

A regular meeting of the Town Board of the Town of Moreau was held on March 26, 2013 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
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Todd Kusnierz                                      Councilman

**Also Present:**    Jeanne Fleury, Town Clerk; Jesse Fish, Water Superintendent; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Karla Buettner, Attorney for the Town; Erin Trombley, Recreation Director; Royce Pixley, Town of Moreau Employee; Adele Kurtz, Town Resident; Kevin Dickinson, South Glens Falls Resident; Meg Meehan from Glens Falls and Michelle Everett from Hudson Falls; Joe Patricke, Building Inspector (arrived at 7:24 p.m.)

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to silence all electronic devices.

**MINUTES**

The minutes of March 12, 2013 were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – MARCH 12, 2013 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the minutes of March 12, 2013 as prepared.

Roll call vote resulted as follows:

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

**MEETINGS/WORKSHOPS SCHEDULED**

No meetings or workshops were scheduled.

**15 MINUTE PUBLIC COMMENT PERIOD**

None

**HIGHWAY DEPARTMENT REQUESTS**

A regular meeting of the Town Board of the Town of Moreau was held on March 26, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Paul Joseph, Highway Superintendent, requested permission to purchase a shop press out of account DB5130.2 that had a balance of \$412,483.01 as of 3/5/13. He obtained the following quotes:

J. E. Sawyer	\$1,885.00
Wallace Supply	\$926.75
Weller's Auto Parts	\$949.00

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of a shop press from Wallace Supply at a cost not to exceed \$926.75.

Roll call vote resulted as follows:

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

Paul Joseph, Highway Superintendent, requested permission to purchase four main brooms and six gutter brooms for the 1997 Johnston Sweeper out of account DB5130.492 that had a balance of \$35,323.43 as of 3/5/13. He obtained the following quotes:

Arrowhead	\$1,674.00
O.D.B. Company	\$1,327.00
United Rotary Brush	\$1,364.56

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of four main brooms and six gutter brooms for the 1997 Johnston Sweeper from O.D.B. Company at a cost not to exceed \$1,327.00.

Roll call vote resulted as follows:

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

Paul Joseph, Highway Superintendent, submitted information on an emergency repair to a leaking fuel tank on Truck #6, which is a 2000 Ford F-550. The emergency repair was made by North Country Auto Radiator at a cost of \$552.26. The board needs to approve this emergency repair. It will be paid out of account DB5130.405 that had a balance of \$16,139.00 as of 3/4/13.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the emergency repair that was made to Truck #6, the 2000 Ford F-550, by North Country Auto Radiator at a cost not to exceed \$552.26.

Roll call vote resulted as follows:

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



A regular meeting of the Town Board of the Town of Moreau was held on March 26, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

Paul Joseph, Highway Superintendent, requested permission to purchase a mid-size wheel loader under New York State Contract out of account DB5130.2 that had a balance of \$412,483.01 as of 3/5/13. He obtained the following quotes:

Nortrax	2103 John Deere 624K	\$128,970.00
Milton Cat	Caterpillar 938K	\$129,013.00
Monroe Tractor	2013 Case 721F Z-Bar	\$133,572.00
A. Montano Co.	Hyundai HL757-9	\$139,771.92

Note: These prices include the trade-in of the Town's 1995 Dresser 515CH Wheel Loader.

Paul Joseph recommends the purchase of the wheel loader from Milton Cat. It offers better fuel economy and Milton Cat offered a better trade and they offered a one year warranty on all parts.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of the Caterpillar 938K Wheel Loader from Milton Cat under State Contract Number PC65318 at a cost not to exceed \$129,013.00 out of account DB5130.2 that had a balance of \$412,483.01 as of 3/5/13.

Roll call vote resulted as follows:

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

**WATER DEPARTMENT REQUESTS**

Jesse Fish, Water Superintendent, asked the board members to consider purchasing radio read water meters for Water District 2 at a price of \$137,000.00. He also asked that the board members consider hiring a person to work in the water department, whose sole purpose would be to change out the water meters in Water District 2, during the months of May through September or until all the water meters in Water District 2 are changed out. Right now he can purchase 430 radio read meters at a cost of \$177.00 each vs. \$192.00 each the normal price. Any subsequent purchase of radio read water meters would be at the price of \$192.00 each. He explained how the meters that are over 10 years old need to be replaced and how difficult it is to get inside homes to read meters and how the clerks in the Town Clerk's Office are scrambling at the last minute to obtain

readings from water users. Jesse Fish said he would get information to the board in two to three days regarding the purchase of the radio read meters and he hoped the board would move forward with authorizing the purchase of the meters at the next meeting.

**RECREATION DEPARTMENT REQUESTS**

Supervisor Jenkins referred to a schedule of field use fees that were adopted by the Town Board and he recited a couple of the fees. He asked Erin Trombley, Recreation Director, if she had a copy of the schedule and Erin acknowledged that she didn't. The Town Clerk advised that she gave her a copy when she was first hired, but would provide her with another copy. Supervisor Jenkins said he would have Terry provide her with a copy.

**SOCIAL MEDIA POLICY**

A regular meeting of the Town Board of the Town of Moreau was held on March 26, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Buettner stated that she sent an e-mail to the Town Board yesterday. When it was first introduced it was a social media policy that was drafted for the employees and then it morphed into a social media policy for the employees and something to do with the facebook page and the town's website. That would change the draft policy significantly to add who is in charge of the site, is it for all the departments, is the town going to have its own facebook page. There are a lot of questions she has and that she needs answers to. She knows it came up because of the rec. department facebook page. She asked if the board wanted to create a town-wide social networking sites policy. She gave the board a copy of a law from the Town of Malta entitled "Website and Social Media Policies". She doesn't know where the board wants to go from here. The draft law before the board addresses employees only and it doesn't address the questions that Erin is raising.

Supervisor Jenkins said "we need limited control over who can do it, but not tell them what they can do only if he reads something he doesn't like". He said "they are looking for good judgment and we should limit who does it". He said "that Erin should be limited unless Gina is involved and she wants to do it, but we have to limit other employees so we don't have too many". Everything should go through Erin and/or the committee.

Discussion followed on how facebook works and who can access it and how posts are made to the site.

Erin Trombley explained the need for a facebook page. Field conditions, cancellations and postponements can be made on the fly and people can have access to updates right away. We can also promote our programs and photos. She mentioned a photo release would be obtained before pictures of children are taken. A release could be put on the registration forms. It is a practical marketing tool.

Councilwoman LeClair said it allows Erin access without having to go through certain areas of the town's website, which takes more time. She stated that there was a facebook page for the community garden. It allows more interaction.

Discussion followed again on facebook and how it works.

Councilman Vittengl stated that it is a good way to notify people about registrations for programs and cancellations, but he wants to keep it simple as to what is going on in the park and let it evolve from there and not too much interaction, because if someone posts something negative then it also goes to all of their friends on facebook.

Erin stated that it could be removed and she explained about hidden comments and how they get filtered by facebook.

Councilman Vittengl asked if it could be deleted before it goes on the page and Erin replied yes, if it is filtered that way.

Councilman Vittengl asked what happens if it doesn't get filtered, would it be removed immediately and Erin replied yes, she is on facebook all the time.

Erin stated that anybody who is authorized as a user can delete things that are inappropriate or obsolete. She stated that she posted a LaCrosse flyer and registration sheet on facebook and said they could also find it on the town's website.

Attorney Buettner asked if the board wanted a policy about creating official pages, for all departments, that department heads would be in charge of. She stated that if there is a town sponsored facebook page then it is subject to FOIL and that has to be up there.

Supervisor Jenkins stated that most departments don't reach out to the public very often. He used Peggy Jenkins, Assessor, as an example. She can go to the town's website and post information about the new STAR program and how to re-register. Paul Joseph, Highway Superintendent, uses the media to get information out there about highway issues. Supervisor Jenkins said that as far as his office is concerned, he isn't going to be

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talking to the public about anything they are doing and neither would the Building Department. He thinks it is a very special issue for recreation.

Attorney Buettner asked if the board wanted the social media policy to be limited to the recreation department or does the board want her to draft a broader law that would address the future.

Supervisor Jenkins said it should be limited to approval by this board and if something is posted without their approval they will be instructed to remove it.

Councilman Prendergast stated that he agreed with the Supervisor in that he didn't see other departments using it, but the wording should be general.

Attorney Buettner asked if they wanted Erin to be in charge of it and authorized to do it and the Town Board would have to authorize anybody else to use it. The answer was yes.

Councilwoman LeClair stated that department heads should be responsible and accountable. That is why they put them in the position as department head.

Erin Trombley suggested that the full-time grounds keeper be allowed access, because he is on the fields during the day assessing the conditions and he should be able to post the conditions of the fields.

Supervisor Jenkins said they have been doing that previously anyway.

Councilman Prendergast stated that in general, for the town, he doesn't think there is a policy about what employees are allowed and not allowed to do on the computer during working hours and he thinks we need one.

**RESOLUTION TO ACCEPT RESIGNATION OF DAVE MERTON FROM POSITION AT TRANSFER STATION**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the resignation of Dave Merton from the position of laborer.

Roll call vote resulted as follows:

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

**AUTHORIZATION TO ADVERTISE FOR TRANSFER STATION AND RECREATION DEPARTMENT**

The Town Clerk was instructed to place a help wanted ad in the Post Star for positions of part-time, seasonal employees in the transfer station, recreation department. Namely; laborers/clerical, lifeguards, arts and crafts and program specialists.

**DISCUSS WHAT ACCOUNT TO DEPOSIT MONEY INTO FROM HARRISON DEVELOPMENT**

Supervisor Jenkins asked the board if they wanted to deposit \$18,200.00 in subdivision recreation fees from Schermerhorn for his Harrison Avenue Project into the town-wide recreational capital projects fund or into the recreation capital projects fund.

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A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the \$18,200.00 in subdivision recreation fees from Schermerhorn to be deposited into the town-wide recreational capital projects fund.

Roll call vote resulted as follows:

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

### **DISCUSS CHANGING CONTRACT 5 FOR WATER DISTRICT 1 EXTENSION 3 PROJECT**

A math error was discovered in the low bidder's bid, R. J. Kerr, for Contract 5 the Water District 1 Extension 3 project (the water distribution system). This math error resulted in an increase in the bid price by \$5,020.00. The original bid amount was \$256,060.00 and the amended amount would be \$261,080.00.

Councilman Prendergast asked how this increase compared to the next lowest bidder and Supervisor Jenkins stated that they are still the lowest bidder by quite a bit.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing an amendment to the bid amount from R. J. Kerr from \$256,060.00 up to \$261,080.00 and increase of \$5,020.00 for Contract 5 – Water District 1 Extension 3 project.

Roll call vote resulted as follows:

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

### **DISCUSS MOVING PLANS FROM CURRENT TOWN HALL TO NEW MUNICIPAL CENTER COMPLEX**

Supervisor Jenkins said he would like to form a moving committee and it would include the Town Clerk, because she is the records management officer and she should supervise how the records are handled during the move and he asked for two volunteers from the Town Board. Councilwoman LeClair said she would be willing to help and Councilman Prendergast said he would help, if he was available at the time.

Councilwoman LeClair said they should price a U-Haul truck and they need to get quotes on wiring for the computers.

Supervisor Jenkins replied that he is getting quotes now from IT firms regarding wiring and computers. He didn't think a U-Haul was a great idea. He said there are a lot of heavy items to move and he doesn't want anybody to hurt their back. He thought it would be better to hire people who move people for a living. He said it wouldn't be as expensive as they think.

Joe Patricke interjected by saying that timing is everything. He said people won't accept that we are just shutting down to move.

Councilwoman LeClair asked about a phone system.

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Supervisor Jenkins said he was working on it. The wiring for phones is being done as part of the construction process and Joe Patricke interjected saying that he met with Verizon today about service to the new building.

**13<sup>TH</sup> ANNUAL TOWN FINANCE SCHOOL – AUTHORIZATION TO ATTEND**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing Councilwoman LeClair to attend the 13<sup>th</sup> Annual Town Finance School in Saratoga Springs May 2<sup>nd</sup> and 3<sup>rd</sup> and for the registration fee of \$200.00 and mileage and all necessary expenses to be a proper town charge.

Roll call vote resulted as follows:

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

**RESOLUTION ACKNOWLEDGING COMPLETED EXAM OF COURT’S FINANCIAL RECORDS**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast acknowledging that the required examination of the Town of Moreau Justice Court’s financial records for the year ended December 31, 2012 has been completed and approved by the Moreau Town Board.

Roll call vote resulted as follows:

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

**CHANGE ORDERS – NEW MUNICIPAL COMPLEX**

The following change orders were presented to the Town Board for approval and explained as follows:

Change order 1 – Cancelled		
Change order 2	Sliding window – Clerk’s Office	\$ 630.00
This window is for the inner Town Clerk’s Office so the Town Clerk can hear and view what is going on out in the main office area and see customers when they come to the counter.		
Change order 3	Secure storage – Enlarge platform	\$ 3,729.45
This is the platform where the various boards will sit for meetings and that the justices will use during court. There will be one step up onto the platform, enough room to seat seven people and an area for the court’s computer and secure records.		
Change order 4	Town Board/Judge’s Bench	\$14,262.00
This is the bench that the Town Board and Justices will use as a desk area at meetings and it will be similar to what is in the Town Board Room now in the current Town Hall except the front will be a little higher to create a separation between the Judges and the people and there will be a center drawer.		
Change order 5	Catwalk in attic	\$1,301.80
This is required by code so there is access to the air handler.		

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Change order 6	Access Door	\$455.00
This is more of an access panel than a door. It will close off the water meter and area where water line comes into the basement under the stairs. It will close off the area, but can be removed to gain access to the meter and line.		
Change order 7	Louvers	\$1,641.05
This is something that failed to make the mechanical drawings and is needed for the air handler in the attic.		
Change order 8	Lintel – South entrance	\$413.42
This is a beam type structure that is needed for safety of the structure over the south entrance.		
Grand total of change orders 2 through 8 under General Construction Contract #1 is \$22,432.72.		

Councilman Prendergast noted that he and Councilwoman LeClair met with Joe Patricke at the site and they went over all of these items.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the above change orders under Contract 1 the General Construction Contract for the new municipal center complex at a total cost not to exceed \$22,432.72

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

**RESOLUTION TO REAPPROPRIATE FEMA AND STATE FUNDS FOR CLARK ROAD CULVERT**

This resolution was done at the Month-End Audit Meeting held at 6:30 p.m. prior to this meeting.

**RESOLUTION TO CREATE A HIGHWAY CAPITAL PROJECTS BUDGET**

Supervisor Jenkins explained that we may not need to spend money from this account, but it is the nature of the budgetary process and is required to be created and maintained until the capital project is closed.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to increase appropriations by \$38,137.91 in account HH1620.2 Highway Garage Capital Project, Buildings, Equipment to create a Highway Garage Capital Project 2013 Budget based on Town Board Resolution on April 27, 2010.

Roll call vote resulted as follows:

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

**HIRE A PART-TIME RECREATION MAINTENANCE SUPERVISOR**

Supervisor Jenkins advised that this topic was going to be discussed in executive session at the end of the meeting and if the board decides to vote on this then it would be done in open session after the executive session.

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**DISCUSS AGREEMENT FOR LEGAL SERVICES WITH BARTLETT, PONTIFF, STEWART & RHODES RE: WATER DISTRICT 1 EXTENSION 2 & 3**

Supervisor Jenkins stated that the agreement would allow the attorneys to work within the confines of the local bond counsel numbers that were approved and the numbers aren't going to change. There could be some minor expenses for publishing and things like that. It won't be significant.

Attorney Buettner stated that they have to stay under \$25,000.00 for the MWBE so; it is going to be \$24,999.00. She stated that there was an amended bond resolution done a few months ago and that was above and beyond their prior legal services agreement, because extension 3 was added on. Their prior legal services agreement was for extension 2 only. She said that the EFC is requiring this for Water District 1 Extensions 2 and 3.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign the letter of agreement with Bartlett, Pontiff, Stewart & Rhodes, P.C. in the amount of \$24,999.00 amending the agreement for legal services between the Town of Moreau and Bartlett, Pontiff, Stewart & Rhodes, P.C. for the 2012 and 2013 years in regards to Water District 1 Extensions 2 and 3.

Roll call vote resulted as follows:

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

Supervisor Jenkins	Yes
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**15 MINUTE PUBLIC COMMENT PERIOD**

None

**COMMITTEE REPORTS**

Councilwoman LeClair stated that an employee resigned from the transfer station. She also said that last year they priced bags and the price was about 30 to 40 cents per bag plus shipping and that would be a lot of money to pass on to the users of the transfer station. She reported that they looked into moving a building and Councilman Vittengl interjected by saying "to make it more efficient". Councilwoman LeClair stated there was discussion last fall about enclosing the end of the building and the concern was the smell. They have since found a new product to spray down the compactor with and it dramatically reduced the smell. She stated that we need to take care of the bird droppings up in the rafters. She called two places for a quote and one has called Terry back and she is trying to find a third quote. She said it isn't as simple as hosing it down. Once it is cleaned then we need to close it in so the birds don't get back in.

Supervisor Jenkins stated that Fran advised him that the day of the snow storm we took in \$66.00 at the transfer station and the question is should we consider closing the transfer station on snow days when the schools are closed. He said it is something for the board to think about.

Councilwoman LeClair reported that the Conservation Committee is meeting at the rec. park on April 16<sup>th</sup> at 6:00 p.m. and they hope to tour some of the trails. They are thinking about marking the trees along the trails so people can find their way back to the park. She invited Erin Trombley to join them

Councilwoman LeClair reported that some of the people who have established garden beds in the community garden are going to meet April 2<sup>nd</sup> at 6:00 p.m. in Town Hall. They are pursuing free gardening seminars through cooperative extension.

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A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn to executive session at 7:55 p.m. to discuss financial negotiations with an unnamed party, to discuss a contractual issue with Hoosick Valley Contractors (HVC) regarding a discrepancy in the carpenters rate of pay (they quoted in their bid the Washington County rate rather than the Saratoga County rate), discuss a negotiation issue regarding the industrial park, interview an applicant for the recreation maintenance supervisor, discuss a financial issue concerning a property owner in regards to the Clark Road culvert project, and to discuss the interviews held prior to the meeting by Councilman Prendergast and Councilwoman LeClair.

Roll call vote resulted as follows:

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

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

Joe Patricke was invited into the executive session for the portion regarding HVC and carpenters rates.

Royce Pixley was invited into the interview portion of the executive session.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 9:57 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to hire Royce Pixley as Part-Time Recreation Maintenance Supervisor at \$15.00 per hour effective April 1, 2013 with no benefits.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 9:01 p.m.

Roll call vote resulted as follows:

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

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Supervisor Jenkins                      Yes

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk