

A regular meeting of the Town Board of the Town of Moreau was held on May 14, 2013 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, NY.

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
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Nancy Ryan, Transfer Station Clerk PT; Jamie Munks, Post Star Reporter; Town Residents: John Telisky, Elizabeth Lanfear, Adele Kurtz; Reed Antis, Town Resident and Planning Board Member; Channel 9 and Channel 6 News Casters

Supervisor Jenkins led the Pledge of Allegiance.

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

**MINUTES**

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

April 23<sup>rd</sup> (two sets) and May 8<sup>th</sup> (receive and file)

**MINUTES – APRIL 23, 2013 – TOWN BOARD MONTH-END AUDIT MEETING**

No comments or correction.

**MINUTES – APRIL 23, 2013 – REGULAR TOWN BOARD MEETING**

Correction: Page 158 – First paragraph – last line – delete the first word in the line “month” and the word “month” after the word “per” and add the words “28 days” after the word “per” and delete “\$2,457.00” and add “\$2,661.75”.

**MINUTES – MAY 8, 2013 – BID OPENING – SPREADING OF SAND, SCREENING OF TOPSOIL, SPREADING OF TOPSOIL AND SEEDING AT SITE OF NEW MUNICIPAL COMPLEX**

Received and filed.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve both sets of minutes dated April 23<sup>rd</sup> with the above correction so noted.

Roll call vote resulted as follows:

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

**SET FUTURE MEETINGS/WORKSHOPS**

None

Supervisor Jenkins said that before the 15 minute public comment period he had a statement he wanted to read, which is as follows:

“Last week the Town terminated the employment of an individual found to have made false statements on his employment application. Upon learning of the false statement the Town took immediate action and terminated his employment. The employee worked a total of approximately 40 hours for the town with approximately 12 of those hours at the recreation park. At all times he was supervised by another town employee and the town has no reason to believe that he was in contact with any children during his employ. The town is now doing background checks on all individuals applying for employment with the town in any capacity.”

Supervisor Jenkins asked Attorney Buettner to explain what the board is going to be doing.

Councilman Kusnierz asked “town policy wise”?

Supervisor Jenkins replied no. It is not a policy just the direction they are going in and he wanted the public to know what they were doing.

Attorney Buettner stated that the town is looking to implement town policies and procedures going forward on new applicants and in order to do that we are in contact with the State Comptroller’s Office along with various municipalities around here who already have background checks. She has compiled with the help of the members of the town some policies and procedures from nearby towns that the State Comptroller has lauded. They are looking at those and looking to implement them. It is her understanding that immediately upon learning about what happened last week every single applicant, so far, who has applied for a position at the Town has been going through background checks and screenings. The Town is looking to put together policies and procedures. There isn’t anything in writing yet and they haven’t even spoken about it at a meeting or in public until this meeting. They are happy to take input from the public on it. They are going to move forward and see what is best for theTown. There isn’t any state mandated policies or procedures. However, the State Comptroller would like all municipalities to move forward into policies and procedures for background checks.

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis from 11 Paris Road in the Town of Moreau stated he was disappointed to hear that Keith Osborne resigned from the Planning Board. He said that Keith Osborne told him that the re-zoning committee hasn’t taken any action and the re-zoning committee has been around since January or March of 2009. He wanted to know where the Town was on the re-zoning and is there a lead person who is trying to get something done. He thought the Town was trying to update its zoning laws.

Supervisor Jenkins said his understanding was that the clerk for the Zoning and Planning Board was working on an update. We were working with Chazen Company on this. He said he doesn’t know when the last meeting was on this and said probably back in 2009.

Reed Antis asked if there is a reason why we haven’t moved forward in four years.

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Supervisor Jenkins said he didn't have an answer to that question.

Reed Antis asked if Joe Patricke was the lead individual on this committee.

Supervisor Jenkins replied that he represents them at the planning and zoning meetings. He said maybe the board has to say "let's get it done" and maybe go back to Chazen and ask for help on it.

Reed Antis asked Councilman Prendergast if he had any input.

Councilman Prendergast replied that he knows one thing that pushes issues here and in most municipalities is when there are pressing issues that are facing them and in this instance it is zoning. He said they are at the fact finding juncture. He wasn't saying that they didn't want to take a look at it, but they don't have anything pressing right now that is telling them to schedule a meeting tomorrow and that is why they haven't scheduled a meeting since then. He said there was a meeting or two on this and Chazen was hired to guide them through those meetings. **[Amended 5/28/13 jf]**

Reed Antis asked if there was something pressing back in 2009 that prompted the creation of a committee of eleven individuals?

Councilman Prendergast replied that if there was it didn't continue.

Supervisor Jenkins stated that we have very good zoning and it is pretty close to where we want it to be. One of things we were looking at was an attempt to come up with more commercial zoning, which is very limited. They were also talking about our current commercial zoning and how the first 500 feet of frontage might be commercial and we might allow residential beyond that. That was one of the things that might have happened. Since then there has been some potential activity on Route 9 that is totally contrary to doing that. Our main change that we really need is with our commercial property and maybe some of the things that qualify under the C-1 category. Right now we allow drive-in theatres and golf courses in the C-1 Zone. We don't have a lot of commercial property and we should do a little better job with what we allow in the commercial zone.

Reed Antis stated that there have been a lot of requests before the Zoning Board of Appeals from individuals who are asking the Zoning Board of Appeals to reduce the amount of parking needed under the current zoning code and a lot of them are on Route 9 so they have to go before the county planning board and the county planning board has mentioned that they are tired of seeing that come up in issues. There are other things also. There must have been a pressing need in 2009.

Councilman Kusnierz said he would answer Reed's original question and that was, "where **are we are** going". He said that Reed would probably see some movement here in the near future, because the Town Board established the Moreau Farmland Protection Committee and they held their first interested parties meeting two weeks ago and they took comments from members of the public and people in our agricultural district, farmers specifically. There will be suggestions coming from that meeting on how we may change our code to make it more conducive and protective of our agricultural district and that will dovetail into a greater reworking of our overall code. **[Amended 5/28/13 jf]**

Councilman Prendergast said speaking of agriculture, he recalls some discussion at one of the meetings where they were going to extend some of the lines and make the agricultural district larger. He said the zoning isn't way out of whack. A lot of it is where it probably should be. He wasn't saying there won't be changes. He has been on the board a long time and zoning is a real problem. He said that as Councilman Kusnierz just said, he would probably see some action in the near future.

Supervisor Jenkins stated that in the summer or in August of 2008 the board adopted a comprehensive plan and a follow up to the adoption of that plan would be to make changes to the town's zoning code that the comprehensive plan says we should do and he thinks they were pretty close. The comprehensive plan talked primarily about how the commercial space should be opened up and they were very happy with the

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rest of the zoning in general. He mentioned the grant for farmland protection. He said he thought the committee was where they wanted to be, but the matter of rewriting the zoning code hasn't been done.

Elizabeth Lanfear referred to the comments given by Supervisor Jenkins to the press regarding the employee who was terminated for falsifying his employment application and who was a registered sex offender and she asked Supervisor Jenkins how he could say that it was "an oversight".

Supervisor Jenkins replied that whatever you call it, it was a bad mistake. He said he looked at the employment application again and the only job this individual had was with the same company for 34 years from the time he was a young man. He checked the box that read he had no criminal history. He made a perjury statement. Our personnel committee interviewed the man. He said he was not present for the interview and he doesn't know what questions were asked, but "nobody particularly saw anything in him" and all it tells them is that they have to be a lot better "at doing that". He said that would include "all employees, part-time, full-time, young people, everybody will be included". He said that "we may be a little bit old fashioned here in the Town of Moreau with the way we think about people and it is hard for us to catch up with, those people exist everywhere and we have to deal with that".

Elizabeth Lanfear read a portion of a letter to the Post Star Editor that she wrote back on October 21, 2009 regarding Labor Ready and a contract that she said the town entered into at that time and how Labor Ready has sex offenders in their database who could be potential employees and they don't screen or require physicals of their laborers. She stated in the letter how the town park is not a place for transient employees and she expects the town officials to be knowledgeable about their staff who are working in the town park around the children and wouldn't it be logical to screen and interview applicants. As a parent, she spoke about the sex offender notices that she would get from school and this is what parents have to deal with and it is their reality. This shouldn't have been an oversight. She said what she just read was from 2009 and this is 2013 and nothing has happened in between and she asked why.

Supervisor Jenkins said in 2009 the board decided that if they used Labor Ready the only place a person from Labor Ready would have been used was in the cemeteries mowing and the fact is that the board never used one person from Labor Ready for even one minute.

Elizabeth Lanfear said that Councilman Prendergast said at that time that he would vote no to using them in the rec. park.

Councilman Kusnierz stated that the vote on that was not unanimous and Elizabeth replied no it was 3 to 2. She said that Councilwoman LeClair, Councilman Cumm and Supervisor Jenkins voted in favor of the contract and Councilman Kusnierz and Councilman Prendergast vote against it.

Councilman Kusnierz said the reason he voted against it, even though we are in dyer need of finding temporary employment from time to time throughout the year, is because this company did or does hire sex offenders.

Elizabeth Lanfear stated that it was still voted on and passed and Supervisor Jenkins still signed the contract. She also stated that to say that this person only worked in the park for three days and didn't have any contact with children, she found that very hard to believe.

Supervisor Jenkins stated that he worked during the week in the middle of the day with another employee just doing cleanup work and if you go to the park tomorrow morning at 10:00 you won't find any people there. He said he wasn't trying to make excuses. He said they made a mistake and he feels very bad that they did that and we are fortunate that we didn't have a problem and we won't deal with that in the future. He said right now we have a shortage of three or four people and we won't be able to fill those positions until we complete background checks. They checked the sex offender registry and none of them are on it, but they have to do an additional background check on them.

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Councilman Prendergast stated that he doesn't want it to sound like they are making excuses here and he doesn't want to make it sound like it is okay, because the person was only down there a few hours. None of this is okay. It shouldn't have happened. He said there is a responsibility here and he sits in the council seat and he wishes he could take it back and he wishes there was hindsight. He said he certainly wouldn't do it the same way again and he would make sure there was a procedure in place before this ever took place. He said there have been informal talks about procedures over the years. He said in the past they would check references. He said they should have had a policy in place years ago and this is a real wakeup call and he said thank god nothing happened. He has grandchildren who play in the park so he has a stake in the community and a direct stake in the recreation park. He said that he is as responsible as anybody and he takes that responsibility and he is held accountable.

John Telisky from Clark Road asked who was going to make the decision as to whether or not a complaint will be filed against this "guy" who perjured himself.

Supervisor Jenkins said it may be discussed in executive session along with some other issues. He said he is obviously guilty of perjury. If we do then we would present it to the DA in Ballston Spa and let them decide if they are going to pursue it or not. The last he heard he was in Washington County Jail.

John Telisky said that he thinks the board should file a complaint. It would send a proactive message to other applicants. He has worked with pedophiles for years and they don't tell the truth. We talked about motels in our area begin flooded with pedophiles. In checking the sex offender database after this incident occurred he found quite a few pedophiles that live around the Town of Moreau. It would send an outrageous message to them. He said this person should pay for coming to the Town of Moreau and knowingly signing an employment application with false information on it. He said the board should file a complaint with Jim Murphy the DA, who he said is running for election this year, and tell him the board wants him prosecuted.

Supervisor Jenkins stated that he would take his suggestion into the executive session. He said that the board made amendments to the zoning law that doesn't allow anyone to stay in a motel long term without having a permanent residence elsewhere. He said it is building inspector's job to visit the motels and make sure they are abiding by our regulations.

John Telisky suggested the board develop a link to parole officers so they know where these people are.

Adele Kurtz asked how many violations of the code there have been.

Supervisor Jenkins replied that there was one instance and the building inspector took care of it.

Adele Kurtz asked if it is a matter of the code enforcement officer not being able to enforce the law that was passed.

Supervisor Jenkins said it is difficult to enforce it. He said the board has replaced three assistant building inspectors/code enforcement officers in the last two years and we are now down to one person again in building and codes.

Adele Kurtz said that in the newspaper article Supervisor Jenkins was quoted as saying "the board had developed a policy to address this issue and to do background checks". She asked if she could get a copy of the policy.

Supervisor Jenkins said they haven't adopted a policy yet, they have just been discussing it individually.

Adele Kurtz asked two times if he was misquoted then in the paper.

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Attorney Buettner told Adele Kurtz that there was an informal process in place right now that the town immediately went into to do the background checks on the applicants right now. There is no formal policy or procedure. That is in the works.

Elizabeth Lanfear asked about current employees.

Supervisor Jenkins assumed that they would do background checks on current employees as well. It depends on what the other board members want to do.

Councilwoman LeClair referred to the comment by Elizabeth Lanfear about the notices that parents receive from school about sex offenders and how those pictures are the tool that brought this to fruition and she hopes that every parent and person looks at those pictures. She was shocked to find out last year that not every child molester is restricted from coming into a children's park. The best tool is all of the eyes of the parents who are in the park and who may recognize one of them. She said that in this case the public responded, the Sheriff's Department and parole officer responded quickly. It went a lot smoother than she anticipated. She encouraged every person to look at the faces on the notices.

Elizabeth Lanfear said we were fortunate that someone from the Sheriff's Department was a volunteer and working with one of our organizations in the park and Councilwoman LeClair said yes we were.

Councilman Prendergast said yes, thanks to him.

Councilman Kusnierz said in talking with the public after this issue arose the one thing he committed to was that moving forward we were all in agreement that we would do background checks. He would like to take it a step further and anybody already working for the town should be included in the policy. Also, moving forward when interviewing candidates for employment he would like it to be a policy that all board members be a part of the interview process. He said that he knows they can be now, but it should be policy. Five people listening to a candidate provides a greater level of safety and background interrogation and greater accountability all across the board.

Councilwoman LeClair agreed that she would like to go back and make the public feel comfortable and unless they go back and speak to every employee and do a background checks on every employee then they can't expect the public to feel comfortable. She and Councilman Kusnierz talked last week about the cost for background checks and even if it is several hundred dollars per person and sometimes as an individual you hear several hundred dollars and you think it is a lot of money, but they figured out the cost per tax parcel on a \$300.00 cost and it is 5 cents.

Councilman Kusnierz said the bottom line is that we can't put a price on our children's safety so that shouldn't even be part of the equation. We just need to adopt a policy that best protects our children.

Councilwoman LeClair spoke with Attorney Buettner today about this and Clifton Park was recognized as having a great policy in place so we are looking at their policy and hopefully learn something from them.

Councilman Prendergast stated that they needed to take a look at the application itself. We will have to run a criminal history on these people and we will need a source to do that and find out the cost. In order to run a criminal history on someone we will need to revise our application, because there is information required to run a criminal history and that information will need to be on the application. He said they will also have to establish what is going to actually restrict someone from employment. They will have to set some kind of parameters. For example: If someone was arrested for DWI 20 years ago will that restrict that person from employment from the Town of Moreau? If someone is arrested for a violent felony two weeks before they apply that is an easy one. If someone is on probation then that is an easy one. They aren't in the running anymore.

Councilman Kusnierz said they could take it a step further and work collectively with our school district through their finger printing process and share information that way.

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Councilman Prendergast suggested perhaps they should have a meeting to discuss this.

Elizabeth Lanfear suggested that they set parameters on where they can work in the town. She said working at the transfer station and in the highway department is different than working in the recreation department or at the town hall.

Councilman Prendergast said that whatever eliminates someone from employment then they should be eliminated from all departments. You are either eliminated or considered for employment.

Elizabeth Lanfear asked how long this process is going to take.

Councilman Prendergast stated that they are in the hiring process right now. As he told Reed Antis earlier in the meeting, if something is pressing them then it will get their attention immediately. We need employees now. We are short employees now. This can't wait.

Elizabeth Lanfear asked if it would be ready by the next meeting.

Supervisor Jenkins stated that they have about 80 applications for part-time employment right now. They interviewed 6 or 7. They already checked the sex offender list and none of them are on it. He assumed they would do reference checks and they have a place where they can get some information on these people. He said they can do a background check now. He said if somebody is super clean and the interview was fine and all board members are comfortable with that person then they probably will re-interviewing the person again. He said at the same time they will formalize what they have to do and his goal would be to adopt a policy on May 28th.

Councilman Kusnierz said the background check requirement should be extended to all potential employees of the town, because we do share staff amongst departments from time to time.

Councilman Prendergast agreed. He doesn't care what they are applying for. We should do background checks on committee members too. If you are going to represent this town on a committee you should have a background check.

Elizabeth Lanfear stated that when she served on the recreation committee they had a discussion about background checks on volunteer coaches and she and Steve Gram agreed that one should be done.

Councilman Prendergast stated that her point was well taken. He said that when the board meets to discuss the policy they should discuss the fact that if the town is going to run a program and somebody is going to run the program for us then we do background checks on those individuals.

Councilman Kusnierz asked Attorney Buettner if we would have any issues with the union on this, because they are not hired yet.

Attorney Buettner stated that they would have to discuss it with the union and it is something that they generally would have to collectively bargain on.

Councilman Kusnierz said even if they aren't town employees yet?

Attorney Buettner replied no, she was talking about current employees.

Councilman Kusnierz said he was talking about going forward. It wouldn't be a problem would it?

Attorney Buettner replied no, not with potential employees.

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Attorney Buettner stated that if the town contracts with somebody the town can require in the contract that the person or company verify that they do not hire sex offenders or that they submit to background checks. She said the Department of Criminal Justice does background checks and they work with municipalities on this.

Councilman Vittengl stated that it is a complex issue and we are not the only town to deal with it in the state he is sure. We will follow the best practices from other towns and not reinvent the wheel, take advice of counsel, talk to our insurance company and piece it altogether and come up with a policy. He said it is a very complex issue if you start going back into every volunteer and every person who has access to the park, there are hundreds. It will take some time to put together, but there must be some best practices out there that we can follow to speed this process along.

Supervisor Jenkins tried to schedule a workshop of the board on this for next week and due to board members schedules he was unable to schedule a workshop for next week.

Councilman Kusnierz asked Attorney Buettner if she could put together a framework and give it to the board to provide comment on and then they could schedule a meeting when they are pretty close to where they want it. Attorney Buettner said she could do that.

Supervisor Jenkins said he would put it on the agenda for May 24<sup>th</sup>.

#### **HIGHWAY DEPARTMENT REQUESTS**

A request was received from the highway department to purchase six (6) 30" cast rings and grates for drywell replacements out of account DB5110.450 that had a balance of \$4,000.00 as of 5/1/13.

The following quotes were obtained:

Adirondack Highway Materials	\$2,154.00
Chemung Supply	\$2,685.60
EJ	\$1,770.00

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of six (6) 30" cast rings and grates for drywell replacements from EJ at a cost not to exceed \$1,770.00.

Roll call vote resulted as follows:

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

A request was received from the highway department to purchase six (6) 30" x 6' Sully perforated galvanized drywells out of account DB5110.450 that had a balance of \$4,000.00 as of 5/1/13.

The following quotes were obtained:

Adirondack Highway Materials	\$1,326.78
Chemung Supply	\$1,096.44
Lane Enterprises	\$1,020.60

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A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of six (6) 30" x 6' Sully perforated galvanized drywells from Lane Enterprises at a cost not to exceed \$1,020.60.

Roll call vote resulted as follows:

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

A request was received from the highway department to purchase portable truck lifts under State Contract #PC64746 out of account A5132.2 that had a balance of \$60,570.00 as of 5/1/13.

The following quotes were received:

Rotary Lift	\$60,382.56
D. L. Carr Distributors, Inc.	\$60,038.00
Total Tool Ltd.	\$75,435.30

Per the quote sheet the highway superintendent's recommendation was to purchase from D. L. Carr Distributors. He noted also that there will be a price increase on 6/1/13.

Councilman Prendergast asked Paul Joseph, Highway Superintendent, if he budgeted specifically for this item in the 2013 Budget and Paul Joseph replied yes, it was specifically budgeted. He said that when they built the new building they took the lifts out of the floor and they agreed to go with portable lifts and the savings was about \$60,000.00 from having to do all the concrete in the floor.

Councilman Kusnierz asked if this is how they usually buy equipment for the highway garage from the A account?

Supervisor Jenkins said yes it is always the A account by statute.

Councilwoman LeClair made a motion authorizing the purchase of portable truck lifts under State Contract #PC64746 from D. L. Carr Distributors, Inc. at a cost not to exceed \$60,038.00.

Councilman Kusnierz said they aren't already installed are they?

Paul Joseph replied no and Councilman Kusnierz said he was just checking.

Councilman Kusnierz asked Paul Joseph if there are any other lifts that are not under State Contract.

Paul Joseph replied that there was one other and it was made overseas and the price was higher.

Councilman Vittengl asked Paul Joseph how long his department has been without these lifts and Paul Joseph replied that they have never had lifts. He said this was something that was agreed upon when they were building the new garage and it was budgeted for.

Councilman Vittengl asked if they had one in the old shop and Paul Joseph replied no, they never had one.

Councilman Prendergast stated that when the plans originally came out for the new garage there was a plan for a truck lift in the floor and then they decided to go with the portable lifts.

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Councilman Vittengl asked if this was an 18,000 pound lift and Paul Joseph replied yes. He said there is actually six of these portable lifts, three on each side and you can pick up a smaller truck or car too.

Councilman Kusnierz asked about road paving and asked what account that comes out of and he was told the DB account.

Supervisor Jenkins said the only things that get paid out of the A5132 account (general fund) is the highway superintendent's salary, the clerk's salary and any equipment inside the building and outside the building, except vehicles. We replaced gas pumps a few years ago out of the general fund. That is how the Town Law reads.

Councilman Kusnierz asked Paul Joseph to explain the return to the town. He asked Paul if he would be able to work on a truck faster.

Paul Joseph replied that they would be able to work on a truck so much faster and safer. Right now you have a guy laying on the floor under a truck to do an oil change, or repairing a drive train or air brake changes. Right now they use two jacks to jack a truck up and then they put blocks under it and then they jack it up some more and put more blocks under it until they get it up high enough to get a jack stand under it. It is very unsafe and he said, in fact, if OSHA came in he thinks they would be red flagged.

The motion was seconded by Councilman Prendergast.

Roll call vote resulted as follows:

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

Paul Joseph, Highway Superintendent, requested approval to appropriate \$63,450.00 from account DB5112.493.4 for the nova chipping of Reservoir Road between Burt Road and Fort Edward Road (4,550 feet) with Gorman Bros. under Saratoga County Contract #13-PWPA-30R (Paver Placed Surface Treatment). The unappropriated fund balance in DB5112.493.4 was \$129,450.00 as of 5/1/13.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the nova chipping of Reservoir Road between Burt Road and Fort Edward Road (4,550 feet) with Gorman Bros. under Saratoga County Contract #13-PWPA-30R (Paver Placed Surface Treatment) at a cost not to exceed \$63,450.00.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked Paul Joseph what he intended to use the balance in that account for.

Paul Joseph replied that the rest is set aside to nova chip Merritt Road after they do the drainage.

Supervisor Jenkins stated they were all scheduled by road and budget.

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Councilman Kusnierz asked if with today's prices and what was budgeted would they be able to get them all done and Paul Joseph replied yes.

### **RECREATION DEPARTMENT REQUESTS**

Supervisor Jenkins stated that there was a request to hookup cable for phone and internet in the rec. park maintenance building. He said that the contract was changed by Time Warner Cable and our attorney has reviewed the contract and approves of the language now. He said that he needs authorization to sign the contract.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the supervisor to sign the contract with Time Warner Cable to provide internet and telephone service in the maintenance building in the rec. park.

Roll call vote resulted as follows:

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

Councilwoman LeClair reported that softball is waiting to hear from the board as to what they want them to do for in-kind projects in the park. They would like to finish the upstairs in the softball concession building in exchange for some small storage space for the concession stand supplies. They have stored upstairs supplies for the concession stand. They would like to take out the concession stand door and replace it with a screen door combo that would meet the Department of Health code and allow for cross ventilation. The company that built the building will do the work, at no cost for materials or labor to the town. They would like to work on the scoreboard that will be needed for the 2014 state tournament. They will need town labor for installation and they will have electricians on hand. They'd like to work on "the pavilion" in preparation for the state tournament. They would like to meet at the rec. park with members of the board to get the ball rolling. They have been waiting several weeks and have received no response.

Councilman Vittengl stated that he met with Keith this week and he will be meeting with Councilman Kusnierz regarding this.

Elizabeth Lanfear asked why the portable ice rink was not picked up until after May 6<sup>th</sup>.

Councilman Vittengl replied that it is now in the garage on William Street.

Elizabeth Lanfear replied now it is, but as of May 6<sup>th</sup> it was still on the ground in the park and kids were riding across it. She said that she would think that they would want to take care of something that expensive that was obtained through the school grant.

Supervisor Jenkins said as normal we have these problems constantly in the rec. department and we are trying to make it better. We have had some problems in the past, we have problems now and he is sure we will have problems in the future.

Elizabeth Lanfear said it is okay then?

Supervisor Jenkins said he didn't say it was okay. Right now it is in the William Street garage.

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Councilman Vittengl explained to Elizabeth how they were busy trying to get the pipes ready so they could turn the water on in the park and they had to do some repairs to the pipes and it took a couple of weeks to get the facility up and running, so rather than pulling up the ice rink they were getting the water turned on first.

Elizabeth Lanfear said they could have removed the ice rink before they were even ready to turn the water on. The ice skating was surely over prior to turning on water to the fields.

Councilman Vittengl said they had to drain the system and totally dry it out before they blew the system out.

Councilwoman LeClair said that she knows that they didn't forget about it. They were concerned about getting it done and they worked with Paul and his staff to prepare space in the garage on William Street for the rink and to get it rolled up and moved to the garage on William Street. It did take longer than they would have liked it to take.

Supervisor Jenkins said they did the best they could, but he hopes they can do better in the future.

### **WATER DEPARTMENT**

Supervisor Jenkins reported that he received a proposal from Pittsburgh Tank & Tower Maintenance, Inc. to inspect the water tower on Nolan Road free of charge. They would inspect the structure, sanitary coating, take photos and a DVD. If they find any problems then they will give a proposal on what they recommend be done to correct the problem. They have a one page contract that would need to be signed and he gave the contract to Attorney Buettner to review. He said the water tower hasn't been inspected in 5 or 7 years.

Councilman Kusnierz stated that it is a good idea as long as there is no cost to the town and they hold the town harmless.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz authorizing the supervisor to sign the contract with Pittsburgh Tank & Tower Maintenance, Inc. upon approval by Attorney Buettner of the contract.

Roll call vote resulted as follows:

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

### **DISCUSS TOURNAMENT FIELD USE FEE OF \$500.00 AND DECIDE IF FEE SHOULD BE PRO-RATED UPON REQUEST FROM ORGANIZATION**

Supervisor Jenkins stated that a request was received from Cathy Allen of Section 2 Softball to pay \$50.00 per game rather than the \$500.00 tournament fee. They will be playing eight games so the total would be \$400.00 rather than \$500.00. They are holding games at other sites so in their words "it isn't really the entire tournament at Moreau". They won't be playing on weekends. That is the reason why we charge the \$500.00, because we have to have extra staff in the park on weekends to accommodate them.

Councilman Kusnierz asked if the board would consider requests like this on a case by case basis or would we have to amend our policy.

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Supervisor Jenkins said he thought it would be on a case by case basis. He said this is just a piece of a tournament and they will be holding games in other locations too.

A motion was made by Councilman Vittengl to approve the request by Section 2 Softball.

Councilwoman LeClair stated that Erin Trombley, Recreation Director, has a concern over the fact that other teams have already paid \$500.00.

Supervisor Jenkins said those are people running tournaments and making a profit.

Councilwoman LeClair asked if this organization is making a profit and referred to the words used by Cathy Allen "it isn't really the entire tournament". Councilwoman LeClair wondered if she was charging teams to play on our fields.

Supervisor Jenkins replied that Section 2 is a non-profit that runs high school games in hopes of eventually going to the state championship. It is just a phase of that and Cathy Allen is just a representative of Section 2.

Supervisor Jenkins stated that the reason for the \$500.00 is that there are tournaments that are held on weekends and they charge a lot of money and are making money using our facility and we have to have a full-time person on staff for Saturday and Sunday to accommodate them and we don't even break even.

Councilwoman LeClair seconded the motion.

Roll call vote resulted as follows:

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

#### **DISCUSS PURCHASE OF NEW TRUCK FOR REC. PARK AND REPAIR 1998 TRUCK**

Supervisor Jenkins said the truck in the rec. park needs a new box put on it.

Councilwoman LeClair said there is a used box available for \$250.00 out of Vermont and \$400.00 for one out near Amsterdam. When Royce Pixley brought this to her attention at the beginning of the week she asked him to check into how they would accept payment and if they still have the bed. She has not heard back from Royce yet. She saw pictures of the truck beds. They are both under \$500.0 so she assumes that the board would be okay with purchasing one and Royce said the distance is the same for either location if we have to send a truck out to get it.

Supervisor Jenkins said it is under \$500.00 and Royce did obtain two prices so he could go ahead and purchase one. He said the truck has other problems and it will have more problems in the future. He said the board should consider budgeting for a new truck in 2014. Paul Joseph, Highway Superintendent, got a quote off state contract for a 2013 Ford F250 including a plow and all the other equipment we would need and the price was \$28,868.00. He said the retail price would be \$35,185.00 without a plow. He said he would guarantee that they wouldn't be able to buy a ¾ ton 4 wheel drive with a decent plow and high mileage for that price.

Councilman Vittengl stated that the plow alone would cost \$5,300.00.

Councilwoman LeClair stated that Royce Pixley, who is new in his position, was very appreciative of how much Paul Joseph has done to support him and help him find these beds and this truck. Thank you.

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Paul Joseph stated that he told Royce that if he got the truck bed then the highway department staff would take the bed off the existing truck and get the new bed on the truck for him. He said he knows how much the vehicles mean to the departments. He said the building inspector was down at the shop today for servicing of his town vehicle. He said he tries to work with all the departments.

Councilwoman LeClair stated that Royce Pixley appreciates the support he receives from all departments, the highway department specifically.

Supervisor Jenkins said the board doesn't need to approve the purchase of the used bed, two quotes were obtained.

**SEPTIC SYSTEM FOR NEW MUNICIPAL COMPLEX**

Environmental Design Partnership, LLP (EDP) obtained a quote from Fort Miller for a 2,000 gallon septic tank for the new municipal center as follows:

2,000 gallon heavy duty septic tank	\$2,550.00
Distribution box with minimum 8 outlets complete with liquid levelers and with high density polyethylene pipe seals	\$157.00
2- Neenah Foundry R1556 frames and lids – 24” diameter “SEWER” cast into lids. Lids to be machined for and furnished with “O” ring gaskets frame and cover to be tapped for 2-3/8” stainless steel bolts	\$490.00
2 – 4” high (24” ID) pre cast concrete grade rings	\$150.00
Shipping	\$400.00
Total	\$3,747.00

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of the above septic tank and appurtenances from Fort Miller at a cost not to exceed \$3,747.00 for the new municipal complex.

Roll call vote resulted as follows:

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

**BID RESULTS TOPSOIL-SAND MOVING/GRADING/REMOVAL/HYDRO-SEED AT NEW MUNICIPAL CENTER**

On May 8, 2013 the following bids were opened for the moving/grading/removal of top soil and sand and the hydro-seeding of the new municipal complex site:

Services Unlimited of Glens Falls, NY	\$82,250.00 Add Alternate 1 – Hydro-seed - \$16,500.00
Don Kingsley Excavating of Bolton Landing, NY	\$100,350.00 Add Alternate 1 – Hydro-seed - \$32,940.00
Linda Holding Corp. of Round Top, NY	\$203,275.00 Add Alternate 1 - \$35,390.00

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Jim Mitchell, from EDP, the town's engineer, reviewed the bids and interviewed the low bidder and verified several of his references. It was his opinion that the low bidder Services Unlimited should be awarded the bid.

Supervisor Jenkins said he thought that Services Unlimited should be awarded the bid in the amount of \$82,250.00 plus their alternate bid of \$16,500.00 for hydro-seed. He said the hydro-seed won't be done until the building is finished. He stated that there is \$191,461.00 left in the project budget that hasn't been committed. He said there are a couple of change orders outstanding. One is the change order for the doors between the court section of the building and the rest of the town offices. He said that the highway department doesn't have time to do this work. He said that we may be able to use some of the left over topsoil in the rec. park. The contractor suggested putting a little more top soil down than originally planned. They only offer about \$2.00 a yard to remove the topsoil from the site and right now it sells for \$20.00 a yard so we would be better off using it ourselves.

Councilman Kusnierz asked why there was such a significant difference in the quotes regarding the amount of top soil to be removed. He said the range is from 1,500 cubic yards to 500 cubic yards.

Supervisor Jenkins stated that it was based on how much they would take themselves.

Councilman Kusnierz asked where the other 1,000 cubic yards would go then and Supervisor Jenkins said it would stay on the site and they would spread it. He said we would be better off having 8 inches of top soil on the site than 6 inches.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to award the bid to Services Unlimited in the amount of \$82,250.00 for the stripping of top soil and screening and spreading of the top soil and grading of stockpiled sand over the site of the new municipal complex per the bid specifications and to award the alternate bid of \$16,500.00 to Services Unlimited for the hydro-seeding of all exposed areas of the entire site per the bid specifications.

Roll call vote resulted as follows:

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

Councilwoman LeClair asked for a report from Joe Patricke on where they are at with the construction process.

Supervisor Jenkins replied that he could, but it is changing so fast now. He explained how they are sheet rocking the interior now and concrete slabs are being poured for the entrances and gas lines and electrical lines will be installed soon and they will be installing sidewalks soon. He said we still don't have anybody yet to install the cabling for the computers and he said the board has to decide on a telephone system. A decision has to be made whether or not the court telephone system is going to be kept separate from the rest of the town offices.

Councilman Prendergast reported that he and Councilwoman LeClair met with the Judges and employees to discuss moving into the new facility. He said that the board should begin scheduling an open house that would be held when the building is done, since the building will belong to the people.

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**KINGSLEY PHASE II OF EXISTING CONTRACT \$13,500.00**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the supervisor to sign a contract with Don Kingsley Excavating in an amount not to exceed \$13,500.00 for Phase II of the drainage and grading site work at the new municipal complex.

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

**PURCHASE ORDERS MUNICIPAL COMPLEX – TOWN BOARD MEMBERS POLLED 5/8/13**

Supervisor Jenkins advised that the board members were contacted and verbal approval was obtained to purchase materials for the septic system and trench and for Kingsley to complete the work at the new municipal center.

The Town Clerk asked what the amount was.

Supervisor Jenkins read the following:

<b>Septic</b>	
Win Water	\$838.44
Peckham – Stone	\$1,375.00
<b>Total for Septic</b>	\$2,213.44
<b>Trench</b>	
Peckham - DOT #2 Stone	\$1,500.00
J.C. Smith – Fabric	\$650.00
Griffin Supply – Rubber Liner	\$383.40
Pallette – Round Stone	\$1,033.90
<b>Total for Trench</b>	\$3,567.30
Don Kingsley Excavating – To Complete Above	\$4,800.00
<b>Grand Total</b>	\$10,580.74

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the above work to be done at the site of the new municipal center.

Roll call vote resulted as follows:

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

**HVC CHANGE ORDER FOR SECURITY DOORS IN NEW MUNICIPAL BUILDING**

Supervisor Jenkins stated that Andy Sweet was the only one contacted for a price to install the security doors between the court section of the new municipal center and the rest of the town offices, other than HVC who provided a price under a change order. Mr. Sweet cannot install doors with a built in alarm

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system. Supervisor Jenkins said an alarm system is not necessary. He was going to ask Mr. Sweet to quote on the installation of the doors without an alarm system and he will also ask HVC to quote again, but this time without an alarm system.

**RESOLUTION TO INCREASE REVENUES AND APPROPRIATIONS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to increase revenues by \$4,203.39 in the General Fund – Insurance Recoveries Account A2680 and to increase expenditures by \$4,203.39 in the General Fund – Garage – Building Repairs Account A5132.472 the amount received from the insurance company for repair of the old highway garage roof on January 20, 2013.

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to increase appropriations by \$190,000.00 in A1620.2 – General Fund – Buildings – Equipment which will be financed from available General Fund Unreserved Fund Balance that is needed to purchase the property at 353 Reynolds Road in the Town of Moreau as approved by the Town Board on April 23, 2013.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked for authorizing to put a \$500.00 deposit on the real estate contract for the town’s purchase of the house located at 353 Reynolds Road.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the supervisor to put a \$500.00 deposit on the real estate contract for the town’s purchase of the house located at 353 Reynolds Road.

Roll call vote resulted as follows:

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

**ADIRONDACK BIRD’S EYE VIEW REGIONAL MAPS SPONSORSHIP**

Debora Liddle was present to ask the board if they wanted to place an ad on the Bird’s Eye View Map for the Lake George, Queensbury, Glens Falls, Gore Mt. Region, Washington County and Western Vermont areas. The cost is \$495.00 for a listing. Ms. Liddle mentioned something about Grant’s Cottage being noted on the map and when asked about the Town of Moreau/South Glens Falls Parks Bentley Historical Society House being put on the map she replied that it wouldn’t be included.

The Town Board advised Ms. Liddle that they would consider her request and get back to her.

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**FITZGERALD'S PROPOSAL VENDING AT RECREATION PARK**

Supervisor Jenkins stated that the vending machines we have in the rec. park now from DeCrescente haven't worked out too "great". Fitzgerald Bros. Beverages submitted a proposal to provide vending machines. They will stock the machines and the town would receive a commission on sales. They also submitted a sample contract. He said he knows that the town had problems with Fitzgerald before, but that is in the past and they have put that behind them according to the salesman he talked to.

Councilman Kusnierz stated that there was litigation between Fitzgerald's and the town that cost the town taxpayers quite a bit of money. He asked Supervisor Jenkins to put together a proposal of what we are looking for and send it to whoever may be interested in submitting a quote.

Supervisor Jenkins said he didn't know what we were looking for.

Councilman Kusnierz said that he should solicit proposals from whoever is in the business then.

Supervisor Jenkins said we should require full service.

Councilman Kusnierz said as long as everybody has a fair shot at it.

**ACCEPT RESIGNATION OF DUANE MILLER FROM POSITION OF ASSISTANT BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER AND DISCUSS INTERVIEWING FOR POSITION**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the resignation of Duane Miller from the position of Assistant Building Inspector/Code Enforcement Officer for the Town of Moreau effective May 10, 2013.

Roll call vote resulted as follows:

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

There are five people on the civil service list for this position and they will be contacted for an interview. If they don't want to be interviewed then the town will place a help wanted ad in the newspaper.

**DISCUSS PAY SCALE HANDY MAN SKILL VS. LABORER**

A current part-time employee who works as a laborer and receives laborer pay is also a skilled carpenter and the discussion the board had was what rate they should pay him when his is performing carpentry for the town. Supervisor Jenkins said that they may have to contact civil service and find out if there is a job description for this.

No action was taken by the board at this meeting on this.

**APPROVAL OF TED MONSOUR TO WORK AT TRANSFER STATION FEE BOOTH \$11.94 HOUR**

Ted Monsour who currently works as a cleaner for the town offices is willing to put in more hours each week and work in the transfer station fee booth as needed.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Ted Monsour to work at the transfer station fee booth at \$11.94 per hour on a part-time, on-call, as-needed basis.

Roll call vote resulted as follows:

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

### **DISCUSS MONOLITHE AND NY LIGHT ENERGY SOLAR ENERGY PROPOSALS**

Councilman Vittengl stated that we paid National Grid \$12,730.00 for electricity for the current town hall, current court building and the annex building and we paid Integrys \$2,840.00. The delivery charges were \$8,000.00 of these totals. He said we have proposals from NY Light Energy and Monolithe Solar. They will come in and set up the solar system on our property. They will provide the maintenance on the system and provided a full warranty. One has a 25 year warranty and the other has a 27 year warranty. He said we would pay them for the power at a reduced fee and we wouldn't have to pay the delivery charge except we would have to pay for any additional power that we buy from National Grid. If you go over 2,000 kw hours per month for over four month then you get put on demand. You can only go off demand when you go below 2,000 kw hours per month for one year. He said there are demand charges on five power bills. The highway garage, the water tower behind the highway garage, the water towers on Nolan Road and Sisson Road, the court building and the town hall. Those five demand charges add up to \$955.00 per month that we pay National Grid. He spoke with people who have had units installed by NY Light Energy and they are all happy and saving money and they all had rooftop mounted solar units. Monolithe installed one in the Town of Niskayuna and they started with the town hall. It is a smaller system, but they liked it so much that they added a system at the highway garage and water treatment facility. Hewitt's Nursery just installed a unit. He said the biggest difference he saw between the two proposals was that NY Light Energy proposes to install 224 solar panels producing about 85 kw hours vs. Monolithe proposes to install 396 panels that would produce about 121,000 kw hours. Monolithe is saying that they will produce 100% of the power for the new municipal complex and the annex so the only cost to us that we would pay National Grid should be about \$21.00 per month for the connection fee we have. They anticipate that the total yearly cost for electricity for the new complex will be about \$7,500.00 per year. He said that NY Light Energy was going to save us \$2,531.00 a year vs. the \$7,500.00, because it is a smaller system. Monolithe has offered to cut the \$7,500.00 in half for the first year if we decide to go with them. He said over a 20 year period the town would be saving about \$140,000.00 to \$150,000.00. He said the next step is to pick a vendor and then have our attorney review the contract.

Supervisor Jenkins stated that Monolithe is a lot more experienced with installing the ground mount systems.

Councilman Vittengl stated that they can do the cabling for the system now so it won't affect the blacktop that will be installed around the new complex.

Supervisor Jenkins asked what the site was going to look like in ten years. That is the concern he has.

Councilman Prendergast stated that nothing left outdoors for ten years looks the same. There is always wear and tear.

Who is responsible for maintaining the site?

Attorney Buettner didn't recall any language in the contract about who was going to maintain the area. They did have language in the contract that reads that we cannot touch any of their equipment.

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Councilman Prendergast said what happens if one day the panels become weathered and unsightly? Will they replace them or will they say that it will be another 17 years before they will replace them?

Supervisor Jenkins stated that everybody knows that technology will change. He said he is concerned about the appearance. As a landowner we should have a right to have them maintain the panels to our satisfaction. Personally he feels that there is an opportunity for a good savings here and using green energy is good and our citizens will think it is the right thing to do. Using alternative energy is a positive thing to do. He feels that Monolithe is a better choice as they have more experience with the ground mounted systems.

Councilwoman LeClair asked Councilman Vittengl how much land these solar panels will take up.

Councilman Vittengl replied that there will be 396 solar panels installed. He also noted that the \$225,000.00 cost for the installation is covered by the solar company and is at no cost to the town.

The board members were in agreement to have representatives of each company to come to a meeting and answer a few questions the board may have of them.

#### **TORREY DORSEY COMPLAINT RE: DUMPING**

Torrey Dorsey complained to the supervisor about the town dumping in the old sand pit at the end of Potter Road that the town owns. Supervisor Jenkins said the town dumps rotten old trees, macadam, tree stumps, dead deer into the sand pit and he doesn't know what can be done about this, because it is legal for the town to do this.

Councilwoman LeClair also said that she spoke with Joe Patricke this date and he said it is a legal use of the property.

Supervisor Jenkins said he was telling the board this, because it is an issue that could get worse.

#### **REED ANTIS (CEMETERY SIGNAGE)**

Reed Antis asked for approval to purchase D2 to be used for cleaning of headstones in the cemeteries at a cost of \$185.00 plus shipping. He also asked for a sign to be erected in Griswold Cemetery explaining the rules and regulations for cemeteries. He said that there are flowers being thrown over the fence in the south side of the cemetery and grass clippings from the town when they mow. He said it is getting in a state of disarray.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing Reed Antis to purchase D2 at a cost not to exceed \$185.00 plus shipping.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman Leclair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Reed Antis was asked to price out a sign for the cemetery with the rules and regulations on it.

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### **FLAG FOOTBALL REQUEST FROM NICK FITZGERALD**

Nick Fitzgerald, Physical Education Director with the South Glens Falls Central School District would like the town to take back the Flag Football Program. The football coach is willing to coordinate the program and put somebody in charge. Supervisor Jenkins said that anyone who runs the program including coaches will have to have a background check done on them so Nick Fitzgerald should be made aware of this.

Councilman Vittengl said that the town used to run the program and then they turned it over to Pop Warner who wanted to increase their numbers and it didn't work out. They allowed kids from all over participate. Nick was going to have Tony Ciuffetelli who is a junior varsity coach oversee the program. It would be a town-wide program the way our soccer program is. He has people lined up to oversee the commissioners and parents would volunteer to coach.

Supervisor Jenkins said if it is town program then they would have to go through what we were discussing earlier and Councilman Vittengl said absolutely.

Councilman Vittengl said there would be a sign up fee of \$10.00 to \$15.00 to cover the cost of shirts and flags and there would be minimal pay for the two commissioners who would oversee the program. The parents would donate their time.

Supervisor Jenkins said a budget would have to be established and a fee established.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to have the town take back the Flag Football Program.

Roll call vote resulted as follows:

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

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

Reed Antis asked if Erin Trombley would be involved with the Flag Football Program. Answer was inaudible.

Reed Antis asked if the town initiated the negotiations on the purchase of the property at 353 Reynolds Road or did the property owner.

Supervisor Jenkins said that he approached the owner about 6 to 8 months ago. At that time they wanted \$220,000.00 and after several discussions they finally came down to \$190,000.00.

Reed Antis asked of the easements had been settled on Burt Road and Clark Road.

Supervisor Jenkins replied yes.

Reed Antis asked if he could disclose the cost of the easements.

Supervisor Jenkins stated that the one on Burt Road was \$3,000.00 and the one on Clark Road he didn't have the figure, but said it was minimal and less than \$3,000.00.

Reed Antis asked how we were doing with dog feces and dogs running at large in the rec. park.

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Supervisor Jenkins replied not good. He said that they know who some of the dog owners are, but they ignore the rules and regulations.

Reed Antis asked if we know who they are then why we don't have law enforcement knock on their door.

Councilwoman LeClair stated that she has asked staff to keep track of what was happening there, because there are people who come in on a regular basis and she asked Dan Styczynski, the Dog Control Officer, to keep track and work with the staff in the park to try and figure out who these people are.

Supervisor Jenkins said if we can get the names then we can correspond with them and tell them that if they don't stop then we will have them arrested.

Reed Antis asked why they couldn't photograph some of these people and use it as evidence. It has been an ongoing problem.

Supervisor Jenkins said the police would have to handle it and then the court would have to prosecute them.

Reed Antis stated that he was sure our Judges would do their job.

Councilman Prendergast stated that the dog issue is more code enforcement than a police issue. He said we are down one person in the code enforcement department. He said the Town of Moreau doesn't have a lot of employees. He said that some things don't get done on the exact day, because we don't spend a lot of money.

Reed Antis said the dog issue has been going on for years though.

Councilman Prendergast stated that we have had people lined up outside the door of the building inspector's office trying to build something. We have money invested and you want to take him out of the office and tell him to go down and enforce a dog going to the bathroom in the rec. park? He wasn't saying it shouldn't be done, but the Town of Moreau has limited resources. We are paying \$8.67 for help down at the park. He told Reed Antis to think about it. He said that is where they are at.

Supervisor Jenkins said the situation would have to be handled by the Sheriff or State Police. We don't have our own police department. He said it is a legal enforcement issue and not a building code enforcement issue. He said we have provided a key to the rec. park to a sheriff's deputy who lives in town, so he is able to go into the park after hours and stop things that are going on in there. He will remind him to watch for dogs running at large in the park and tell the owners that if they don't stop then they will be arrested or something like that.

### **COMMITTEE REPORTS**

Councilwoman LeClair asked for approval to purchase landscape fabric for the children's garden beds. The cost is \$62.00 for 900 s.f.

The board didn't voice any objections.

Councilwoman LeClair stated that she wanted to request of Erin Trombley again that she not take reservations for the pavilions in the park. It is causing some confusion. The pavilion rental fees are collected in the Town Clerk's Office and the Town Clerk's Office has always handled the pavilion rentals. She asked the Town Clerk if she was correct in saying that this is the way they would like it to continue and they feel it is easier for them and the rec. staff to know what is going on.

The Town Clerk replied that she has always thought that the recreation department should handle the pavilion rentals, but there isn't full-time staff at the park to do this and if people call the park to reserve a

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pavilion there isn't anyone to answer the phone. So she said the Town Clerk's Office would continue to rent out the pavilions and collect the fees.

Councilwoman LeClair stated that even when we had a full-time director the Town Clerk's Office took care of the pavilion rentals.

Councilwoman LeClair said that Erin has been taking reservations and she wanted to tell her to stop doing that if the board was okay with that.

There were no objections voiced by the board regarding this.

Councilwoman LeClair asked a while ago for permission to move forward with the paperwork for the access easement with General Electric and National Grid and the board approved it and she was sorry to say that it is beyond her capability. She said that Jim Martin from the LA Group who is working on the engineering design for the park access is willing to do the easement paperwork for an amount not to exceed \$3,000.00. She was not asking for approval on this tonight, because Attorney Buettner is checking to see if we pay for this out the town-wide recreational park capital project reserve fund is it subject to permissive referendum or not.

Supervisor Jenkins asked if this is part of the grant we already have and is it part of the 2<sup>nd</sup> phase.

Councilwoman LeClair stated that once we finish this there is another grant cycle coming up. We need to finish what we started, but we can't finish without the easements. She stated that General Electric, National Grid, The Archaeological Conservancy and any of the adjacent property owners have encouraged her to move forward.

Supervisor Jenkins asked if the money that is left in this grant can be used for this and Councilwoman LeClair replied it can be, but Jim Martin said that if we did then we had to modify what we are having him do in the grant. He thought it would be better to pay for it out of the capital reserve fund. Andy LaBruzzo gave her permission to use the grant money so it would cost us \$1,500.00 maximum rather than \$3,000.00 if the board chooses to do that.

Supervisor Jenkins asked why there is a different of \$1,500.00 vs. \$3,000.00.

Councilwoman LeClair replied, because it was a 50/50 matching grant. If we use the grant funds then we pay \$1,500.00 rather than \$3,000.00 and Supervisor Jenkins added that we would have to change the budget then and Councilwoman LeClair said that was correct and we would have to move something else.

Supervisor Jenkins said he wouldn't have a problem with that and we should find out the details. He said the question is whether or not it would be subject to permissive referendum.

Attorney Buettner stated that the problem is the type of capital reserve fund that it is. It is a town-wide fund and not just a park fund. When you set up one type of account you need a permissive referendum to set it up, but you don't need a permissive referendum to withdraw money from it, but with this one a permissive referendum was not required to set it up, but you may need permissive referendum to withdraw money from it. She had a conversation with counsel from the Association of Towns today and he was as confused as she was.

Councilwoman LeClair stated that the board didn't have to do anything with this now, but maybe at the next meeting. She wanted the board to be aware of it.

Supervisor Jenkins said he thought they should continue to use the LA Group, because why change in the middle of a project and their fees have been reasonable.

Councilwoman LeClair stated that the Conservation Committee road the trails on the new property and they started to run out of gas at three miles and they were just started to mark the branching trails. She

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spoke with the mayor for the Village of Fort Edward and they would like to work with us on developing a trail system onto their property. Two of their board members were assigned to work with us. She has been playing phone tag with Ed Kinowski who is the chairman of the county trail committee.

Councilwoman LeClair reported that she obtained about 200 chairs, 15 or 20 filing cabinets, room dividers, counters and desks that were donated to the town and that can be used for the new municipal complex. They moved the equipment from Saratoga, Albany and Gloversville and town employees from rec. helped move the items and the cost to get all of these items moved to the town's building on Route 197 was about \$500.00.

Supervisor Jenkins stated that last year the Saratoga County Fair put up a banner on the fence in front of the highway garage on Route 9 and they would like permission to do so again this year.

No objections were raised by the board members.

The Saratoga County Department of Probation have been working with us for a long time in our court facility and they would like to continue to process probation department reports in our new building.

It was agreed to talk to the Judges about this request.

Grievance Day will be held on May 28<sup>th</sup> and the assessor and board of assessment review need to use the town meeting room so the Town Board Meeting will have to be held downstairs in Town Hall that night.

Sisson Reserve received funding for the second phase of their project so they will go for site plan review before the Planning Board and then they will purchase the property.

NYS DOT has announced a \$30 million grant for non-roadway transportation enhancements for bike trails, streetscape improvements and it is a 20% matching grant. The minimum project size is \$200,000.00 and the maximum project size is \$2.5 million. This information was forwarded to Supervisor Jenkins by Chris Round of Chazen. He is happy to discuss this with the board.

Brief discussion followed on a phone system for the new building and automated vs. non-automated and if the court was going to have their own system or not.

Reed Antis asked what will happen to the current town hall.

Supervisor Jenkins stated that it would probably be declared surplus property and sold and put back on the tax rolls. We also have the property on William Street that we have to decide what to do with.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 9:58 p.m. to discuss the employment history/performance of a particular unnamed employee.

Roll call voter 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.

Councilman Prendergast had to leave the meeting to go to work so he did not sit in on the executive session.

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Councilman Kusnierz left the meeting as he had to be on the road for work in the early morning hours.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to adjourn the executive session and reopen the regular meeting at 10:32 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman ~~Prendergast~~ **Vittengl** and seconded by Councilwoman LeClair to accept the resignation of Royce Pixley from the position of Part-time Maintenance Director effective Saturday, May 18<sup>th</sup>. **[Amended 5/28/13 jf]**

Roll call vote resulted as follows:

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

A motion was made by Councilman ~~Prendergast~~ **Vittengl** and seconded by Councilwoman LeClair to re-appoint Royce Pixley as Full-Time Seasonal Laborer at his prior rate of pay. **[Amended 5/28/13 jf]**

Roll call vote resulted as follows:

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

A motion was made by Councilman ~~LeClair~~ **Vittengl** and seconded by ~~Councilman Prendergast~~ **Councilwoman LeClair** to adjourn the regular meeting. **[Amended 5/28/13 jf]**

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury, Town Clerk

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