

A regular meeting of the Town Board of the Town of Moreau was held on March 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins opened the meeting at 7:35 p.m.

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

Town Board Members Present:

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

Town Board Members Absent:

Bob Prendergast	Councilman
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Also present: Jeanne Fleury, Town Clerk; Steve Gram, Recreation Director; Jeff McCabe, Town Justice; Martin D. Auffredou, Attorney for the Town; Joe Patricke, Building Inspector/Code Enforcement Officer; Peggy Jenkins, Assessor; Steve Barody, Highway Superintendent; Recreation Commission Members: John Farrell, Elizabeth Lanfear; Representing Girl's Softball: Michael Bock, Paul Wells, Chris Scarincio; Town Residents: Bob Lyons, Adele Kurtz, Bob Kory, Larry Chapman; Bill Haskell from Adirondack Community College; and Alex Nunes, Post Star Reporter

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:

February 24th and February 26th

MINUTES – FEBRUARY 24, 2009 – REGULAR TOWN BOARD MEETING:

No comments or corrections.

MINUTES – FEBRUARY 26, 2009 – MONTH-END TOWN BOARD MEETING:

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve both sets of minutes as prepared.

Roll call vote resulted as follows:

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

Supervisor Jenkins	Yes
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FUTURE MEETINGS/WORKSHOPS SCHEDULED:

The Town Board Month-End Audit Meeting was scheduled for March 26th at 4:30 p.m. in Town Hall.

A Town Board Workshop to review and discuss a proposed law to regulate outdoor hydronic heaters was scheduled for March 30th at 7:00 p.m. in Town Hall.

Councilman Kusnierz asked Supervisor Jenkins if he contacted the Governor's Office regarding the cable franchise renewal.

Supervisor Jenkins said he did and received no reply. He will call them again.

BILL HASKELL – SUNY TRAINING FOR COACHES:

Bill Haskell a coach from Adirondack Community College spoke about a SUNY training program for coaches. Three years ago it was recognized that coaches of youth sports probably should be certified and now 20 of the 30 two year colleges offer this program, ACC included. It is a three hour class that upon successful completion a person becomes a SUNY certified coach. A few of the topics covered: why children quit, why they don't participate, why people don't volunteer to be coaches, organizational skills and how to deal with parents. The course content is not sports specific. The cost is \$20.00 per person and the first course offered by ACC is March 25th.

Councilwoman LeClair asked if there is a first aid component to the course and Bill Haskell replied that there is a level 1 certification that can be obtained and they are working on adding a level 2 certification component.

Steve Gram told the Town Board that he would like to raise the soccer and basketball registration fee to \$15.00 so that the coaches could attend this course and the cost would come out of the registration fees. Since coaches are volunteers they shouldn't have to pay for the course out of their own pockets. There are 70 coaches needed for the soccer program to run.

Brief discussion followed.

No action was taken by the Town Board on the \$15.00 registration fee.

The Town Board thanked Bill Haskell for his presentation.

LOCAL LAW NO. 2 OF 2009 – OUTDOOR HYDRONIC HEATERS:

Councilman Cumm asked Attorney Auffredou about the moratorium and how it correlates to the DEC draft.

Attorney Auffredou said the moratorium is currently in effect and ends in the middle of May. It would expire by operation should the Board not extend it by local law or adopt a substantive local law prior to that time. As far as the impact of the DEC proposed law dealing with these it seems to him that since DEC is proposing something and working on it that the Town would want to be somewhat consistent with what DEC is doing. The Town can be more restrictive, but not less restrictive. The Board may want to see what DEC ends up with so the Town doesn't contradict them. It can go hand in hand with the moratorium. It moratorium can be extended as long as

the Board is making progress and the Board is clearly making progress. The Board is proposing things, debating them and getting public input. If the moratorium was reviewed one would ask, what has been done with respect to the local law. The Board is doing all the right things. The rationale for continuing the moratorium, you want to wait and see what DEC comes up with.

WATER DISTRICT NO. 7:

A regular meeting of the Town Board of the Town of Moreau was held on March 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Auffredou stated that Tim Burley has proposed a resolution and he has advised that in order to get the process started as early as possible the Board must establish lead agency status as soon as possible in the action. The action is “the proposed creation of Water District 7”. The only thing the Board would be doing in the proposed resolution is establishing the Town as lead agency under SEQRA. The Board wouldn’t be making any SEQRA determination or creating any district at this point or district extension. Tim Burley has prepared a full environmental assessment form (EAF) and the resolution authorizes the Town Clerk to send a copy of the resolution and full EAF to three involved or interested agencies.

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

WHEREAS, the Town of Moreau, hereinafter referred to as the “Town”, is proposing to cause to be constructed a water distribution system to serve town residents, businesses, and institutions; and

WHEREAS, the Town of Moreau Town Board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the involved agencies [as that term is defined in 6(A-2) NYCRR 617.2(t)] include the New York State Department of Health and the New York State Department of Environmental Conservation, and the required environmental review will be conducted concurrently by the Town of Moreau Town Board; and

WHEREAS, the Town of Moreau desires to serve and act as the lead agency for the purposes of SEQRA; and

WHEREAS, to aid the Town of Moreau Town Board in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated March 5, 2009 has been prepared by the Town and a copy of which has been filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Moreau that the Town Board makes the following findings and determinations with respect to the proposed project:

The project constitutes a “**Type 1 Action**” as that term is defined in Section 6(A- 2) NYCRR Section 617.2(kk) and 617.11;

The Town Board of Moreau desires to serve as lead agency for the purposes of SEQRA.

The Town Clerk shall cause the New York State Department of Environmental Conservation and New York State Department of Health, and other “involved agencies” to be notified of this resolution.

This resolution shall take effect immediately.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes

Councilman Prendergast	Absent
Supervisor Jenkins	Yes

Brief discussion followed on the contract for engineering design services from Burley & Guminiak.

The Town Board previously approved an amount of \$96,537.50 so no further action is required from the Board on this contract.

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Attorney Auffredou advised that he has reviewed the contract and it is okay with him.

The Board will authorize the Supervisor to sign the contract at the next Town Board Meeting. This will give the Board Members a chance to review the contract.

COURT REQUEST:

Jeff McCabe, Town Justice, was present and explained to the Town Board that he requested funding for a new telephone system in the JCAP Grant and the State didn't come through with the funding for the telephone system in the grant award. He didn't budget funds in the Town Budget for a telephone system, because he figured if JCAP didn't come through with funding they could wait another year to purchase a system. However, the system they have is failing. When one clerk is on the phone and another call comes in on another line it disconnects the line that the clerk is on. A person called today and was swearing on the telephone to the clerk and the clerk had to hang up on the person. There are systems out there now that will record each incoming call and for security reasons this would be a good feature. He got three estimates through the Cornerstone Telephone Company when he wrote the grant and the price range was \$8,000.00 to \$9,000.00. The Highway Department has a similar system and both are antiquated. When the Town Hall got a new telephone system a few years back the telephone system in the Court and Highway Departments were not changed.

Supervisor Jenkins advised Judge McCabe that he would need to get three estimates.

Councilman Kusnierz asked where the funds would come from in the court budget and Judge McCabe said he would have to talk with Judge Alden about this.

Judge McCabe said he wanted to give the Town Board a heads up about this.

15 MINUTE COMMENT PERIOD:

No one wished to be heard.

RECREATION REQUESTS:

The Recreation Director obtained three quotes to finish the quad concession project as follows:

Andrew Sweet	\$2,025.00
Daiwha Construction	Quoted a per hour fee not listed on the quote sheet
LaRose Construction	Not interested

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from Andrew Sweet in an amount not to exceed \$2,025.00.

Councilman Kusnierz said he was in support of this, but he asked the Recreation Director that when he is contacting vendors and one quotes per hour and one says not interested he wants the Recreation Director to continue to seek for additional quotes and not just stop at three.

Councilman Kusnierz also asked what account this was being paid out of and Supervisor Jenkins replied that it would come out of the Recreation Capital Projects account.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

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Councilman Cumm	Yes	
Councilman Prendergast		Absent
Supervisor Jenkins	Yes	

The 1998 Chevy Pickup Truck in the Recreation Department was taken to Cardinale’s Car Care on an emergency basis for repair to the front end and the cost to repair it was \$509.60. Approval is needed from the Town Board for this repair.

Councilman Kusnierz asked what account it was being paid out of and the answer was A7140.4.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm approving the emergency repair to the 1998 Chevy Pickup Truck in the Recreation Department by Cardinale’s Car Care at an amount not to exceed \$509.60.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to hire Bruce Siergiey as a full-time Recreation Laborer at \$12.00 per hour commencing April 1st subject to successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to increase the hourly rate of pay for Royce Pixley who is currently a part-time laborer for the Town to \$12.00 per hour to be paid on an as needed basis.

Roll call vote resulted as follows:

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

GIRL’S SOFTBALL RE: QUADS:

Representatives of Girl’s Softball presented a Recreation Park improvement project proposal for the quad softball complex as follows:

- (4) Dugouts – chain link enclosures, gates, wooden roof, and asphalt shingles
- (1) Batting Cage – metal post framing, nylon mesh fabric enclosure

In a letter signed by Kevin Hastings, President of South Glens Falls Girl’s Softball (SGFGS), he indicated that this project has been reviewed by the SGFGS Board of Directors and received a

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SGFGS is going to provide the labor for this project and in exchange they request that they be credited with five years fulfillment of the “sweat equity” clause in their contract with the Town of Moreau.

They obtained quotes for the materials and fencing.

SGFGS requested that the Town split the cost of the materials and fencing 50-50. The total cost for materials and fencing will be \$22,200.00.

Following discussion a motion was made by Councilman Cumm and seconded by Councilwoman LeClair to allocate up to \$11,100.00 out of A7145.4 towards the cost of the construction of four dugouts with chain link enclosures and one batting cage with nylon mesh fabric enclosure and for the materials to be purchased from Curtis Lumber and the fencing to be purchased from Afsc Fence and for SGFGS to be credited with five years fulfillment of their “sweat equity” clause in their contract with the Town of Moreau to offset the \$3,000.00 annual payment clause in their contract.

Roll call vote resulted as follows:

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

EAGLE SCOUT PROCLAMATION:

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to adopt the following proclamation:

WHEREAS, Jason Martin of Boy Scout Troop 9 has met all the qualifications set forth by the Boy Scouts of America to receive the distinction of Eagle Scout, the highest advancement rank in scouting, and

WHEREAS, the Eagle Scout Ranking is a performance-based achievement in which a Boy Scout must fulfill requirements and demonstrate proficiency in leadership, service and outdoor skills, advance through the ranks and earn 21 merit badges, and

WHEREAS, as part of his merit badge program and progression to the rank of Eagle Scout, Jason undertook the project of refurbishing the storage shed behind the Parks Bentley Historical Society Building by painting the shed and building a platform that leads into the shed, and

NOW, THEREFORE, BE IT RESOLVED, that in recognition of his achievements Jason will be bestowed with the title of Eagle Scout on Saturday, March 21, 2009, at 2:00 p.m. at the Moreau Community Center in South Glens Falls, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau extends their heartiest congratulations to Jason for achieving his goal of Eagle Scout.

Roll call vote resulted as follows:

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

COPIER PURCHASE – WARRANTY:

At a previous meeting the Board approved the purchase of a used copier for the Recreation Department at a cost of \$500.00 that had a one year warranty. It has been discovered that the warranty is only 90 days. A new copier would cost \$750.00 under state contract.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the purchase of a new copier under state contract from Electronic Office Products at a cost not to exceed \$750.00 out of account A7140.2 for the Recreation Department.

Roll call vote resulted as follows:

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

TRANSFER OF FUNDS:

When the 2009 Budget Workshops were being held last fall the Town Clerk had put in a budget request for the purchase of two to four computers for her office and a server depending on the availability of funds for 2009. \$1,400.00 was in the budget requests under A1330.2 and \$1,400.00 was in A1410.2. However, these amounts weren't carried over into the tentative, preliminary and adopted budgets in error. The only amount that was budgeted was the \$2,800.00 in A1620.2 for the server.

A transfer is now being requested from the contingency budget A1990.4 into the Tax Collection Account A1330.2 and the Town Clerk Account A1410.2 for desktop computers for the Town Clerk's Office/Receiver of Taxes.

The Town Clerk updated the Board on a quote she received from Dell for the desktop computers.

The quote for the desktop computers came through at \$714.66 each.

The Town Clerk asked if the Board would transfer \$1,450.00 into A1330.2 and \$1,450.00 into A1410.2 and this would enable her to purchase four new computers for her office.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing a transfer in the amount of \$2,900.00 from the contingency fund A1990.4 with \$1,450.00 being transferred into A1410.2 and \$1,450.00 being transferred into A1330.2 for the purchase of four computers for the Town Clerk's Office/Receiver of Taxes.

Roll call vote resulted as follows:

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

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The Board Members asked if the Town Clerk wanted approval to purchase the computers and server and the Town Clerk advised that she was trying to obtain two other quotes and would request the purchase at another meeting.

ALCOHOLIC BEVERAGE LICENSE APPLICATION – 30 DAY NOTICE:

The attorney representing TH Sports Enterprises, LLC notified the Town Clerk by certified mail return receipt requested of their intent to apply for an alcoholic beverage license through the New York State Liquor Authority to sell beer from an outdoor golf cart at the Tee-Bird South Golf Club.

Joe Patricke, Building Inspector/Code Enforcement Officer, advised that the Tee-Bird South Golf Club hasn't operated for a while and he should do an inspection before this license is approved.

The Town Board noted that they weren't approving the license application. Their only role was to raise any objections they may have to the license application through the New York State Liquor Authority.

They didn't voice any objections at this meeting.

COMMITTEE REPORTS:

Councilwoman LeClair referred to a letter from Ed Robbins, Dog Control Officer, indicating that he would be on vacation April 26th through the 29th. Councilwoman LeClair asked if the Board wanted Bruce Burton to cover for Ed and Supervisor Jenkins replied that the Saratoga County Animal Shelter can cover for him.

Councilman Kusnierz asked Supervisor Jenkins if he would have Terry call Ed Robbins and let him know the Board doesn't have a problem with this. Supervisor Jenkins said he would.

Steve Gram, Recreation Director, advised that he got a call from Girl's Softball indicating that Decrescente was interested in providing new coolers and soda machines to the concession stands in the Rec. Park if the Town was willing to buy the products from them to put in the coolers and soda machines and they would give the Town 100% of their profits.

Councilman Kusnierz asked why we would assume that risk.

Councilwoman LeClair said that they will provide the maintenance on the machines and coolers.

Councilman Kusnierz said that the information he had before him on this doesn't state that 100% of the profits would come back to the Town.

The Town Board told Steve Gram to get this all in writing and bring it back to the Board for discussion.

SUPERVISOR'S ITEMS:

Supervisor Jenkins advised that we don't have any Recreation Commission Minutes and we need to get them filed.

Elizabeth Lanfear, Secretary for the Recreation Commission who was present, stated that she would e-mail them to the Town Clerk. She wasn't aware until recently that they could be filed in draft form and didn't need to be approved.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to hire Reed Devitt on an on-call basis, as needed, for the position of wing man and flag man in the Highway Department at \$10.00 per hour.

A regular meeting of the Town Board of the Town of Moreau was held on March 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York. Mr. Devitt has already completed a pre-employment physical.

Roll call vote resulted as follows:

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

The Highway Superintendent submitted a memo to the Town Board informing them that he has scheduled an eight hour defensive driving class for Wednesday, April 15th at 7:30 ~~p.m.~~ **a.m.** for the Highway Department. The class will be held at the Plumber and Pipefitters Hall on Bluebird Road. The cost is \$32.00 per person and pre-registration is required. **[Amended by jf 3/16/09]**

~~A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing a change order in the amount of \$10,406.00 for the Water District 6 contract for the following items:~~ **This resolution was amended at the 4/14/09 Town Board Meeting to read as follows:**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing Change Order #2 for the Water District #6 contract between the Town of Moreau and C. B & I. Contractors, Inc. in the amount of \$54,340.00, which includes the following items:

Emergency Generator	\$31,966.00
Altitude Valve	\$ 9,130.00
Water Heater	\$ 2,310.00
Relocation Switch	\$ 528.00
Hach Chlorine Analyzer	\$10,406.00
Extend Contract Completion Period (No Charge)	
Total of Change Order #2	<u>\$54,340.00</u>

Roll call vote resulted as follows:

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

Joe Patricke, Building Inspector/Code Enforcement Officer, reported that the Town of Moreau passed the storm water audit. We were the first Town in Saratoga County to be audited. He stated that he appreciated the Board hiring a consultant last year to help with this.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn the meeting at 9:12 p.m.

Roll call vote resulted as follows:

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

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Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk