

A regular meeting of the Town Board of the Town of Moreau was held on November 27, 2012 in the Town Of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Deputy Town Clerk called the roll.

**Town Board Members Present**

Todd Kusnierz	Councilman
Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Gina LeClair                      Councilwoman

**Also Present:** Barbara Porter, Deputy Town Clerk; Paul Joseph, Highway Superintendent; Karla Buettner, Attorney for the Town; Reed Antis, Town Resident and Alternate Planning Board Member; Peggy Jenkins, Assessor; Midge Duxbury, Town Resident; Joe Patricke, Building Inspector (arrived at 7:17 p.m.) Garry Robinson, Engineer for the Town (arrived at 7:22 p.m.)

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: November 8 (2 sets) and November 9 (2 sets).

**MINUTES-November 8, 2012—SPECIAL MEETING RE: INTERVIEWING FOR DOG CONTROL OFFICER**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve and file the minutes of the November 8, 2012 Special Meeting as prepared.

Roll call resulted as follows:

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

**MINUTES—NOVEMBER 8, 2012—PUBLIC HEARING RE: 2013 PRELIMINARY BUDGET**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve and file the minutes of the November 8, 2012 Public Hearing as prepared.

Roll call resulted as follows:

Councilman Kusnierz	Abstain
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A regular meeting of the Town Board of the Town of Moreau was held on November 27, 2012 in the Town Of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

**MINUTES—NOVEMBER 9, 2012—BID OPENINGS—RE: CONSTRUCTION OF COLD STORAGE BUILDING AT RECREATION PARK AND PURCHASE OF SAND FOR THE HIGHWAY**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to receive and file both sets of minutes dated November 9, 2012 as prepared.

Roll call resulted as follows:

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

**SET FUTURE WORKSHOPS & MEETING**

None

**15 MINUTE COMMENT PERIOD**

Midge Duxbury who resides at 24 Woodlawn Avenue asked the Board what the status was on the removal of what remains of the Caputo house located at 15 Woodlawn Avenue that burned down 1 ½ years ago.

Supervisor Jenkins stated that a sale took place. He said that the new owners had to apply for a demolition permit this week or the Town will do the demolition.

Attorney Buettner said she had a message from the new owner's attorney and the wife of the owner had called but found out that they had to come in and apply for the demolition permit. Their attorney is well aware that they must come in and get the demolition permit or we will go out for RFP's.

Supervisor Jenkins stated they must have a certified person to do the asbestos inspection and Joe needs a copy of this certification.

Councilman Kusnierz asked what our timeframe will be as far as a Town as to how long they have to demolish the house.

Supervisor Jenkins stated that we can put a timeframe on the permit.

Councilman Kusnierz stated that we should do a resolution stating that demolition shall begin within two weeks of receipt of permit, if not it will become the Town's responsibility and the new owner will be billed for the demolition.

Supervisor Jenkins said he wants to send out RFP's regarding a demolition contractor on Friday so that we are all set if the owner of the property does not follow through.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to send out RFP's for a qualified contractor for the demolition at 15 Woodlawn Avenue on Friday, November 30, 2012.

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Mrs. Duxbury thanked the Board for restoring her faith in the Town Board.

Roll call resulted as follows:

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

Reed Antis stated that he had four items to discuss. There are a lot of political signs still out.

Supervisor Jenkins stated that they are supposed to be picked up within 5 days after an election.

Paul Joseph stated that the Highway picked up 22 signs today.

Supervisor Jenkins stated that it was illegal for him to pick up anyone else's signs.

Reed also asked about the electronic recycling trailer at the Transfer Station and asked if there was any signage.

Paul said the signage was at the trailer.

Reed also asked about the septic at the beach. Preston stated that a test had been done and there was a small leak. This has been taken care of.

Reed asked if the Town could have something in place to expedite tearing down a house like the one on Woodlawn Avenue.

Supervisor Jenkins stated that they had to follow the law. He stated that there would not have been this problem if we knew who the owner was. Mr. Caputo died without a will. We did find out that he had a daughter. A judge finally transferred title about a month ago.

Councilman Kusnierz stated that he would not vote on anything that would infringe on due process.

Councilman Prendergast asked if there was a mechanism that could move this process along.

Attorney Buettner stated that we did not have an owner. Town law and the NYS constitution will not permit a municipality to go onto a person's property to tear a house down, public health problems or not. It is a due process violation. They could not find the daughter. If there is clear title, this could be taken care of in a day.

Supervisor Jenkins stated that there was no issue of money. We would front the money and the county would pay us back. We cannot transfer real property without going through a probate process.

Councilman Kusnierz asked what the requirements for a demolition permit are. Joe stated that they have to provide proof of insurance. In this case the hang up was an asbestos inspection that is required by the State. Joe stated that the demolition permit is good for a year.

### **HIGHWAY DEPARTMENT REQUESTS**

Paul is asking for approval to spend funds from DB5142.491 to buy sand. He still has some, but in case we have bad weather, he will need to have sand available.

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A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve a purchase order in the amount of \$15,000 from Cranesville Aggregate to buy sand out of account #DB5142.491.

Roll call resulted as follows:

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

#### **WATER DEPARTMENT REQUESTS**

None

#### **RECREATION DEPARTMENT REQUESTS—HIRING WRESTLING COACH AND ASSISTANT WRESTLING COACH**

Supervisor Jenkins stated that he wanted to discuss the hiring of these two coaches in executive session. A decision to hire could possibly be made at that time.

#### **DISCUSS/APPROVE—TKC PROPOSAL REPAIR OF GAS VENTS AT LANDFILL**

We contacted Liz Rovers and have not heard back from her yet regarding other prices. Liz recommended that we hire Tom Kubricky Company, Inc. for \$2,200.00 as they had done a good job for us in the past. Supervisor Jenkins stated that we can wait if the Board wants other prices. Possibly no one wants to do such a small job.

Councilman Vittengl made a motion and it was seconded by Councilman Kusnierz to hire Tom Kubricky Company, Inc to repair or replace gas vents at the landfill at a cost of \$2,200.00.

Roll call resulted as follows:

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

#### **AWARD BIDS FOR WATER DISTRICT 1 EXTENSION 2 & 3 CONTRACT 4 & 5**

Bids were received for the Water District 1 Extension 2 & 3 Contract #4 and #5 projects. The low bidder for Contract #4 the general construction was ANJO Construction Ltd of Latham, New York at a price of \$262,300.00 and the low bidder for Contract #5 the water distribution system was R. & J. Kerr, Inc of Fort Edward, New York at a cost of \$256,060.00. We have already adjusted our bond. We have the additional money from EFC to pay for a portion of the cost. The rest of the money is what is left over.

Attorney Buettner stated that Tim Burly had recommended ANJO for the general construction and R & J Kerr, Inc for the water distribution system and services. They both have worked with us regarding the serial bond issue. Their bids are good through the first week of December. Our estoppel period runs December 3<sup>rd</sup> when we had to put the notice for estoppel in the paper from the serial bond. This resolution awards it to these individual companies contingent upon the conclusion of the statutory estoppels period.

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

WHEREAS, the Town advertised and received sealed bids for Contract #4 — General Construction and Contract #5 — Water Distribution System and Services relating to the Water District 1, Extensions 2 and 3; and

WHEREAS, the Town Board has determined that the bid from ANJO Construction Ltd. of Latham, New York meets the bid specifications and represents the lowest responsible bidder at a bid price of \$262,300.00 for Contract #4 — General Construction; and

WHEREAS, the Town Board has determined that the bid from R&J Kerr, Inc. of Fort Edward, New York meets the bid specifications and represents the lowest responsible bidder at a cost of \$256,060.00 for Contract #5 — Water Distribution System and Services;

NOW, THEREFORE, BE IT RESOLVED the Town Board hereby awards the bid for Contract #4 — General Construction to ANJO Construction Ltd. of Latham, New York with a bid price of \$262,300.00, contingent upon the conclusion of the statutory estoppel period required pursuant to the Second Amended Serial Bond Resolution adopted by the Town Board on November 13, 2012; and

BE IT FURTHER RESOLVED, the Town Board hereby awards the bid for the Contract #5 — Water Distribution System and Services to R&J Kerr, Inc. of Fort Edward, New York with a bid price of \$256,060.00, contingent upon the conclusion of the statutory estoppel period required pursuant to the Second Amended Serial Bond Resolution adopted by the Town Board on November 13, 2012; and

BE IT FURTHER RESOLVED, that upon the conclusion of the statutory estoppel period, the Supervisor and the Town's engineering consultant, Burley-Guminiak & Associates Consulting Engineers, P.L.L.C. are hereby authorized to execute any and all necessary documents related to Contract #4 — General Construction and Contract #5 — Water Distribution System and Services; and

BE IT FURTHER RESOLVED that upon the conclusion of the statutory estoppel period, the Supervisor and the Town's engineering consultant, Burley-Guminiak & Associates Consulting Engineers, P.L.L.C. hereby authorized to take any and all actions necessary to effectuate the purposes of this resolution.

Roll call vote resulted as follows:

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

**INCREASE EXCAVATION WORK AT NEW TOWN HALL SITE FROM \$15,000 TO \$18,000**

Supervisor Jenkins stated that the board approved up to \$15,000.00 a couple of weeks ago based on the original estimate received. Four quotes were received since then and two other RFP's were sent out, but no response received. He said that the quotes were in the amount of \$55,000.00, \$52,463.00, \$18,255.00 and the lowest quote was \$18,000.00. There is 6,000 yards of material to be moved. Jim Mitchell thought there was less at the beginning. The lowest quote was from Kingsley Construction. He asked for a resolution to increase the amount from \$15,000.00 to \$18,000.00.

Councilman Kusnierz asked when they sent out the RFP's again.

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Joe Patricke didn't know the exact date, but it was about three weeks ago. Two people came in to talk with him and reviewed the prints, but never submitted a quote. The other four submitted their quotes.

Discussion followed.

A motion was made by Councilman Vittengl and seconded by Councilman Kusnierz to increase the amount of the excavation work at the site of the New Town Hall from \$15,000.00 to \$18,000.00 to be taken out of Capital Projects Fund.

Roll call resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the quote from Don Kingsley Excavation, LLC at a price of \$18,000.00 for excavation work at the site of New Town Hall.

Roll call resulted as follows:

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

### **ENGINEER'S REPORT FOR PROPOSED COLD STORAGE BUILDING RECOMMENDATION**

Supervisor Jenkins stated that we would have to go back out to bid on the cold storage building being proposed in the Recreation Park, as the RFP's came in way over the \$35,000 that everyone thought it would be.

Garry Robinson was at the meeting to answer any questions.

The RFP's that went out were for a building with 26,000 square feet and the lowest was \$140,000.00.

There was discussion regarding a smaller building and the possibility of the highway department staff doing the site work.

The possibility of remodeling the concession stand was also discussed. It would cost approximately \$75,000 to do this. The question was raised as to which project would be feasible this year.

It was decided that Garry Robinson would meet with Councilman Vittengl and Councilman Kusnierz on December 5, 2012 at 7:00 p.m. to discuss changes to the cold storage building plans.

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

No comments.

### **COMMITTEE REPORTS**

None

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**SUPERVISOR'S ITEMS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to have the Town Clerk's Office run an ad for a part time Recreation Program Director, with a salary of \$15,000-\$20,000 per year with no benefits.

Councilman Prendergast asked if there was a list of duties this person would have to do.

Supervisor Jenkins stated that there would be.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to go into executive session at 8:05 p.m. to discuss contract negotiations with CSEA local Highway Union, hiring of a wrestling coach/assistant wrestling coach, and the employment history/performance of an unnamed employee(s) and to discuss possible negotiations with an unknown party.

Supervisor Jenkins asked that the Town Clerk's Office send letters to the bidders rejecting all bids for the cold storage building.

Roll call resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the executive session and re-open the regular meeting at 9:03 p.m.

Roll call vote resulted as follows:

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

No action was taken in or as the result of the executive session.

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

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes

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Councilwoman LeClair	Absent
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Meeting adjourned.

Respectfully submitted,

Barbara J. Porter  
Deputy Town Clerk