

A regular meeting of the Town Board of the Town of Moreau was held on May 22, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:02 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director; David Canfield, Post Star Reporter; Dave Meager, Adirondack Insurance; Town Resident and Planning Board Alternate Member Reed Antis; Village Residents: Andre Delvaux, Tom Wade Jr. and Harry G. Gutheil, Jr. who arrived at 8:17 p.m.

Supervisor Jenkins led the Pledge of Allegiance.

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

**MINUTES**

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

April 24<sup>th</sup>, April 25<sup>th</sup>, May 8<sup>th</sup> (2 Sets)

**MINUTES – APRIL 24, 2012 – REGULAR TOWN BOARD MEETING**

Approval tabled.

**MINUTES – APRIL 25, 2012 – TOWN BOARD WORKSHOP RE: TRANSFER STATION AND RECREATION COMMISSION**

No comments or corrections.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to approve the minutes of April 25<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

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**MINUTES – MAY 8, 2012 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Supervisor Jenkins to approve the minutes of May 8<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

**MINUTES – MAY 8, 2012 – PUBLIC HEARING RE: WATER DISTRICT 1 EXTENSION 3**

Approval tabled.

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

Supervisor Jenkins reminded everyone that they previously scheduled the Month-End Audit Meeting for May 29<sup>th</sup> at 7:00 p.m. in Town Hall.

A public hearing to consider the adoption of Local Law No. 1 of 2012 was scheduled for June 12, 2012 at 6:30 p.m. in Town Hall. If the local law is adopted it will repeal Chapter 28 of the Moreau Town Code.

Councilman Kusnierz stated that when the board met in a workshop setting to discuss the elimination of the Recreation Commission he was in agreement with the elimination of the Recreation Commission as long as something was in place at that time so it would carry on some of the responsibilities in a different form.

Supervisor Jenkins said that the Town Clerk could run an ad looking for people interested in serving on the Recreation Committee.

Councilwoman LeClair stated that there was paperwork on preliminary ideas on how a committee would work. It mentioned a two year term vs. the seven year term that is in place now. She said that maybe somebody could locate that paperwork.

Supervisor Jenkins stated that he thought two council people should be involved on the committee.

Councilman Kusnierz asked if the people who currently serve on the Recreation Commission will be contacted to find out if they are interested in serving on the Recreation Committee.

Supervisor Jenkins said that two members of the Recreation Commission were at the workshop and said they would like to be involved on the Recreation Committee. He said the current members could be contacted.

Councilman Kusnierz asked that the current members of the Recreation Commission be contacted and let them know that a Recreation Committee will be formed and that the term will no longer be seven years and see if they are interested in staying on. We do have people who want to be involved and if there is an interest there we shouldn't overlook it.

Supervisor Jenkins agreed. There was no objection voiced from the other board members.

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Supervisor Jenkins asked the Town Clerk to run the ad looking for people interested in serving on a Recreation Committee.

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis informed the board that he had a stray 12 year old dog in his yard yesterday evening and he and his wife called the Dog Control Officer and he responded promptly and was very professional and he and his wife wanted the board to know that they made a good choice and kudos go out to him for how he dealt with the situation.

The board members thanked Reed Antis for letting them know this.

**DAVE MEAGER – INSURANCE**

Dave Meager, Sales Representative with Adirondack Trust Insurance, was present to recap for the board members a summary of the Town’s insurance policy for period of 5/1/12-5/1/13.

He went through the summary of insurance handout and explained the coverage that the Town has.

Dave Meager noted that the insurance premium is remaining constant at \$64,859.00.

At the conclusion of his presentation Councilman Kusnierz asked Dave Meager to take a look at the Towns employee’s benefits and Supervisor Jenkins concurred and added that the premiums change dramatically each year and that in September the board will probably send out RFP’s and make a decision by December.

Mr. Meager said he would be happy to do this and it would be at no cost to the Town.

**HIGHWAY REQUESTS**

The highway superintendent submitted the following quotes for a 24 hour U.L. listed central monitoring fire alarm system and daily auto test for the new highway garage and a request to enter into an annual agreement for this service, which will be paid out of account A5132.407:

New York Fire and Security	\$288.00 yearly
Foresight Electronic Monitoring Systems, Inc.	\$324.00 yearly
Mahoney Notify-Plus, Inc.	\$342.00 yearly

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to accept the proposal from New York Fire and Security for a 24 hour U.L. Listed central monitoring fire alarm system with daily auto test for the new highway garage at a yearly cost of \$288.00.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to purchase four (4) drive tires for truck #14 (12R225 G287) under state contract #PC64867. This purchase will be made out of account DB5130.492 that had a balance of \$25,983.34 as of 5/17/12. The following quotes were obtained:



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Councilman Kusnierz asked Paul Joseph the highway superintendent why he was opting to purchase trucks with diesel engines when they cost about \$6,400.00 more than the comparable trucks with gasoline engines.

Paul Joseph replied that the longevity of the diesel engines and you can get more mileage out of the diesel engines. All of the current trucks in the highway department have diesel engines. He has also pulled out more vehicles with gasoline engines out of flood water than diesels.

Councilman Kusnierz stated that it is usually the bodies on these trucks that wear out before the engines and we are turning these vehicles around on a regular basis.

Paul Joseph stated that they have trucks that are 12 to 14 years old and they have had very little work done on the diesel engines in these vehicles.

Councilman Vittengl stated that the torque is a huge difference. It goes from 400# to 800#.

Councilman Kusnierz stated that he understands this, because he has a truck with a diesel engine, but he can't support purchasing a vehicle that does the same thing as another vehicle that costs \$6,400.00 more in taxpayer's dollars. He would support the purchase of the trucks with gasoline engines.

Councilwoman LeClair stated that there is a dramatic difference based on the fact that diesel engines are so much better in flood water conditions than gasoline engines. Last year Paul was driving through water to get to people's homes to help them. We had two high water instances last year and this is a risk we have never had before and it is important to consider that before they move forward. She said Paul was out all night those nights last year when the river was rising and he was checking on neighborhoods.

Councilwoman LeClair made a motion to purchase a 2012 <sup>3</sup>/<sub>4</sub> ton 4x4 pickup truck with plow from Orange Motors at a cost not to exceed \$36,338.00.

Councilman Kusnierz stated that the highway superintendent wasn't asking to purchase just one truck, but two and that compounds the figure and that is a lot of taxpayer's dollars.

Paul Joseph stated that if they were going to keep the trucks for only five years then he would agree, but they have been keeping the trucks for 12 to 14 years.

Councilman Vittengl stated that the gasoline engine will burn \$30,400 worth of fuel and the diesel about \$22,500.00. It is about an \$8,000 swing in fuel costs and that is based on diesel costing about 30 cents per gallon higher than gasoline right now.

Councilman Kusnierz stated that is what the cost is today, but the petroleum market is very volatile and if they looked at the historical numbers the spread isn't as large as it has been over the past five or six years when it was a huge spread, which doesn't make any sense, because it costs less to make the deal.

Supervisor Jenkins said there is a motion on the table and he asked Councilman Vittengl if he wanted to second the motion and Councilman Vittengl said he would have to abstain, because he is in business with other Ford dealers.

Councilman Kusnierz said again that he didn't have a problem supporting the purchase of the trucks with gasoline engines.

Supervisor Jenkins said he would table this until a full board was present.

Councilman Kusnierz stated that when Dave Meager was speaking to the board he mentioned that there was an accident involving a highway vehicle and this was the first he heard about it.

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Supervisor Jenkins said he received information on this accident today and he said he probably should have notified all board members.

Councilman Kusnierz said he wasn't blaming him, but the full board should have been notified.

Paul Joseph said that until an appraisal of the damage was done to the vehicle he wasn't sure it was going to meet the insurance quota.

Councilman Kusnierz said he serves on the Insurance Committee and he wasn't notified and at the very least he should have been and preferably the full board should be notified.

**RECREATION DEPARTMENT REQUESTS**

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to hire the following individuals to work in the recreation department on a seasonal, part-time, on-call, basis, at the rates listed and subject to successful completion of a pre-employment physical if required.

<b>Employee's Name</b>	<b>2011 Rate</b>	<b>2012 Rate</b>	<b>T Title of Position</b>	<b>Pre- Employment Physical Needed</b>
Zack Howe	9.03 per hour	9.21 per hour	Seasonal Full Time Laborer	No
Laura Kane		10.00 per hour	Arts & Crafts Specialist	No
Marikka Ryan		9.00 per hour	Head Lifeguard	Yes
Marikka Ryan		10.00 per hour	Swim Instructor	Yes
Faryl Hewlett	9.05 per hour	9.23 per hour	Lifeguard	No
Lindsey Baker	8.67 per hour	8.84 per hour	Lifeguard	No
Nick Graham		8.50 per hour	Lifeguard	Yes
Thomas Zanner	10.82 per hour	11.04 per hour	Nighttime Sports Specialist	No
Ray Hoag	12.75 per hour	13.00 per hour	Nighttime Sports Specialist	No

Roll call vote resulted as follows:

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

The recreation director submitted a request to have a 24 inch in diameter pine tree cut down and the stump ground in the rec. park. He submitted the following quotes:

Richard Sears Tree Expert	\$200.00
Tree Masters	\$450.00
Adirondack Tree Surgeons, Inc.	\$450.00

This expense would come out of account A7140.4 that had a balance of \$48,622.10 as of 5/1/12.

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A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the tree to be removed by Richard Sears Tree Expert at a cost not to exceed \$200.00.

Roll call vote resulted as follows:

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

### **WATER DEPARTMENT REQUEST**

Jesse Fish, Water Superintendent, requested permission to hire Stacy Evans as a Water Meter Reader at a rate of \$12.00 per hour.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to hire Stacy Evans as a Water Meter Reader at \$12.00 per hour on a part-time, on-call, as needed basis.

Roll call vote resulted as follows:

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

### **TRANSFER STATION – PART-TIME LABORER**

Supervisor Jenkins advised that the board was going to interview another candidate for the position of Transfer Station Laborer in executive session at the end of the meeting so action on this position will be tabled at this point in the meeting.

### **ACCEPT RESIGNATION OF LORI PIKE FROM THE POSITION OF COURT CLERK**

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to accept the resignation of Lori Pike who is retiring from the position of Court Clerk effective July 30, 2012.

Roll call vote resulted as follows:

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

### **NYS COMPTROLLER'S REPORT OF EXAMINATION**

An audit of the financial affairs of the Town of Moreau was conducted by the New York State Comptroller's Office and a report of their findings has been filed in Town Hall.

The report basically reads that the fund balances in various accounts are too high.

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Supervisor Jenkins met with the auditors in an "exit conference" after the audit was completed and in that conference the auditors stated that they found nothing wrong with the financial records of the Town and that the recordkeeping is the best they have seen and they were surprised to see all the detail. The Supervisor's response to the Comptroller's report can be found in the audit report.

Supervisor Jenkins stated that we have been working on lowering the general fund. In the past four years the fund balance has been reduced by \$1.4 million. There is \$1.3 million left. There is \$1.8 million in the town outside village fund balance and the audit report suggests two ways to reduce this fund balance. One is to increase the amount of sales tax revenue that we send back to Saratoga County to reduce the county tax rate. It is anticipated that the Town will receive an additional \$200,000 in sales tax revenues this year based on current information received. Supervisor Jenkins said he assumes the board will want to use some of that fund balance and the excess revenues and send it back to the county to reduce the county tax rate. The Town used to send back \$800,000.00 and that was reduced to \$200,000.00 and then raised back up to \$400,000.00 last year and he assumes that this year the board will authorize \$800,000.00 to be sent back to the county to reduce the county tax rate. The report also indicates that the fund balances in the Water District accounts are very high. The audit report recommends that water rates be reduced and Supervisor Jenkins said he is working on a lot of data that he will have prepared for the next meeting showing the average cost for water and the board can use this information to arrive at new water rates. He stated that it would be his recommendation that the board consider a merger of all six water districts into one district. In the exit conference the auditors said we should have an asset management study. Supervisor Jenkins stated that if we did an asset management study for six districts it would cost four times as much as if we did one for one merged district. He said this is something the board needs to consider. The audit report indicates that the board needs to adopt a multiple year financial plan and capital plan. He said the board really does have a financial plan, but it isn't in writing, because they have worked at reducing the general fund balance.

Councilman Kusnierz stated that he has been on the board for a while now and one criticism from the Comptroller has been the amount of fund balance that the Town has accumulated over the years, but he wants to point out that the Town has been repeatedly sued over the years by hydro facilities over their tax assessments. If we had lost any one of those tax certioraris the Town would have been exposed to millions of dollars of refunds to the owners of the hydro facilities and with the fund balances we have we would have been in a position to address that loss without any cost to the taxpayer. Fortunately we won the battles and we settled for a PILOT program for five years that took that issue off the table. One of the things that pleases him in the response from the Supervisor to the Comptroller was in reference to the Town Outside Village and returning sales tax funds to Saratoga County. He has advocated for that every year sometimes successfully and sometimes not.

Supervisor Jenkins said he agreed, but they made a short term commitment to the highway department to try and catch up on a few issues and we used sales tax revenue to do that. What we probably should have done was use some of the fund balance. What the auditors didn't recognize was that in the general fund we would have spent pretty close to what we budgeted, but we had a substantial amount of money allocated for legal expenses for the tax certioraris that Councilman Kusnierz talked about and we ended up not spending. We currently have Article 7 cases in the works now and hopefully we won't have to spend that money either. The auditors didn't take into account that we had \$300,000.00 allocated for the Clark Road culvert that we didn't have to spend last year and that we re-appropriated the funds for 2012. In general they are saying that we should control taxes and our tax rates are 50% less than what they were in 2008. At budget time he was going to recommend that we maintain our tax levy. We have some growth that will result in a small tax reduction and if we do send more money back to the county then that will reduce the county tax for people who live outside the village. These are things we should do in response to the comptroller's report.

Councilman Kusnierz stated that he voted against this year's budget and was challenged by a board member. He felt at the time that excess revenue was being raised by taxpayers and if you look at it in

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general terms that is pretty much what the Comptroller is saying and we should return some of that excess revenue to the taxpayers.

Councilwoman LeClair asked Supervisor Jenkins to relay to Fran Thibodeau a thank you for all the time and effort she put into helping the auditors during their audit process.

Supervisor Jenkins said she handled it very well. She goes out of her way to take on extra work. He appreciates her every day. Ten years ago Fran left the accounting firm he worked for after working with him for seventeen years and he has had the privilege of working Fran for all those years. She has always been a very capable and dedicated worker.

**RESOLUTION TO INCREASE REVENUES AND APPROPRIATIONS FOR RIVERFRONT PARK GRANT (REAPPROPRIATIONS)**

The Account Clerk wrote that a re-appropriation of balances in two accounts is needed. This involves an increase in estimated revenues through a grant from NYS Department of State and to an increase in appropriations using fund balance for a matching grant for the EPA Fund Act, 2009 LWRP Program.

Councilman Kusnierz asked why this needed to be done.

Supervisor Jenkins replied that the project is still open. It is needed for the accounting records.

Councilwoman LeClair stated that she is hoping they can move forward on this. Peggy Jenkins the Assessor has done a lot of research on the deeds for the two remnant sites. Andy LaBruzzo from the Department of State and the contact person for the grant has spoken with Ralph Hill of OGS and we are going to have a phone conference next week with Maria Trabca from Saratoga County Planning and Jim Martin from the LA Group on getting the necessary easements. Bringing Saratoga County Planning into this process will save the Town considerable amount of money, because they have experience obtaining easements. We have been on hold for sometime waiting for OGS to get clearance from the EPA and the DOH. We are back on track now.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the following increase in revenues and appropriations:

Increase revenues by \$29,975.00 in account A3089F.4 – General Fund – State Aid – Riverfront Park Grant and increase expenditures by \$45,050.51 in account A7989F.4 – General Fund – Other Culture /Recreation Grant – Contractual.

Roll call vote resulted as follows:

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

**DISCUSS MEGA CONTRACTS FOR GAS AND ELECTRIC**

Supervisor Jenkins stated that the Municipal Electric and Gas Alliance (MEGA) was formed by a Delaware County Official who is now President of this non-profit organization. The State Association of Counties is 100% behind it. Saratoga County uses MEGA and saves a lot of money. The company recommended right now is Integrys and the current rate for electric is 48 cents per kw hour vs. National Grids 62 cents per kw hour and the gas is 59 cents per kw hour vs. National Grids 79 cents. We could enter into a 29 month contract and the rates would be frozen for that time period. He recommended that

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the Town's legal counsel review the contracts and if the board decides to change there could be a savings of 10% to 15%.

Councilman Kusnierz asked if we had to enter into a contract for a period of 29 months.

Supervisor Jenkins said that we could enter into one for a shorter period of time, but then it would be a variable rate. Saratoga County is saving a lot of money by going with MEGA a year and a half ago.

Councilman Kusnierz asked that the Town's attorney review the contracts and submit a one page memo to the board members of her findings and then the board can act on this at the next meeting. He also asked the Supervisor to copy the board members on the proposed contracts.

Supervisor Jenkins and the rest of the board members were agreeable to this suggestion.

**AUTHORIZE CONTRACT WITH ED CURTIN FOR ARCHEOLOGICAL WORK AT NEW MUNICIPAL CENTER SITE**

Requests for Proposals were sent out by Jim Mitchell from EDP to Archeological Firms asking for a quote on archeological services for the new municipal building site.

The following quotes were received:

Curtin Archeological Consultants	\$4,400.00
Birchwood Archeological Services	\$4,906.96
City/Scape Cultural Resource Consultants	\$5,406.00
Hartgen Archeological Consultants	\$6,065.00

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to engage the services of Ed Curtin of Curtin Archeological Consultants at a cost not to exceed \$4,400.00 to provide a Phase 1 Archeological investigation of the Reynolds Road municipal complex site.

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked what the status was of the Clark Road culvert that failed.

Supervisor Jenkins advised that he met with FEMA and through a grant that Tim Burley applied for they are going to pay 90% of the cost to repair the culvert.

Reed Antis asked why the culvert failed.

Supervisor Jenkins explained.

Councilman Kusnierz thanked Paul Joseph and his crew for cleaning up the site. He had received complaints from property owners in the area about how unsightly it was.

Supervisor Jenkins said he hoped the repair to the culvert would commence in June or July.

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Reed Antis asked for an update on the restoration to properties located within the Water District 1 Extension 2 area.

Supervisor Jenkins explained how the contractor is redoing a lot of the inside plumbing work and it wasn't done properly the first time. All complaints and restoration will be taken care of before the final payment is released to the contractor.

### **COMMITTEE REPORTS**

Councilwoman LeClair reported on a recent meeting of the Conservation Committee and said they are working on a flyer to distribute that will let the public know where they can dispose of things such as, oil and batteries, etc.

Councilwoman LeClair asked if the ad that was going in the paper in an attempt to recruit volunteers to serve on the Recreation Committee could include the Conservation Committee as members are needed on that committee also.

### **SUPERVISOR'S ITEMS**

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing Duane Miller to attend a New York State Code Enforcement Officers training class May 29<sup>th</sup> through May 31<sup>st</sup> and for mileage and meals to be a proper town charge.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn to executive session at 8:20 p.m. to interview a candidate for the position of Part-time Transfer Station Laborer and to discuss the employment history or performance of an unnamed Recreation Department employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session and re-open the regular meeting at 8:59 p.m.

Roll call vote resulted as follows:

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

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Supervisor Jenkins                      Yes

No action was taken in the executive session.

Discussion followed on the position at the Transfer Station.

A motion was made by Councilman Kusnierz and seconded by Councilman Vittengl to hire the following people to work at the Transfer Station on a part-time, on-call, as needed basis at a rate of \$11.71 per hour and subject to successful completion of a pre-employment physical.

Megan Hoffis  
Frederick Erickson  
Mark Whitcher  
David Merton

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn the meeting at 9:21 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk