

A regular meeting of the Town Board of the Town of Moreau was held on May 10, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll.

**Town Board Members Present**

|                 |              |
|-----------------|--------------|
| Tom Cumm        | Councilman   |
| Bob Prendergast | Councilman   |
| Gina LeClair    | Councilwoman |
| Todd Kusnierz   | Councilman   |
| Preston Jenkins | Supervisor   |

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Jeff McCabe, Town Justice; Joe Patricke, Building Inspector/Code Enforcement Officer; Steve Gram, Recreation Director; Peggy Jenkins, Assessor (arrived at 7:12 p.m.); Martin D. Auffredou, Attorney for the Town (arrived at 7:07 p.m.); Lydia Wheeler, Post Star Reporter; Jim Mitchell, Engineer from Environmental Design Partnership; Michael J. O'Connor, Attorney from Little & O'Connor, representing Va Va Voom; Joseph J. Bianchine, ABD Engineers & Surveyors; Robert Murray & Marilyn Ryba from Shelter Planning & Development; Lee Rosen from the House of the Good Shepherd; Town Residents: Vince Sporrer, Richard Hughes, Huguette Delvaux, Adele Kurtz, Virginia Livsey, Bruce Flayer, Martin Cech, Elizabeth Lanfear, and Reed Antis; Village Residents: Michael Vaughn and Andre Delvaux; and Steven M. VanGuilder, President and CEO of the Moreau Emergency Squad

Supervisor Jenkins led the Pledge of Allegiance.

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

**MINUTES**

The Town Clerk noted a correction that needed to be made to the minutes of April 12, 2011 that were previously approved, as follows:

Page 193 – In the 3<sup>rd</sup> & 4<sup>th</sup> line of the motion approving the purchase of a tandem dump truck with plow the following words should be deleted “and the total cost not to exceed \$217,097.10”

The Town Clerk also noted that since the April 12<sup>th</sup> meeting it has been determined that the annual lease payments are going to be \$46,896.44 for 5 years including interest.

**SET FUTURE MEETINGS/WORKSHOPS**

Councilwoman LeClair informed everyone that the LA Group was going to hold a workshop with the Riverfront Park Committee on June 23, 2011 at 7:00 p.m. in Town Hall.

**15 MINUTE PUBLIC COMMENT PERIOD**

Vince Sporrer asked why the STAR exemption was reduced by about 10%.

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Supervisor Jenkins explained that the STAR exemption is set by the NYS Department of Taxation & Finance and every year it changes.

Vince Sporrer said that the Town of Moreau is the only town that it was reduced in, from what he could tell. He said that this decrease in the exemption would equate to about \$100.00 more out of the seniors pockets above and beyond the school tax increase and about \$50.00 more out of the pockets of the people who have the basic STAR exemption.

Supervisor Jenkins said he would try to find out the reason for the decrease.

Councilman Kusnierz said that Peggy Jenkins, the assessor, could explain it and asked why she wasn't in attendance.

Supervisor Jenkins stated that he did not know why she was not in attendance and thought she was going to be present.

#### **SHELTER PLANNING – 2011 COMMUNITY RENEWAL GRANT PROGRAM**

Robert Murray and Marilyn Ryba from Shelter Planning were present to offer their services to the town in applying for a Community Renewal Grant in an attempt to secure up to \$400,000.00 in funding for the improvement of homes in a targeted area. They chose the Fenimore area, because they thought it was a good fit for this grant program. The grant is due in by the end of May. The funding for this grant program is from the federal government and the grant assists homeowners, who qualify, in making improvements to their homes. The cost for Shelter Planning to write the grant and submit it is \$6,000.00. They would send out surveys to the homeowners in the targeted area. Once the surveys are all returned they would review them and determine if a grant application would be successful or not. If they don't receive enough responses back from the survey then they will declare the project "dead in the water" and they won't submit an application. If they don't submit an application then the Town would not have to pay their \$6,000.00 fee. If an application is submitted and the town is successful in obtaining grant funding then Shelter Planning will administer the grant program. If the board agrees to engage their services then two public hearings would have to be held before May 27<sup>th</sup>.

Councilman Cumm stated it was his understanding that if the town was successful in obtaining a grant then the amount of funding would be \$400,000.00, which equates to \$25,000.00 per house times 16 houses.

Robert Murray replied that realistically it would probably be 12 to 14 houses.

Councilwoman LeClair asked what the income per household needs to be to meet the criteria of the grant and Robert Murray replied that for a family of three the threshold is \$54,000.00.

Councilwoman LeClair asked if Fenimore was the only area that would be eligible.

Robert Murray replied that was something the Town Board had to decide as part of the grant application process. They recommend starting with one targeted area. The board could apply for a town-wide grant, but that decision would have to be made very quickly to meet the grant deadline. He explained the process of mailing two surveys to homeowners, setting two public hearings and running an advertisement in the newspaper.

Councilwoman LeClair asked who would decide who the contractors would be on the project.

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Marilyn Ryba stated that there is a pool of contractors that they select from. The references of these contractors have been checked and they all meet the insurance requirements. They also have training in things like lead paint abatement. There would be no prevailing wage rate involved in this program. Shelter Planning would manage the bidding and construction phases. The cost for them to manage the bidding and construction phases would be paid for out of the grant money.

Councilman Prendergast asked if they have worked with the Village of South Glens Falls before on these types of grants and Robert Murray explained their relationship with the village.

Councilman Prendergast said he had a concern over targeting just one area of the town. He was concerned that someone across town would ask why they weren't included and how they could be included.

Robert Murray explained what the board should tell someone in this case.

Following brief discussion, Supervisor Jenkins asked how the board wanted to proceed.

Councilwoman LeClair said we didn't have anything to lose if we move ahead and allow Shelter Planning to determine if there is an interest from the public to participate in the grant program.

Councilman Cumm said he wanted to move ahead with this.

Councilman Kusnierz stated that he thought this program was a good idea, but there are a lot of good ideas that come before the board. He stated that the board didn't budget for this project and we would have to come up with potentially \$6,000.00.

Supervisor Jenkins stated that there is money in the contingency fund.

Councilman Kusnierz stated that he didn't think this was a contingency fund item. What he thought was a contingency fund item was something that was an unanticipated expenditure and something that we have to spend money on that we hadn't budgeted for.

Supervisor Jenkins said that wasn't the definition we have to live with.

Councilman Kusnierz stated it was the definition he lives with from a policy standpoint.

Supervisor Jenkins was of the opinion that the contingency fund can be used for anything that the board failed to budget for, whether it is an emergency or something the board thinks is needed.

Councilman Cumm said this is an opportunity to help 12 to 16 homeowners. The town has never applied for funding for this type of program. He has looked at the list of towns, cities and villages that have applied and received millions of dollars in funding. He asked himself why we haven't done this before. He was ready to make a resolution to that effect.

Councilman Kusnierz said this was an interesting characterization that Councilman Cumm made about helping 12 to 16 homeowners. On other issues that have come before this board, mainly high speed internet, which would certainly help a lot more than 12 to 16 homeowners that wasn't the approach Councilman Cumm voiced when that issue came before the board. He didn't think the town should be spending \$6,000.00 to help 12 to 16 people without having gone through the budget process and the board agreeing that this is a priority for us to expend funds on, and they have not done that to-date.

Councilman Cumm made a motion and it was seconded by Councilwoman LeClair to accept the proposal from Shelter Planning at a cost not to exceed \$6,000.00.

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Councilman Prendergast asked if the funding has been reduced by the federal government.

Robert Murray stated that there is about \$40 million available in this funding round for housing rehabilitation, public facilities and economic development. In the past it was about \$50 million.

Councilman Kusnierz asked if they had any written information on their successes that they could supply the board with.

Supervisor Jenkins and Councilwoman LeClair stated that information is available in the packet of information given to the board.

Councilwoman LeClair stated that they were talking about windows, insulation, furnaces. An elderly person in the village got funding and they got a new furnace and windows and they couldn't have afforded to replace them without the grant and they were very appreciative.

Robert Murray apologized to Councilman Kusnierz and said he thought they gave out enough brochures for everyone, but they have a successful track record. It is very competitive. They can't win every time, but they have won more than they have lost.

Councilman Kusnierz asked if they said it was specific to certain areas of the town or was it town-wide.

Robert Murray replied that once the survey is complete it will tell them the way to be the most competitive. In his opinion they should target the Fenimore area in the first application round.

Councilman Prendergast asked if didn't the board have to allocate money for this first. He also wasn't convinced that it should be paid for out of the contingency fund.

Attorney Auffredou stated that at some point the money would have to be allocated, it could be done in the motion and second that was just made.

Supervisor Jenkins stated that there is \$5,700.00 in the economic assistance fund.

Supervisor Jenkins asked the clerk to call the roll on the motion and second.

Councilman Kusnierz stated he would vote no on the motion and second, because the board didn't budget money for this. There are potentially 12 to 16 residences in our community that could benefit from this at a cost of \$6,000.00 to the town. He said these are tough times throughout the town. We just heard Vince Sporrer indicate that the senior STAR program credit has been cut by 10%, and one way to offset that is to be fiscally responsible through these tough economic conditions. We don't have to spend the money in the budget. We can roll the money over next year when we are putting our budget together, and that is how we can offset these unanticipated expenses that are forced upon us by the State of New York. What he is hearing tonight is that there is a motion to expend this kind of money to benefit a very limited number of individuals. Frankly, he didn't think the taxpayers on the other end of the town would be in favor of this. He wasn't in favor of it and he was going to vote no.

Roll call vote resulted as follows:

|                        |        |
|------------------------|--------|
| Councilman Kusnierz    | No     |
| Councilman Cumm        | Yes    |
| Councilman Prendergast | No *   |
| Councilwoman LeClair   | Yes    |
| Supervisor Jenkins     | Yes ** |

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\* Councilman Prendergast voted no, because he is concerned that during these tough times we are going to target a specific amount of money, for a specific area of town, and how are other individuals in other areas of the town going to look at this.

\*\* Supervisor Jenkins voted yes, because he signed two checks in the last two days totaling \$15,000.00 for two families, so he feels that reaching out to 12 to 14 families is very important. He said we have all of the \$6,000.00 except \$300.00 of it in the economic assistance fund, so he would vote yes.

Councilman Kusnierz asked Supervisor Jenkins to explain for the record his statement about the two checks he wrote in the last two days.

Supervisor Jenkins said it was to purchase easements so we could fix the road.

Councilman Kusnierz asked if he meant by “we” the “Town of Moreau”.

Supervisor Jenkins replied that “we” meant “all the citizens of the Town of Moreau”.

Councilman Kusnierz said that was excellent and said it was a fantastic way to spend money that benefits the entire town by improving the roads. He said that Supervisor Jenkins made it sound like it only benefitted two individuals. That isn't the case.

Supervisor Jenkins replied that they were the ones who ended up with money in their pockets.

Councilman Kusnierz replied that the town ended up with a usable road.

Supervisor Jenkins said the board needed to set two public hearing dates on the grant program.

Robert Murray said they needed to hold two public hearings before May 27<sup>th</sup>. The public hearings do not have to be attended by the Town Board, and they can be held at any time day or night. Notice of the public hearings has to be given at least seven days before the public hearings according to the grant guidelines. There also has to be an authorization by the board to submit the grant application after the second public hearing. An official board meeting would have to be held to authorize the submission.

After discussing when the public hearings could be held and when the official board meeting could be held to authorize submission of the grant it was decided by the Town Board that they couldn't fit in two public hearings and a meeting to approve submission of the grant before May 27<sup>th</sup>. Therefore, they would have to wait until next year and reconsider submitting a grant application then.

Robert Murray thanked the Town Board for their time and consideration.

Before moving on to the next agenda item, Councilman Kusnierz asked Peggy Jenkins, who was now in attendance, to answer Vince Sporrer's question about the reduction in the STAR program credit.

Peggy Jenkins stated that the Town of Moreau wasn't the only town that was seeing a reduction. She said the state comes up with those numbers. They use a formula to arrive at the numbers. The sales differential within the county, the apportionment of the state aid to the schools, and a change in the levy are all attributed to the numbers arrived at.

Councilman Kusnierz asked if the reval in the town would have affected the formula. Peggy Jenkins replied no. She said the reval was in 2010 and these numbers are for 2011.

Councilman Kusnierz asked if the reductions in the towns around us are the same as here in Moreau.

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Peggy Jenkins replied yes. She said if they looked at the newsletter sent out by the school district they would see that in Northumberland and Wilton the savings are less than Moreau even though the STAR exemption amounts are the same.

### **VA VA VOOM PLANNED UNIT DEVELOPMENT (PUD) – SET PUBLIC HEARING**

Councilman Kusnierz asked the board why they wanted to set a public hearing on the Va Va Voom project when the board hasn't held their workshop on the project yet. [Note: The Town Board scheduled a workshop on the Va Va Voom project for May 17<sup>th</sup> at 7:00 p.m. in Town Hall.]

Supervisor Jenkins stated that they wanted to get the public hearing on the calendar. After the workshop if the board decides not to move forward then they could cancel the public hearing.

Councilman Kusnierz stated it was premature. He hasn't heard an outpouring of support from the community that they are in support of this project. He didn't know if the rest of the board members had or not.

Councilwoman LeClair stated that she talked to the neighbors. She asked Councilman Kusnierz if he saw the map with the changes, and Councilman Kusnierz acknowledged that he had.

Supervisor Jenkins said he had a couple of meetings with the developer concerning the commercial property and the enhanced living proposal that would be on commercial property. They are now proposing to eliminate two pieces of the commercial property, and they are proposing a second 64-unit enhanced facility. They eliminated one whole complex. On the north side there were two buildings proposed. One building was moved on the plans to the south side so now the buildings in the back are both on ten acres. There is a lot of green space now.

Councilman Kusnierz asked what we are looking at for density now.

Supervisor Jenkins replied that everything is 55 and over. The only commercial portion would be the enhanced, because there is going to be commercial operations within the enhanced. The building in the back would be for subsidized housing through HUD, assuming it gets built. On the other side there would be two buildings of 50 units each. It is still a little dense, but each building would have ten acres so they would be pretty close to code, if they are individual sites.

Councilman Kusnierz said he would like to see the latest information. He wasn't supplied with this information before tonight.

Supervisor Jenkins stated even his sheets don't show the latest changes.

Attorney Auffredou said there may be a process change that the board doesn't want to hear about, but he asked if he was hearing correctly in that the office retail is out as a use? He went on to say that the Planning Board, through a required review process, found that this was a comprehensive program whereby all the needs of the seniors would be met on this property. He said a presentation was made to the Planning Board and the Planning Board's recommendation is so important to this process. They spent so much time on this process and he spent so much time on this. He couldn't sit here and say that the Planning Board's recommendation would have been the same had it not been for the office and retail space. It seems to him that they have a process issue here now.

Supervisor Jenkins said that every move that was made has been to answer questions from board members and from citizens adjacent to it, and it is a much better situation.

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Attorney Auffredou said that may be, but the Planning Board made a recommendation on a vastly different project than what they are proposing now. The Town Board has the final decision. However, it is his job is to protect the board. Should there be a challenge to a decision of this board whereby someone argues that the Planning Board process hasn't been followed the Town Board is going to be looking to him and asking, "where was Martin in all of this".

Supervisor Jenkins said in his last discussion with the chairman of the Planning Board, he was very concerned over the density, which the board has done a good job of eliminating.

Attorney Auffredou said he wasn't disagreeing.

Councilman Prendergast stated that Attorney Auffredou is only speaking to the process.

Supervisor Jenkins asked Joe Patricke if Va Va Voom could be put on the agenda for the Planning Board Meeting on May 16<sup>th</sup> and Joe Patricke replied yes.

Attorney Auffredou stated that the Planning Board was required to conduct a public hearing on this project and they conducted a public hearing based upon a project that proposed retail and office space in it and that brought forth a comprehensive land use program whereby all of the needs of seniors could be met on that property. He sees that as a major modification.

Councilman Cumm asked if they would have to go through another public hearing process.

Attorney Auffredou said it was a great question and one he would have to give some thought to. He will probably have to talk to the Planning Board about that. He added that his job is to make sure the process is followed and this board has a defendable record in the event of a challenge. He serves no other purpose. That is his job.

Councilman Cumm asked if they could move forward with the commercial property as is.

Attorney Auffredou said they have a report from the Planning Board which is an important component of the PUD zoning law. The report and recommendation from the Planning Board is for a vastly different project than what was being proposed now.

Supervisor Jenkins said he understood this. He thought they could do it if they really wanted to, but it didn't make any sense. He would suggest that they go back to the Planning Board on Monday and have them look at the new plan, which is a much better plan in his opinion.

Attorney Auffredou said it may very well be, but he didn't want cause #1 in an action to be that the Town Board approved a PUD legislation that the Planning Board really had very little to do with.

Councilman Kusnierz asked that if the board was going to be asked to take action on anything that the board be provided information on what they were going to be acting on.

Supervisor Jenkins replied that they weren't being asked to act on anything. They were only asked to schedule a public hearing.

Councilman Kusnierz said he already said it was premature. It was putting the cart before the horse.

Supervisor Jenkins replied that the board could cancel the public hearing anytime they wanted to.

Councilman Kusnierz asked why schedule it until they were ready to go.

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Councilman Kusnierz stated that there is a pattern here where everything lately seems to be rushed. We are always doing things because we are up against a deadline. He said they didn't need to be rushed by anybody.

Attorney O'Connor stated that he respected Attorney Auffredou's position. He is the Town Board's legal counsel and he didn't want to get into a confrontation or argument, but he has a little difference of opinion. He stated that what was given to the Planning Board was the project as originally proposed and they made a recommendation on that. This board can take that recommendation and either accept it, reject it, or modify it. He looks upon this as a modification of that recommendation. It doesn't change the fact that they made their recommendation and went through the process. The board, by their comments, directed the applicant to reconsider the density. There has been a lot of movement here trying to come to some sort of satisfactory presentation. The Town Board is not bound by the Planning Board's recommendation.

Supervisor Jenkins said he understands this, but he goes with what the Town's legal counsel says. He does a great job. Also, there are some members of the Town Board who want to do it differently. So that is enough reason. He said the applicant should get on the agenda for the Planning Board meeting on Monday. The Town Board will meet on Tuesday and they will discuss it further.

**SET BID OPENING DATE FOR THE NEW HIGHWAY GARAGE CAPITAL PROJECT RE: MECHANICAL/PLUMBING/ELECTRICAL/FIRE PROTECTION**

A bid opening date needed to be set on the mechanical/electrical/plumbing/fire protection for the proposed new highway garage.

Supervisor Jenkins noted that a bid opening was held on the general construction of the proposed highway garage.

Jim Mitchell said he talked with the low bidder, TMJ, who bid \$758,000.00. There were a couple of items in that bid that didn't comply with our requirements. One of the items that didn't meet our requirements was the supervision. Our requirement was that the general contractor, man the job for the entire duration of the job. He is going to go back to TMJ and explain this and find out if they want to agree to this term or not.

Councilman Kusnierz asked how these particular companies came to bid. He asked what papers it was advertised in.

The Town Clerk replied that it was advertised in the Post Star and in the construction trade publications.

Councilman Kusnierz said he asked this, because he was surprised to find out that in today's hard economic conditions that only nine bids were received. He said if anyone read the paper today there was an article in it that read that 28 bids were submitted for the proposed fire station project in Wilton.

Jim Mitchell advised that 14 bid specifications were let out and 9 bids were received for the highway garage project.

Councilman Kusnierz asked Jim Mitchell why he thought this was and Jim Mitchell said he didn't know.

Jim Mitchell asked the board to set a bid opening for June 6<sup>th</sup> at 2:00 p.m. He hoped by June 14<sup>th</sup> they would be in a position to award a contract on the general contracting.

Councilman Kusnierz said it is a tight time frame and asked if couldn't this potentially eliminate some bidders.

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Jim Mitchell stated that three weeks is enough time.

Councilman Kusnierz asked the Town Clerk to contact the Town of Wilton and find out who bid on the fire station project and send our bid specifications to those firms.

No objections were raised to the June 6<sup>th</sup> bid opening date at 2:00 p.m. in Town Hall.

### **WATER DISTRICT 1 EXTENSION 2 DISTRIBUTION SYSTEM - SET BID OPENING DATE**

A bid opening date was set for June 7<sup>th</sup> at 2:00 p.m. on Contract No. 1 and 2:30 p.m. on Contract No. 3 for Water District 1 Extension 2.

### **COURT REQUEST - TELEPHONE SERVICE**

Councilwoman LeClair checked with Cornerstone and there will be no effect on the Town's telephone bills if the court goes with Time Warner for telephone service.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast authorizing the town court offices to obtain the services of Time Warner for their telephone system.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

A request was received from the highway superintendent to purchase crushed stone from Jointa Galusha and Peckham Materials under county contract at a cost not to exceed \$5,000.00. The purchase would be made out of account DB5110.493 that had a balance of \$28,156.11 as of 5/2/11.

Councilman Kusnierz asked what the cost per ton was from Peckham.

Paul Joseph replied that for #3 stone it was about \$6.00 per ton.

Councilman Kusnierz asked what the crushed stone would be used for and Paul Joseph said for drywells and some road shoulders.

Councilman Kusnierz asked if he had any stockpiled now and Paul Joseph replied he had some stockpiled, but not enough.

Councilwoman LeClair thanked Paul Joseph for all he does for the town. She said she realizes that a lot of what he does is behind the scenes and people don't realize what he does. When Supervisor Jenkins was out of town and there was flooding in the area every time she called Paul he was one step ahead of what she needed him to do. Paul was out all night on the roads and keeping her informed of what was going on with the flooding. After going through this it is apparent that we need a more cohesive plan with communities around us, but she wanted to thank Paul for everything he did and for a job well done.

Supervisor Jenkins reported that at a public safety meeting in Ballston Spa today there was a strong discussion over what happened the last two weeks, the flooding a week ago, and then the alarm going off

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at the dam on the Sacandaga. There was poor communication within the county. A town resident had to go to Fort Edward to get sand bags and the fire company down there helped them. It was nice that they helped their neighbor, but we needed help in Moreau and there was terrible communication from Saratoga County Emergency Services. There is a lot going on down there now to try to reorganize it. The first three people who were supposed to be called never got a call.

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

Roll call vote resulted as follows:

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

#### **RESOLUTION AUTHORIZING INSTALLMENT PURCHASE AGREEMENT FOR FINANCING OF PLOW TRUCK**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the supervisor to enter into an installment purchase agreement for the lease of a plow truck for the highway department contingency upon final approval by the attorney for the town and the insurance company for the town.

Roll call vote resulted as follows:

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

#### **RECREATION DEPARTMENT REQUESTS**

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing Jeremy Tripp to attend a class sponsored by NYS DEC on June 14<sup>th</sup> at a cost not to exceed \$100.00 in order for him to maintain his pesticide license, which enables him to apply fertilizer, etc... to the fields in the town's recreation park.

Roll call vote resulted as follows:

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

Steve Gram the recreation director submitted a list of people he wanted to hire for seasonal employment in the recreation department.

Councilman Kusnierz asked what criteria was used to come up with this list and Steve Gram stated that he

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went through all the applications that came in and they have all worked for the recreation department before except for one.

Councilman Kusnierz noted that the list was the same list that was submitted at a meeting two weeks prior and we just advertised a week ago so the list was prepared before the ad went in the paper.

Councilman Kusnierz stated that once again, as happens every year, we are not extending equal opportunity to the people in our town.

Steve Gram disagreed with this.

Councilman Kusnierz asked Steve Gram how he could disagree when the list was put together before the ad went in the paper.

Councilman Kusnierz said the personnel committee makes the recommendations to this board. If Steve Gram wants to submit the names to the personnel committee and the personnel committee wants to make a recommendation he will accept their recommendation. Until then he wasn't going to approve the list. He recommended that the board not act on hiring anybody until there is a fair process for people to apply, and then the personnel committee reviews the recommendations of the recreation director, and then the full board could vote on it. Just because a person has worked for the town before doesn't mean they should be guaranteed a job again or exclude other members of our community an opportunity to have a job. This is his opinion and he says it every year.

Supervisor Jenkins asked Steve Gram which people on the list he wanted to hire right away.

Steve Gram replied Zack Howe, Gary Plimpton and he mentioned Roy Pixley who was working in the cemeteries right now mowing.

Councilman Cumm stated there were 29 applications and he asked Steve Gram if all the applicants had been interviewed.

Steve Gram stated that some of them he just got today in his mailbox.

Councilman Cumm said that some of them go back to March of 2011 and March of 2010.

Councilman Prendergast said he heard Steve Gram say he needed two right now so there is a little more time for him to review applications.

Supervisor Jenkins said he saw four laborer positions on the list and asked Steve Gram how many he needed filled right away.

Steve Gram replied all of them as soon as possible.

Councilman Kusnierz asked Steve Gram what is not getting done in the rec. park that would get done with those positions filled.

Steve Gram replied mowing of cemeteries. Roy Pixley is mowing cemeteries by himself right now. Also raking and cleaning up. There are only two people working nights and one daytime laborer has been working nights.

Councilman Kusnierz asked Steve Gram how many people he has working right now.

Steve Gram replied three full-time laborers and three part-time laborers.

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Councilman Kusnierz asked where he needs to be and Steve Gram replied that he needs five or six more laborers.

Councilman Kusnierz asked if there was a reason why it wasn't put up on the Town's website.

Steve Gram asked the Town Clerk if there was a reason why it wasn't put on the website. The Town Clerk replied that Terry was in charge of the website. She added that if either of them thinks of something that should be put on the website and if Terry has time to put it on the website then it goes on.

Councilman Prendergast stated that maybe it should be put on the website and maybe it should be put in the Gazette, but right now we have to get the park opened and we need laborers. A hundred years ago a person would work for a business or a municipality and they worked hard and had a good work record and it meant something. He would like to think that today it still means something. He asked how you teach young people, if they work hard, they do as they are told and the employer is pleased and then the following year they go and ask for a job and are told no. He asked Steve Gram if he was pleased with the laborers on the list and Steve Gram replied yes.

Councilman Prendergast made a motion to rehire as part-time, seasonal laborers for the recreation department Ryan Kobor at \$10.10 per hour, Christopher Leege at \$9.79 per hour, and Zackary Howe at \$9.03 per hour with no pre-employment physical needed.

He asked Steve Gram if Gary Plimpton is new and Steve Gram replied yes. Councilman Prendergast said he waits then. He told Steve Gram that he has a few weeks to look over the list and if he comes up with some different names he should add them to the list.

Councilman Prendergast said he wanted to make the point again, how do you teach young people? He recalled his first job and how he worked hard, because he wanted his employer to like him and rehire him and think he was a good employee. He would have hated to go back and have them tell him that he wasn't wanted. His first thought would have been "gee, what did I do wrong".

Councilwoman LeClair seconded the motion.

Councilman Kusnierz stated that if you look at the top of the Saratoga County employment form that we use the wording is "Equal Opportunity Employer". What Councilman Prendergast said is absolutely correct. When we go through our hiring process the individuals that have worked for us before should be given standing. However, it is circumventing our equal opportunity decree. He was going to vote no tonight, because we are violating our own policy and we aren't giving a fair shake to everybody in our community or outside our community to have an opportunity to apply like everybody else with no favoritism and come through our interview process and be hired based on our merits. Obviously like Councilman Prendergast said if they worked here before they probably have a little higher standing, but we are circumventing our hiring practices. It is not fair to those in our town who are looking for work and it is not fair to those who are paying for their employment. There is no reason to rush this through as we do every year. He said Steve Gram comes to this board looking for employees and every single time he needs them right away. He asked Steve Gram if doesn't he know he needs them every year.

Steve Gram said he needs them in April and Councilman Kusnierz asked him why he doesn't advertise in April and why he doesn't bring it to the board in April.

Steve Gram said there aren't any employees available in April and Councilwoman LeClair added the kids are still away at college.

Councilman Kusnierz said that is all the more reason for it to be on the website. Those who worked here

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before are going to be looking for it. They are waiting to apply.

Discussion followed between Steve Gram and Councilman Kusnierz, the full context of which can be heard on the audio of the meeting that is available on the Town's website at [www.townofmoreau.org](http://www.townofmoreau.org).

Councilman Prendergast said we aren't violating the equal opportunity policy by hiring three kids back to rake leaves. He said that was his opinion.

Supervisor Jenkins asked the clerk to call the roll.

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

### **WATER DEPARTMENT REQUESTS**

Jesse Fish asked for approval to hire John A. Dixon, Jr. as an employee of the water department, on-call, as needed. He currently works for the Village of South Glens Falls and has the necessary credentials to operate a water plant.

Jesse Fish stated that Earl Ruff isn't always available when needed and in the event he isn't then he could call on Mr. Dixon.

Councilman Kusnierz asked Jesse Fish if he advertised for this position and Jesse Fish replied he had not, but Mr. Dixon fulfills all of his needs in the water department.

Councilman Kusnierz stated that he knows of another individual in this community that is certified and that person doesn't know about this.

Councilman Prendergast stated that maybe an ad should be run.

Jesse Fish didn't object to an ad being run, but noted that it would be nice to get someone on board soon. He has been on duty seven days a week.

The board didn't object to an ad being run for this position.

Jesse Fish advised that he had to order the second batch of water meters for Bluebird Village, the Schermerhorn apartment complex, and he needed approval for a purchase order in the amount of \$2,548.00 made out to Vellano Bros. for twelve (12), one inch water meters. He explained that Schermerhorn would reimburse the town \$1,620.00 the difference between standard sized meters and the one inch meters required for his development.

A motion was made by Councilman Prendergast authorizing the purchase of twelve (12), one inch water meters, from Vellano Bros. at a cost not to exceed \$2,548.00.

A discussion followed on what account these meters would be paid out of. Supervisor Jenkins stated they would be paid out of the Water District 4 account (IV8310.4). Councilman Kusnierz thought they should be paid out of the Trust & Agency account. He didn't think that the customers in Water District 4 should be put on the hook for this cost in the event that Schermerhorn doesn't reimburse the Town. Councilman Cumm suggested charging \$1,620.00 of this expense against the Trust & Agency Account, subject to the revenues being in the account, and the balance of \$928.00 out of the Water District 4 account (IV8310.4).

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Supervisor Jenkins said all they had to do was authorize the purchase of the water meters.

The Town Clerk was asked to read back the motion, which didn't include the account the purchase was being made out of.

Further discussion followed on what account to pay this out of.

Councilman Prendergast withdrew his motion.

Following further discussion. The Town Clerk was asked to read the motion again. Attorney Auffredou was asked how the motion should read and Attorney Auffredou said it should read to purchase water meters.

Councilman Kusnierz said as long as the money is available.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of twelve (12), one inch, water meters from Vellano Bros. at a cost not to exceed \$2,548.00.

Roll call vote resulted as follows:

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

Supervisor Jenkins noted that Schermerhorn is to be billed for the difference between the standard meters and the one inch meters.

**WATER DEPARTMENT LOADER/BACKHOE - NOTICE TO BIDDERS & SPECIFICATIONS - APPROVE BID OPENING DATE & SPECIFICATIONS**

The water superintendent had submitted to the board members a notice to bidders and specifications for the purchase of a loader/backhoe for the water department.

Councilman Kusnierz asked Jesse Fish why he listed "industrial". He said not every dealer characterizes it as industrial. He suggested they eliminate the word "industrial".

Jesse Fish replied that every company sells an industrial machine and Councilman Kusnierz said they don't call it industrial.

Jesse Fish said that New Holland has an industrial line and agricultural line.

Councilman Kusnierz said he wasn't talking about any particular company.

Jesse Fish stated that it was going to be used in commercial/industrial applications.

Councilman Kusnierz asked why he needed a radio.

Jesse Fish said it comes standard on most loaders.

Councilman Kusnierz asked why he had to list it in the bid specifications then. He said if it comes standard fine, but why exclude somebody from bidding if they don't have a radio option.

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Jesse Fish asked Councilman Kusnierz to write the specifications then. He said they go through this every time and said again that Councilman Kusnierz should write them. He stated that he tried to make the specifications as generic as possible and every time there is a problem with it.

Councilman Kusnierz asked if he wanted to know why there was a problem with it last time and told Jesse to tell the board why there was a problem last time. He stated that this board based on information provided by Jesse acted erroneously and actually illegally.

Jesse Fish said he wasn't talking about that. He stated that everything that comes down the line, when it has to do with specifications for machinery or anything else, there always has to be an argument about it.

Councilman Kusnierz said he wasn't arguing. He was asking questions and Jesse wasn't answering them.

Jesse Fish said he was answering them.

Councilman Kusnierz asked Jesse why he needed a radio and Jesse Fish said wouldn't it be nice to have one.

Councilman Kusnierz said it would be, but why did he have to tighten the bid specifications by putting a radio in.

Jesse Fish said let the people bid their machines and the board can judge them.

Councilman Kusnierz asked why he needed an electric ether starting kit.

Jesse Fish said that in the winter time it would be nice to have one.

Councilman Kusnierz said yes, but there is also a block heater in the specifications and with a block heater you don't need one.

Councilman Kusnierz told Jesse he should make the specifications so they appeal to as many manufacturers as possible so that the Town of Moreau can benefit by getting the lowest bid.

Jesse Fish said that is exactly what he thought he did.

Councilman Kusnierz said that is why he was asking questions so he could open it up as much.

Jesse Fish told Councilman Kusnierz that if he wanted to change the bid specifications that was his privilege to do so.

Councilman Kusnierz said he knew it was. He also said it was up to the full board.

Councilman Kusnierz asked if every manufacturer offers a wet sleeve motor and Jesse Fish replied no.

Councilman Kusnierz asked Jesse why he needed one.

Jesse Fish replied that wet sleeve motor is an even cooling motor and if something goes wrong with it, it can be reconstructed with a standard block casting.

Councilman Kusnierz asked who would be excluded from bidding if the wet sleeve motor is left in the specifications.

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Jesse Fish said every manufacturer except a John Deere.

Councilman Kusnierz asked Jesse Fish if he just told him that these bid specifications are written around John Deere.

Jesse Fish replied no.

Supervisor Jenkins stated no, just that item. He stated that they didn't have to go with that requirement.

Councilman Kusnierz said he was tired of department heads writing specifications so that only one manufacturer can take advantage of it.

Councilman Kusnierz asked about the 1,000 lb. counter weight item.

Jesse Fish said it would be nice to have that and that isn't standard on a John Deere, it is standard on a Case he believes.

Councilman Kusnierz asked if there were any other manufacturers and Jesse replied no they would have to add to them to get up there.

Councilman Kusnierz said they have now opened it up to two manufacturers and then said no only one manufacturer, because there is still the wet sleeve motor in the specifications.

Councilman Kusnierz asked Jesse why he had such a problem with them trying to save taxpayer's dollars.

Jesse Fish stated that he had an opportunity to save the taxpayers almost \$7,000.00 and he made a mistake and he stood up and admitted it.

Councilman Kusnierz stated that it wasn't his mistake and he told him it wasn't his mistake and his apology was totally unnecessary.

Supervisor Jenkins asked if they wanted to take out the wet sleeve motor, radio and counter weights. He said he didn't have a problem with that. He said they would make a decision on what they get and what the whole board thinks is the best one and he doesn't care what kind it is.

Councilman Kusnierz said he takes offense when someone says he is trying to be an obstructionist when he is trying to open things up so it is fair for everybody.

Jesse Fish said he was sorry, but that was his opinion.

Councilman Kusnierz asked him why he needs a backhoe.

Jesse Fish asked Councilman Kusnierz why they had one when he became water superintendent and why he voted on one when Mike Shaver was here.

Councilman Kusnierz replied, because they got a good deal on a used one and it wasn't \$50,000.00.

Jesse Fish said it must have been a really good deal.

Councilman Kusnierz asked him how many installations he does and Jesse Fish said they already went through that and he asked that question once before.

Councilman Kusnierz said yes he did and he asked him what that number was. He asked if it was twelve.

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Jesse Fish said fifteen.

Councilman Kusnierz said that was interesting, because when he contacted the account clerk today she couldn't give him an answer. He asked Jesse Fish if he wanted to know how many they did this year and Jesse Fish replied none, because we don't have a machine.

Councilman Kusnierz asked Jesse if he wanted the town to spend \$50,000.00 on a loader when we don't need one.

Jesse Fish said he didn't say that.

Councilman Kusnierz said he just said he didn't do any installations.

Jesse Fish said again that he didn't do any, because we don't have a machine.

Councilman Kusnierz asked Jesse Fish if he knew how much it costs to rent a machine for a whole day and Jesse Fish replied that he didn't have any idea. He asked him why he didn't look into that. He questioned why Jesse didn't want to save taxpayer's dollars. He said that Jesse was mad at him for trying to do his fiduciary responsibility by trying to save this town money when it doesn't have to spend money on this stuff and when a department head wants a new toy to plow snow with. That is his opinion.

Jesse Fish told Councilman Kusnierz that the next time it snows and the fire hydrants are buried he should grab a shovel and help him out.

Councilman Kusnierz asked Jesse Fish if he wanted a \$50,000.00 snowplow to plow hydrants.

Jesse Fish said for Councilman Kusnierz to come down and give him a hand. That is just one use for the machine.

Councilman Kusnierz asked him what else he wanted to use it for besides very few water installations. He said there are water accounts struggling. We should give them back some money or cut their rates. \$50,000.00 is a lot of money. He said he needed Jesse Fish to justify it for him.

Jesse Fish said that Councilman Kusnierz had added it to the budget for 2011.

Councilman Kusnierz told Jesse that he hasn't justified it to him.

Councilman Kusnierz said he didn't put it in the budget. He said it was open for discussion. The Town Board approved it, he didn't.

Supervisor Jenkins said it would be used in the recreation department and highway department.

Councilman Kusnierz questioned why the water users would pay for a machine that would be used by the highway department and recreation department.

Jesse Fish said the highway department has helped him out at times too and Councilman Kusnierz said the highway department has charged us too.

Supervisor Jenkins said he assumed they would lease this machine and not buy it outright.

Councilman Kusnierz stated they haven't justified to him the need for one.

Supervisor Jenkins said in his mind maybe he hasn't. He said they could delete those three items from

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the specifications and go out to bid. He asked how the other board members felt.

Councilwoman LeClair said she didn't have a problem with that, but she had something to say and she has wanted to say it for a long time. She has never worked with an employer who feels the need to admonish employees in public. She has had conversations with employees ahead of time and worked out things ahead of time. She doesn't think it is right to admonish employees in public.

Councilman Kusnierz asked who was being admonished.

Councilwoman LeClair said she feels it is argumentative and wrong.

Councilman Kusnierz said it is wrong when we try and steer a contract for one particular company.

Councilwoman LeClair said she understands that.

Councilman Kusnierz asked why he was the only board member to speak on it and asked them to please answer him.

Councilwoman LeClair started to ask Councilman Kusnierz if he spoke to the department head ahead of time when she was cut off by Councilman Cumm who said that Councilman Kusnierz speaks about his fiduciary responsibility and one of the most important parts of the fiduciary responsibilities of this board is getting the vouchers signed and he couldn't even do that.

Supervisor Jenkins stated that was enough. They need to get on with business and stop the personal hassling. He suggested they delete from the specifications the radio, wet sleeve motor and the 1,000 lb. counter weights and move on.

The Town Clerk advised that they had to change the bid opening to May 26<sup>th</sup>, because there has to be a minimum of ten days from the publication date and the bid opening date.

Councilman Prendergast asked if by deleting any of these three items it would be a show stopper.

Jesse Fish said the only thing he would caution them on was the counter weights. If you are going to be operating the machinery at full length you need the counter weights to lift and utilize the full potential of the machine. He said instead of saying 1,000 lb. counter weights they could write the specifications to read whatever the manufacturer suggests for a counter weight to use the machine at full extension. He used 1,000 lbs. because any machine should be able to do its full lifting potential with 1,000 lb. counter weights.

Councilman Prendergast asked Jesse Fish if they remove the wet sleeve motor is it a show stopper and Jesse replied no.

Councilman Kusnierz said he was sorry, but only one manufacturer offers that kind of motor and Supervisor Jenkins said they were taking that out and Councilman Kusnierz said oh, okay.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the bid specifications as modified at this meeting to be let out for bid.

Roll call vote resulted as follows:

|                        |     |
|------------------------|-----|
| Councilman Kusnierz    | Yes |
| Councilman Cumm        | Yes |
| Councilman Prendergast | Yes |

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Councilwoman LeClair            Yes  
 Supervisor Jenkins            Yes

Councilman Kusnierz said he wanted to address the comment made by Councilman Cumm about his fiduciary responsibilities. He reiterated that he doesn't sign vouchers that he didn't support, or he didn't vote for, or that he has a question on and there isn't a department head available to answer.

Councilman Cumm said that Councilman Kusnierz keeps saying that he looks at the vouchers so why doesn't he put his mark on the vouchers to let them know that he has looked at them?

Councilman Kusnierz asked what it matters.

Councilman Cumm replied, because he says that he looks at the vouchers.

Councilman Kusnierz said he doesn't answer to him. He answers to the public.

Supervisor Jenkins said they had this same conversation six weeks ago. He told them to drop it. If they wanted to talk about it they could wait until they get outside.

Councilman Kusnierz said he was more than willing to talk about it anytime Councilman Cumm wants to.

**STANDARD WORK DAY REPORTING RESOLUTION**

Supervisor Jenkins stated that the Standard Work Day Reporting Resolution is required to be forwarded to the NYS Retirement System. Councilman Kusnierz has reported his information and based on that information he worked on average 6.7 days per month.

Councilman Prendergast said he submitted one of these a while ago. He asked how the board approves something like this, even the one he submitted.

Supervisor Jenkins and Attorney Auffredou said they were only accepting it.

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

RESOLVED, that the Town of Moreau Town Board hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

| Title                    | Name                      | Standard Work Day (Hrs/day) | Term Begins/ Ends | Participates in Employer's Time Keeping System (Y/N) | Days/Month (based on Record of Activities) |
|--------------------------|---------------------------|-----------------------------|-------------------|--|--|
| <b>ELECTED OFFICIALS</b> |                           |                             |                   |  |  |
| Councilman               | Theodore T. Kusnierz, Jr. | 6                           | 1/1/10-12/31/13   | N  | 6.76                                       |

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Councilman Kusnierz said he would abstain from the vote as it affects him directly. He also stated that there was a change in the state law a year and a half ago that requires an accounting of not only regular and part-time employees, but also elected officials. He is already a member of the retirement system and he earns the maximum accrued credit that an individual in the state retirement system can, which is one year for one year of service. Anything he works over and above that like this role here doesn't count towards that, but the state does require now that there is accountability of elected officials so that is why the board has to approve the resolution.

Roll call vote resulted as follows:

|                        |         |
|------------------------|---------|
| Councilman Cumm        | No      |
| Councilman Prendergast | Yes     |
| Councilwoman LeClair   | Yes     |
| Councilman Kusnierz    | Abstain |
| Supervisor Jenkins     | Yes     |

Councilman Kusnierz stated for the record that he did approve the resolution that established whatever time Councilman Cumm reported to the retirement system.

Councilman Cumm stated he would have voted yes, but it is a little bit late.

Councilman Kusnierz said it isn't late. He asked Councilman Cumm who said it was late.

Councilman Cumm said he feels it is late. This is the fifth month of the year.

Councilman Kusnierz asked him if he works for the state retirement system and Councilman Cumm said he probably does.

Councilman Kusnierz said he didn't think he does.

Councilman Cumm said he doesn't make enough money to worry about it.

Councilman Kusnierz said it isn't on his ethics disclosure so he doesn't think he is accurate.

Supervisor Jenkins said he doesn't think he is a member.

Councilman Kusnierz said he doesn't care what he thinks then.

### **RESOLUTION TO TRANSFER FUNDS**

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the following transfer:

\$1,500.00 from A190.4 - General Fund - Special Items - Contingent Account into A1430.4 - General Fund - Personnel - Contractual to continue to pay expenses associated with personnel contractual expenses for 2011.

Roll call vote resulted as follows:

|                        |     |
|------------------------|-----|
| Councilman Prendergast | Yes |
| Councilwoman LeClair   | Yes |
| Councilman Kusnierz    | Yes |

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|                    |     |
|--------------------|-----|
| Councilman Cumm    | Yes |
| Supervisor Jenkins | Yes |

**CEMETERY DISCUSSION**

Supervisor Jenkins stated that some great information was received from Reed Antis. He said he is aware that there are some cemeteries in the Town that are the Town's responsibility, that are not being maintained now.

Reed Antis said that is one part of it. The major part of the discussion is that people are still using the Griswold Cemetery. In the past decade approximately 10 or 12 individuals have been interred there. We don't have a plot plan layout of the cemetery on the south end. The north end isn't being used. We aren't charging any fees and he thinks the town should be charging a small nominal fee for burials. He heard through word of mouth that people in Fortsville think they have a right to be buried there at no charge. He said this is an oral argument. He hopes the board will move forward and deal with the Griswold Cemetery first and then deal with the other abandoned cemeteries in the town.

Supervisor Jenkins stated that he would contact some funeral parlors and find out what other cemeteries are charging.

Reed Antis said he would like to see the board budget money in the 2012 budget for cemetery maintenance.

Councilman Cumm asked Attorney Auffredou if they needed to adopt a law on this.

Attorney Auffredou said no, the establishment of a policy would be sufficient. He stated that Jean and Terry were kind enough to locate his 2001 memo to the Town Board on this subject and it references Town Law statutes and what the town's authority is or isn't. The board was copied on this memo and he said the board could review it.

**VILLAGE OF SOUTH GLENS FALLS LETTER RE: EMERGENCY WATER USAGE DURING THE CONSTRUCTION PHASE OF THEIR SYSTEM UPGRADES**

Supervisor Jenkins stated that the village expects to start working on their water system upgrades in early or late fall and the work could go on until spring of 2012. The village would like to know what the town will charge them for water. They also want the existing meter on Feeder Dam Road replaced with a new meter so that it would be an electro-magnetic flow, which is a reversible pipe. We would then be able to supply them with water or they could supply the town with water without having to change out the meters. They would be responsible for this cost. He asked the board to consider these requests.

Jesse Fish stated that their idea about changing the meter on Feeder Dam Road is a good idea. We would then be able to go back and forth with them in emergency situations. As it stands now we can get water from them, but if they need water from us on an emergency basis they would have to turn the meter and in the meantime they would have hook up a fire hose to one of our hydrants and run it to one of theirs across Feeder Dam to get water.

**15 MINUTE PUBLIC COMMENT PERIOD**

Elizabeth Lanfear asked if the vacancy on the recreation commission was going to be filled.

Supervisor Jenkins stated that an ad would be run to find out if there are any people interested in serving.

Elizabeth Lanfear noted that there is an alternate serving now on the commission and Supervisor Jenkins

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said he understands that.

Richard Hughes referred to item 6 on the agenda "Water District 1" and asked if he was right in assuming that the town has been approved for a \$5.2 million loan.

Supervisor Jenkins said this was correct and that the actual amount was \$4,995,000.00.

Richard Hughes recalled Supervisor Jenkins telling him last year that he won't be paying anymore for water usage than what he is currently paying and he finds this hard to understand. He asked how he could pay back on the loan with what he is paying now. Where does the money come from to pay back the loan?

Supervisor Jenkins stated that the engineering report reads that the cost per household is estimated at \$600.00 and that ignores the fact that in this project we are building a water tank that benefits all water users in all water districts in the town. As well as the fact that we are hooking up to the Saratoga County water system that will give us a second source of water that benefits all water users in all water districts in the town. We are also creating some loops to increase pressure around the town. He said this has nothing to do with Mr. Hughes as a water user or anybody else who is going to be using the water. These are system procedural changes and the cost will be allocated amongst all the water users. He said he has done some calculations and Mr. Hughes rate won't change.

Richard Hughes asked if the amount he has to pay back on that \$5.2 million loan will be included in his water bill. There won't be any yearly pay back on a bond.

Supervisor Jenkins replied that this was correct and that there won't be any ad valorem tax.

Richard Hughes asked what the board plans on doing with the current highway garage on Route 9 once the new highway garage is built.

Supervisor Jenkins said that we are going to store equipment in there and the water department will have an office there and store equipment there also.

Richard Hughes asked what the board plans on doing with the old highway garage on William Street.

Supervisor Jenkins thought the board would consider making it surplus property and try to sell it and get the property back on the tax rolls, but that decision hasn't been made yet.

Councilman Cumm stated that was one of the reasons the environmental cleanup was done on the property last year, so that we could possibly put it on the market for sale at some point.

Richard Hughes asked what the board intended to do with the current Town Hall once a new Town Hall is built.

Supervisor Jenkins said he would assume that the board would try to sell it, unless something else comes up and there are other ideas as to how it utilize it as a municipal building. He said the building doesn't meet some of the American Disability Standards so it would be hard to do.

Mike O'Connor asked if he understood correctly regarding the Va Va Voom PUD project that they were going back before the Planning Board on Monday night and then they were coming before the Town Board in a workshop setting on Tuesday night. He asked if the Town Board would be able to set a public hearing on Tuesday night. He said his client left here tonight very upset and ready to give up on ever getting approval to start his project.

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Attorney Auffredou replied that there is nothing that prohibits the Town Board from scheduling a public hearing at any time, even though that hasn't been the board's policy. He stated that there is nothing that prohibits the board from scheduling a public hearing at the completion of a workshop session. If the board does schedule a public hearing at the conclusion of the workshop then the board could re-announce the scheduling of the public hearing at the regular meeting on May 24<sup>th</sup>.

Councilman Kusnierz asked what the benefit was to the town to change the board's policy.

Attorney Auffredou said he couldn't articulate a benefit to the town. There has been a request by the applicant to keep the process moving forward due to some grant considerations and financial considerations. It would be an accommodation to them. He didn't see where it would set any dangerous precedent or any violation of any policy. There is nothing legally that precludes the board from doing that. The board doesn't have to do it.

Councilman Kusnierz said he didn't know why they wouldn't do it at a regular meeting of the Town Board.

Supervisor Jenkins said the board has some time to think about it.

Attorney Auffredou added that the board does have some time to think about it. If the board feels they wanted to schedule it, they could schedule it. It would get the process moving. He would then have time to work on the notice of public hearing and the local law documents, etc. The board would then re-assert at the regular meeting of the Town Board on May 24<sup>th</sup> that the board has scheduled a public hearing.

Supervisor Jenkins said he assumed the board wouldn't schedule a public hearing at the workshop unless a majority of the board wanted to do something. He said they would know better as they go through the workshop session on Tuesday.

Mike O'Connor stated that the project has a significant benefit to the town.

Councilman Kusnierz said he wasn't talking about the project itself, rather "ramming it through" like they were being asked to do.

Mike O'Connor stated that they have gone through this at a couple of other meetings when they said that the grant wouldn't be approved until December and then they put together the paperwork and plans and went through the process as quickly as they could since then. He said it may not be an opportunity that the town was going to take advantage of. He said the alternative would be for them to go back to what they started the discussion on tonight and set the public hearing tonight. After the workshop if the board wasn't satisfied they could cancel the public hearing. He said the time constraints he doesn't have any control over. He isn't in the negotiating position over it. His client is either going to walk or not walk.

Supervisor Jenkins stated that in his opinion they weren't "ramming it through". This project goes back to September 2010 and it has been a long process and there have been some complications because of some of the changes made. He will keep an open mind over what they should do next Tuesday.

Councilman Kusnierz told Attorney O'Connor that in fairness to his client he should have been given a clear indication somewhere early in the process that a majority of this board favored a PUD, because his client has a lot of time and money invested in this. He has a valid argument. He never heard this board say that the board was completely in favor of it, and he has missed only one regularly scheduled Town Board Meeting this year. Any conclusions that are being drawn that it is only a matter of time and we have to get a public hearing scheduled, it is a little too far down the road from his perspective.

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Attorney O'Connor stated that the problem they have is that once the Town Board approves the PUD resolution they still have to get back on the Planning Board's agenda for site plan review. The developer understands that there is a risk he has put out there. He has tried to be receptive and cooperative over the suggestions made. They amended the application as the result of what the town has said.

Supervisor Jenkins advised Attorney O'Connor that if they stuck with what came out of the Planning Board then they wouldn't have the votes they need. He thought it was a much better plan the way it was amended.

Attorney O'Connor stated that it took some time to calm his client down. He can build it somewhere else.

Reed Antis asked what the cost was to-date on the Hatchery Road culvert and how much more is anticipated to be spent.

Supervisor Jenkins stated that he didn't have the figures with him.

Reed Antis asked if he would announce the total cost once the project was done so the public would know and Supervisor Jenkins said yes.

Supervisor Jenkins stated they have signed easements and agreements.

Reed Antis asked how much it cost to pump water last year and Supervisor Jenkins said he recalled it being around \$42,000.00.

Councilman Kusnierz addressed Paul Joseph, Highway Superintendent, and said he has the information and asked him to answer the question.

Paul Joseph replied that he didn't have the information with him.

Reed Antis asked when the project was expected to be done and Supervisor Jenkins replied about three weeks from the start date.

Peggy Jenkins, Assessor, asked the Town Board if they were going to find another location for their board meeting on May 24<sup>th</sup>. Grievance Day will be held that day and the board room will be utilized for that. It was decided to hold the Town Board Meeting downstairs in Town Hall.

Elizabeth Lanfear thanked Supervisor Jenkins and Councilman Kusnierz for attending the Mike Nolan dedication in the recreation park on Saturday and for their remarks given. She said it was well attended.

Councilman Prendergast said he was sorry he couldn't make it as he was working.

Steve VanGuilder, President and CEO of the Moreau Emergency Squad, asked Supervisor Jenkins how they made out with the issue of the dip in the entrance way to their parking lot.

Supervisor Jenkins said other than a drywell he didn't know what could be done, because everything was going to drain that way no matter what is done. He doesn't know what it looked like before the water project. He assumed that there was always some water collection there, because Route 9 was built up since their building was erected. He wasn't sure what the answer was.

Steve VanGuilder asked who was going to pay for it.

Supervisor Jenkins said he didn't know, but if Paul Joseph has some materials leftover from a job maybe he could do something with it.

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Paul Joseph stated that it is in the state right-of-way so the state would have to sign off on it.

Supervisor Jenkins asked Paul Joseph to take a look at it and come up with an estimate to fix it for the board to look at.

Steve VanGuilder asked about the sign they have up on their property. He said it has been up all year. He didn't understand why it was a problem now.

Supervisor Jenkins said temporary signs are allowed up for a certain amount of time per code. Last year the town was without a code enforcement officer for months. The building inspector and his clerk were the only ones working in the building department and things fell behind. He said a lot of places had to remove their temporary signs too. Such as, the YMCA and another business down by exit 17. He said everyone has to comply.

Steve VanGuilder asked if he could put the sign on the building.

Joe Patricke told him to come in and talk with him about it tomorrow.

Steve VanGuilder said he is a volunteer and he works during the daytime. He asked if he could meet Joe after 5:00 p.m. and Joe Patricke said 6:00 p.m. Friday night here at Town Hall.

Steve Van Guilder advised that they were holding an EMS day on May 21<sup>st</sup> from 10:00 a.m. until 4:00 pm. He invited everyone to attend and check out their building.

Councilman Kusnierz stated he received a call from a woman on Moreau side of William Street that has what she characterizes as a "small farm operation". She sells produce and flowers. She was unhappy, because someone from the code enforcement office told her to take her signs down and she wanted to know why she was being singled out. It was relayed to her that town was cracking down on Route 9 and she said she doesn't live on Route 9 and the code enforcement officer told her he was driving by and saw all the signs and that was why he stopped.

Joe Patricke stated that the woman he was talking about was Kathy Brown. She had information that code enforcement officer was not aware of, some agreement she made back in 1991. He met with her and told her he would research it. He has to find the agreement she is talking about before he can determine if she is in violation or not.

Councilman Kusnierz asked if she was in violation or not.

Joe Patricke replied that she would be in violation of the law if she doesn't have an agreement that she says she has from 1991. He has to find that agreement and read it before he can determine if she is in violation or not.

Councilman Kusnierz stated that one thing she contended was that the Town Board at that time had grandfathered in operations that were in existence when the sign law was implemented or updated. There is language in there that addresses grandfathering in operations and asked if that applies to her.

Joe Patricke stated that it may. He wasn't being evasive, but he needs to see what happened in 1991. He told her not to change anything until they had that resolved. He told her he would get back to her.

Councilman Kusnierz said that someone complained to him about signs on Route 32 advertising lots for sale on Fedor Road. The signs advertise the name of the developer and telephone number. They are temporary signs and he knows there are limitations on temporary signs per our code and he asked Joe Patricke to look into this.

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### **COMMITTEE REPORTS**

Councilman Kusnierz stated that he wanted to reiterate what Elizabeth Lanfear just said about the memorial service for Mike Nolan in the recreation park on Saturday. He said the Nolan family was extremely pleased that the town was willing to recognize Mike's contributions to the community and what he was willing to do for his students academically and athletically. He said there were a lot of people involved that made this dedication service a success and he wanted to thank them publicly and for the record, which he did as follows:

The members of the recreation commission who were very involved  
Keith Kreppein from Old Saratoga Millworks for the donation of his time to install the memorial  
Tim Webb of Saratoga Masonry who donated the retaining wall blocks  
Rich Morris from Toadflax who donated the flowers/plants for around the sign  
Dave Plough from Ray Supply who provided the p.a. system to use  
South Glens Falls Girl's Softball who donated vouchers for over 100 free hotdogs and soda  
Vickie LaRock from Touch of an Angel Florist who donated a dish garden for Chris to take home  
Bill Hart for organizing the memorial game that took place afterwards  
John Hogan for taking pictures of the event, that he was sure he would be more than happy to provide as many the town was interested in to display in the town

Councilman Kusnierz stated that sign looks fantastic and it is something the town can be proud of.

Supervisor Jenkins stated that there was no question that the sign was beautiful and it was a great event and well attended and he thought everyone enjoyed it.

Councilwoman LeClair stated that Mary Antis is working on collecting data on local civil war soldiers buried in our cemeteries. They were going to come up with a plan to collect old photos and scan and save them.

Supervisor Jenkins stated that he received a notice today from the Historical Society and they are going to hold an open house and display the list of the civil war soldiers from Moreau.

Councilwoman LeClair said she was in another town recently where they displayed flags of each of the local service branches and the full sized American flag in a small park. There was also a plaque that recognized veterans. She thought it would be nice if we could do something similar in front of the new Town Hall when it is built. She wondered if they could use the reserve fund for this.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins stated that the Moreau Community Center is holding a fundraiser called "Who Let the Dog's Out". They have a local business making bulldogs out of cement in different colors that can be displayed in front of businesses in the town, similar to the horses in Saratoga. The cost to sponsor a bulldog is \$250.00 for one bulldog or two bulldogs for \$450.00. At the end of the process there will be a celebration. It is an attempt to help them pay off some of their debt. He asked if the board would be interested in sponsoring a bulldog. There is money in the celebration fund. He said the board could think about it and decide at the next meeting.

Supervisor Jenkins reported that Saratoga County is looking for a list of damages to public property from the flooding. He stated that he wasn't aware of any damage to public property from the flooding.

Paul Joseph stated that there was some damage to the shoulders of Old Bend Road.

Supervisor Jenkins asked Paul Joseph to give him the cost of repairs and he would submit it to the county.

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A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the regular meeting.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk