

A regular meeting of the Town Board of the Town of Moreau was held on March 13, 2012 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**

Robert J. Vittengl, Jr.	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Councilman

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Nancy Ryan, Transfer Station Clerk; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Karla Buettner, Attorney for the Town; Reed Antis, Town Resident and Planning Board Alternate Member; Joe Patricke, Building Inspector/Code Enforcement Officer; Steve Gram, Recreation Director; David Taube, Post Star Reporter (arrived at 7:44 p.m.); Town Resident: John Dickinson, Bruce Layer, Virginia Livsey, Elizabeth Lanfear, Donna Prout, Bobbi Spaulding; and Village Resident, Michael Linehan

Supervisor Jenkins led the Pledge of Allegiance.

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

**MINUTES**

The minutes of February 22nd (2 Sets), February 28<sup>th</sup> (2 Sets) and March 6<sup>th</sup> were prepared and distributed to the Town Board Members prior to the meeting for their review , comment, correction and approval.

Approval of these minutes was tabled until the next meeting.

**SET FUTURE MEETINGS/WORKSHOPS**

A workshop of the Town Board was scheduled for March 22, 2012 at 7:00 p.m. in Town Hall to discuss the rec. park and in particular, things like the little league building and the storage building.

Councilman Kusnierz stated that a meeting was scheduled for March 6<sup>th</sup> on March 2<sup>nd</sup>. He asked if it was the board's intention to reach out to all board members to see if they can attend these meetings when they are scheduled, especially when they are scheduled outside our normally scheduled meeting times.

Supervisor Jenkins said "there wasn't any intention". He said it was a special meeting.

Councilman Kusnierz asked if it was the board's intention to make sure board members are contacted to see if they can in fact make the meeting.

Supervisor Jenkins said the meeting was originally scheduled for 4:00 p.m. and every board member could make that meeting except Councilman Kusnierz so the meeting was then scheduled for 7:00 p.m. He said a special meeting would never take place at a regular meeting, because it is something that was decided after the fact.

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Councilman Kusnierz said there are instances in local government when there are emergencies and things that need to be taken care of right away, but the contents of that meeting didn't strike him as an emergency. He wanted the public to know how he was informed about it, because he thinks it could be handled better.

He received an e-mail on Friday saying that there would be a 4:00 meeting. He said everyone on this board knows and he sent everyone on the board an e-mail stating that he will never be able to attend a 4:00 meeting. He won't ever be able to unless it is on a Saturday or Sunday, because he works full-time. He made that clear and Councilwoman LeClair got back to him, because he had some questions about the meeting.

Supervisor Jenkins stated that he didn't have a problem changing it. His thought was that maybe Councilman Kusnierz could make it. He realizes that this time of year is difficult for Councilman Kusnierz, but sometimes he does make 4:00 meetings the rest of the year.

Councilman Kusnierz stated that he made a call on the 6<sup>th</sup>. He said that when he e-mailed and said he couldn't make 7:00, but he could make 8:00 there was no response. He said the board went and scheduled the meeting for 7:00 p.m. knowing that they had a quorum. He said that he changed his schedule to try and make it for 7:00 and ended up running late. He contacted the board as a courtesy, actually the clerk, at approximately 6:35 p.m. to say he would be up to 20 minutes late for the 7:00 meeting.

Supervisor Jenkins replied that the clerk did inform him of that. It was a public meeting scheduled for 7:00 p.m. and there was a quorum.

The Town Clerk spoke up and told Councilman Kusnierz that after he e-mailed and said he couldn't make the 7:00 meeting, but he could be there at 8:00 she did e-mail him and tell him that the meeting was confirmed for 7:00 p.m. that night.

Councilman Kusnierz said he knew this, but he didn't get a response to questions he had. He then asked why since it wasn't a crisis and only a ten minute meeting and for the benefit of the public they couldn't announce that he had contacted the board or wait for him to make it.

Supervisor Jenkins stated that there was adequate notice of the meeting and there were more people in attendance at that meeting than this one. Under the general law he can schedule a meeting and any board member can call a meeting.

Councilman Kusnierz said he wasn't debating the law. He thinks when the Town Board wants to hold a meeting they should reach out to all the board members and do all that they can to see that board members can attend. They all represent the public.

Supervisor Jenkins said he understood what Councilman Kusnierz was saying, but he doesn't think he would schedule any meetings for 8:00 p.m. That is pretty late to start a meeting.

Councilman Kusnierz said that he wasn't saying to schedule meetings for 8:00 p.m. every time, but he told Supervisor Jenkins that if he knows a board member is on the way and he knows what time they are going to be there then why can't he wait to start the meeting. He asked if there was a reason why the meeting couldn't have started 10 minutes later.

Supervisor Jenkins said that it was a public meeting that was scheduled 7:00 p.m. and that is when it should start.

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

Supervisor Jenkins asked if anyone wished to be heard. There were no comments.

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Councilman Kusnierz asked if there will be any meetings that he should be aware of before the next regular meeting, that hasn't already been scheduled.

Supervisor Jenkins replied that there are none that he is aware of at this time.

Councilman Kusnierz said he would like to poll the board and asked if any board member has a problem with trying to accommodate all board members if we are going to do that.

Councilwoman LeClair said when she was called and told there would be a meeting at 4:00 and the Town Clerk said that Councilman Kusnierz wouldn't be able to make it, she expressed to the Town Clerk that she would like the meeting to be held when Councilman Kusnierz could attend and 7:00 p.m. was the time that she was told he could be there.

Councilman Kusnierz said that Councilwoman LeClair was supplied with misinformation. He told Councilwoman LeClair that he appreciated her saying this.

Supervisor Jenkins said as soon as he got that information he rescheduled it for 7:00 p.m.

Councilman Kusnierz asked Councilwoman LeClair if this means that she doesn't have a problem making sure all efforts are made to make sure all board members can attend meetings, especially when they are special meetings.

Councilwoman LeClair said she didn't have a problem with this request and that she believes she did that.

Councilman Kusnierz asked Councilman Vittengl if he had a problem with this request and Councilman Vittengl replied no.

Councilman Kusnierz thanked the board.

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted a memo to the board indicating that there was an emergency repair made to the CAT loader. The estimated cost was originally around \$1,400.00. After several phone calls to Milton CAT they agreed to reduce the cost of the repair to \$741.99. The bill would be paid out of the DB5130.405 account that had a balance of \$21,860.00 as of 3/9/12.

A motion was made by Councilwoman LeClair authorizing the repair to the CAT Loader by Milton CAT at a cost not to exceed \$741.99.

Councilman Kusnierz asked Paul Joseph what made this an emergency repair.

Paul Joseph replied that both loaders were down and there was the possibility of a storm forecast and he needed a loader.

Councilman Vittengl seconded the motion.

Roll call vote resulted as follows:

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

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The highway superintendent submitted the following quotes for the purchase of fifty-four 30"x30" high intensity stop signs and twelve 30"x30" high intensity slow signs out of account A3310.498 that had a balance of \$9,440.28 as of 3/5/12.

Lightle Enterprises of Ohio	\$1,985.86
Access Safety Products	\$2,742.00
Adirondack Highway Materials	\$2,772.00

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the purchase of fifty-four 30"x30" high intensity stop signs and twelve 30"x30" high intensity slow signs from Lightle Enterprises at a cost not to exceed \$1,985.86 plus shipping and handling.

Councilman Kusnierz asked Paul Joseph questions about the signs and how many more have to be replaced and Paul Joseph answered him.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to purchase diesel fuel from Globel Montello Group under state contract #PC65528 in the amount of \$20,000.00 out of account DB5142.460 that had a balance of \$61,981.70 as of 3/7/12.

A motion was made by Councilwoman LeClair authorizing the purchase of diesel fuel from Globel Montello Group under state contract #PC65528 at a cost not to exceed \$20,000.00 for the highway department.

Councilman Vittengl asked Paul Joseph if he buys 100 or 500 gallons at a time or what the quantity was and how many gallons the \$20,000.00 would buy.

Paul Joseph replied that the cost per gallon right now is \$3.42 per gallon and it is an auto delivery system. This is a blanket purchase order request in the amount of \$20,000.00.

Councilman Vittengl noted that there was a problem recently where the purchase went over the limit approved by the board and Paul Joseph replied that won't happen again.

Councilman Kusnierz stated that he has strong feelings against blanket purchase orders. He said it is easier to lose track of authorized purchases vs. what is delivered with blanket purchase orders.

Councilman Vittengl seconded the motion.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Supervisor Jenkins	Yes

The highway superintendent requested permission to purchase crushed stone from Jointa Galusha, Peckham Materials or Pompa Bros. who are all under county contract at a cost not to exceed \$5,000.00.

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The availability and price will determine which supplier he will order from. This purchase would be made out of account DB5110.493 that had a balance of \$12,000.00 as of 2/1/12.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the purchase of crushed stone from Jointa Galusha, Peckham Materials or Pompa Bros. under county contract at a cost not to exceed \$5,000.00.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked Paul Joseph to supply the board members by the next meeting with information on the number of man hours that the highway department personnel have put in working on the new highway garage and payroll costs to-date.

Supervisor Jenkins asked Paul Joseph if he has had time to look at the excavator that the Town is contemplating purchasing and Paul Joseph replied that he has made another appointment to go look at it.

The failure of the Clark Road culvert was discussed next. The board members were provided with pictures of the culvert.

Councilwoman LeClair asked why it failed.

Paul Joseph replied that is unknown at this time. The engineer for the Town, Tim Burley, took more pictures and talked to a construction company about giving the Town an estimate to repair the culvert. He said it appears that ice and water pulled it apart at the joints. There is conflicting opinion about how much weight should be on top of the culvert.

Councilman Kusnierz asked who the engineer was that oversaw the project.

Paul Joseph replied Burley & Guminiak.

Councilman Kusnierz asked if Tim Burley indicated any recourse against the installer.

Paul Joseph said he was looking into that.

Supervisor Jenkins said the warranty was for three years.

Paul Joseph stated that Tim Burley stated that the original plan for the installation of the culvert included installing it down into silt sand about 1 ½ feet so it would be right down in the bed of the creek, but then DEC stepped in and said they wanted one down one foot and the other one raised so DEC changed the plan. Tim is in contact with DEC also and trying to get to the bottom of it.

Councilwoman LeClair asked if the culverts are still usable.

Paul Joseph replied yes, he got the one out of the way so the water started flowing again and the pressure is down. It was backed up quite a bit. It is back to a normal stream again.

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### **RECREATION DEPARTMENT REQUESTS**

The recreation director submitted proposals to purchase an AED Defibrillator for the rec. park. The following proposals were received:

American AED Inc.	\$1,275.00 (free shipping)
AED Superstore	\$1,364.00
Overstock.com	\$1,324.99

This purchase would be made out of account A7140.2 that had a balance of \$4,096.50 as of 3/9/12.

The board members briefly discussed this purchase and decided to hold off acting on it until Steve Gram arrived at the meeting. He was closing the rec. park.

Supervisor Jenkins noted that the board needs to authorize him to sign the contracts with clubs like South Glens Falls Girl's Softball and other entities that use the rec. park. However, he thought it would be best if the board had time to review the contracts first. He noted that he hadn't received copies of the contracts yet himself. It was also noted that the Town's legal counsel had not reviewed them yet either.

No action was taken on the contracts.

A request was received from Steve Gram, Recreation Director, to hire seasonal laborers for the rec. park. He submitted the names of Ken Dixon, Kevin Dickinson and Michael Hastings at \$8.50 per hour with pre-employment physicals being required.

Councilwoman LeClair stated that she spoke with Steve Gram today and all three people live in the Town of Moreau and she gave the board an idea what their employment background was. Scott Winans who works at the rec. park met with her along with Nancy Ryan and Harold earlier in the week and Scott and Harold said they would be willing to work at the rec. park and the transfer station. Fran called the county and was told that Scott could work at the transfer station as long as he didn't consistently work in excess of 20 hours per week. In the summertime Scott could be a seasonal worker between the transfer station and rec. park and Steve Gram said the season runs into November, 40 hours a week, and then not more than 20 hours a week.

Supervisor Jenkins asked if she had the rate and Councilwoman LeClair said no, she was going to discuss this under the transfer station topic that was on the agenda.

Councilman Kusnierz asked how they arrived at these names. He asked if we did an advertisement or did they apply last year.

Councilwoman LeClair stated that Steve Gram said he received 30 applications, but she didn't know if he advertised or not.

Councilman Kusnierz said we are getting hundreds of applications for any job with the Town and he didn't think we were advertising.

The Town Clerk advised that she ran an ad for seasonal laborers at the request of Steve Gram.

Kevin Dickinson stated that he responded to an ad in the Post Star.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to hire Ken Dixon, Kevin Dickinson and Michael Hastings as seasonal laborers for the recreation department at \$8.50 per hour contingent upon their successful completion of a pre-employment physical.

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Discussion followed:

Roll call vote resulted as follows:

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

Councilman Kusnierz asked that the Personnel Committee be involved in the hiring process from now on out.

### **WATER DEPARTMENT REQUEST**

Jesse Fish, Water Superintendent, submitted a memo to the Town Board asking the board if they wanted to purchase 48 radio read register heads for water meters in Water District 2 at a cost of \$135.00 each for a total cost of \$6,480.00. The price of \$135.00 each is a discounted price. The radio read register heads were purchased for another entity and would not fit their meters so the company is willing to sell them at a discounted price to the Town of Moreau. There is a fund balance of \$633,598.00 in Water District 2 as of 12/31/10. He also noted that radio read meters have been installed in all homes and buildings in Water District 1 under the Water 1 Extension 2 project.

Jesse Fish explained that radio read meters will help eliminate loss of revenue. As meters get older they tend to slow down. Radio read meters will also help him detect when a meter has been tampered with, when there is a water leak and how much water ran through the meter on a certain day.

Councilman Kusnierz said this was a good idea, but it is something that should have been talked about at budget time and he has a problem taking money out of fund balance to purchase something outside the regular budget process if it is not an emergency.

Jesse Fish stated that it wasn't a budget item, because at that time he didn't know they were available at a savings of \$40.00 each.

Supervisor Jenkins stated that .003% is all that the Town is earning on its investments and if the Town can purchase these at a bargain and they are being purchased with user fees and not taxpayer money then he didn't have a problem going ahead and purchasing them.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the transfer of \$6,480.00 from fund balance in Water District 2 into II8310.2 Water District 2 Equipment for the purchase of the 48 radio read register heads.

Councilman Kusnierz stated that he was going to vote no, because it is not a good fiscal policy to go into fund balance unless it is an emergency.

Supervisor Jenkins said he understood Councilman Kusnierz's position, but it was an opportunity to save money.

Roll call vote resulted as follows:

Councilman Kusnierz	No
Councilman Vittengl	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

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A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the purchase of 48 radio read register heads for water meters in Water District 2 at a cost not to exceed \$6,480.00 out of account II8310.2.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Supervisor Jenkins	Yes

### **WATER DISTRICT 1 EXTENSION 3 (SISSON ROAD EXT.) – COMPLETE EAF AND ADOPT RESOLUTION**

A full Environmental Assessment Form (EAF) and resolution establishing lead agency status under SEQRA were prepared by Burley & Guminiak and distributed to the Town Board for the installation of approximately 3,600 LF of 12 Inch water distribution piping, hydrants, valves and services along Sisson Road, the section between Bluebird Road and Fort Edward Road, under the Water District 1 Extension 2 project.

Attorney Buettner asked if a map, plan and report had been prepared for this extension as required under Article 12A of the Town Law. To create an extension you need to file a map, plan and report prior to complete SEQRA. She noted that she has a call into Burley & Guminiak's office and is awaiting a return call.

No action was taken on this at this meeting.

### **RESOLUTION TO INCREASE APPROPRIATIONS IN THE HIGHWAY GENERAL REPAIRS FUND FOR THE CLARK ROAD CULVERT PROJECT**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to increase appropriations by \$300,000.00 in DB5112.431 Highway – General Repairs – Clark Road Culvert to increase 2012 appropriations by re-appropriating 2011 unspent funds.

Councilman Kusnierz said he was going to vote yes, but he questioned whether this was a necessary appropriation at this time when we don't have any idea what the cost will be and he is hesitant about transferring the funds. He doesn't want the funds to be utilized for anything else.

Roll call vote resulted as follows:

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

### **ACCEPT RESIGNATION OF TRACY BOVAIR FROM ZONING BOARD OF APPEALS**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to accept the resignation of Tracy Bovair from the position of Zoning Board of Appeals Member effective immediately.

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Roll call vote resulted as follows:

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

**APPOINT RICHARD KUBIS AS PERMANENT MEMBER OF THE ZONING BOARD OF APPEALS**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to appoint Richard Kubis a permanent member of the Zoning Board of Appeals.

Councilman Kusnierz asked how they came to this decision.

Supervisor Jenkins stated that Richard Kubis is currently an alternate member of the Zoning Board of Appeals.

Roll call vote resulted as follows:

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

**SHELTER PLANNING & DEVELOPMENT INC. – GRANT FOR HOUSING REHABILITATION**

Councilman Kusnierz stated that this proposal didn't come up during the budget process and to spend outside the parameters of the budget structure is not a good idea. If the board chooses to move forward with the proposal from Shelter Planning, he has a real concern over the fact that the grant process will be limited to the Fenimore section of Town and that 15 to 18 homes will benefit at a cost of \$6,000.00. He said this was not a good return on an investment. Also, the homes will have a lien placed on them and they won't be able to be sold.

Supervisor Jenkins said the homes can be sold, the lien would have to be paid off first though.

Joe Patricke added that the lien is only for five years.

Councilman Kusnierz asked why not a program where all residents benefit.

Supervisor Jenkins recalled that Shelter Planning said that other areas of the Town may be eligible under the grant program, but that they would target Fenimore and then look at other areas of the Town.

Joe Patricke stated that in the Village of South Glens Falls the way that they recoup their cost to apply for the grant is by charging \$300.00 per building permit for houses that are rehabilitated.

Councilman Kusnierz asked who would pay the \$300.00 permit fee and Joe Patricke replied the builder.

Joe Patricke advised that the Village of South Glens Falls has had a lot of respondents who are elderly or handicapped who benefit from the program.

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Councilman Kusnierz said he wasn't arguing that there isn't an incredible need for this type of grant program, but if they were going to spend taxpayer's dollars to apply for a grant then it should be applicable town-wide.

Joe Patricke felt pretty sure that the entire Town would have to be considered when applying for the block grant.

Councilman Vittengl stated that he thought that Shelter Planning was going to target Fenimore, because there was a greater concentration there, but that there may be other areas of the Town that would qualify.

Joe Patricke stated that the Village of South Glens Falls has participated in the grant program for four years and the application process is based on income.

Councilman Kusnierz stated that he thought it should be done, but that it is not fiscally responsible to amend the budget as we go along.

Joe Patricke advised that the first time the Village of South Glens Falls applied for the grant they weren't awarded anything. Then four years in a row they qualified and obtained a total of \$1.6 million in grant money.

Councilman Kusnierz stated that there are other entities that write these grants and he suggested that the Town do its due diligence and send out RFP's.

No action was taken on Shelter Planning's proposal at this meeting.

#### **DISCUSS UPDATING THE COMPREHENSIVE PLAN FOR ROUTE 9 FROM I87 TO BLUEBIRD ROAD**

Supervisor Jenkins said he thought the board should consider updating the Town's Comprehensive Master Plan for the Route 9 corridor between I87 and Bluebird Road.

Councilman Kusnierz asked him to elaborate, because the board spent thousands of dollars on a town-wide comprehensive master plan and it is not that out of date.

Supervisor Jenkins replied that it was done four years ago. He said it should be a shorter process and there are going to be some changes along Route 9 in the next couple of years. He mentioned the developer who is proposing a major project on Route 9 that will have to be considered in the future. He spoke with Jim Martin from the LA Group about the comprehensive plan. Jim Martin worked on the comprehensive plan that we have in place now. Supervisor Jenkins said he thought the board should ask Jim Martin to submit a quote on updating the comprehensive plan. He was going to request a grant from the Saratoga County IDA to help with the cost of updating the plan, but it is unknown whether we will be awarded a grant or not. He wanted input from the board members.

Councilwoman LeClair said she was pleased that they were going to look at this. She doesn't know what the future holds in that corridor, but if we don't plan ahead then she doesn't want to have to look back eight or ten years from now and say we should have sat down and decided how we want this corridor to look. We can't go back and change it. We should have laws in place to make sure we have things the way we want them.

Supervisor Jenkins said a lot of the land involved is zoned commercial and he doesn't know how that limits us in decision making from a planning viewpoint.

Councilman Kusnierz said it makes it pretty clear. It has to be commercially designated or it doesn't go anywhere.

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Joe Patricke stated that our commercial designation doesn't even include retail.

Councilman Kusnierz asked him what our definition of commercial is and then asked him how much they spent on the comprehensive plan.

Joe Patricke said he thought about \$25,000.00.

Councilman Kusnierz said he thought it was closer to \$30,000.00 and the impetus behind the master plan was with the forward thinking of what was going to happen on Route 9 with commercial development and that was one of the main reasons why we wanted to make sure it was updated. There were many other reasons, but that was the main one.

Supervisor Jenkins stated that our comprehensive plan, if you read it, describes the particular parcel that we have gotten information on and he thought it was pretty well done. We need to keep the decision making to the community and not a developer.

Councilman Kusnierz said he agreed with this last statement wholeheartedly.

Supervisor Jenkins said that Keith Osborne a member of our Planning Board and a Planner for the Town of Queensbury mentioned about allowing more PUD's on adjacent lands. Supervisor Jenkins said he wasn't sure this was the right answer. In Queensbury with their zoning they had a problem controlling what happens, but with PUD's we could achieve more control. We need to plan the Route 9 corridor so it doesn't end up like Route 50 in Wilton.

Councilman Kusnierz stated that inherently with a PUD the Town Board has extraordinary authority to dictate how a project is going to come out. We can require just about anything within the letter of the law. He questioned if they needed to update the master plan.

Supervisor Jenkins stated any major parcel could have a PUD established on it and the PUD would infringe on the rights of landowners beyond where they should.

Councilman Kusnierz stated he is not a proponent of PUD's. In his opinion a PUD circumvents the master plan and the authority of the Planning Board. It takes a project out of the normal zoning process and allows the Town Board to interject itself and control the project. One of the reasons we do a comprehensive master plan is so that we involve the input of different sections of the community who have different interests and they get together and work out what direction the Town should go in.

Supervisor Jenkins stated that we would have to change our zoning and come up with some sort of mixed use zone, maybe limited to commercial areas, in order to have the kind of development that is going to happen in the future. He mentioned Malta and the Ellsworth Commons and how they are building their own downtown area. He said it appears to be storefronts and apartments and office space. In this Town there is no way to do that with current zoning.

Councilwoman LeClair asked if this was something that could be addressed with a zoning update and said she wasn't sure where they were at with that and asked if they were looking at updating the zoning law.

Joe Patricke replied yes it could be addressed there. He said we talked about changing the commercial to what "they" called a hamlet type zone which would be mixed use. That is what "they" are advocating for that zone.

Councilwoman LeClair asked if that would allow retail and many of the types of businesses that they were looking at currently.

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Councilman Kusnierz said quite frankly, we wouldn't even be having this discussion if there wasn't a developer very interested in a particular tract of land that has a significant portion of it dedicated to apartments.

Supervisor Jenkins said that Councilman Kusnierz used the word "significant", but there would still be 89 acres that would be commercial.

Councilman Kusnierz replied that we all heard the developer say that all he would commit to is the six high rises.

Supervisor Jenkins said he heard the developer talk about other things that he has on the boiler, but there is no need to talk about them here. The 89 acres would create more commercial space than all of the frontage that is on Route 9 and to him it is a very clever land use plan. 280 apartments are a lot, but they would be on 37 acres of land.

Councilman Kusnierz said interestingly enough in the master plan that the board adopted it reads that we have a sufficient number of apartments in this Town. He said think about how many apartments have been approved and built since the adoption of that master plan. He questions if there is a true need for additional apartment buildings in this Town at this point in time.

Joe Patricke replied that if they considered the economic impact across the nation, they aren't building single family homes, they are building apartments. It is a fact. He said the Chamber of Commerce publishes the numbers. Five years ago what we thought would be an adequate number of apartments aren't now. It has changed dramatically and you can see it up and down the Northway.

Councilman Kusnierz asked Joe Patricke if didn't he think we have enough apartments in our community now.

Joe Patricke replied that all the new apartments are filled. He said he can't explain it. There are waiting lists for the ones we have. He said he doesn't know where all the people are coming from.

This concluded the discussion on this topic.

Steve Gram, Recreation Director, was now in attendance and the supervisor asked him to explain his request for a defibrillator.

Steve Gram explained the quotes. Discussion followed on training.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the purchase of an AED Defibrillator from American AED, Inc. at a cost not to exceed \$1,275.00.

Roll call vote resulted as follows:

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

Steve Gram stated that he had another person he wanted to add to his list of seasonal laborers that was approved earlier in the meeting and that person is Scott Winans. Scott Winans presently works for the recreation department, but in order for him to work for both the recreation department and the transfer station he has to be approved as a full-time seasonal laborer according to the county.

Supervisor Jenkins asked what his hourly rate of pay would be and Steve Gram replied \$8.67 per hour.

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Councilman Kusnierz asked if his hourly rate would be the same for both departments and Steve Gram replied no, it is a higher rate of pay when he works for the transfer station.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing Scott Winans to work as a seasonal laborer at the transfer station and recreation department.

Roll call vote resulted as follows:

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

### **DISCUSS INSURANCE BUY-OUT FOR FULL-TIME EMPLOYEE WHO IS RETIRING**

Supervisor Jenkins stated that a full-time employee is retiring who has been taking the \$1,300.00 insurance buy-out in lieu of health insurance benefits. The question is will that employee still be entitled to the insurance buy-out after they retire. Supervisor Jenkins noted that a former part-time Town Justice has been receiving a partial insurance buy-out.

Councilman Kusnierz stated that he thought that the former Town Justice was only getting the drug coverage or part of the health insurance packet.

Councilman Kusnierz stated that when an employee chooses not to take the health insurance they are rewarded with a buy-out. It is for active employees only.

Supervisor Jenkins stated that for once he agreed with Councilman Kusnierz.

### **DISCUSS HOURS OF OPERATION AT THE TRANSFER STATION**

Supervisor Jenkins suggested that the transfer station remain open on Saturdays. He noted that two full-time employees are retiring from the transfer station. The revenues from the transfer station have been shrinking 7% to 8% a year. He suggested that they open the transfer station for 4 hours per day.

Nancy Ryan explained to the board the busiest hours at the transfer station.

Councilwoman LeClair stated that Tuesday, Thursday, Friday and Saturday seem to be the preferred days to keep the transfer station open.

Councilwoman LeClair mentioned keeping the transfer station open full days on Tuesday, Thursday and Friday.

Councilman Vittengl asked about split shifts and Nancy Ryan replied that won't work.

Councilman Kusnierz stated that even though the transfer station is supported by user fees and not tax dollars there is a perception from the public that it is a town service. He mentioned keeping it open the same number of days as it is currently, but with scaled back hours.

Supervisor Jenkins asked if he was suggesting keeping it open five days a week at four hours a day.

Councilman Kusnierz then said one or two days and a half day, whatever we have to do to reduce payroll. He also suggested a sticker system to remove the financial responsibility from the employees down there.

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Supervisor Jenkins suggested four hours a day on Monday, Tuesday, Thursday and eight hours a day on Friday and Saturday. He said the board could decide what hours the employees would work on those days and they could rotate hours and we would utilize all part-time employees.

After some discussion Councilwoman LeClair said she would let Fran know about this and have her verify this and then they would let the public know.

Councilwoman LeClair asked for someone to look at the loader at the transfer station. Tom Cumm expressed a concern about the loader before he left the board. Apparently it needs a lot of repairs or is going to need a lot of repairs.

Supervisor Jenkins said they could look at it, but he didn't know what they could do with the amount of funds that we have for that department.

Supervisor Jenkins asked Paul Joseph to have one of his mechanics look at it and Councilwoman LeClair asked for a report on what is needed to be done for it.

### **ADOPT COMMUNITY GARDEN FEE SCHEDULE**

The board previously discussed a community garden and a set of rules and regulations and fees were given to the board. The board was agreeable to moving ahead with the community garden, but the rules and regulations and fees were not formally approved by the board. The board was being asked at this meeting to approve the fees of \$12.00 for a 4'x6' garden bed and \$20.00 for a 4'x12' garden bed.

Councilman Kusnierz asked how the rates were arrived at.

Councilwoman LeClair said the fees were comparable to other towns.

Councilman Kusnierz stated that in other communities they generally look at expenses to arrive at fees. He asked what the expenses were estimated at.

Councilwoman LeClair stated that the estimated cost to build a garden bed is \$45.00 and that included a large bale of peat moss per bed and there were additional estimates for fencing and things like that.

Councilman Kusnierz asked how much revenue this will bring in.

Councilwoman LeClair said she was at a meeting at the community center and from that meeting she gathered that there will be eight to sixteen beds. However, we only have two reserved right now. The community center wants six beds to use for a garden program with community children and their summer program. We could only end up with three beds and if that is the case we shouldn't move forward with it.

Councilman Kusnierz stated that in order to generate community interest he suggested that we not charge for the beds for the first year and the people can bring in what they need for the beds. Next year if there is great interest, then they can start charging.

No objections were raised to this suggestion.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to not charge for the garden beds for the first year and to adopt the following Rules & Regulations for the Community Garden:

- Residents of the Town of Moreau or the Village of South Glens Falls will be priority for beds if there are more applicants than there are available beds.
- My garden bed will be properly maintained throughout the growing season. My bed will be cleared of all plant matter by October 20<sup>th</sup> each year.

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- I will keep my garden weeded and maintain areas immediately surrounding my garden. Members with gardens that are not maintained will be notified and given one week to restore to good cultural practices.
- I agree to keep trash, litter and pets out of the garden.
- I will participate in the spring and fall clean up of the entire garden area.
- I will not plant crops or build garden structures that will shade neighboring gardens. My plants will not be allowed to grow into the pathways.
- I will harvest only my own crops unless given permission to do otherwise.
- I will follow the guidelines outlined by the garden rules regarding the use of pest control measures, fertilizers and weed repellants.
- I understand that I will be given a list of plants that I cannot grow and will abide by that list.
- I understand that the other gardeners nor the Town of Moreau are responsible for my actions. I therefore agree to hold harmless the garden group, and the Town of Moreau for any liability, damage, loss or claim that occurs in connection with the use of the garden by me or any of my guests.
- I will volunteer time to help with the maintenance and upkeep of the community areas of the garden.
- If I must abandon my garden for any reason I agree to notify the Town immediately.

Roll call vote resulted as follows:

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

**AUTHORIZE SUPERVISOR TO SIGN CASH MANAGEMENT AGREEMENT AND ENROLLMENT FORM WITH GLENS FALLS NATIONAL BANK**

Supervisor Jenkins asked for authorization to sign a cash management agreement and enrollment form with Glens Falls National Bank. He said we will earn three times more interest on the Town's accounts by moving the Town's accounts to Glens Falls National from TD Bank. TD Bank is charging the Town substantial service charges. He checked the rates at Glens Falls National and NBT. TD Bank didn't want to do anything other than what they presented back in November that went into effect December 1<sup>st</sup>, which resulted in substantial charges being imposed on the accounts.

Supervisor Jenkins said he would abstain from voting on this and disclosed that he is a non-voting member of a committee through the local branch of Glens Falls National Bank. He attends four meetings a year. He derives no benefit from serving on the committee, but he wanted to avoid a conflict of interest and how the public could perceive it.

Councilman Kusnierz asked Supervisor Jenkins if he reached out to other banks in Saratoga County like Adirondack Trust.

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Supervisor Jenkins said he wanted to stay in town. There are four banks in Town, but one of them doesn't participate in anything in the community where NBT, Glens Falls National and TD Bank have all been generous with their support in the community. He said that we will earn about \$30,000.00 in interest at Glens Falls National vs. about \$5,000.00 to \$10,000.00 at NBT bank.

Councilman Kusnierz asked if he had the rates in writing and Supervisor Jenkins said he thinks he does from NBT. There is a brochure from Glens Falls National. TD Bank didn't even respond, because they have a corporate policy that they adopted that took effect December 1<sup>st</sup>.

Councilwoman LeClair made a motion to approve this.

Councilman Kusnierz asked that it be tabled until he could get more details on it. He asked that banks in Saratoga County be checked and he mentioned Adirondack Trust.

Supervisor Jenkins said he didn't see how they could go with a bank in Saratoga County and send staff to Saratoga to make deposits.

The Town Clerk said they have to drive to the bank every day and Supervisor Jenkins said it's practical to stay in the community.

Councilman Kusnierz said he would like to see something in writing. It may cost more to go there. When he makes his vote he wants to base it on something he read.

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

Reed Antis asked for an update on the septic system at the beach.

Supervisor Jenkins advised that we are waiting for more information on the cost to fix the problem.

Bobbi Spaulding asked at what stage is the proposed project by the Buck Group on Route 9.

Supervisor Jenkins said that the landowner is working with the developers and at some point the Town Board will have to approve or not approve a basic concept and whether or not to send it on to the Town Planning Board for review.

#### **COMMITTEE REPORTS**

Councilwoman LeClair asked if they wanted to request that people only reserve one bed in the community garden until we know how many participants we will have. We do have limited space.

No objections were raised by the board members.

Councilwoman LeClair reported that the Moreau Fun Days Committee met and there is a person who volunteered to put on a classic car show and they anticipate about 100 to 200 classic cars. The committee asked how the board would feel about carnival rides. We would have to check with the insurance company. Steve Gram spoke up and the carnival rides are booked and not available for Moreau Fun Days.

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Councilwoman LeClair walked the riverfront park the other day with Maria Trabca on advice from Andy LaBruzzo from the Department of State. Saratoga Planning is a great help in obtaining easements and it could be a significant cost savings on the part of the Town.

Councilwoman LeClair said she wanted to speak with Councilman Prendergast who is the other committee person on the Personnel Committee. We don't have a dog control officer and we need to move on hiring one. We have received several applications. The rec. staff is acting as dog control. Steve Gram spoke up and said not anymore. They need rabies shots if they are going to be handling dogs and they don't want to get the shots.

Councilwoman LeClair reported that the Moreau Community Center offers an arts and crafts program in the summer and a summer sports program so she and Steve Gram are going to come up with a proposal to perhaps work with the Moreau Community Center to provide us with some of those services.

Supervisor Jenkins said he thought they had enough applications for dog control officer and the applications have slowed down so he asked Councilwoman LeClair to have the Personnel Committee come up with a limited number of applicants and give their names to the Town Board so that interviews could be scheduled soon. Potentially they could interview in executive session on March 27<sup>th</sup>.

### **SUPERVISOR'S ITEMS**

Joseph Stewart sent a note thanking the Town Board for matching the funds he raised to complete his Eagle Scout Project and wrote that the board members could see the benches he installed in the Harry J. Betar Jr. Recreational Park and said the project would not have been possible without help from the board.

Supervisor Jenkins asked for a motion to adjourn the meeting.

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

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

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