

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:05 p.m.

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

**Town Board Members Present:**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Preston Jenkins	Supervisor
Todd Kusnierz	Councilman (arrived at 8:50 p.m.)

**Town Board Members Absent:**

Gina LeClair Councilwoman

**Also Present:** Jeanne Fleury, Town Clerk; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Steve Barody, Highway Superintendent; Darcy Miller, Highway Department Employee; Peggy Jenkins, Assessor (the Town Board did not have any business to conduct with the assessor so Peggy Jenkins left the meeting); Martin Auffredou, Attorney for the Town; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived approximately 7:15 p.m.); Neil Kirby, Post Star Reporter; Town Residents; Robert Lyons, Vince Sporrer, Adele Kurtz, Bob Kory, Shelley Englert, Mary and Reed Antis and Village Resident, Harry G. Gutheil, Jr.

Supervisor Jenkins led the Pledge of Allegiance.

**MINUTES:**

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

April 9<sup>th</sup>, April 14<sup>th</sup>, April 16<sup>th</sup> and April 17<sup>th</sup>

**MINUTES – APRIL 9, 2009 – SPECIAL TOWN BOARD MEETING RE: REAL PROPERTY TAX ARTICLE 7’S:**

No comments or corrections.

**MINUTES – APRIL 14, 2009 – REGULAR TOWN BOARD MEETING:**

Corrections:

Page 190 – 2<sup>nd</sup> line – change the word “rung” to “run”

Page 191 – Recreation Employees – the name “Hewitt” should be “Hewlett”

Page 199 – Recreation Employees – the name “Rachel Knapp” should be “Rachel Varney”

**MINUTES – APRIL 16, 2009 – SPECIAL TOWN BOARD MEETING RE: RECREATION DEPARTMENT:**

No comments or corrections.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

**MINUTES – APRIL 17, 2009 – BID OPENING – TREE AND STUMP REMOVAL:**

No comments or corrections.

A motion was made by Councilman Prendergast to approve all the minutes presented as corrected.

It was determined that there was not a quorum of the Board present at this meeting that attended the meetings for which minutes were being approved so approval was tabled.

Councilman Prendergast withdrew his motion.

**MEETINGS/WORKSHOPS SCHEDULED:**

No meetings or workshops were scheduled.

**LOCAL LAW NO. 2 OF 2009:**

Supervisor Jenkins suggested they hold this item on the agenda until Attorney Auffredou arrived.

**15 MINUTE PUBLIC COMMENT PERIOD:**

Vince Sporrer asked what it cost the Town for the settlement in the National Grid lawsuit. He asked how much we lost in assessments and/or how much we have to give back to them.

Supervisor Jenkins replied that the agreement, which he still doesn't have a final copy of yet, was between all the taxing authorities who would be out about \$218,000. He said that in lieu of sending refunds we adjusted the 2009 assessment so they wouldn't have to cut checks back. In 2010 the assessments are estimated at \$7 to \$7.3 million. In 2008 the assessments were around \$6.7 million.

Vince Sporrer asked if this included legal fees and if not how much the Town spent in legal fees.

Supervisor Jenkins told Mr. Sporrer that he didn't have the figures here at this meeting, but he could look it up and let him know.

Vince Sporrer asked if the school district has any obligations towards legal fees and Supervisor Jenkins replied that they have their own attorney.

Vince Sporrer asked if the school district participated in the lawsuit and the answer was yes.

Vince Sporrer assumed then that the impact on the school district for legal fees was small compared to the Town and the answer was yes.

Vince Sporrer asked about the revaluation project in the Town and asked if the revaluation of the businesses was going to be put off since the contract does not include businesses.

Supervisor Jenkins said they will participate with the assessor except for SCA, National Grid and the hydros.

Vince Sporrer addressed the Board about the Town's new website. There is old reval information on the new site regarding the 2008 rebate checks. He spoke again about the minutes not being put on the

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

website until at least two weeks after the meeting so for a two week period there is no communication to the public. He suggested they shorten the communications time to five days. He said there doesn't seem to be any desire to do it.

Councilman Prendergast asked if the draft minutes are put on the website now.

The Town Clerk replied that the Town has a new website now developed by Mannix Marketing and there is a lot of information lacking on it. There are a lot of inaccuracies. There aren't any minutes on the new website right now. She gave Mannix Marketing a CD with five years worth of minutes on them and they were supposed to put them on the new website, but didn't. She spoke with Mannix Marketing today and was told the website as we see it is the completed website and that Terry McGuire was going to be trained on Thursday to update it. She told Mannix Marketing that there is a lot of information from the old website that hasn't been put on the new website.

Mr. Sporrer asked if they have been paid for this new website and the Town Clerk replied that they are slated to be paid, but haven't been yet.

Supervisor Jenkins stated that Councilwoman LeClair is out of Town and she is the one that has been handling this.

The Town Clerk advised that she e-mailed Mannix Marketing about two pages of corrections and additions and that was after only looking at the website for about twenty minutes.

Councilman Cumm stated he understood that the e-mails aren't working either.

The Town Clerk advised that Mannix Marketing helped her get the e-mail working in the Town Clerk's office, but she understood that other departments were having problems.

Vince Sporrer said the website is the only reliable form of communication for a Town Government.

Supervisor Jenkins said they would have to get this cleared up. The other goal was to put audios of the meetings on the website.

Vince Sporrer said it seems like it is never going to happen and the fact is you are not communicating.

Supervisor Jenkins said he was correct. This is the second company we have dealt with and we are going to try and get through it. Right now he doesn't have an answer.

Vince Sporrer asked if the Board does a quarterly summation of the budget that shows what the revenues and expenses are and if they are over or under.

Supervisor Jenkins replied that he reviews it monthly. Our expenses are over a little bit in highway due to the winter salt usage. Our mortgage tax revenues are off. Our sales tax revenues are off by about 11%. We anticipate that it will be off by about 9%. We think it is going to come around the 10% range. His office does a monthly statement.

Darcy Miller, Highway Employee, asked the Board if they came up with a policy yet for emergency services employees in the Town.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said there hasn't been a written policy yet. Essentially, the policy will apply only to emergency services personnel and will have to be approved by the employee's immediate supervisor and then the Town Board. He told Mr. Miller that his day off will be restored.

Harry Gutheil said he FOILED the settlement agreement with Niagara Mohawk and his request was denied. He had the option to appeal it, but rather than doing an appeal he decided to ask the Town Board if there is a reason why they didn't want to disclose it in the form that they voted on.

Supervisor Jenkins asked when it was denied.

Councilman Cumm stated the Board got a memo from the attorney for the Town saying that until it was signed it couldn't be disclosed.

Councilman Prendergast concurred that this was the advice of the Town's attorney.

~~Supervisor Jenkins~~ **Harry Gutheil** asked if there was a reason why the Board didn't want to let it out to the public. **[Amended 5/6/09 jf]**

Councilman Prendergast said there has never been a time since he has been on the Town Board that this type of document would have been disclosed before it was signed.

Harry Gutheil asked if the school was a party to it and Supervisor Jenkins said they were a party to the agreement. Their attorney already signed off.

Harry Gutheil said the other topic he was going to discuss was the website and that has already been discussed. He went on-line to look at minutes and they weren't there.

Harry Gutheil addressed the Board on the revaluation. He looked at the contract with GAR and it specifically excluded complex properties, but he was told the Town was going to do them.

Supervisor Jenkins said it was his understanding that GAR was going to be doing the appraisals with the help of our assessor and some other data.

Harry Gutheil said it seems we have it backwards. The residential should be easiest to do and it could have been done in-house. Now when it comes to complex properties it sounds like we aren't going to hire an appraiser. He said he is looking at the hydros under this settlement agreement. According to the paper the one just settled on the transmission and distribution was around \$5 - \$7 million, but one dam was over \$100 million in evaluation, so the big one is yet to come. He can see the message we are sending. We also have two coming off a pilot within the next two years and asked if they are going to be valued at this time.

Supervisor Jenkins said the ones under a pilot are not going to be revalued at this time.

Harry Gutheil said it wasn't going to be a complete reval then.

Harry Gutheil asked who was going to do the cement company and paper mill and some of the others that weren't included in the contract.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins said it was his understanding that Peggy Jenkins will be working with GAR Associates and he would have to review the contract again to make sure that was the case.

Harry Gutheil spoke about the Re-Zoning Committee. He said he hasn't been attending the meetings so he FOILED information. He said he shouldn't have to FOIL to look at committee meeting minutes.

Councilman Prendergast was surprised to learn that he had to FOIL information to look at.

Harry Gutheil said there were colored maps in the information and they should be available to the public. He was going to ask for copies of portions of the maps.

Councilman Cumm asked if he just wanted to look at them and Harry Gutheil said he came in and went through the information.

Councilman Prendergast said he always believed that if it didn't involve litigation then a person shouldn't have to FOIL it. If it involves litigation then there isn't an attorney who would tell the Board to release it until signed. He was referring to his earlier comment about the settlement agreement.

Harry Gutheil said that people should be able to read what the committee has done and he understood that there weren't minutes kept.

Councilman Cumm advised that Chazen Companies has been taking the minutes.

Councilman Prendergast asked if this was something the Board could take care of tonight.

Supervisor Jenkins said the two council people who serve on the Re-Zoning Committee should be able to put together a summary.

Councilman Cumm said he gave him all the information he had.

Councilman Prendergast said the issue is the FOIL policy.

Councilman Cumm said he was concerned that if we don't require a written request and charge for copies then we could get inundated with requests for copies.

Councilman Prendergast said he wasn't saying not to charge for copies, but if the information is there then they shouldn't have to FOIL it.

Councilman Cumm stated the next meeting of the Re-Zoning Committee was May 13<sup>th</sup> at 6:30 p.m.

Vince Sporrer asked if the Town is really qualified to assess industries. How do we avoid being sued again? Apparently what we have been doing isn't right.

Councilman Cumm said they are doing it everywhere. They changed their attitude now and are willing to sit down and talk.

Supervisor Jenkins said that if it wasn't for Harry we wouldn't be where we are today.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Vince Sporrer said he understood that, but it should be at the state level and the state lawyers should defend us. Somehow we have to stop this from happening.

Supervisor Jenkins said it is difficult. Verizon has gone after everyone in the state. They take advantage of the situation. There haven't been many municipalities that have stood up to these companies like Moreau has. They don't want to pay their fair share.

This concluded the 15 minute public comment period.

**LOCAL LAW NO. 2 OF 2009:**

Attorney Auffredou stated that Local Law No. 2 of 2009 is an extension of a moratorium on outdoor wood burning furnaces for an additional 120 day period. Each Board Member got a packet of information that included a resolution for the adoption of Local Law No. 2 of 2009. It is not subject to SEQRA and is not subject to review by the Saratoga County Planning Board. The Board is ready for action.

Councilman Prendergast asked where they were at with the draft law.

Attorney Auffredou said there was a public hearing and some changes were made.

Joe Patricke added that a new draft hasn't been published yet.

Attorney Auffredou said the Board has to come to a consensus on final text then publish a notice of public hearing. It may or may not have to go to the Saratoga County Planning Board for review depending on what the Board agrees on for text. It is possible for the Board to adopt something in the next couple of weeks.

Supervisor Jenkins said that he thought the Board should hold another public hearing on the next draft law then consider adoption of that draft at another meeting.

Joe Patricke asked if it had to go back before the Town Planning Board.

Attorney Auffredou replied if it was a modification to the Zoning Law then it would have to go back before the Town Planning Board.

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

WHEREAS, the Town Board maintains that outdoor wood burning furnaces can present adverse impacts to personal health, to the use and enjoyment of property and can be detrimental to the overall public health, safety and welfare of the residents of the Town of Moreau; and

WHEREAS, pursuant to Local Law No. 8 of 2008, the Town Board enacted a moratorium on the installation, use and operation of outdoor wood burning furnaces or Outdoor Hydronic Heaters ("OHH") in the Town of Moreau for a period of 120 days. Thereafter the moratorium was extended through Local Law No. 1 of 2009 for a period of one hundred twenty (120) days; and

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, through the adoption of the moratorium and the necessary extensions of same, it is the purpose and intent of the Town Board to minimize air pollution and protect and preserve the public health, safety and welfare of the residents of the Town of Moreau from heavy smoke and dangerous particulates generated from the use of OHH and to protect and preserve the value of real property in the Town of Moreau; and

WHEREAS, the extension of the moratorium is set to expire on May 13, 2009; and

WHEREAS, the Town Board conducted a public hearing on a draft substantive law regarding OHH and continues to consider and refine the draft substantive law; and

WHEREAS, the Town Board requires additional time to revise and promulgate the substantive Local Law; and

WHEREAS, the Town Board is considering the enactment of Law No. 2 of 2009 amending Chapter 75 of the Town of Moreau Code to extend the moratorium upon the installation, operation and use of OHH for an additional period of one hundred twenty (120) days; and

WHEREAS, the moratorium includes a prohibition on the issuance of permits from the Town of Moreau for the installation, use and operation of OHH; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 2 of 2009 was duly advertised, noticed and thereafter conducted on April 28, 2009 at 6:40 p.m. at the Town Hall; and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 2 of 2009; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 2 of 2009 is in the best interests of the Town of Moreau, is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

WHEREAS, the Attorney for the Town has prepared the documents necessary for filing the local law with the Secretary of State including the text of the law itself;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law No. 2 of 2009 annexed hereto; and

BE IT FURTHER RESOLVED, that Local Law No. 2 of 2009 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file said documents as required by law and to take all the necessary actions for the promulgation thereof.

The Town Clerk asked the Supervisor if he wanted to read the note from Councilman Kusnierz.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz wanted the record to reflect that he would have voted no on the extension of the moratorium had he been at the meeting as is consistent with how he has voted all along on this issue.

Roll call vote resulted as follows:

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

**WATER DEPARTMENT REQUEST:**

A request was received from the Water Department to purchase chlorine. The following four quotes were received:

Slack Chemical	\$18.03 per unit
ESC Environmental	\$18.58 per unit
Surpass Chemical	\$20.85 per unit
Leland Paper	\$22.24 per unit

The recommendation from the Water Department is to purchase the chlorine from Slack Chemical.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to authorize the purchase of chlorine from Slack Chemical at a cost not to exceed \$18.03 per unit.

Roll call vote resulted as follows:

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

**TREE/STUMP REMOVAL BIDS:**

On April 17<sup>th</sup> the following bids received were opened and read aloud by the Town Clerk in the Town Board Meeting Room of Town Hall, 61 Hudson Street, South Glens Falls, New York:

High Peaks Tree Removal, Inc. P.O. Box 4584 Queensbury, NY 12804			Richard Sears Tree Experts P.O. Box 133 Glens Falls, NY 12801		
	<u>Est.</u>	<u>Bid</u>		<u>Est.</u>	<u>Bid</u>
	<u>Qty.</u>	<u>Price</u>		<u>Qty.</u>	<u>Price</u>
<b><u>TREE REMOVAL</u></b>			<b><u>TREE REMOVAL</u></b>		
over 5" to 12" dbh	1	125.00	over 5" to 12" dbh	1	75.00

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

over 12" to 18" dbh	3	175.00	over 12" to 18" dbh	3	125.00
over 18" to 24" dbh	12	250.00	over 18" to 24" dbh	12	250.00
over 24" to 36" dbh	20	375.00	over 24" to 36" dbh	20	485.00
over 36" dbh	7	425.00	over 36" dbh	7	725.00
<b><u>STUMP REMOVAL</u></b>			<b><u>STUMP REMOVAL</u></b>		
over 5" to 12"	ea.	25.00	over 5" to 12"	ea.	25.00
over 12" to 18"	ea.	35.00	over 12" to 18"	ea.	50.00
over 18" to 24"	ea.	50.00	over 18" to 24"	ea.	69.00
over 24" to 36"	ea.	60.00	over 24" to 36"	ea.	86.00
over 36"	ea.	75.00	over 36"	ea.	95.00
Tree Care by Stan Hunt 53 Boulevard Queensbury, NY 12804			Adirondack Tree Surgeons 353 Gurnspring Road Gansevoort, NY 12831		
	<b><u>Est.</u></b>	<b><u>Bid</u></b>		<b><u>Est.</u></b>	<b><u>Bid</u></b>
	<b><u>Qty.</u></b>	<b><u>Price</u></b>		<b><u>Qty.</u></b>	<b><u>Price</u></b>
<b><u>TREE REMOVAL</u></b>			<b><u>TREE REMOVAL</u></b>		
over 5" to 12" dbh	1	121.00	over 5" to 12" dbh	1	50.00
over 12" to 18" dbh	3	225.00	over 12" to 18" dbh	3	100.00
over 18" to 24" dbh	12	555.00	over 18" to 24" dbh	12	200.00
over 24" to 36" dbh	20	726.00	over 24" to 36" dbh	20	500.00
over 36" dbh	7	726.00	over 36" dbh	7	650.00
<b><u>STUMP REMOVAL</u></b>			<b><u>STUMP REMOVAL</u></b>		
over 5" to 12"	ea.	44.00	over 5" to 12"	ea.	15.00
over 12" to 18"	ea.	66.00	over 12" to 18"	ea.	25.00
over 18" to 24"	ea.	99.00	over 18" to 24"	ea.	50.00
over 24" to 36"	ea.	115.00	over 24" to 36"	ea.	100.00
over 36"	ea.	115.00	over 36"	ea.	100.00

It is the Highway Superintendent's recommendation to accept the bid from High Peaks Tree Removal, Inc. He tallied up the trees he wants removed and High Peaks was the lowest bidder.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast asked how he arrived at High Peaks as the lowest.

The Highway Superintendent said that based on the trees that they have slated to remove High Peaks is the lowest. There are more trees in the 12" to 36" range than the smaller ones.

Councilman Prendergast said the problem this causes with him is that he doesn't have this information to review.

The Highway Superintendent stated he would make a spreadsheet and show the Board how he arrived at this decision for the meeting on Thursday.

At a previous meeting the Board reviewed quotes for recharging and/or testing of fire extinguishers in Town buildings. Supervisor Jenkins stated that Fire & Signal quoted \$3.95 per inspection. Tri-City Fire did not submit a quote and American Safety quoted \$4.50 per inspection. The recommendation is to accept the quote from Fire & Signal.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the quote from Fire & Signal to inspect fire extinguishers at \$3.95 per extinguisher.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked Steve Barody, Highway Superintendent, what the deal was on the doors at the Highway Garage.

Steve Barody stated that the new doors have to be replaced. The glue isn't holding and the outer skin of the door is separating from the insulation. The company who installed them is willing to replace all seven doors. They don't want the doors they are taking off, but they are willing to sell them to us for \$500.00 each.

Councilman Cumm stated that they don't want the doors back, because they don't have a place to put them. He explained again what is occurring with the doors. The company is willing to replace all seven doors. We can take two off the front and replace the poorly insulated doors on the back for \$500.00 each rather than \$1,500.00 each for new doors.

Supervisor Jenkins asked if they are going to install them for \$500.00 each.

Steve Barody and Councilman Cumm said there wasn't any mention about installing them that is just the cost to purchase the doors.

Councilman Prendergast stated he wanted to know what the installation cost was going to be. He suggested that they get a proposal from the company.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A request was received from the Highway Department to purchase six drywells with frames and grates. The following quotes were received:

Adirondack Highway	\$584.00 each
Chemung	\$418.75 each
Lane Enterprises	\$157.50 each cannot supply ring and grates and they charge \$110.00 for delivery plus 1% fuel surcharge
Neenah Foundry	\$1,980.00 for six frames and grates they cannot supply drywells

This purchase will be made out of DB5110.450, which had a balance of \$5,000 as of 4/2/09.

The recommendation from the Highway Department is to purchase from Chemung Supply.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of six drywells with frames and grates from Chemung Supply at a cost not to exceed \$418.75 each per their quote.

Roll call vote resulted as follows:

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

#### **MINING PERMIT – CHRISTOPHER BARDEN – WASHBURN FARMS LLC:**

A mining permit renewal was before the Board for approval from Christopher Barden to operate Washburn Farms LLC located on Washburn Road in the Town of Moreau.

Supervisor Jenkins asked Joe Patricke if he reviewed the permit and Joe Patricke replied yes.

Councilman Cumm noted that the permit is almost a year overdue and is due for renewal again July 1, 2009.

Joe Patricke advised that we have been awaiting a new DEC permit in his name. It was originally in his father's name.

The Town Clerk concurred with this and added that she has been waiting on the DEC permit, mine reclamation bond and certificate of insurance in Christopher's name rather than his father's name and all of that information has now been filed.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the issuance of a renewal mining permit to Christopher Barden D/B/A Washburn Farms LLC for the period of 7/1/08 through 6/30/09.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilwoman LeClair	Absent
Councilman Kusnierz	Absent
Supervisor Jenkins	Yes

**ASSESSOR'S REQUEST:**

This item on the agenda was changed to Supervisor's Office Request.

A request was received from Fran Thibodeau for the purchase of a new computer out of account A1220.2 in the amount of \$779.00. She has been experiencing problems with the computer and software.

The following quotes were received:

Dell	\$ 779.00	OptiPlex 760 Desktop
Hewlett Packard	\$ 902.01	
Dell	\$1,232.10	OptiPlex 760 Minitower

Wade Sherman our hardware technician reviewed the quotes and he recommends the computer from Dell in the amount of \$779.00.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of a computer for Fran Thibodeau, Senior Account Clerk, in the Supervisor's Office from Dell Computer at a cost not to exceed \$779.00.

Roll call vote resulted as follows:

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

**RECREATION DEPARTMENT REQUEST:**

Supervisor Jenkins said there is an issue with plumbing at the concession stand in the Recreation Park and Councilman Cumm asked for this topic to be tabled until after the executive session.

Supervisor Jenkins said there is an issue with the work done on the dugouts. We need to allocate an additional \$1,119.62.

Councilman Cumm said this is the second time we have increased the amount.

Supervisor Jenkins explained that there was a math differential. The project cost was \$2,575.00 instead of \$2,754.62 and we didn't appropriate enough money at the last special meeting of the Board. We calculated incorrectly. He said the Board could wait until tomorrow when the Month-End Meeting is held to address this.

The Recreation Director submitted quotes to purchase a field paint sprayer as follows:

Green Management	\$1,095.00	Kombi 6 Gallon
------------------	------------	----------------

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Grassland Equipment & Supplies	\$3,185.00	Toro Line Pro 1200 12 Gallon
Grassland Equipment & Supplies	\$1,089.00	Jaydee 7 Gallon

The Recreation Director recommended purchasing the paint sprayer from Green Management and it will be paid out of A7140.2.

Steve Gram stated it is easier to clean out. The other one is stainless steel. It is a latex based paint. He said by buying this equipment it will save them time and money. They will be able to buy the paint in five gallon pails. We normally spend \$1,238.00 for 18 oz. cans of spray paint to line the fields for the season. It will reduce the manpower time from four hours to do the bowl to ½ hour with this equipment.

Councilman Cumm said the problem is if we don't use all the paint in the five gallon pails then it will be wasted.

Councilman Prendergast stated it does seem archaic to be doing it the way we are now.

Councilman Cumm asked how many five gallons buckets will be needed per year vs. cans.

Steve Gram said Allerdice recommended 36 pails and their price was \$40.00 per five gallon pail. If we go with them we have to buy 36, a whole pallet. Green Management will let us buy five or ten pails and not a whole pallet.

Councilman Cumm calculated it out and determined that we will only need about two to three five gallon pails.

The following quotes were received for paint:

Allerdice Building Supply	\$39.95 for a five gallon pail of PPG Athletic Field Marking Paint
Green Management	\$43.00 for a five gallon pail of Pioneer Paint
Grassland	\$51.30 for a three gallon pail of Xtreme White Line Paint

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the purchase of a Kombi Electric Paint Sprayer from Green Management in an amount not to exceed \$1,095.00 out of A7140.2 and a five gallon pail of marking paint from Green Management in the amount not to exceed \$43.00 out of A7140.4.

Roll call vote resulted as follows:

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

The purchase of a used utility vehicle was discussed briefly. The information obtained by Steve Gram was that they are two year old vehicles off lease. He wants to replace the gator that is on its way out. The question arose as to what the warranty is on them and since this information wasn't readily available a decision on this purchase was tabled.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

**SOUTH GLENS FALLS GIRL'S SOFTBALL:**

Supervisor Jenkins said he wasn't sure why this was on the agenda. He didn't put it on the agenda. He stated that he knew that one of the issues was over the contract that hasn't been signed by Girl's Softball yet and this is a contractual issue so the Board won't be discussing it in public. However, the question to the Board is do we let them play this weekend without a contract.

Attorney Auffredou asked if they filed a certificate of insurance and the answer was yes.

Councilman Cumm said he was tired of Girl's Softball changing our contract.

Supervisor Jenkins said this would be discussed in executive session.

Attorney Auffredou said he didn't have a problem with one or two Board Members discussing the contract with them, but he hesitates to tell the Board that they can enter into an executive session to discuss this at this point in time. It was also his legal opinion that a contract should be signed and in place before they play. The contract can always be amended at a later date.

Supervisor Jenkins stated that we have a standard contract and we have spent a lot of money on legal fees and meetings on this and Girl's Softball should be able to agree to our standard contract. One thing they have asked to be included in the contract is if something breaks they want the Town to fix it within three days. It is our property, our fields and it belongs to the Town of Moreau not softball. Our job in a contract is to protect the citizens. He wants to keep the standard contract as close to standard as possible and that keeps the costs down.

Attorney Auffredou said it is ready to go.

Councilman Prendergast said it is something we can work through, but he isn't going to tell the kids they can't play. Can they play softball this weekend? His answer is yes. We should give them a time frame to resolve it or the Town is going to implement it.

Supervisor Jenkins said he would give them until May 12<sup>th</sup>. The Board should be prepared to approve the contract.

Councilman Cumm said the contract with soccer is still outstanding, but everybody else signed.

Councilman Prendergast said that the fact that everybody else has signed should tell us something. There must be some reason why Girl's Softball doesn't want to sign it. Give them a date and time and if it isn't resolved we tell them the way it is going to be.

**ENGINEERING SERVICES – BURLEY AND GUMINIAK – WATER DISTRICT 7:**

Supervisor Jenkins stated that we seem to be having a hard time getting this right. He stated that we approved \$96,537.50, which was the grant receipts left from Water District 6 that EFC allowed us to move forward and use for engineering costs in Water District 7, but the total contract was \$135,500.00. The difference is going to come from GE funds that are left that DEC has authorized us to use. We need to replace that resolution and approve the \$135,500.00.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm and Councilman Prendergast said they felt they were jumping into this and weren't given any information on it prior to this meeting so they would like to hold off doing anything on this until Thursday at the Month-End Meeting.

**C.T. MALE PROPOSAL – LIMITED PHASE II ENVIRONMENTAL STUDY – OLD HIGHWAY GARAGE:**

The Town had a Phase I environmental study done on the site of the old highway garage located on William Street about four or five years ago. The study was then set aside and nothing further done with it. C.T. Male has submitted a proposal to complete a Phase II study in the amount of \$11,410.00. There is the question as to whether there are old oil/gas tanks in the ground and this study would test for that and a final report would be issued. A couple of parties have approached the Town expressing an interest in acquiring the property in the future. They will more than likely build homes on the site and that would put the property back on the tax rolls. The Town could apply for funding to clean up the site if it is necessary.

Councilman Prendergast asked if the Phase II study would get us to the point where we would be eligible for funding.

Supervisor Jenkins said that Phase I told us the history of the site and Phase II would identify hot spots on the property. It is possible sometimes to sell to a business that could be eligible for clean up. He stated that maybe there aren't enough Board Members present to make a decision on this tonight.

Councilman Prendergast agreed that the full Board should be present.

Councilman Cumm said he would like to go ahead with the Phase II study since we already spent money on the Phase I study.

**LABOR READY FOR TEMPORARY EMPLOYMENT:**

Supervisor Jenkins stated that we are trying to get the cemeteries cleaned up for Memorial Day. The person who normally does this is working at the Rec. Park. If we have work that needs to be done with little or no supervision would it make sense to hire people from this Labor Ready Agency? The pay rate is \$12.25 per hour and they pay all the payroll taxes, etc. Councilwoman LeClair feels that we should look into this. They have all the insurance coverage. The rate is reasonable to put people to work for a few days. Every time we add an employee it costs us for testing and things. He wasn't saying we shouldn't have employees, but this service might work for temporary employees.

Councilman Prendergast asked if we are short staffed right now in the Rec. Park and the answer was yes. We haven't gotten our summer help yet.

Councilman Prendergast asked Steve Gram if he had full manning with seasonal employees right now would it be enough and Steve Gram replied yes.

Councilman Prendergast said we have to be very cautious over whom we hire to work at the Rec. Park for obvious reasons and this goes against that. We can't get any information on these people.

Supervisor Jenkins said basically he was talking about having these people work in the cemeteries and Councilman Cumm added "the cemeteries only".

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

It was decided to hold off deciding on this until after the executive session.

**FARMLAND PROTECTION GRANT APPLICATION:**

Supervisor Jenkins said the Board approved about a month ago to file this application. He needs authority to request this and tell them that we have \$2,050.00 to pay our share and we have \$6,645.00 in in-kind services and we are requesting \$25,000.00 from NYS Agriculture & Markets and they will do a study for establishment of a municipal and agricultural farmland protection plan. He also needs authorization to sign and send this on.

Councilman Cumm referred to page 12 that outlined all the hours that the Town would be committing to for in-kind services that he said equates to 160 hours of staff time and we are already understaffed.

Supervisor Jenkins said he didn't have a problem with this and Councilman Cumm said he did.

Supervisor Jenkins said we already have \$1,600 invested in this and are eligible for a \$2,500 grant and we really need to do this study to protect agriculture in this community.

Councilman Prendergast made the motion to approve this and approve the following resolution:

Joe Patricke stated that as far as the inventory is concerned it can only be done by staff in his opinion. He will be working on it too.

Councilman Cumm seconded the motion.

WHEREAS, the New York State Department of Agriculture and Markets invites applications for financial assistance in the development of municipal agricultural farmland protection plans, and which applications need to conform to the format and content specified in a department created request for applications (RFA), and

WHEREAS, the Town has authorized The Chazen Companies to prepare an application on behalf of the Town of Moreau, and

WHEREAS, should the Town of Moreau receive a grant from the New York State Department of Agriculture and Markets, the Town Board will retain the services of The Chazen Companies, to complete the plan on behalf of the Town of Moreau and be paid from the funds received through this grant program.

WHEREAS, the application to NYS Agriculture and Market requests \$25,000 and will require a local cash match of \$2,050 and \$6,645 in-kind services as identified on the application, and

WHEREAS, the Town of Moreau has adequate resources to provide the match in cash and in-kind services and may elect to provide the match in cash from the Town's 2009/2010 budget

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to sign the grant application and take any necessary actions to effectuate the submittal of the application.

Roll call vote resulted as follows:

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

**THOUSAND OAKS ROAD DEDICATION – KUBRICKY:**

Joe Patricke stated that he is still waiting on the following:

- As built drawings
- Monument pins as shown on survey have to be installed
- Receipt of fees into the Trust & Agency Account

Supervisor Jenkins asked if the Board wanted to move ahead without these items.

Councilman Prendergast asked why they should.

Attorney Auffredou said the Board could accept the road dedication and authorize the Supervisor to execute the documents contingent upon the resolution of the above issues. In his opinion they have complied with 124-17 of the Town Code. A letter from the Highway Superintendent, Steve Barody, and Engineer, Jim Mitchell, have been received. He said this has been sitting around for a while.

Councilman Prendergast asked what our urgency is.

Supervisor Jenkins said that Mr. Kubricky is a sick man and his son wants to get it finished.

Attorney Auffredou said from his perspective they have done everything asked of them and more.

Councilman Cumm stated this has been gaining speed over the last couple of months.

Attorney Auffredou said he and Joe have met with a number of attorneys over the years since 2004 or thereabouts on this. It is the Board's call. The title report has been on file in his office for a couple of years.

Supervisor Jenkins said he could call them and tell them they need to get two of the issues resolved before he can sign the papers.

Attorney Auffredou said the Board would have to go through SEQRA and he has a list of conditions. The Board's acceptance doesn't become effective until the conditions are met.

Councilman Prendergast asked what they are doing with the property if the road is accepted.

Joe Patricke said it was an approved subdivision and the road was put in before he came here.

Councilman Prendergast asked, "Are we the reason why it is sitting there?" The answer was no and Councilman Prendergast said "no, of course we aren't".

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm asked why the road wasn't dedicated to the Town before this.

Supervisor Jenkins said there is a flag pole there that somebody didn't want there and there is an island there dividing the road and they didn't like that.

Attorney Auffredou said it is a little unique situation there in that there is a median in the road. The roadway itself meets standards. If you go back through the history there seemed to be a change of minds in Thousand Oaks Corp. They wanted the median and then they didn't want the median. The Town wanted to take over the median and then the Town didn't want the median.

Councilman Prendergast said we aren't taking the median.

Attorney Auffredou said the Town would be taking the median. As far as the maintenance of the median that would be up to the Highway Superintendent. There would be an easement to the grantor (Kubricky Trust) that would also be bearing upon the assigns of the trust. They would indemnify and protect the Town and can go on that median and plant flowers and maintain it and maintain the flag pole. It doesn't prevent the Highway Department from going onto the median to maintain it if they are not. The Highway Department doesn't have to do anymore maintenance or landscaping than they feel the Town is up to doing.

Councilman Prendergast asked why we would take it over.

Joe Patricke said that is the way the Planning Board approved it back in the 90's.

Supervisor Jenkins said one of the statements he got from Mr. Kubricky was that the Planning Board approved it and now he is being told he can't have a median. There is one other median in the Town and that is in the industrial park and he asked if that was fair.

Councilman Cumm said there is one in Palmerton Heights.

Supervisor Jenkins also added that it is already there. Why would we make them take it out?

Councilman Prendergast asked who owns the one in Palmerton Heights and Steve Barody replied the Town does and the Homeowner's Association maintains it.

Attorney Auffredou read the following from the deed to Kubricky:

"Accepting and reserving". "Easements for the benefit of the grantor (Kubricky), its successors and assigns for the maintenance of the existing boulder in the median closet to Route 9 and the maintenance of two medians located on the premises conveyed herein as the grantor desires the option to maintain said medians more frequently than the grantee (Town) may elect to maintain said medians."

In the paragraph below they indemnify the Town should they go on it and get hurt. The Town may or may not maintain it. It is up to the Town.

Attorney Auffredou asked if they preferred to have more Board Members present and the consensus was yes.

Joe Patricke asked how if the Planning Board approved it the Town Board can not accept it.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Auffredou said the Town Board has discretion to accept or not accept the road. The Planning Board approving something doesn't bind the Town Board.

The road dedication was tabled.

**ROBERT H. BOGDAN RESIGNATION:**

A letter of resignation was received from Robert H. Bogdan from the position of member of the Recreation Commission.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to accept the resignation from Bob Bogdan.

Roll call vote resulted as follows:

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

**PLANNING BOARD VACANCY:**

Supervisor Jenkins stated there are two applications from individuals interested in serving on the Town Planning Board. He asked the two council people who serve on the Personnel Committee to schedule an interview session with them before the next regular meeting.

Councilman Cumm asked the Town Clerk to contact the two individuals and schedule them to meet with the Personnel Committee.

**15 MINUTE PUBLIC COMMENT PERIOD:**

Adele Kurtz asked if it was possible to have the old website reinstated until the new website is ready. It seems that the new one was put up prematurely.

The Town Clerk stated that Mannix Marketing would have to do this. They took the old site down and she doesn't know how to access it to put it back up.

Supervisor Jenkins stated that hopefully tomorrow after the training session the data can be put on the site that is missing. He didn't know what the agreement was. Councilwoman LeClair handled this and she is out of town right now. He hoped it would be straightened out in a couple of days.

Wayne Stebbins who resides at 5 Nolan Road was present and thought there was going to be something on the agenda about a restoration question he had. Back when the water lines were installed a few years ago he stopped in to see the former Supervisor and was told the contractor was going to be responsible for restoration and that were some ongoing problems. He was told they were withholding monies from the contractor to be used to resolve restoration issues.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated he thought those days were gone by. He stated that Mike Shaver, Water Superintendent, said he looked at the problem.

Mr. Stebbins said that Mike Shaver was supposed to get back to him and he didn't.

Supervisor Jenkins said he would look at it himself in the morning.

Councilman Cumm asked if he was looking for the Town to spread some seed and topsoil and Mr. Stebbins said yes. His property was the point where they opened and shut the water off daily when the lines were going in. He said the whole side of the road from the hydrant to Route 9 was never restored.

Supervisor Jenkins said he would look into it tomorrow with Jesse Fish the new Water Superintendent. He said that he was actually part of the Water District 4 project.

### **COMMITTEE REPORTS:**

Steve Barody asked if the Board had the information he prepared dated April 23<sup>rd</sup> regarding the sandblasting of truck #19. None of the Board present had any information on this so it was tabled.

Councilman Cumm mentioned the copier proposals that were referred to the Building and Grounds Committee by the Town Clerk.

Councilman Prendergast acknowledged receipt of this information and said they needed to get input from the department heads.

Councilman Cumm mentioned that the minutes from the Recreation Commission Meetings still have not been received.

The Town Clerk advised that she has tried, but been unable to obtain them.

Supervisor Jenkins said the commission should appoint a new secretary.

The Town Clerk advised that she sent the Recreation Commission a letter, but they haven't met yet to discuss it.

John Farrell, Recreation Commission Member, was present and recalled that the couple of times they wanted to approve them they didn't have a quorum and when they did the minutes weren't there. As soon as he got the letter he called Elizabeth and asked what was going on and his call was the second one she got.

The Town Clerk said she told Elizabeth to file them in draft form and they would be stamped draft. She spoke with Elizabeth and Elizabeth said she would bring them in on a flash drive and the Town Clerk never received them and hasn't heard from Elizabeth since.

Councilman Cumm asked John Farrell to bring this up at their next meeting.

Councilman Kusnierz had arrived by this time and commented that the code is very clear what the responsibilities of the commission are.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm asked about taping the Recreation Commission Meetings so there would at least be an audio of the meeting.

The Town Clerk replied that Elizabeth did ask for the recorder for one or two meetings and those meetings were recorded. Another time it was put out and there wasn't a quorum so a meeting wasn't held and she couldn't recall if the recorder was left out for the last few meetings or not.

Councilman Kusnierz said he didn't have a problem asking the Zoning or Planning Board Secretary to take minutes at the Recreation Commission Meetings and John Farrell said that wouldn't be necessary.

John Farrell said he knows that Elizabeth has them typed up, but they just haven't been approved. There has been meetings where there hasn't been a quorum to approve them.

Councilman Kusnierz said he has been to a lot of Recreation Commission Meetings where there hasn't been a quorum and it has been a waste of his time and he hasn't been able to bring anything back to the Board from those, because it wasn't a legally recognized meeting. It is very frustrating.

Councilman Prendergast said he appreciates the help, but if a person doesn't meet a certain amount of meetings then that person should no longer serve. There are people out there who would like to serve and could make the meetings.

John Farrell said that Mr. Bogdan has had a lot of family issues and hasn't been able to make some of the meetings. He can't speak for the rest of the members.

Councilman Prendergast said that the Recreation Director should keep track of who isn't attending the meetings and he should call them and find out why they aren't attending. If they continue to miss meetings then we should find somebody to take their place.

Councilman Kusnierz said the code is very clear. If a Recreation Commission Member misses three meetings then the Town Board has the right to remove them.

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

Supervisor Jenkins said in the past the Board approved amounts relative to completion of the work on the water towers. There are two things the Board hasn't approved yet that have been approved by DEC to go ahead and to them. One is the paving of the driveways into the water towers at a cost of \$7,000.00 and the other is the final warranty tank coating inspection by Dixon Engineering at a cost of \$8,200.00. The Board needs to approve these two items.

Supervisor Jenkins said he wasn't sure if the Board was ready to approve this or not. He just received the information himself.

Attorney Auffredou asked if they could have Dixon Engineering sign something that reads that this work constitutes an amendment to their original contract and Supervisor Jenkins said yes.

Attorney Auffredou said they should agree to the terms and conditions of their contract equally here. He will draft a letter and send it to Terry McGuire to mail to Dixon Engineering to sign.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast approving an amendment to the Dixon Engineering Contract in an amount not to exceed \$15,200.00 to pave the driveways into the two water towers and final warranty tank coating inspection.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported receiving a note from Mike Shaver indicating that he would be willing to come back on a consulting basis, as needed, at \$25.00 per hour. The Board Members were not willing to pay this hourly rate. The most they are paying now is \$16.00 per hour.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the resignation from Roderick Haff for personal reasons effective April 7, 2009.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated Royce Pixley has asked about receiving two weeks vacation pay. According to our employee handbook and the 2009 Organizational Meeting minutes it reads "Full-time employees will earn vacation leave upon completion of the employee's anniversary date." He was apparently told when hired that he would receive two weeks paid vacation in the fall to allow him to go hunting.

Supervisor Jenkins said that when they interviewed Royce Pixley it was done in executive session so there aren't any minutes. He did recall that being said, because he has been part-time for such a long period of time and then went full-time.

Councilman Kusnierz said the issue was discussed in executive session.

Councilman Cumm said they should wait to decide on this until after the executive session and the issue may be resolved.

At 9:15 p.m. Supervisor Jenkins asked for a motion to go into executive session to discuss the employment history and/or performance of a particular unnamed employee(s). He advised the public that the Board may vote on something after the executive session.

Councilman Cumm asked about item #10 on the agenda and what the Board decided (regarding Girl's Softball Contract).

Supervisor Jenkins informed Councilman Kusnierz that the Board decided that they could play for now and they will be given until the May 12<sup>th</sup> meeting to accept the contract and he suggested they ask one

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

member of Girl's Softball to join the Board in executive session so they could discuss some of the issues over the contract in executive session.

Attorney Auffredou advised the Board that this is not a subject for executive session. If it was discussion over a labor contract then it might be, but the terms of this contract are not grounds for an executive session.

The Post Star Reporter spent the next 10 minutes talking to the Town Board and going over the agenda items that were discussed.

At 9:25 p.m. the Board prepared to go into executive session again.

Councilman Kusnierz asked if they could add to the executive session items the history and/or performance of a particular unnamed member of one of the Town's commissions and he was told yes.

Supervisor Jenkins asked Attorney Auffredou if it was his opinion then that they could not discuss the contract issue in executive session.

Attorney Auffredou said as far as their view of what should be in the contract and the Town Board's view of what should be in the contract is not a subject for executive session.

Supervisor Jenkins said to him it is a full Board decision to be made at some point. We have a standard contract and that is what we should use.

Councilman Kusnierz said there were a couple of changes to the contract. Is that where we are at?

Councilman Cumm said they hacked it apart again.

Supervisor Jenkins said we are giving them until the next meeting to sign the contract.

Councilman Cumm asked Attorney Auffredou if a representative of Girl's Softball should not be invited into the executive session then and Attorney Auffredou replied they cannot be in on the executive session.

Supervisor Jenkins asked Steve Gram to go out and tell the representatives of Girl's Softball that they won't be needed in the executive session and that they should call him to schedule a meeting and he would go over the contract with them.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to adjourn to executive session at 9:30 p.m. to discuss the employment history and/or performance of a particular unnamed employee(s) and the history and/or performance of a particular unnamed member of one of the Town's commissions.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins

Yes

The Town Clerk did not sit in on the executive session.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to adjourn the executive session at 10:07 p.m. and re-open the regular meeting.

Vote resulted in four Ayes, one absent and zero Noes.

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

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to adjourn the regular meeting.

Vote resulted in four Ayes, one absent and zero Noes.

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A regular meeting of the Town Board of the Town of Moreau was held on April 28, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.