

A regular meeting of the Town Board of the Town of Moreau was held on September 13, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll.

**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; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Martin Auffredou, Attorney for the Town; Stefanie DiLallo Bitter, Attorney for the Town; Reed Antis, Planning Board Alternate Member and Town Resident; Jeff McCabe, Town Justice; Edward Tracy, Recreation Department Laborer; Town Residents: Sandy Stanton, Elizabeth Lanfear (arrived at 8:00 p.m.), Adele Kurtz, Huguette Delvaux; Village Residents: Harry G. Gutheil, Jr., Brittany Creel, Andre Delvaux

Supervisor Jenkins led the Pledge of Allegiance.

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

**MINUTES**

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

August 9<sup>th</sup>, August 18<sup>th</sup>, August 23<sup>rd</sup> and August 30<sup>th</sup> (Three Sets)

**MINUTES – AUGUST 9, 2011 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of August 9<sup>th</sup> as prepared.

Roll call vote resulted as follows:

|                        |         |
|------------------------|---------|
| Councilman Kusnierz    | Abstain |
| Councilman Cumm        | Yes     |
| Councilman Prendergast | Abstain |
| Councilwoman LeClair   | Yes     |
| Supervisor Jenkins     | Yes     |

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**MINUTES – AUGUST 18, 2011 – SPECIAL TOWN BOARD MEETING RE: PROPOSED MUNICIPAL BUILDING COMPLEX**

Councilwoman LeClair asked for the approval of the minutes of August 18<sup>th</sup> to be tabled. She e-mailed the Town Clerk question(s) that she had on these minutes and the Town Clerk did not receive the e-mail. She wants the Town Clerk to check the audio before the minutes are approved.

**MINUTES – AUGUST 23, 2011 – REGULAR TOWN BOARD MEETING**

Councilwoman LeClair asked for the approval of the minutes of August 23<sup>rd</sup> to be tabled. She e-mailed the Town Clerk question(s) that she had on these minutes and the Town Clerk did not receive the e-mail. She wants the Town Clerk to check the audio before the minutes are approved.

**MINUTES – AUGUST 30, 2011 – 6:00 P.M. – MONTH-END TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – AUGUST 30, 2011 – 6:30 P.M. – PUBLIC HEARING – LOCAL LAW NO. 4 OF 2011**

No comments or corrections.

**MINUTES – AUGUST 30, 2011 – 6:46 P.M. – SPECIAL TOWN BOARD MEETING RE: LOCAL LAW NO. 4 OF 2011**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve all three sets of minutes dated August 30, 2011 as prepared.

Roll call vote resulted as follows:

|                        |   |
|------------------------|---|
| Councilman Cumm        | Yes   |
| Councilman Prendergast | Yes   |
| Councilwoman LeClair   | Abstain   |
| Councilman Kusnierz    | Abstain on the Month-End Meeting Minutes & Yes on the other two sets of minutes dated August 30 <sup>th</sup> |
| Supervisor Jenkins     | Yes   |

**FUTURE MEETINGS AND/OR WORKSHOPS SCHEDULED**

The time of the Month-End Audit Meeting of the Town Board on September 27<sup>th</sup> that was originally scheduled for 6:30 p.m. was changed. The Town Board decided to hold a workshop on proposed changes to the Dog Law starting at 6:00 p.m. and the Month-End Audit Meeting will follow the conclusion of the workshop.

**15 MINUTE PUBLIC COMMENT PERIOD**

Ed Tracy, Recreation Department Laborer, stated that he wanted to publicly thank the board members who supported him after he was assaulted at the Moreau Park and he said that one member did not believe in his honesty or integrity. The gentleman who assaulted him was arrested for filing a false instrument. He pled guilty to filing a false instrument in the Wilton Court and he was fined \$50.00 and a \$205.00 surcharge. He asked the District Attorney for restitution of the attorney fees that the Town paid, but he doesn't know if the District Attorney asked or not or if the judge wouldn't allow it.

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Councilman Kusnierz said he wanted to comment on the statement just made, because it was completely false. He said that Mr. Tracy was at most of the meetings when this issue was discussed, maybe not all of them, but the record is available for review and if he carefully reviewed the record, he would find that he never once said that he didn't believe anything that he said. His position was that he didn't think the taxpayers of this community should be subject to the criminal attorney fees that he was asking for. He told Mr. Tracy that he should get his facts straight if he was going to publicly state something for the record.

Ed Tracy said he heard him compare him to a former supervisor for the Town that was charged with 40 some odd felonies.

Councilman Kusnierz replied that he didn't compare him to the previous supervisor. He compared the instance of using taxpayer dollars for criminal defense. There is a difference.

Ed Tracy replied that he was employed by this Town, doing his job, when he was assaulted. The same gentleman that assaulted him also assaulted a gentleman up in Queensbury with a baseball bat and also assaulted his girlfriend and unlawfully imprisoned her too. He was convicted in Moreau Court on disorderly conduct.

Councilman Kusnierz asked how that was related to this issue.

Ed Tracy replied that he was just saying.

Councilman Kusnierz stated that it has no bearing.

Supervisor Jenkins asked if anyone else wished to comment on anything.

Harry Gutheil said he saw where the Town has done some business with Falls Farm & Garden. He asked what the disposition of the claim was that the Town commenced against them.

Attorney Auffredou replied that this subject goes back quite a long time ago, but it was his recollection that the Town Board decided not to pursue the matter due to the cost of pursuing it. He would have to check to make sure this is what happened, but that was his recollection.

Supervisor Jenkins stated that he wasn't happy doing business with Falls Farm and Garden, but there aren't many other options.

Harry Gutheil stated that the Town recently financed the purchase of a truck for the highway department through a lease. He asked if there was money in the budget to buy a truck.

Supervisor Jenkins replied yes, we budgeted for a lease purchase.

Harry Gutheil asked if they compared the interest that we will be paying on the lease with what we are earning in interest on the money we have in the bank.

Supervisor Jenkins replied yes.

Harry Gutheil asked what the percentage of interest is on the lease and Supervisor Jenkins recalled it was 3% to 4%.

Harry Gutheil stated that the Town is only earning about 3/10 of 1% on the money we have in the bank. He asked why we wouldn't have purchased one instead of leasing one.

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Supervisor Jenkins that they were looking at trying to replace equipment and it would have been very difficult to purchase the truck with everything else going on in the budget this year.

Harry Gutheil stated that if the difference in the interest is almost 3% on a couple of hundred of thousands of dollars, that is a lot of money we could be saving.

Harry Gutheil stated that he is concerned that the Town has gone from a paid in full basis to a finance basis. We have always paid cash for our equipment and now we are leasing equipment. He has a problem with that philosophically. Especially, when he knows what the fund balances are that we are dealing with amongst the accounts.

Harry Gutheil stated that he spoke previously about the money that we owe Queensbury on the first one million gallons of water purchased. He understands that we are still making payments and that rate was about 3- 1/2 % and there is a half million dollar fund balance in one of those accounts that is only drawing around .3% or .4% in interest. He asked why they didn't pay off the balance due to Queensbury.

Supervisor Jenkins replied that was a good question. He wasn't sure how the contract reads with Queensbury about that. We do have enough fund balance to do that.

Harry Gutheil said that he sees ways that the Town Board can save money and that is his point.

Councilman Cumm asked how much we owe Queensbury.

Supervisor Jenkins stated that he thought it was about \$211,000.00 after our next schedule payment of \$35,000.00.

### **TOWN COURT REQUEST**

Jeff McCabe, Town Justice, stated that he presented a JCAP grant application to the Town Board for their review. The deadline for filing for a grant was September 15<sup>th</sup>, but since courts in the Schoharie County area and other areas have been affected by the flooding the deadline has been extended to November 15<sup>th</sup>. He said he wasn't sure if the Town of Moreau would receive any money through the JCAP grant this year, because other areas are in such desperate need of repair. However, he wants to submit the grant and try. The total amount of funding through the JCAP grant over the past four years has been around \$25,000.00 to \$30,000.00. He stated that the supervisor needs to be authorized to sign the grant application.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the supervisor to sign the JCAP grant application and for it to be submitted.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

The Highway Superintendent submitted two requests for some of his employees to attend two different workshops as follows:

Request #1 – The Highway Superintendent would like to send Mike Montgomery, Chris Abrams and Darcy Miller to a workshop on snow and ice control at the Warren County Cooperative Extension in

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Warrensburg on September 21<sup>st</sup> at a cost of \$40.00 per person. There is money allocated in account A5010.401 for this purpose.

Request #2 – The Highway Superintendent would like to send Tom Olsen and Brian Huntley to a workshop on traffic signs and pavement markings at the Washington County complex in Fort Edward on October 5<sup>th</sup> at a cost of \$40.00 per person. There is money allocated in account A5010.401 for this purpose.

After some questions and dialogue between the Town Board and the Highway Superintendent on these two requests it was noted by Councilman Kusnierz that there is only \$181.00 left in the account A5010.401. So there isn't enough money to approve both requests.

It was decided that the request regarding the October 5<sup>th</sup> workshop would have to be tabled until the next meeting.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing Mike Montgomery, Chris Abrams and Darcy Miller to attend a workshop on snow and ice control at the Warren County Cooperative Extension in Warrensburg on September 21<sup>st</sup> and for the registration fee of \$40.00 per person to be a proper town charge.

Roll call vote resulted as follows:

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

A memo was submitted to the Town Board by the Highway Superintendent informing the Board about an automobile accident on August 7, 2011 that destroyed the guide rails on Jan Avenue and since that time there have been two other accidents in the same area. The cost to repair the guide rails by Town & Country Bridge and Rail under county contract is \$4,496.52. The repairs will be done no later than Friday, September 9<sup>th</sup>. The cost of this repair would be paid out of account DB5110.494 that had a balance of \$11,000.00.

Supervisor Jenkins asked the Highway Superintendent if this expense would be reimbursed by the driver's insurance company.

Paul Joseph replied that it should be, but the driver could not produce proof of insurance at the time of the accident and the vehicle was registered in Virginia. The driver was given until today to show proof of insurance.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the repair of the guide rails by Town & Country Bridge under county contract at an amount not to exceed \$4,496.52.

Roll call vote resulted as follows:

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

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The Highway Superintendent submitted a request for the purchase of road signs for Old West Road to comply with Federal Standards and a street name sign for Michael Road. The following quotes were obtained:

|                              |            |
|------------------------------|------------|
| Access Safety Products       | \$1,122.00 |
| Adirondack Highway Materials | \$1,516.20 |
| JC Smith                     | \$1,078.60 |

This purchase would be made out of account A3310.498 that had a balance of \$9,897.50 as of 9/1/11.

Following discussion the following action was taken on this request.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of road signs for Old West Road and Michael Road to comply with Federal Standards from Access Safety Products at a cost not to exceed \$1,122.00.

Roll call vote resulted as follows:

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

A request was submitted by the Highway Superintendent for the purchase of parts for the front rear differential replacement on Truck #14. The following quotes were received:

|                    |   |
|--------------------|---|
| Albany Spring      | No Quote Submitted                                      |
| Watkins Spring Co. | \$1,050.96 (Parts are out of stock for up to one month) |
| Shaw Truck Repair  | \$1,044.21  |

This purchase would be made out of account DB5130.405 that had a balance of \$16,016.61 as of 9/1/11.

Following discussion, the following action was taken on this request.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of parts for the front rear differential replacement on Truck #14 from Shaw Truck Repair at a cost not to exceed \$1,044.21.

Roll call vote resulted as follows:

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

The Highway Superintendent submitted a request for the replacement of the complete differential unit in the rear of Truck #14. The following quotes were received:

|                       |            |
|-----------------------|------------|
| Camenrota Truck Parts | \$3,400.00 |
| H.L. Gage             | \$4,700.00 |
| Heavy Duty Parts      | \$4,085.00 |

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This purchase would be made out of account DB5130.405 that had a balance of \$16,016.61 as of 9/1/11.

Following discussion, the following action was taken on this request.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the replacement of the complete front rear differential unit on Truck #14 at the Highway Garage by Camerota Truck Parts at a cost not to exceed \$4,400.00 minus a \$1,000.00 core return.

Roll call vote resulted as follows:

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

#### **WATER DEPARTMENT REQUEST(S)**

No requests.

Jesse Fish, Water Superintendent, reported that he has been obtaining quotes for materials to install the water line into the new highway garage site. He obtained the last quote late this afternoon. Discussion followed on this and then it was agreed that the Board would wait and act on this at the next meeting or if it had to be installed before that time then Jesse could poll the Board by phone. He said he would copy the Board on the quotes before the end of the meeting.

Jesse Fish reported that the contractor for the Water District 1 Extension 2 project is installing the water line up the Fortsville Road and is going to start installing the water line around Carmella Drive. Next week another crew will start on putting in the water services into the homes. He expected some people in that area to be on line within the next couple of weeks. He also noted that the Town is represented on-site by two inspectors and one engineer every day.

Jesse Fish then reported that Phase 2 of Bluebird Village is underway.

#### **RECREATION DEPARTMENT REQUESTS**

No requests.

Steve Gram, Recreation Director, asked if it was okay for him to take a personal day tomorrow for medical reasons.

No objections were raised by the Board Members.

#### **BID OPENING DATE HIGHWAY GARAGE SALT SHED – SEPTEMBER 23, 2011 2:00 P.M.**

Supervisor Jenkins stated that he would like a motion and second to go out to bid on a salt shed for the Highway Garage on Route 9. A Notice to Bidders ran in the legal ad section of the Post Star Newspaper on September 12<sup>th</sup>.

Councilman Kusnierz stated that he was polled by phone, as he is sure the rest of the Board Members were, as to whether or not they wanted to put the salt shed out to bid. He asked why this wasn't discussed at a regular meeting of the Town Board.

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Supervisor Jenkins stated it was a matter of getting it done. Winter is coming. It is well within the capital project budget. He said they expected it to come in less than \$70,000.00.

Councilman Kusnierz stated that he wanted to point out that when he was polled he said that he didn't support it going forward as a matter of being polled outside a regular Town Board Meeting. It is his belief that this type of business should be conducted at a regular Town Board Meeting, in the open.

Supervisor Jenkins said he didn't disagree, but it was a time-line situation that they got into and there were four Board Members that thought they should do it. He understood his reasoning though.

Supervisor Jenkins asked for a motion to schedule the bid opening.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing a bid opening on a salt shed for the Highway Garage on September 23, 2011 at 2:00 p.m. in Town Hall.

Roll call vote resulted as follows:

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

### **HUD RESOLUTION**

Supervisor Jenkins stated that this relates to the Town of Moreau participating in the regional consortium for grant applications, it is the Adirondack Gateway Council. There is no cost involved. If we receive grant money we could possibly use it for improvements in the Moreau Industrial Park and sewer along Route 9. Last year we applied and didn't receive any grant money.

Discussion followed.

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

WHEREAS, the U.S. Department of Housing and Community Development (HUD) has issued a Notice of Funding Availability (NOFA) under the HUD Sustainable Communities Regional Planning Grant Program; and

WHEREAS, the Program provides grant assistance to support metropolitan and multi-jurisdictional efforts that integrate housing, land use, economic and workforce development, transportation and infrastructure investments; and

WHEREAS, a regional consortium of municipal and regional participating partners and other supporting organizations as defined by the requirements of the NOFA has been formed that meets the requirements of the NOFA; and

WHEREAS, the Adirondack Gateway Council (AGC), a nonprofit organization, and a participating partner in the regional consortium has been formed and desires to be the Lead Applicant to submit a HUD Sustainable Communities Regional Planning Grant Program application on behalf of the regional consortium and to administer the grant upon award; and

WHEREAS, the Town, as a participating partner in the regional consortium may use funds available under a grant award to identify planning priorities consistent with the goals of the HUD Livability Principles; and

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WHEREAS, each regional consortium partner will contribute towards the consortium match as identified in the grant application but not less than 20% cash and/or in-kind services as a requirement of grant funding awarded and dedicated to the express purposes stated in the grant application; and

WHEREAS, the grant application deadline is September 26, 2011; and

NOW THEREFORE BE IT RESOLVED, that the Town desires to become a participating partner in the regional consortium; and

BE IT FURTHER RESOLVED, that as a participating partner the Town commits cash and/or in-kind services towards the consortium match as identified in the grant application but not less than 20% upon Program award; and

BE IT FURTHER RESOLVED, that the Town authorizes the Adirondack Gateway Council to be the Lead Applicant, submit the application on behalf of the regional consortium and to administer the grant upon award; and

BE IT FURTHER RESOLVED, that the Town agrees to a consortium agreement to be executed no later than 120 days after the effective start date of the grant award agreement; and

BE IT FURTHER RESOLVED, that the Town will maintain an on-going relationship with the City of Glens Falls, New York, the local HUD Preferred Sustainability Community, and a partner in the regional consortium, and that the activities proposed will be in consultation with the City of Glens Falls, New York point-of-contact; and

BE IT FURTHER RESOLVED, that the Town of Moreau, New York Supervisor is authorized to execute required certifications and provide such other assurances and information as required for a complete application.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he voted a little while back based on representation that we had \$70,000.00 in the capital projects fund for the salt shed. He just got the latest copy of the account balances and he doesn't see it. He asked if they were talking about taking the money out of what the voters approved the overall capital project fund for the new highway garage.

Supervisor Jenkins replied yes.

Councilman Kusnierz said he doesn't believe the voters voted for a new salt shed.

Supervisor Jenkins said he doesn't remember what the resolution said.

Councilman Kusnierz said that is why his position was that he wanted to discuss it before moving forward with the bid process. He said what was more troubling was the fact that they received a letter from NYS

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DEC saying that our post closure estimates for the landfill is \$500,000.00 short by their estimates. This means the money will have to come from somewhere and probably from the capital project fund.

Supervisor Jenkins replied, no it won't. He said, "He has been questioning what we have and some of the things have been resubmitted." He said the issue gets even "crazier", because they (DEC) say that we can't use capital project funds as part of our sustainable funds. Yet, we created a capital project fund based on State law that we have put money into that should be included. The same person also said the thirty years never starts and he heard from other people at DEC and that is not the case. He is trying to resolve those issues.

Councilman Kusnierz asked Supervisor Jenkins if he was saying that this notification that they received from DEC is not accurate according to other members of DEC.

Supervisor Jenkins said this was true.

Supervisor Jenkins told Councilman Kusnierz that he could call the number in the letter and he would get an answering machine and they don't return the calls.

Councilman Kusnierz stated that he doesn't need to call them, but they need to know how much money they have to utilize. If they haven't budgeted the \$70,000.00 and the voter's haven't approved it for the construction of a salt shed, then they need to reevaluate what is going on.

Attorney Auffredou said he would have to check the resolution, but he could tell them that it did not specify a salt shed. The question is whether or not the language is broad enough to interpret that something like a salt shed goes along with a highway garage. It mentioned appurtenances and things of that nature. He will have to check it.

Councilman Kusnierz asked for the record to reflect that he does not support an RFP going out for a salt shed at this point in time even though he voted for it before, because he was voting for it based on information supplied to him prior to the vote, but he just got today's budget sheets and upon review he doesn't see it in there.

### **CONSTITUTION WEEK RESOLUTION**

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

WHEREAS, September 17, 2011, marks the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week, and

NOW, THEREFORE, BE IT RESOLVED, that our citizens are asked to affirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau does hereby proclaim the week of September 17<sup>th</sup> through the 23<sup>rd</sup> as "Constitution Week" in the Town of Moreau.

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Roll call vote resulted as follows:

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

### **CEMETERY DISCUSSION**

There was discussion amongst the Board Members about the draft cemetery rules and regulations that were drafted by the Town Clerk for the Town Board to consider and the information provided by Reed Antis on cemeteries in Moreau. Reed displayed photographs in a poster frame of three or four cemeteries in Moreau showing the condition of the headstones and how there has been lack of maintenance of some of the cemeteries in Moreau. The Board is contemplating whether or not they want to establish rules & regulations for neglected cemeteries in Moreau that have been or should be maintained by the Town and whether or not they want to establish a committee to oversee the cemeteries and restore headstones and markers.

A workshop on cemeteries was scheduled for October 4<sup>th</sup> at 7:00 p.m. in Town Hall.

Attorney Auffredou recommended that if the Town Board does adopt rules and regulations for cemeteries that they adopt them by resolution rather than local law. Adopting the rules and regulations by resolution will allow the Board to change them as needed without having to go through a local law process.

### **BRUSH FROM STORM DAMAGE**

Supervisor Jenkins reported that the contractor is grinding brush at the Transfer Station and if the amount of brush brought into the Transfer Station after the last storm requires the contractor to spend an extra day on-site grinding then his contract amount will have to be adjusted. If he is able to grind all the brush in the same amount of time as proposed in his quote then it is a non-issue.

Councilman Cumm stated that the Village of South Glens Falls brought in 24 truck loads in two days.

### **SHREDDING OF PAPER & DATA DESTRUCTION PROPOSAL**

The assessor has 21 boxes of attachments from STAR applications that have met their retention and that contain confidential information and need shredding. The following quotes were received:

|                      |  |
|----------------------|--|
| Iron Mountain        | \$7.00 per box - \$70.00 minimum – Not shredded on-site – Certificate of Destruction will be given to the Town           |
| Adirondack Shredding | 65 gallon Container Equal to 7 Boxes = \$50.00 – Shredding done on-site  |
| Pro-Shred            | 96 gallon Container = \$79.00 for the first container and \$46.00 for each subsequent container – Shredding done on-site |

According to the amount we have to shred the cost to have Adirondack Shredding shred the documents it would cost \$150.00 and to have Pro-Shred do the shredding it would cost \$170.00.

Following discussion, Supervisor Jenkins said he would verify the prices and then the Town Board could act on it.

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### **EMERGENCY PLAN**

The Town Board discussed the need to update the emergency plan that the Town of Moreau has on file. The names listed on the plan are outdated. Most of the people are either deceased or no longer work for the Town.

Councilwoman LeClair stated that once the plan is revised everyone that works for the Town needs to know what the plan is and be prepared to implement it. We can't rely on one or two people to act on it.

Supervisor Jenkins stated that Jon Pease is a volunteer fireman with the South Glens Falls Fire Company and he would like to find out how much it would cost to have him re-write our emergency plan.

Councilman Kusnierz thought perhaps SEMO would have a guideline to follow for an emergency plan.

Supervisor Jenkins asked the Town Board to think about this.

### **TYPICAL DESIGN DRAWINGS FOR ROAD CONSTRUCTION**

The Town Board does not have all the information necessary to act on this at this meeting. A resolution was prepared by Attorney Auffredou in contemplation of it being discussed at the Town Board Meeting on September 27<sup>th</sup>. In the meantime, the Town Board will have to be provided with more information.

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

Adele Kurtz recapped what was said earlier in the meeting about the salt shed and the water line going to the new highway garage site for her clarification purposes. She then read the proposition that was on the ballot for the highway garage.

Councilman Prendergast stated that a salt shed was mentioned at a public meeting. When the bids came in lower than expected it was mentioned that the left over funds could be used for a salt shed.

Councilman Kusnierz stated for the record that he brought it to the board's attention that a salt shed was not part of the original design of the new highway garage and everyone was surprised that it wasn't.

Supervisor Jenkins stated that a salt shed was also discussed with the engineers that the Town Board interviewed.

Harry Gutheil stated that the key question is, was the public aware that a salt shed would be built?

Attorney Auffredou stated again that he would give his opinion on this.

Adele Kurtz mentioned the letter from DEC that the Town Board received indicating that there is a shortage of \$500,000.00 in the landfill closure account and she asked if the Town Board received anything in writing from DEC stating something different than this.

The answer from Supervisor Jenkins was no.

### **COMMITTEE REPORTS**

Councilwoman LeClair stated that she attended a seminar at RPI last week on "Open for Business". There is another seminar on this tomorrow night at ACC. If the Town Board Members want to attend they are welcome and if they have comments or suggestions that they want her to relay at the seminar she would be happy to do so. She has information if anyone is interested in reading it.

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Councilwoman LeClair stated that she has been working closely with the LA Group on the River Front Park Project. They have found three viable access trails through property owned by the Archeological Conservancy that would allow access to the proposed site. She is going to meet with the Moreau Community Center tomorrow regarding the community garden.

Councilman Kusnierz mentioned a memo that the Board Members were copied on from Supervisor Jenkins to the President of the Moreau Emergency Squad asking the squad to allow him and the Special Projects Aide (Rudy Klick) to audit their records. The memo mentioned the request was from the Town Board. He wanted to know when the Town Board agreed to this.

Supervisor Jenkins stated that it is in the contract.

Councilman Kusnierz stated that if he was going to ask a not-for-profit organization to allow an audit of their records then he should ask the Moreau Community Center, the Fire Company and the Historical Society the same thing.

Supervisor Jenkins stated that in their discussions with the Moreau Emergency Squad this wasn't an issue. The President has asked him on several occasions to come down. He said that he does not have a problem asking the other not-for-profits. He also said that he and Rudy could use some help with the audit if any of the Board Members were willing to help them.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins stated that Nancy Ryan has requested to use two weeks of sick time so she can help with her daughter's children. Her daughter is having emergency surgery. He then read from a section of a set of minutes from 2006 whereby the Town Board granted the use of sick time to an employee.

There were no objections raised by the Town Board Members to this request.

Supervisor Jenkins stated that Jim Mitchell answered a question raised by Vince Sporrer at a previous meeting about the energy efficiency of the new highway garage. It is going to have energy efficient lighting that exceeds the requirements of the State Energy Code, fixtures in the garage will use 45% of the power required for traditional light fixtures, the boiler is an ultra efficient condensing boiler that exceeds the requirements of the State Energy Code, and the heat recovery ventilator used by outdoor ventilation air will result in the need for very little energy for heating the ventilation area.

Supervisor Jenkins reported that the Commissioners of the Board of Election for Saratoga County have opined that according to the Election law the Town Board must authorize the Town Clerk to submit the 2012 Crandall Public Library Budget Proposition to be placed on the November 8, 2011 Ballot.

The Crandall Public Library has been sending the proposition down to the Board of Elections and bypassing Town of Moreau for the past 2 years and if the resolution doesn't come from the Town of Moreau they cannot put it on the ballot.

Supervisor Jenkins stated that he does have some issues with the budget. We need more communities participating in the library. There are 6,900 citizens in the Town of Moreau that are card holders at that library and for what we are going to pay this year it works out to about \$100.00 per person. There are 31% of the members of the library that don't live in the three municipalities that pay for it. He does realize that is the law.

Councilman Cumm gave the following statistics:

In Glens Falls, Queensbury and Moreau, there are 32,661 people participating or borrowing books from the library.

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Total borrowers outside of the library district are 14,580 making the total number of borrowers 47,241.

Councilman Cumm stated that if you take 6,900 from the Town of Moreau compared to the 47,241 users of the library we are a very small percentage and we are approaching \$700,000.00 a year in costs. It is getting outrageous.

Supervisor Jenkins stated that it is a 2% increase over last year.

Councilman Prendergast asked why we don't ask Christine McDonald to come here.

Councilwoman LeClair stated that Vince Sporrer asked for that.

Councilman Kusnierz stated that she does come here every year for the public hearing on their budget and he attends every year, but nobody else attends, not even another board member. So what is the benefit?

The Town Clerk noted that the public hearing on the library is going to be October 13<sup>th</sup> at Town Hall at 7:00 p.m.

Supervisor Jenkins said maybe they should meet with Queensbury and Glens Falls and see if there is a way to explore how to bring other municipalities into this.

Councilman Cumm stated that he has been through this with both municipalities and they aren't going to touch this with a ten foot pole.

Councilman Prendergast stated that if they have to come to the Board and explain why they need a 2% increase and we don't like the explanation then we don't have to take any action on it.

Elizabeth Lanfear asked what happens if the Town of Moreau voters vote down the library budget.

Supervisor Jenkins stated that it has to be voted down in total by all three municipalities.

Elizabeth Lanfear asked if the total borrowers were comprised of card holders or active people taking books out.

Councilman Cumm stated that the information he has doesn't say. He assumes it is total card holders.

Elizabeth Lanfear stated that the reason she asked this is because Universal Pre-K in South Glens Falls has 108 students every year and every year they take those students to the library and they get them library cards. So out of the 6,900 people in the Town of Moreau who are card holders, one hundred of them are five year olds.

Supervisor Jenkins stated that the library has some great things, he doesn't know if he would bill it as they have, but it is a great asset and great regional facility. However, other people should share in the cost of operating it. About 15 years ago we used to give them about \$50,000.00 a year and now next we are going to give them \$680,000.00.

Councilman Cumm stated it would be easier to "swallow" if everybody that uses the library helped pay for it. You have Fort Edward, Hudson Falls, Warrensburg, Granville and they all use it at no cost.

Councilman Kusnierz said that is why it is called a public library.

Councilman Cumm stated that the State, through the Regional Southern Adirondack Library System, gives the library partial funding to cover the people that are not in the taxing district. If we did include

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them in the district then it would mess up the whole formula, and that is the excuse you get from Christine McDonald.

Councilman Kusnierz said he would not characterize it as an excuse, she is stating the facts. The public library is an asset of our community and surrounding communities. We have access to every library in the State through the Crandall Public Library. It is a resource that is not dependent on income or social class, it is public.

Supervisor Jenkins stated that no one is questioning that.

Councilman Kusnierz said it was unrealistic to expect that the statutory authority of how they are funded is going to change, because what community in their right mind would volunteer to send additional funds or any funds to the library if they aren't a member of the district. It isn't ever going to happen.

Councilman Kusnierz said the question tonight is, are we going to vote tonight to send the proposition to the Board of Elections for placement on the ballot so the taxpayers of our community can choose whether or not to fund the public library.

Supervisor Jenkins said he would accept a motion if someone wanted to make one.

Councilman Kusnierz read the resolution presented by the Town Clerk.

Supervisor Jenkins asked if there were any further comments.

Councilman Prendergast stated that when he first came on the Town Board people from the library used to come before the Board and state their case (that is how he met Christine McDonald), and now they don't come at all. If there is something we are dissatisfied with then we should ask her come over. He was going to vote yes on the resolution, because the people should have the right to vote whether they want it or not. The Board should ask them to come before them and answer any questions. If they refuse, what kind of message does that send?

Supervisor Jenkins stated that he met with Christine McDonald when they were just finishing the construction of the library, he walked into the room and shook hands with her and sat down, she said, "I guess we don't have to worry, the Town of Moreau will vote no this year". That was how the conversation started and ended. He told her that he would just go on the tour. He didn't think it was the right thing for her to say to him. He doesn't hold it against her though. Anytime a business is thinking about coming into Town they are going to figure out what kind of life they will have here. Do we have great emergency services? Yes. Do we have a great school district? Yes. Our community center has 25% or 30% of their members who don't live in the Town and they belong, because it is the best. The YMCA is a great facility. The Crandall Public Library is just another asset that is important to the lifestyle we have in our region.

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

WHEREAS, the Laws of 1992, Chapter 456 authorized the establishment of the Crandall Public Library District for the city of Glens Falls, in the County of Warren and the Town of Moreau, in the County of Saratoga and the Town of Queensbury, in the County of Warren; and

WHEREAS, the aforesaid legislation provides that the propositions relating to the Crandall Public Library District be placed on the ballot at the General Election to be held on November 8, 2011; and

WHEREAS, the Board of Trustees has adopted and approved a budget for 2012 for the Crandall Public Library; and

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NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau hereby authorizes and requests the placement of the following one (1) proposition pertaining to the Crandall Public Library District on the ballot in all the voting locations in the Town of Moreau on General Election Day, November 8, 2011:

- (1) The proposed 2012 budget of the Crandall Public Library District is \$4,140,275.00 to be partially funded by the municipalities comprising the Library District. The share of the proposed budget to be partially funded and raised by an ad valorem assessment upon the real property located within the Town of Moreau is \$680,143.00. Shall the proposed budget be approved?

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Moreau is hereby authorized and directed to transmit a copy of the aforesaid resolution to the Saratoga County Board of Elections.

Roll call vote resulted as follows:

|                        |       |
|------------------------|-------|
| Councilwoman LeClair   | Yes   |
| Councilman Kusnierz    | Yes   |
| Councilman Cumm        | Yes * |
| Councilman Prendergast | Yes   |
| Supervisor Jenkins     | Yes   |

\* Councilman Cumm stated that he voted yes under protest. He vehemently opposes the library taxing district as it is currently established. We have no say in the budget. We are paying an unfair share of the library budget. Approximately 75% of the budget is made up of three towns. The other 25% is donations and from the state. He is voting yes, because the voters should have a say in the budget.

Councilman Kusnierz strongly encouraged the Town Board Members to attend the public hearing on the library budget. Our Town Representatives on the library's Board of Trustees will be here. Christine McDonald will be here. They will be more than happy to answer any questions that you have.

Councilman Cumm stated that he has talked to each one individually on the phone.

Councilman Kusnierz said that was fine, but in the past three years he has been the only Town Board Member that has attended the public hearings and if he feels that strongly about it then he should voice his concerns on the public record.

Councilman Cumm stated that the one time he met with Ms. McDonald she basically said that it was not the time, it was a public meeting of their budget and it was not the time for those types of questions. He got no response from her and that is the attitude she takes.

Councilman Kusnierz said he hoped to see him there.

Supervisor Jenkins said he went through their budget and he didn't see any issues that irritated him, but he doesn't like the final number or how much they are paying. He didn't see any way to change it, it is a State Law.

Councilman Cumm asked Supervisor Jenkins what the Town Tax was going to be approximately.

Councilman Kusnierz asked if we knew that figure already.

Supervisor Jenkins stated that the General Fund appropriations would be about \$765,000.00.

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Councilman Cumm stated that within two or three years the library budget could be bigger than the Town Tax.

Councilman Kusnierz noted that we use part of our fund balance to balance the budget and the library doesn't have as much fund balance as we have to access.

Councilwoman LeClair stated Vince Sporrer sat here at the last meeting and asked if each entity that receives tax dollars could come in and present their information to the public. She thought about it and likes the idea. However, if they did this she wanted to make sure it wasn't combative. She told Andre Delvaux that he knows that sometimes she disagrees with their budget, but she would like him to be able to come in and present what he does and what the numbers are and let the public hear it. We would need a format so it isn't combative. She would like the board to consider that.

Councilman Kusnierz replied that they have done this every year since he has been on the board when they discuss the budget.

Supervisor Jenkins said they could do it in open session.

Councilman Kusnierz replied that by law, they are open sessions.

Supervisor Jenkins replied yes, but the Board does it in a little room downstairs. They could do it in an open session and give people a half hour to do a presentation and a question and answer period. He said that Andre could tell them the problems the squad is having right now regarding insurance money. They are getting reductions in how much money they get from private companies and they are going to be under a lot of pressure. He asked Andre if this was true and Andre replied yes.

Councilwoman LeClair stated that she doesn't want it to be combative. She wanted the public notified.

Councilman Kusnierz said they are notified. They have their meetings in open session, even though it is the Town Board Members and the group that is invited in, we put the numbers together and then we have a public hearing where the public has an opportunity to come in and go over every item in our preliminary budget. He said he was confused over what she was looking for.

Councilwoman LeClair stated she wasn't looking for that type of presentation. She used the Moreau Emergency Squad as an example. They could come in and tell how many people they serve, their training level and they could give a presentation about what they do and how they do it. If people have questions they could ask them at that point. The Town Board wouldn't be critiquing every dollar they were asking for. It would be handled as a workshop or informational meeting and not a budget meeting. The Moreau Community Center, Fire Company and Historical Society could be invited also.

Supervisor Jenkins said he understood and they were talking about four not-for-profit organizations and he has to believe that with every one of them there are members that are no longer part of the organization for their own personal reasons that will not make it a nice easy meeting. We have been through that. He wouldn't be surprised if it turned into what Councilwoman LeClair didn't want.

Councilwoman LeClair said perhaps instead of allowing the public to stand up and ask their questions and it becoming a verbal confrontation, the public could write down their questions and an orator could ask the questions.

Elizabeth Lanfear asked if that would defeat the purpose of a public meeting where the public has the right to comment and ask questions.

Councilwoman LeClair said it is not productive if it is a fight.

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Elizabeth Lanfear stated she didn't disagree, but at the same time she didn't think they could circumvent the Open Meetings Law and the right the public has to make any comment they so choose.

Attorney Auffredou stated that is not a right the public has under the Open Meetings Law.

Elizabeth Lanfear said if the Town allows someone to speak then the Town has to allow positive and negative comment regardless. If they allow one person to speak, they have to allow everybody who wishes to speak the same opportunity.

Councilwoman LeClair said she thought it was a nice idea when Vince Sporrer suggested it, she likes the idea. She doesn't want it to be combative, but she wasn't sure how to accomplish it.

Supervisor Jenkins asked for a motion to close the meeting.

Councilman Kusnierz stated that he received a phone call from David Rogge in which he asked about the Sign Committee. He told him it had been formed. He asked if there are any more developments.

Councilwoman LeClair told Councilman Kusnierz that they were on the Sign Committee and they needed to schedule a meeting with the people who have signed up to serve on the committee.

Councilman Kusnierz said he needs direction from the Board.

Supervisor Jenkins stated that they should move ahead and get the input and then have a workshop to discuss it.

Councilman Kusnierz asked if they could schedule a workshop at the next meeting of the Town Board.

Supervisor Jenkins said he could put it on the agenda.

Councilman Cumm suggested that the two Town Board Members that are on the Sign Committee should meet with the people who want to serve on the committee first and put something together.

Councilman Kusnierz said the public needs to know they are having a workshop.

Supervisor Jenkins said he didn't know when they could hold the workshop. He suggested that they wait until the next meeting to set a workshop. In the meantime, he told Councilman Kusnierz and Councilwoman LeClair to meet with the people who want to serve on the Sign Committee and discuss it.

Attorney Auffredou stated that his duties with Warren County begin on September 26<sup>th</sup> so this will be his last meeting. As Attorney for the Town he leaves the Town in very capable hands with Stefanie DiLallo Bitter. Karla Buettner will be working on some matters. As well as, Malcom O'Hara, and it will be more of a team approach. There are some very capable attorneys filling this role. He stated it has been an honor and privilege to serve in this position for as long as he has and he thanked the Board for placing their trust in him. On behalf of himself and his family he thanked everyone. He said it has been a great honor and great privilege. He has enjoyed every minute of it. He will miss everyone.

Councilwoman LeClair thanked Attorney Auffredou for his services and devotion to our community.

Councilman Prendergast stated that he noticed from day one when an issue came up and Attorney Auffredou answered so clearly and directly, it was obvious that he knew what he was doing. He told Attorney Auffredou that he would be missed and it was going to be difficult to replace him. He told Attorney Auffredou that his interest in the Town of Moreau was always number one, no matter what.

Supervisor Jenkins said that from the day he walked into the Town Hall as Town Supervisor and he started thinking about legal issues there couldn't have been anybody better than Attorney Auffredou to

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deal with them. As to what Councilman Prendergast just said, he said that Attorney Auffredou always treated the Town of Moreau as his hometown and he always treated us that way. He hated to see him leave.

Everyone congratulated Attorney Auffredou.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn to executive session at 9:18 p.m. to discuss the employment history or performance of an unnamed employee.

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.

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

Following the executive session the regular meeting was adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk