for short periods of time over the last 10 to 15 years. He was thinking about the compressor that was just approved for purchase and wondered how district 1 was going to help pay for it and how much they would have to pay towards it. These are things that the Board has to be careful of.

Supervisor Jenkins stated that they have been through this and based on what they are currently paying in district 1 they will see a slight decrease on the lower end and a slight increase on the higher end. He thanked Harry, because in 2007 he started Water District 7 and the Board at the time put Tim Burley in that direction and Tim Burley has done a great job, Attorney Auffredou has done a great job and Joe Patricke has been very helpful and this Board has been very supportive of bringing it to this point where we are getting a \$5 million interest free loan for 30 years. If we waited another year there is a chance we wouldn't get it interest free. He thanked everyone.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

### **PROPOSED MINING PERMIT APPLICATION FOR LEGALLY EXISTING MINING OPERATIONS**

Supervisor Jenkins stated that there is a proposed application form before the Board for approval and an application fee of \$100.00 has to be approved.

Councilman Kusnierz stated that one of his daily responsibilities at his job with the State involves the environmental conservation law so he is well versed in the mining law. He asked if localities truly have authority to establish a mining fee as part of the regulatory process at the local level. He thought localities were pretty limited as to what they can regulate.

Attorney Auffredou replied that the law is clear that the Town can issue a special permit for mining operations and that power has not been usurped by state legislature. The Town is very limited in the areas that the Town can inquire into, as far as, control or regulation of the mine and the new law reflects that. This is just that first application where those mining operations that are legally in existence are going to get notification from the Town that says we have a new law and we want to get them into compliance with the new law and they are in compliance with the new law if they have a legally existing mining permit under the predecessor law and a DEC permit. Presumably, that will get approved, non-discretionary, by the Town Board. He is familiar with case law that says a municipality doesn't lose its zoning power to regulate mines, but they are very limited in what they can do and the best way to regulate a mine at the local level is through a special permit. That is what the prior law said and the new law says. Therefore, since the Town can regulate through special permits then he is of the opinion that the Town can charge a reasonable permit application fee. As for the \$100.00 proposed fee, he deferred to Joe Patricke on this whom is much more versed in application fees for the Town and he thought the \$100.00 would be a reasonable fee to cover his review time and the Town Clerk's review time and it would be consistent with what the application fee is now for mines.

Joe Patricke stated that currently it is \$100.00 per year and this fee would now be for five years.

Attorney Auffredou stated that the permit would be renewed consistent with the term of the DEC mining permit, which is typically for a five year period. The new mining law reads that the permit will run concurrently with the DEC permit. Every time the DEC permit is up for renewal they will need a new permit from the Town.

Councilman Cumm asked why we renewed the mining permits for Shaw Pit, Barden and a couple others this year then.

Attorney Auffredou replied that we wanted to make sure they were in compliance with the old law so they could easily come into compliance with the new law.

Councilman Prendergast asked if the term of the permit should be on the permit.

Attorney Auffredou replied that it does not have to be on there. The draft before the Board was the result of a meeting he had with the Town Clerk and comments from Joe Patricke. There is an area at the bottom of the permit application that is for Town Board use only and in that area we could indicate "five year period" or "five year term". There is typically a cover letter that goes with the permit to the permittee and that letter could cite the section of the new law pertaining to the term of the permit and indicate that the permit is good for five years and must be renewed.

Joe Patricke suggested adding in the box for "Town Board Use Only" the term of the permit.

Attorney Auffredou suggested the wording "Permit must be renewed five years after issuance date".

This was acceptable to the Board.

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked Joe Patricke if for the prior permit period we received a \$100.00 fee from those currently operating.

Joe Patricke replied yes, the period permit expired July 1<sup>st</sup> and that is why they renewed.

Councilman Cumm stated that Cranesville hasn't.

Joe Patricke stated this was correct Cranesville did not, but all those who applied were renewed.

Councilman Cumm asked if all the other mining operations in the Town have an up-to-date permit.

Joe Patricke replied no. Village of Fort Edward has had one in the works for a number of months now and D.A. Collins has an operation on West River Road.

Councilman Kusnierz asked how this resolution would influence those who have not gotten a permit.

Joe Patricke replied that in the new law we defined "legally in existence" as having a current and valid Town permit. There are two who don't have current valid permits and we should negotiate with them and have them come into compliance with our law.

Attorney Auffredou stated that at an appropriate time the Board is going to have to decide what they want to do with those two mining operations to get them into compliance. The Village of Fort Edward has expressed a willingness to come into compliance. He has had conversations with the attorney for Cranesville and he believes that they are now expressing a willingness to work with the Town to come into compliance as well.

Supervisor Jenkins stated he never understood why they wouldn't. They paid their attorney to drive here from Syracuse to attend Board meetings many times.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt a fee of \$100.00 for a special use permit before the Town Board for mining operations legally in existence.

Roll call vote resulted as follows:

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

#### **RESOLUTION TO INCREASE APPROPRIATES – CELEBRATION ACCOUNT – MOREAU FUN DAYS**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to increase appropriations in the General Fund - Celebration account – Contractual (A7550.4) in the amount of \$8,524.25 and increase revenues in account A2770 in the amount of \$8,524.25 for unbudgeted revenues and expenses to reflect money received and expenses associated with the 2010 Moreau Fun Days.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated for the record that revenues are in excess of expenditures for the third straight year and that Moreau Fun Days has been operated at no cost to the taxpayers.

Councilwoman LeClair reported that the Moreau Fun Days Committee has requested to be placed on the agenda for the first regular meeting of the Town Board in October. They want to give a presentation to the Board. They have been in the black for the last two years in the amount of over \$2,000.00.

**PROCLAMATION – ANTI-BULLYING AWARENESS MONTH – OCTOBER 2010**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adopt the following Proclamation:

WHEREAS, we must safeguard schools and communities for our children and through our recognition of the serious issues that face them each, offer our children an environment that holds promise and security, and

WHEREAS, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children, and

WHEREAS, each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety; and

WHEREAS, it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

WHEREAS, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

WHEREAS, it is time to “Stand up for Character and Down to Bullying”, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau does hereby designate the month of October 2010 as “Bullying Awareness Month” in the Town of Moreau as a symbol of our commitment to the year-round struggle against bullying.

Roll call vote resulted as follows:

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

**DOG LICENSING – DRAFT LOCAL LAW –DISCUSS**

A copy of the proposed new dog law was distributed to the Town Board at this meeting.

Supervisor Jenkins suggested the Board schedule a public hearing on the proposed new dog law. He stated the Board needs to discuss the fee schedule. The Town Clerk provided the Town Board with a spreadsheet showing the income generated currently from dog licenses and the estimated income based on the new state law and proposed local law.

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Under the new Agriculture & Markets Law the Town will be responsible for issuing dog license renewals beginning January 1<sup>st</sup>.

According to the spreadsheet from the Town Clerk it is anticipated that the Town would collect approximately \$1,600.00 more in fees under the proposed local law and the cost to the Town under the new state law would be about \$1,113.57 and that would be for postage to mail dog license renewals, dog tags, paper to print the licenses on and envelopes. The dog tags, paper and envelopes would be for a two year period.

Councilman Cumm said the bottom line is that the Town Clerk is suggesting no change in dog license fees and the Town Clerk replied this was correct.

The Town Clerk also recommended a two year license vs. one year right now. It would cut down on postage, paper, envelopes, labor, etc.

Councilman Kusnierz asked if there is a provision in the proposed law to cover refunds if a dog dies during the course of the license period.

Attorney Auffredou advised that there is a provision that reads that there will be no refund of fees.

The Town Clerk advised that right now the state law does not allow for refunds.

Councilman Kusnierz asked if the section on summonses followed the state law and Attorney Auffredou replied yes, but the state law is much more elaborate in this respect.

Councilwoman LeClair asked if the term "nuisance" would cover dogs that defecate on people's lawns and Attorney Auffredou replied yes.

Supervisor Jenkins said the Board could schedule a public hearing at a future meeting.

### **RFP'S TRANSFER STATION HAULING FEES**

Supervisor Jenkins advised that our current contract for hauling and disposal of trash from the Transfer Station is going to expire December 31<sup>st</sup> and he suggested that the Board authorize the sending out of RFP's.

Harry Gutheil stated that the amount that this contract typically comes in at warrants it going out to bid.

Attorney Auffredou agreed that it would go out to competitive bid and Supervisor Jenkins stated that RFP was an incorrect word to use.

Attorney Auffredou asked the Board if they wanted him to prepare the bid documents and the Board said they did.

### **BRUSH FEES**

Supervisor Jenkins said he agreed with Gerald Fitzgerald's statement earlier in regards to the brush fees and the Board should remove the brush fees and take the position that we would not accept major brush clean ups with the exception of the mobile home parks who would be allowed in at no fee also. They are taxpayers. He talked to the mayor of South Glens Falls and he had a concern over the Town Board trying to tell the Village Board how to run the Village. The mayor stated that the taxpayers in the Village appreciate the pick up at the curb and the Town shouldn't get involved in that.

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Supervisor Jenkins went on to say that the cost to grind the brush is paid out of the general fund and it is a budgeted item so there isn't any reason why the Village should have to pay to deposit brush in the Transfer Station.

He stated that the Board has spent a lot of time on this and the simplest thing to do would be to eliminate the fee.

Councilman Kusnierz asked why we wouldn't handle it the same way as the garbage and that is on a user fee basis.

Councilman Prendergast stated that the Town Board isn't trying to get involved in the Village's business. The only reason we got involved in this is because the Village had no place to take the brush and they wanted to take it to our Transfer Station. The Village came knocking on our door. The thing that trumps everything is what he said before and that is anytime government can reduce or eliminate a fee to the public then they ought to do it, whether he likes it or not. We have an opportunity now to eliminate a fee with some policing at the Transfer Station.

Nancy Ryan asked how many loads a person was going to be allowed to bring in.

Councilman Prendergast said for her to call the Supervisor and he would make the decision. He also advised Nancy that it may not always be a decision she agreed with.

Supervisor Jenkins stated that if a load comes in and then a second load unless they have a good reason they should be rejected. There are people who own apartment buildings and they are hauling brush from those properties for people paying rent. He told Nancy that she had to have a little understanding of the situation and that she should be able to handle it.

Nancy Ryan asked how many times a truck should be allowed in per day or week.

Supervisor Jenkins said she was going way beyond what the problem ought to be. What are they hauling if they come in two or three times and where are they coming from? If they come in with 12 pine trees they cut down and they make 12 or 14 trips she should know there is something wrong and they shouldn't be allowed in. We are talking about getting rid of brush and some trimming and not lot clearing.

Nancy Ryan said there isn't any problem with that. It is the person who brings in truck load after truck load and stands there and lies to her and tells her they are not lot clearing when they are or that it is coming from the Town of Moreau when it is not.

Councilman Kusnierz asked how the Board felt about eliminating the fee and allowing commercial operators to bring it in for the right fee.

Supervisor Jenkins stated that if someone is hauling brush as a business situation other than a landlord or mobile home park owner then it shouldn't be accepted. If they are doing commercial hauling let them take it someplace else.

Councilman Prendergast said there is still a size limit.

General discussion on this matter followed and Reed Antis and Elizabeth Lanfear spoke on the matter.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to eliminate the brush fees at the Transfer Station effective immediately.

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Councilman Kusnierz stated that he would support the motion, because he doesn't think all the taxpayers should be paying for it if they don't use it, but rather than setting aside taxpayer money in the next budget cycle for brush grinding it should be a dedicated user fee based fund.

Roll call vote resulted as follows:

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

### **DISCUSS ASSAULT ON TOWN RECREATION DEPARTMENT EMPLOYEE**

Supervisor Jenkins reported that on Friday night one of the night time security people employed in the Recreation Department was assaulted by people on four wheelers. He approached them to ask them to leave the park and one attempted to run over him and when he went to reach for the key to turn off the four wheeler they attacked him. They punched him and knocked him to the ground and he was punched and kicked in the head and ribs. He went to the emergency room, but he is okay. On Thursday night there was somebody in the park drunk and driving recklessly and chasing his girlfriend or wife. The staff called 911 and the person was issued a DWI. There were two employees on duty that night, which helped.

Supervisor Jenkins said he would like to offer a reward to try and locate the people who committed the assault, but was not sure if the Town could do that or not.

He further stated that he instructed the recreation director to instruct his employees to not approach these situations too quickly and to rely on law enforcement to do it. They shouldn't put themselves in danger. It isn't worth it.

Supervisor Jenkins asked Attorney Auffredou why a reward wasn't an allowable fee.

Councilman Prendergast stated the Federal Government does it all the time.

Attorney Auffredou stated that in his opinion it was not an allowable use of taxpayer funds.

Supervisor Jenkins said he would like the Board to authorize a reward contingent upon the outcome of the attorney's research and opinion on whether it can be done or not.

Councilman Cumm asked how much he wanted to offer and Supervisor Jenkins replied \$250.00 or \$500.00.

Councilman Prendergast made a motion authorizing the Town of Moreau to offer a reward in the amount of \$250.00 for information leading to the arrest and conviction of the individual(s) responsible for the assault upon an employee of the Town of Moreau Recreation Department on Friday, September 10, 2010 and contingent upon legal counsel's findings.

Councilman Cumm said if the Town can't legally offer a reward he would personally contribute \$250.00 for the reward.

Councilman Kusnierz said he would like to hear the advice from legal counsel first before they took action on it.

Councilman Cumm seconded the motion.

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Roll call vote resulted as follows:

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

Councilman Prendergast stated that as for the other individual who was found drunk in the park we should ban him from Town property with notice.

Attorney Auffredou advised that absent any rules and regulations to this effect he advised that they shouldn't try to ban someone from Town property, but the board may be able to do it subject to the outcome of a criminal process. There needs to be an enforcement mechanism.

Supervisor Jenkins reported that on Saturday there were people throwing molotov cocktails into the parking lot of the Route 197 building. The individuals weren't caught. There was evidence gathered by the Sheriff's department.

Joe Patricke stated that at the Rotary meeting tonight DEC was present and said they will have patrols in Town on Saturday.

Councilman Prendergast suggested the Town Board send the individual a letter telling him that he is not allowed in the park anymore.

Attorney Auffredou stated that the Town Board could tell the District Attorney that they would like him to make it part of the outcome of the prosecution that this person was banned from the park.

Supervisor Jenkins said he would call the District Attorney and request this.

Councilman Kusnierz stated it is imperative that department heads are accessible in an emergency especially when issued a Town paid for cell phone. He was contacted by the Moreau Emergency Squad regarding this incident in the park. They contacted the numbers posted and nobody responded. He contacted the number and it wouldn't allow any messages to be left. As a minimum we have to have emergency contact numbers posted at our public facilities. He was asked questions he couldn't answer.

Councilman Kusnierz suggested that they consider putting a minimum of two employees on at night for closing of the park, especially during the busy season.

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

Andy Laing, Alternate Member of the Recreation Commission, received a letter from the Town Supervisor that was addressed to the Recreation Commission and he read from same as follows: "The Town keeps hearing complaints that the Rec. Department doesn't follow recommendations from the Recreation Commission. In the last 2 ½ years I have been in office I have not received one written communication by the Recreation Commission regarding any of its recommendations. In the future if you have issues you want reviewed by the Board submit it in writing along with the record of votes and who voted. As you are aware the function of the commission is not including enforcement. Kindly refer to the Board in the future any changes and they will be addressed in an open meeting and thereby made part of the public record."

Mr. Laing stated that he was confused. He said that this means that for the past year, every Monday night that they spent two hours at Town Hall, has been useless.

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Supervisor Jenkins said if that was his opinion then it may be so.

Mr. Laing stated that after soccer last year they sat down as a commission and went over numerous things that needed to be changed and fixed and as a group came up with what should be done. Minor things aren't an issue, but he said "when they put a thing out as far as safety of the kids and it is ignored" he wants to know what is next. Are they wasting their time on Monday nights he wanted to know? How do they communicate what they want done?

Supervisor Jenkins told Mr. Laing that he uses the word "they or we" and he spoke with the chairman of the Recreation Commission and he said the commission did discuss the issue, but there was never a vote or decision.

Andy Laing stated that is because the chairman of the commission doesn't want to take notes and he doesn't want to put things to a vote and doesn't want to move forward on anything. It is discussion after discussion after discussion.

Andy Laing said he wants to know what he has to do. Does he have to bring things back to the next Board Meeting?

Supervisor Jenkins said it should come to the Town Board from the Recreation Commission with a vote so the Town Board knows what the majority wants so the Town Board can make a decision. This Town Board is willing to work with the commission.

A lengthy back and forth conversation between Mr. Laing and the Town Board ensued. They discussed the lack of down time between games in the Rec. Park and a problem with traffic flow. [Please refer to the audio of the meeting for detail.]

Elizabeth Lanfear responded to the comment from Supervisor Jenkins about not receiving written communications from the Recreation Commission. She handed him print outs from her computer of recommendations and updates that she prepared on behalf of the Recreation Commission during 2008 and one during 2009.

Elizabeth Lanfear then stated that at the last meeting Councilwoman LeClair said she would respond at the next meeting to her statement she read at the last meeting.

Councilwoman LeClair stated she spoke to the Recreation Department about the stumps that Elizabeth Lanfear said were still in the Recreation Park and back in the monthly report in June they reported that they removed all the stumps, but two. They were waiting for highway to get a quote from the company who is going to be removing trees and stumps from Town right-of-ways to remove these two stumps. One can't be removed, because of pipes in the ground. She stated that the stumps haven't been there since May as Elizabeth Lanfear stated.

Elizabeth Lanfear responded to this, but the end of her statement was inaudible.

In the meantime, Councilwoman LeClair searched her paperwork for the statement that Elizabeth Lanfear gave at the last meeting. Supervisor Jenkins said he didn't want to go back over the whole statement from Elizabeth again and Councilwoman LeClair replied that she didn't either. It was a long diatribe of opinion and she disagreed with most of the opinion, but it was Elizabeth's opinion vs. hers and she wasn't going into it. However, when she spoke with Jeremy about the stumps and when they were cut he said they were removed in May and he was upset to think that people thought they weren't doing their job.

Elizabeth Lanfear stated that it was before Jeremy was there and Councilwoman LeClair replied no.

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

### **COMMITTEE REPORTS**

Councilman Kusnierz reported that the Recreation Commission met last night and they discussed various recreation programs for the summer. Steve Gram reported at the commission meeting that there was on average 50 kids that utilized the beach during the week and 100 on the weekend. The new joint program through the Moreau Community Center started out slow with about 18 participants and it increased to about 35 to 50 kids per day. The YMCA is willing to get involved next year. The chairman of the Recreation Commission toured a natural playground in Vermont and he thought it would be a good idea for the Town to consider constructing a natural playground in the future to make our park more unique. There were 620 kids who signed up for soccer this year and that is about 100 less than last year. A tentative date of September 23<sup>rd</sup> has been set for dedication of the memorial for Mike Nolan in the park. The chairman will reach out to the Nolan family to make sure that what we intend to do is acceptable to them. The DWI and the assault in the park were discussed. There is a defibrillator on loan from the school district and it is located in the office for the park and it was pointed out that by state law we need signage that it is available and its location. There was also discussion on whether or not Town employees should be trained on its use, but if they are then they need training on blood borne pathogens. The issue of liability was raised. They didn't know if that is something the Town should get involved in or not.

The commission talked about possibly rearranging the maintenance building to provide an addition off the back side to be utilized as a handicapped accessible bathroom.

Discussion followed on shirts for the soccer program and the suggestion was given that extra shirts should be ordered at the beginning for those who sign up late. They could be blank, colored shirts. The problem with this is that we wouldn't know what sizes to order. Councilman Kusnierz suggested that the registration forms be handed out at the last game of the season for the following year and he wasn't sure if his suggestion was well received or not.

### **SUPERVISOR'S ITEMS**

None

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to adjourn to executive session at 9:58 p.m. to discuss CSEA contract negotiations and the history/performance of an unnamed member of the Recreation Commission.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
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 Prendergast to adjourn the executive session and re-open the regular meeting at 10:30 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

A regular meeting of the Town Board of the Town of Moreau was held on September 14, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins                      Yes

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the regular meeting at 10:32 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk