

A regular meeting of the Town Board of the Town of Moreau was held on September 8, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

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

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Mike Montgomery, Deputy Highway Superintendent; Peggy Jenkins, Assessor; Martin D. Auffredou, Attorney for the Town (arrived at 7:09 p.m.); Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:52 p.m.); Steve Gram, Recreation Director (arrived at 7:55 p.m.); Town Residents: Vince Sporrer, Mary and Reed Antis, Charlotte Lewis who arrived at 7:20 p.m.; Village Resident, Harry G. Gutheil, Jr. (left at 7:25 p.m.); Post Star Reporter, Dayelin Roman; and Bob and Milly Gordon of Hudson Falls and owner's of property in the Town of Moreau

Supervisor Jenkins led the Pledge of Allegiance to the Flag.

**MINUTES**

The minutes of August 25<sup>th</sup> (3 Sets) and August 27<sup>th</sup> were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – AUGUST 25, 2009 – 6:00 P.M. SPECIAL TOWN BOARD MEETING RE:  
ARTICLE 7 NEGOTIATIONS INVOLVING BROOKFIELD POWER**

No comments or corrections.

**MINUTES – AUGUST 25, 2009 – 6:55 P.M. PUBLIC HEARING RE: LOCAL LAW NO. 4 OF  
2009 MORATORIUM ON OUTDOOR HYDRONIC HEATERS**

No comments or corrections.

**MINUTES – AUGUST 25, 2009 – 7:00 P.M. REGULAR TOWN BOARD MEETING**

Correction: Page 402 – 3<sup>rd</sup> line – change word “as” to “asked”

**MINUTES – AUGUST 27, 2009 – MONTH-END TOWN BOARD MEETING**

Correction: Page 418 – 1<sup>st</sup> sentence – “Rudy Klick said everything has been submitted” add the words “for LWRP” after the word “submitted”

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of August 25<sup>th</sup> (all sets) and the minutes of August 27<sup>th</sup> with corrections so noted.

Roll call vote resulted as follows:

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Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Supervisor Jenkins	Yes on the minutes of August 25 <sup>th</sup> and Abstain on the minutes of August 27 <sup>th</sup>

#### **MEETINGS/WORKSHOPS SCHEDULED**

A Month-End Meeting was scheduled for September 28<sup>th</sup> at 4:30 p.m. in Town Hall.

Councilman Kusnierz said he was aware that the workshop on outdoor wood burning furnaces had been Cancelled and asked what the next step was on this.

Supervisor Jenkins said right now there are three council people who are going to vote no on it as drafted.

Councilman Cumm suggested they still set up a workshop for sometime in October.

Supervisor Jenkins said he would like to wait until next month and for the Town Board Members to think about it. He then said the Board at the next meeting could schedule a workshop. He didn't have any time available for a workshop through the end of the month.

Councilman Kusnierz said we are coming into the heating season and it would be timely to keep moving forward on this.

Supervisor Jenkins said he wasn't available until the 30<sup>th</sup> for a workshop.

A workshop on the proposed law regulating outdoor hydronic heaters was set for October 15<sup>th</sup> at 7:00 p.m.

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

Reed Antis asked Supervisor Jenkins how he was coming along with the zip code and asked if he checked with the Town of Malta yet on how they changed theirs.

Supervisor Jenkins said he did talk with the Town of Malta and they changed their mailing address to Malta, but they use the right zip code and supposedly the mail gets delivered although the Post Office isn't happy about it.

Supervisor Jenkins stated we could try this here and do some sample mailings addressed to Moreau at 12828. Malta has three zip codes like Moreau and they kept those.

Reed Antis asked Supervisor Jenkins to talk to our congressman or senator to see what they can do for us.

Supervisor Jenkins said we have been through that two or three times in the past and as far as our Post Office in South Glens Falls is concerned it isn't on the list to be closed. If we tried to combine all of Town of Moreau into one Post Office it probably wouldn't be large enough. We could approach the postal service about this, because we are losing sales tax revenue to Washington County.

Reed Antis asked Supervisor Jenkins to try and set up a workshop with the Glens Falls Postmaster and suggest that we keep the different zip codes, but still route mail through Fort Edward and Gansevoort so the infrastructure isn't going to change it would be a change in their software. He used the example that his house would be Moreau 12828.

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Harry Gutheil said he wasn't aware that the South Glens Falls Post Office was off the list of closures. The last time he was in the Post Office he was told they were on the list.

Supervisor Jenkins replied that a new list was published last Friday and it was on the internet and South Glens Falls wasn't on it.

Councilman Cumm advised Reed Antis that he talked to Saratoga County Planning Board about the Fernwood situation and the zip codes and they are going to research Fernwood and as for the zip code issue it would have to be dealt with at the federal level.

Harry Gutheil asked what the Article 7 on the agenda had to deal with and the answer was Midtown Properties.

Mary Antis said about six or seven weeks ago someone stole the Paris Road sign and she was told by the Highway Department that they were ordering a new sign.

Mike Montgomery said the sign is in and it is a matter of finding time to put it up. He noted that somebody stole a "Bump" sign off Potter Road also.

#### **HANDS ACROSS THE BRIDGE**

Mary Antis was excited to report plans for a "Hands across the Bridge" event on October 4<sup>th</sup> at approximately 2:00 p.m. as part of the Quadricentennial Celebration. We have to do something in honor of the river. Each Town has to do something up and down the Hudson Valley for the Quadricentennial Celebration. This event would start in the Village Park where there would be a dedication ceremony, flag ceremony and speakers and then walk across the bridge and have an aerial view picture taken. People from the Village of South Glens Falls, Town of Moreau and City of Glens Falls would be invited to participate. She was requesting funding to have an aerial photo of the bridge heading over to Glens Falls taken. She hoped to split the cost of this with the Village of south Glens Falls. She approached the Mayor and his response was to let him know what the Town said. The prints could be made of the aerial photo and sold to recoup the cost of the aerial photo. The quote she received from Adirondack Images on Fairview Street was \$350.00 (includes two high resolution prints 11" x 17").

Mary Antis was asked to contact the City of Glens Falls and request funding towards this event.

Supervisor Jenkins stated that Saratoga County has contributed money towards the Quadricentennial and it was going to be used for Moreau Fun Days, but it appears there will be money left over since it appears Fun Days is going to be a break even event.

Councilwoman LeClair said there was \$750.00 from the same program to be used towards the Quadricentennial Jeopardy and the scavenger hunt for the kids. This was something we were going to try and do in conjunction with Moreau Fun Days and it didn't seem to coordinate well. We have \$250.00 in grant money that wasn't allocated towards Moreau Fun Days.

Councilman Prendergast said it was a good idea if the Village was willing to work with us.

Councilman Cumm said he didn't have a problem with it, but would feel more comfortable having the City of Glens Falls Contribute.

Councilman Kusnierz said if the Village of South Glens Falls was willing to go in on this with us then he was okay with it.

Supervisor Jenkins asked Mary Antis to check with the City of Glens Falls and then they would figure out the rest later.

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### **ROBERT GORDON – FORT EDWARD ROAD RE-ZONING REQUEST**

Robert A. Gordon who resides at 12 Lafayette Street in Hudson Falls, New York and owner of property in the Town of Moreau located at the corner of Bluebird Road and Fort Edward Road was present and read the following letter to the Town Board addressed to the "Moreau Zoning Dept.":

"My name is Robert A. Gordon and I am a resident of Hudson Falls. I am submitting this letter as an initial request for a zoning change on property that I own in your Town. I am the owner of the corner lot bordering Bluebird Road and Fort Edward Road. My property is .9 of an acre and the tax map no. is 50.-1-26.112. Currently Schermerhorn is building a 240 unit development on the northeast side of Bluebird & Fort Edward Road. In addition he is projecting a 66 unit development on the southwest corner. With this development and other projected development along this corridor this area will be changing. The property is located at the crossroads of two county highways. As a result of this extensive development it is greatly changing the character of the neighborhood. This parcel is excellent for some type of commercial development. A convenience store, restaurant, gas station or even a bank would be suitable tenants."

Mr. Gordon said this intersection is similar to the Bluebird Road and Gansevoort Road intersection and a traffic count if taken would probably surpass one at that intersection.

Councilman Kusnierz asked what the area was zoned now and the answer was R-2. He suggested that Mr. Gordon supply a copy of the letter to the Town Clerk and a copy to the Re-Zoning Committee.

Supervisor Jenkins stated the Town Board would review this request. We are going through a re-zoning review of the Town right now and one of the things we don't normally do is spot zoning.

### **BUTLER ROAD OVERLAY**

Supervisor Jenkins said that the State of New York DOT doesn't have any immediate plans to do anything in the area of Butler Road and Route 9 so he suggested that the Board consider pursuing what the Deputy Highway Superintendent proposed for Butler Road.

Mike Montgomery said if the expense is a consideration then he could cut the cost by not widening the pavement in that area to accommodate traffic flow as initially proposed and overlay the existing pavement without making any changes and cut the thickness down and then the cost would be \$4,700.00 versus the \$7,560.00 initially proposed.

He initially proposed to do a 2 ½ inch overlay and then shim the intersection and raise the elevation of the road so it was a better transition onto Route 9 and widening the turning radius to the south on Route 9.

Councilman Cumm asked if the \$7,560.00 would impact what he wanted to do on Reservoir Road.

Mike Montgomery said no. They have enough money to do more than a shim and do a 2 inch overlay from Route 9 to Route 32.

Councilman Kusnierz said there was \$480,000.00 budgeted in the Highway Improvements Fund and the balance in the account now is \$204,000.00. He asked what remains to be done on the roadways from what was planned.

Mike Montgomery replied that they finished Potter Road and there is \$55,000.00 left, which would give us 1,200 tons to put on the roads. He said he was going to be able to finish Reservoir Road from Route 9 to Route 32. Also on the list was Michael Road and Jon Kay Road and there wasn't enough money to finish them. He tried to find a road that could be finished from one end to another and Reservoir Road is

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deteriorating from Route 9 to Route 32 and that will consume about 1,100 tons. He said there were some spots on Merritt Road that could be shimmed by the school.

Councilman Prendergast made a motion authorizing Butler Road from Route 9 to the exit gate of the Transfer Station (a distance of approximately 388') to be done per the original proposal presented by the Deputy Highway Superintendent at a cost not to exceed of \$7,560.00.

Roll call vote resulted as follows:

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

The Highway Department requested permission to purchase diesel fuel from Shepard Oil Company under State Contract #PC63233 at a cost of \$10,000.00 out of account DB5110.460 that had a balance of \$17,807.00 as of 8/31/09.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of diesel fuel from Shepard Oil Company under State Contract #PC3233 at a cost not to exceed \$10,000.00.

Roll call vote resulted as follows:

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

#### **ARTICLE 7 APPRAISAL**

Peggy Jenkins the Assessor sent out five RFP's for appraisal services for the Midtown Shopping Plaza and the NBT Bank and received two quotes back. One quote was from Empire State Appraisal Consultants, Inc. in the amount of \$10,500.00 and the other was from Upstate Appraisal Services, Inc. in the amount of \$7,000.00. The assessor's recommendation is to go with Empire State Appraisal Consultants, Inc. They have worked for the Town before. She stated that Attorney Auffredou may have some input, because he has worked with them before.

Attorney Auffredou said he worked with both appraisal firms for a number of years and both are exceptional appraisers. He would be comfortable with either one. Both are very thorough and write tremendous reports and excellent witnesses. ESAC, Barry Herbold and Steve Clark, have done work for the Town in the past. He didn't recollect that Upstate Appraisal Services, Inc. has done work for the Town in the past and in fact has been on the other side in the past. He has no problem with either one and both would do a good job he has no doubt.

Councilman Prendergast said based on what he just heard he would lean towards Upstate Appraisal Services, Inc., because of price.

Councilman Kusnierz asked if there was any difference in services between the two.

Attorney Auffredou said that both firms know they will have to prepare preliminary and trial ready reports and both have done hundreds of trial ready reports. Their reports go into evidence without any objection.

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Supervisor Jenkins stated that Upstate is proposing \$2,000.00 for the preliminary report vs. \$7,400.00 proposed by Empire and Upstate proposes \$5,000.00 for the court ready reports vs. \$3,100.00 proposed by Empire. He didn't understand why they were reverse on the costs.

Attorney Auffredou said he expected a more thorough preliminary report from ESAC, but in the end you will get complete competitive trial ready reports from both.

Supervisor Jenkins said that should be our primary concern.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to retain the services of Upstate Appraisal Services, Inc. per their proposal at a cost not to exceed \$7,000.00 for a preliminary report and trial ready report plus \$135.00 per hour for court testimony if necessary in the Article 7 proceeding involving Midtown Associates.

Roll call vote resulted as follows:

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

#### **ARCHAEOLOGICAL CONSERVANCY GRANT**

Supervisor Jenkins stated that the Archaeological Conservancy wants to apply for a grant through the New York State Parks and Recreation and Historic Preservation to purchase the property in Moreau where the former block house was situated during the French and Indian War era. They need a resolution from the Town of Moreau supporting their grant application in order for them to apply.

Councilman Kusnierz asked if the Town of Moreau has any interest in purchasing the property.

Supervisor Jenkins stated that in the past there was an idea about building a replica of the block house for tourism, but there isn't any funding to do this and didn't think it was a likely scenario. His opinion was that the site should stay as is. The conservancy's goal is to protect the property.

Councilman Kusnierz said he was all for protecting the property, but if we turn it over to the conservancy group then he was concerned over the fact that artifacts found there could be turned over to Rogers Island and they should stay in Moreau.

Councilwoman LeClair stated that she spoke with Mr. Stout from the Archaeological Conservancy and he said typically they place the artifacts within the State they are found in a museum or with an organization with a curator that could handle the artifacts. It does not mean that the Town of Moreau cannot place any artifacts found in the Town of Moreau Historical Society on display. They are the only national non-profit organization dedicated to acquiring and preserving archaeological sites. If someone is going to go on the site and dig they have to be archaeologists who applied and are approved.

Supervisor Jenkins stated the question is does our historical society have the space and protection for the artifacts.

Councilwoman LeClair stated that the Archaeological Conservancy has been offered a price of \$90,000.00 to purchase the property. That is approximately \$50,000.00 less than the appraised value. If we co-sign this grant with them it qualifies them to apply for \$45,000.00 in grant money from the State. They would then apply next year to the County for additional funding to acquire this property. This property owner has apparently put some effort into who they want to sell this property to. If we do not sign this

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grant they will not move forward with the purchase of the property. They do not have the \$90,000.00 and they plan to raise the difference between now and 2011. She stated that if she was the landowner she would not rush to the Town of Moreau once the Town of Moreau caused her to lose this sale that she thought was a good purchase and offer this piece of land to the Town of Moreau for the same \$90,000.00. They could then offer it to the open market and if they did that then it would open up the property to anyone who wants to collect artifacts. If we are not prepared to sign this grant with them then we should have alternative means to protect this property if we are concerned about it. Denying them access to apply for this grant, basically, denies them the right to protect it.

Councilman Kusnierz said he was all for protecting the property, but he wasn't convinced that signing an agreement for a grant would do that. They have already said that any artifacts found could be exported across the river or elsewhere. This is part of history in the Town of Moreau. What assurance do we have? We are signing away control of any artifacts aren't we?

Councilwoman LeClair said that right now we have no control over the artifacts. We don't own the property and we aren't trying to protect it by not allowing the Archaeological Conservancy to move forward to purchase it. If we don't want to work with the Archaeological Conservancy then she can't imagine the landowner wanting to work with the Town. Do we have a minimum of \$90,000.00 or the appraised value of this property available to purchase it? She didn't think we did. Andy Stout said if he doesn't get the grant or move forward they aren't coming back next year, this is it.

Councilman Kusnierz asked what it was zoned and if it was landlocked.

Councilwoman LeClair showed him the property on a map she had with her.

Councilman Kusnierz saw in the paperwork where the Town could be part of their Board. He asked if there was any discussion on whether we would be able to borrow artifacts and display them.

Councilwoman LeClair said she was told the Town would not be denied the opportunity to display any artifacts, but they preferred they be put in a place that has a curator to watch over them. They look to cooperate with the Towns. Some of the lands they acquire they turn over to the National Park System.

Councilman Kusnierz asked if there was an agreement that could be signed.

Supervisor Jenkins said we would have to have Attorney Auffredou contact them and come up with an agreement on how we are going to share any artifacts found.

Councilman Cumm said all the resolution does is approve and endorse a grant application from the Archaeological Conservancy.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm adopting the following resolution:

WHEREAS, the Archaeological Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in Moreau, a site located within the territorial jurisdiction of the Town of Moreau; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located", and

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NOW, THEREFORE, BE IT RESOLVED, that the Town of Moreau in Saratoga County, New York, does hereby approve and endorse the application of the Archaeological Conservancy for a grant under the Environmental Protection Fund for a park project known as the Royal Blockhouse Archaeological Project located within the Town of Moreau.

Roll call vote resulted as follows:

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

### **RECOVERY ZONE**

Supervisor Jenkins said this topic is a "county situation" and he wasn't sure why it was on the agenda. It basically would give us the ability to designate certain areas of the County that are eligible for an empowerment zone or renewable community and allow us to issue recovery zone economic development recovery bonds that have a direct federal subsidiary of 45% interest thereon. It will probably be before the Board of Supervisors next month. He would like to know if the Town Board supports it or not. It will have to be passed at county level.

### **RECREATION COMMISSION VACANCY**

A vacancy exists on the Recreation Commission due to the resignation of Bob Bogdan whose term expired 5/31/09. Ryan Dennis has shown interest in serving on the Recreation Commission and submitted a letter of interest.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to appoint Ryan Dennis as a member of the Recreation Commission for a seven year term that will expire 5/31/2016.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked what was happening with the vacancy on the Zoning Board of Appeals. He thought all applicants were interviewed.

Councilman Prendergast stated that interviews were held and all the candidates were good. In hind sight they should have had Joe Patricke in on the interview process so the Personnel Committee was recommending that they narrow down the applicants to three candidates and re-interview them and have Joe Patricke sit in on the interviews this time.

It was noted that there will be another vacancy January 1<sup>st</sup> and there is one member that is absent from the meetings a lot.

Councilman Cumm asked if a letter should be sent from the Town Supervisor to the Zoning Board Member indicating that if he can't attend the meetings then he should submit a letter of resignation.

Councilman Prendergast suggested that Joe Patricke call him first.

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Attorney Auffredou advised that any letter of resignation has to be filed with the Town Clerk.

#### **CABLE TV**

Supervisor Jenkins stated that we are basically at the same place that we have been all along with our contract with Time Warner. He talked with Time Warner and got an estimate of \$400,000.00 to complete cable service throughout the entire Town of Moreau. He talked to the USDA this date and was told he would have to deal with someone in Washington. There is a lot of money to do it nationwide. There is a good chance we could get close to 100% in grant money. We applied to the State and the State then said it was the USDA that has to handle it and when he talked to the USDA they didn't know anything about any agreements.

Councilman Cumm stated he wanted to clear the record about an article in the Post Star. There was either a misprint or misquote in the paper when they wrote that the minimum required lots is 15 and it was actually 35 under the Cable TV contract back in "1982". "We have 20 houses per linear mile and the paper quoted a minimum of 35 and the paper quoted us 15". It sounded like the Town was asking for more. "The Post Star said we have a minimum of 20 residences or hook ups per linear mile when the contract actually is a minimum of 35 so they are actually giving us the 20, they reduced it to 20 and the paper said 15."

Supervisor Jenkins said they haven't actually reduced it to 20 yet, because we don't have a signed contract.

Councilman Kusnierz said the standard across the state is 20. He suggested that the Supervisor on letterhead send a letter to Verizon advising them that we are in the midst of our franchise contract renewal negotiations with Time Warner. Verizon just signed a 12 year franchise renewal agreement in NYC a \$70 billion dollar deal and they are involved in over 1,500 franchise agreements across the state and they are very aggressive and are coming into Time Warner's areas. Anytime we can introduce competition it makes a difference.

Councilman Cumm said he called them on this and they said that they might entertain Albany, but it would be a while before it comes to our area.

Councilman Kusnierz said one of the advantages we have over other communities is our proximity to I-87 and fiber optic cable. We aren't that far off the beaten path and they want to do state-wide fiber optics eventually.

#### **ATTIC STAIR REPAIR QUOTE**

One quote has been received and Councilman Cumm is working on getting additional quotes.

#### **COMMITTEE REPORTS**

Councilwoman LeClair reported that Steve Gram got a price for a computer access card from Nextel at a cost of \$42.99 per month for him to have internet access at the Rec. Park. It will work with a desktop computer or laptop. It includes 5 gigabytes of usage per month. The alternative would be to spend about \$3,000.00 to run cable into the park for high speed internet through Time Warner.

Brief discussion followed.

Councilman Kusnierz suggested they get a trial period on this before engaging in a long-term contract.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing this service through Nextel at \$42.99 per month on a trial basis.

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

Councilwoman LeClair stated she asked Rudy Klick to research the cost of the Fitzgerald Litigation that the Recreation Department has been paying for and she thought the Recreation Department should be reimbursed for the legal fees paid.

Supervisor Jenkins stated that back when the original contract was signed the rental revenues were supposed to go to capital projects. There were rental revenues plus interest that they haven't paid yet and that belongs to the capital project fund. It was put temporarily in the general fund. The amount is \$29,949.05 and he didn't have a problem allocating that whole amount into the capital projects fund. If we want to reimburse the fund for legal expenses they paid then we can do that.

Councilwoman LeClair said the amount of the legal fees is \$6,756.00 that was paid out of the Recreation Fund.

Brief discussion followed between Councilman Cumm and Mike Montgomery on paving the parking lot in the Rec. Park.

Councilman Cumm advised that a new rim was ordered for the CAT Loader at the Transfer Station and it will take 4-6 weeks to receive it. The cost for the rim and other repairs is going to be \$2,328.95.

#### **SUPERVISOR'S ITEMS**

A memo was submitted to the Town Board from Fran Thibodeau, Account Clerk, asking the Board what they wanted to pay employees who act as flag people for the Highway Department. Should they get their hourly rate of pay that they get for their normal position or \$10.00 per hour the rate set by the Town Board for flag person? Bruce Siergery works for the Recreation Department at \$12.00 per hour and when he works as flag person for the Highway Department does he get paid \$10.00 per hour or \$12.00 per hour and what about on his day off if he works as flag person. It was the consensus of the Board that if a full-time employee works as a flag person on his normal work day then that employee would get paid his normal hourly rate. If an employee works as a flag person on their day off or after their normal working hours then they would get paid \$10.00 per hour and if they go above 40 hours per week then they would get paid time and half or \$15.00 per hour.

Councilman Kusnierz asked why we don't extend the flat rate to a person to be on-call.

Mike Montgomery said it hard to find somebody to be on-call. It isn't consistent income that somebody can rely on.

Councilman Kusnierz asked him if he could find enough work during the summer months to bring somebody on part-time. Maybe at budget time we should look at a part-time position down there.

Mike Montgomery said it hard to find somebody willing to be called in at 3:00 in the morning at \$10.00 per hour to work for three hours and then not hear from us again for three weeks.

Supervisor Jenkins stated that the rest of the memo mentioned other employees in a similar situation such as, Royce Pixley, Earl Ruff and Maureen Leerkes all part-time employees.

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Councilwoman LeClair asked if this was something we could use Labor Ready for.

Mike Montgomery stated he would rather put experienced people in the trucks. They control the plow and wing plow. We have unfinished shoulders on the roads that vary from gravel to sod. They can dig in and actually pull the truck off the road. The driver has to watch the road and control the sander and dump box and the man next to him controls the plow. Inexperienced people would put stress on the driver when he would have to instruct the person next to him. He isn't putting inexperienced people in a truck with 60 tons of weights. The biggest issue is that the State and County plow on roads with paved shoulders. On Town roads the wing plow sits on gravel, sod or win row and so you have to constantly adjust the wing plow to the conditions.

Supervisor Jenkins stated under State Law it would be the Highway Superintendent's decision and if a person gets \$10.00 per hour and ends up with overtime then they get time and half. It isn't a board decision. It is the highway budget. If somebody working for the highway department is entitled to overtime then it is the Highway Superintendent's decision and it comes out of their budget.

Councilman Kusnierz asked if we even have an acting Superintendent.

Attorney Auffredou replied "by defacto".

Councilman Kusnierz asked if didn't they have to do this by Board resolution.

Attorney Auffredou said the Board can appoint a person as Superintendent, but in the meantime the Deputy Highway Superintendent acts in that capacity.

Supervisor Jenkins stated there is only one person running for Highway Superintendent and he spoke with him about this and he would rather wait until the election is over. Things are going smoothly right now and he wants to keep it that way.

Councilman Kusnierz suggested the Board appoint the Deputy Highway Superintendent as acting Highway Superintendent.

Attorney Auffredou stated they could do that and Supervisor Jenkins concurred and said the Board could change it after the General Election.

Councilman Cumm asked if they could do that tonight.

Councilman Kusnierz said if he is interested.

Supervisor Jenkins said he doesn't want to take a cut in pay.

Councilman Cumm asked if it would affect his salary.

Attorney Auffredou replied "that the pay relates to the elected official position" and "the pay of the acting relates to his salary".

Supervisor Jenkins said it isn't an issue for now.

Councilman Prendergast said the only time it would be an issue is if he came to us and said it was an issue down there and he told Mike Montgomery that if he could tell him that then he would be glad to appoint him tonight.

Mike Montgomery said he doesn't have any problems at this point and everything is running smoothly.

A regular meeting of the Town Board of the Town of Moreau was held on September 8, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins reported that the Michael's Group is looking for release of their \$123,000.00 bond for Phase I roads only. Jim Mitchell has said that everything is fine in his engineering report and we have gotten a verbal okay from Mike Montgomery. Phase I is complete and it has been approved by our engineer.

Councilman Cumm asked if the catch basins have been fixed.

Joe Patricke replied yes. It doesn't include the storm water drainage to the east. It is only in the roadway system.

Councilman Kusnierz suggested that before it is released that we receive a letter from the Deputy Highway Superintendent signing off on it.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing release of the bond contingent upon receipt of a letter from the Deputy Highway Superintendent signing off on it.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that he didn't write a letter to the Post Office objecting to the closure of the South Glens Falls Post Office, because it isn't on the list to be closed. He thought it better not to wake a sleeping dog. So he won't be writing a letter for now.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the following transfer:

\$150.00 from A1990.4 – General Fund – Special Items – Contingent Account to A3510.4 - General Fund – Control of Dogs – Contractual

Roll call vote resulted as follows:

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

Councilman Cumm mentioned that at the last meeting we approved buying summons forms for the Dog Control Officer and the Dog Control Officer is under the impression that we are going to buy all his supplies.

Supervisor Jenkins stated that he was told we weren't buying any other supplies. The only reason we are buying the summons form is because the ones we have now read "Police" on the heading so we are ordering new ones.

Joe Patricke stated he doesn't understand that, because his office uses them and they simply cross off the words "Police" and write in "Building Department" and the court accepts them.

Supervisor Jenkins said he would tell him to do that.

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Discussion followed on a resume received from a gentleman named Richard Stockwell who is offering free of charge to evaluate the existing computer infrastructure and service to come up with ideas for service, plans and software to secure the system. The Town Clerk advised that she wasn't going to proceed with getting anymore quotes to provide this type of service until the Town Board contacted each Department Head and got their permission to allow a needs assessment to be done on their computer equipment/systems. There would be a difference in quotes if they were going to provide service to all departments vs. just the Town Clerk's Office. The Supervisor said he would get more information from this gentleman and report back to the Board.

Supervisor Jenkins stated that there was a news article in the Post Star about the travel center plans being scrapped. He wanted to comment about the statement made by Councilman Kusnierz about the company never formally presenting a plan to build a rest stop before the Planning Board.

Councilman Kusnierz stated he said "formal application".

Supervisor Jenkins stated it misrepresented what happened. The company did spend quite a bit of money to do what they did and they appeared before our Planning Board three times. When these kind of things end up in the paper it makes us look bad. We have companies who want to look into coming here and they say "how are we going to be treated". If it was a miss quote then he would understand.

Councilman Kusnierz told Supervisor Jenkins that he wasn't miss quoted, but he just miss quoted him.

Supervisor Jenkins said essentially it was a misleading statement.

Councilman Kusnierz said it wasn't misleading. He asked Joe Patricke if there was a formal application that the Planning Board reviewed and Joe Patricke replied no.

Supervisor Jenkins said it misleads the public who reads the article.

Councilman Kusnierz told Supervisor Jenkins that it misleads the public when he said publicly that 75 jobs are coming in with this proposed firm when in fact where is it in writing?

Supervisor Jenkins said it was in writing and he was copied on it. It also stated what they were going to pay in property taxes, how much they would generate in sales tax and how much they were going to generate in fuel taxes.

Councilman Kusnierz said that was all speculation and not based on a plan.

Supervisor Jenkins said it was based on a plan. The information he provided wasn't something somebody could throw together in five minutes.

Councilman Kusnierz stated that when the newspaper called him and he was asked publicly where is this plan he said there was no formal application made to the Planning Board. He didn't miss speak or misrepresent his position or the Town's position, he stated the fact. He just heard it from the Code Enforcement Official.

Supervisor Jenkins stated that he had three phone calls over this asking for more information. One was from the Schenectady Gazette and they asked if they ever went before Planning and he told them that they went before the Planning Board three times. As far as formally presenting plans he said he doubted they ever submitted formal plans, but they spent a lot of time and money on highway studies, transportation issues and were very interested in coming here. It was a very misleading statement and he told Councilman Kusnierz that he didn't have to agree with him.

Councilman Kusnierz said thank you.

A regular meeting of the Town Board of the Town of Moreau was held on September 8, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins asked for a motion to go into executive session to discuss an unnamed employee and Brookfield Article 7 issue.

Charlotte Lewis asked to comment first. She stated that they don't have street lights in her area of Bluebird Road or sewer, but she understood that Mr. Schermerhorn has purchased "almost all of Bluebird Road from Fort Edward Road down to Stewart's". Our schools are already over-run. Every time we see development in Moreau it seems to be at Exit 17. We have beautiful property, beautiful Moreau Lake and plenty of land to develop on. It is a crime that all of our land is being taken for condos and all of these homes. We need better planning. Their homes are shaking from the development. Trucks are coming in early in the morning and night. Moreau needs to expand commercially and get more tax money in for the Town. All she is seeing are homes and more homes. Things aren't developing the way she would like to see it done.

Supervisor Jenkins advised Charlotte Lewis that the Town Board is trying to get a sewer system in her area and they currently have a plan into the Environmental Facilities Corp. the financial arm of the NYS DOH. We are also considering a Rural Facilities Program. Our goal is to try and develop Route 9 properly. We had some disagreements on PILOT who aren't coming to our Town now anyway, but they would have created jobs, activity and sales tax revenues. If we get sewer on Route 9 we will see development. A lot of people have knocked on our door the last year or so who are interested in coming here, but we haven't seen any plans yet and lack of sewer is a big issue. This Board has been aggressive trying to get the infrastructure.

Charlotte Lewis stated that there should be a moratorium on building until the Town of Moreau can provide sewer and water to the locations.

Councilman Kusnierz said she was correct. It is changing the character of our Town.

Charlotte Lewis agreed and said that vehicles are flying through the stop signs at the intersection of Fort Edward Road and Bluebird Road. There aren't any street lights and school is starting and there isn't any place for the children to stand or walk.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 8:55 p.m. to discuss the employment history or performance of a particular unnamed employee(s) and Article 7 involving Brookfield Power.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	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 Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 9:20 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes

A regular meeting of the Town Board of the Town of Moreau was held on September 8, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the regular meeting at 9:21 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