

A regular meeting of the Town Board of the Town of Moreau was held on November 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins opened the meeting at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Jeff McCabe, Town Justice; Tim Alden, Town Justice; Paul Joseph, Highway Superintendent; Martin D. Auffredou, Attorney for the Town arrived at 7:25 p.m.; Joe Patricke, Building Inspector/Code Enforcement Officer arrived at 7:35 p.m.; Cindy Baire and Dave Barnett from GAR Associates; and the following Town Residents: Mark Kenyon, Sylvia Taylor, Renata Taylor, Vince Sporrer, Alan Wood, and Adele Kurtz; Town Resident and Member of the Recreation Commission, Keith Kreppein; Town Resident and Member of the Recreation Commission, Elizabeth Lanfear

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 in advance of the meeting for their review, comment, correction and approval:

September 28th, September 30th, October 12th, October 18th and October 26th (2 Sets)

MINUTES – SEPTEMBER 28, 2010 – REGULAR TOWN BOARD MEETING

Corrections:

Page 514 – last paragraph – 2nd line – insert a comma after the word “before” and before the words “the homeowner”

Page 517 – 4th paragraph – 2nd line – add the word “it” after the word “into” and before the word “would”

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the minutes of September 28th with the above corrections so noted.

Roll call vote resulted as follows:

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

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MINUTES – SEPTEMBER 30, 2010 – MONTH-END MEETING OF THE TOWN BOARD

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the minutes of September 30th as prepared.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 12, 2010 – REGULAR TOWN BOARD MEETING

Corrections:

Page 543 – 3rd paragraph from the bottom – 2nd line – add the word “think” after the word “didn’t” and before the words “the public”

Page 554 – 7th paragraph from the bottom – 2nd line –change the word “utility” to “utilize”

Page 554 – 5th paragraph from the bottom – 2nd line – add the word “a” after the word “is” and before the word “lot”

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes of October 12th with the above corrections so noted.

Roll call vote resulted as follows:

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

MINUTES – October 18, 2010 – BUDGET WORKSHOP

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to approve the minutes of October 18th as prepared.

Roll call vote resulted as follows:

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

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MINUTES – OCTOBER 26, 2010 – PUBLIC HEARING RE: TIME WARNER CABLE FRANCHISE AGREEMENT

Correction:

Page 583 – 5th paragraph – 2nd line – change the word “and” in between “Town of Kerhonkson” and “Ulster County” to “in”

MINUTES – OCTOBER 26, 2010 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve both sets of minutes from October 26th with the above correction so noted.

Roll call vote resulted as follows:

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

SET FUTURE MEETINGS/WORKSHOPS

The month-end meeting was scheduled for ~~October~~ **November** 29th at 4:30 p.m. in Town Hall.

[Amended Typo 12/6/10 jf]

The Town Board proceeded to set a public hearing on Extension No. 2 to Water District No. 4 and the Town Clerk advised that a resolution/order was prepared by the attorney for the Town that schedules the public hearing and this resolution/order had to be adopted in order to set the public hearing.

The Town Clerk then read the resolution/order.

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

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering an application entitled Extension No. 2 of Water District No. 4 within the Town of Moreau for the purpose of providing municipal water to a 45.5± acre site known as Arrowhead Meadows Realty Subdivision located within the southeast quadrant at the intersection of Gansevoort Road and Bluebird Road in the Town of Moreau. The subject property is owned by Robert Kory and Sharon Doyle ("Owner"), which parcel is identified as SBL #50.-3-29.2.

WHEREAS, the developer of the Arrowhead Meadows Realty Subdivision has requested final approval from the Town of Moreau Planning Board for the residential subdivision at the subject property consisting of 63 single family lots and 21 senior living lots; and

WHEREAS, at the sole cost of the developer, Environmental Design Partnership, LLP has prepared a Map, Plan and Report regarding Extension No. 2 of Water District No. 4 ("Map, Plan and Report"), outlining the description of proposed Extension No. 2 of Water District No. 4, the facilities within the Water District, the estimated cost of the project and the estimated user fees for water users

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within the proposed Water District extension; and

WHEREAS, all costs of the District extension and all necessary water distribution and water line construction costs shall be borne by the Owner and/or the Owner's successors or assigns; and

WHEREAS, the Town Board has reviewed the Map, Plan and Report and has determined that it is appropriate to schedule a public hearing on the formation of Extension No. 2 of Water District No. 4; and

WHEREAS, the Town Board finds that it is in the best interest of the Town of Moreau and for those residents who will be residing within the boundaries of proposed Extension No. 2 of Water District No. 4 to establish this extension of the water district;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Supervisor is authorized to execute the Order and Notice of Public Hearing scheduling a public hearing on the formation of the proposed Extension No. 2 of Water District No. 4; and
2. A public hearing is scheduled for Tuesday, November 23, 2010 at 6:50 p.m. at the Moreau Town Hall; and
3. The Town Clerk is authorized to publish the aforementioned Order and Notice of Public Hearing once in the Glens Falls Post-Star newspaper. Such publication shall occur not less than 10 days nor more than 20 days prior to the public hearing. The Town Clerk shall post a copy of the Order and Notice of Public Hearing in the Town Hall.
4. The Town Board asserts lead agency status for this unlisted action under SEQRA.

All involved/interested agencies shall be notified.

Roll call vote resulted as follows:

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

A date, time and place of December 7, 2010 starting at 7:00 p.m. in Town Hall was scheduled to interview firms for the riverfront park proposal.

Councilwoman LeClair asked if anyone from the board objected to her contacting Henry Sporrer and discussing the project with him and how his property may or may not be involved. The board members didn't have any objections.

The public hearing on the 2011 Preliminary Town Budget will be continued on November 16th at 7:00 p.m. in Town Hall with a special meeting of the Town Board to follow to possibly adopt the budget.

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The Town Board decided to meet on November 16th at approximately 8:00 p.m. following the special meeting on the budget to interview five candidates for the position of Assistant Building Inspector/Code Enforcement Officer. They mentioned that Joe Patricke, Building Inspector/Code Enforcement Officer should attend the interview sessions.

15 MINUTE PUBLIC COMMENT PERIOD

Sylvia Taylor who resides at 27 Grey Fox Drive in the Gregory Manor Subdivision addressed the board about a problem she has with a vacant lot across the street from her house that has become a dumping ground for everything from leaves, tree limbs, concrete and blacktop from the roadway that was just redone by the highway department. The vacant lot is owned by Gardner Congdon and he put up a no trespassing sign and people ignore it. She approached one lady who dumps leaves on the lot and asked her to stop and the woman continues to dump. She has called the building inspector's office three times. She would like a sign that reads "no dumping".

Paul Joseph stated that they cleaned out their paver after working on the roadway and they plan to pick up the left over blacktop tomorrow. It would have been done earlier, but their work schedule didn't permit them to.

Councilman Kusnierz asked what kind of response she got from the building inspector's office and Ms. Taylor replied that it has been going on for four years and the last time she called them was two weeks ago when she called them three times. They wanted the name of the person who was dumping. She didn't give them the name initially, but when the lady dumped again she approached her and the lady said she was going to keep on doing it so she called the building inspector's office and gave them the woman's name. The woman continued to dump every day that week. She called the building inspector's office one time when the woman was dumping so they could go down and catch her in the act and she was told that there wasn't anyone available to go down and talk to her.

Supervisor Jenkins advised Ms. Taylor that there isn't any assistant building inspector at the present time so the building inspector's office is short handed right now.

Councilman Kusnierz asked the board to direct the code enforcement officer to get back to Ms. Taylor with a reply.

Supervisor Jenkins said they could do that, but the law is "strange" in that it only allows the municipality to cite the property owner for an illegal landfill and in this case the property owner doesn't want dumping on his property either. He said that maybe the Town could give everyone on the street notice that it is illegal to dump there and it is in violation of Town Law.

Councilman Kusnierz noted that in the past year the code enforcement officer required a property owner on Gansevoort Road to mow their lawn so there must be some sort of recourse in this situation.

Supervisor Jenkins stated that normally the recourse is against the property owner.

Councilwoman LeClair asked if the property owner could do something about it if Ms. Taylor has information on the lady who is dumping leaves on the property.

Ms. Taylor said she has taken pictures the past three years of the lady dumping leaves on the property.

Councilwoman LeClair stated that maybe Joe Patricke could give her some direction.

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Supervisor Jenkins said they would see what they could do.

GAR ASSOCIATES

Cindy Baire and Dave Barnett from GAR Associates were present to explain to the board the new "emergency rules" adopted by NYS Department of Taxation & Finance and the Office of Real Property Tax Services (ORPS) and cyclical aid and revaluation.

Peggy Jenkins the Assessor started out by explaining that the "emergency rules" require the Town to enter into a plan to move forward in the revaluation process. She provided the board with information and she said she spoke with each board member regarding the situation and she said the board is aware that they must enter into a plan and file it with New York State by December 6th.

Cindy Baire presented to the board a conceptual plan to maintain the revaluation that was completed by the Town of Moreau in 2010. She stated the Town has made a considerable investment in bringing the Town up to full value and equitable property assessments and the Town will want to maintain the values. The plan is to provide cost control to the Town during the maintenance years. ORPS and Taxation & Finance are proposing aid in the amount of \$2.00 per parcel during the maintenance years. The ideal situation is to keep the values at 100% during the maintenance years so the assessor along with assistance from GAR can maintain the values without doing a complete town-wide reassessment. NYS replaced the annual reassessment program with this aid program. Ms. Baire stated that the annual reassessment program was an excellent aid package, but obviously the state doesn't want to part with the funds on an annual basis, so they are making it a little more challenging for communities. She stated that maintaining the values every year for a cost neutral situation is doable since the Town just finished a revaluation. They also propose an up to amount, which means that the assessor can choose from a variety of services where she feels she may need assistance and the Town would only be billed for those services utilized. As an example, she said it may be a block of hours that the assessor would work off of and if the assessor didn't need to use all the hours then the Town wouldn't be billed for the hours not used. It would be cost neutral to the Town. They would figure out tasks the assessor's office could do and tasks that GAR could do in the maintenance years to maintain the values at 100%.

Ms. Baire stated that in order to qualify for the \$2.00 per parcel aid in the maintenance years the Town would have to commit to a town-wide reassessment no later than 2014 or the Town would have to repay the aid it received. The roll would be maintained and then in 2013 all parcels would have to be reappraised. It doesn't mean they would change, because if there was no market change then there wouldn't be any assessment change, but they would have to prove that they reappraised everything. If the Town does nothing in 2011 and 2012 then the Town would have to do another town-wide reassessment in 2013 and 2014 and that would result in another hefty bill even if values haven't change, because the Town would have to prove to the state that the Town is doing a town-wide reassessment. She stated that the rules and procedures are changing and she expected to see a lot of changes next year.

Ms. Baire stated that by using GAR the Town would save money in benefits and overhead by not having to hire another full-time employee for the assessor's office.

Councilman Kusnierz asked if he understood correctly that the Town would have to do a town-wide reassessment in another four years either way, which would cost about a half of a million dollars.

Ms. Baire replied not if the Town stays on a maintenance program like what they are proposing. According to the new aid package they are looking at a complete reappraisal of all parcels by 2014 if the Town takes the aid. The Town can take the \$2.00 per parcel in aid each year and maintain the roll and keep it at 100% and then rerun the numbers. It would be easier than doing nothing for the next two years and then have to take on a full town-wide reassessment. She stated that part of the requirements is that

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within six years the state wants the Town to recollect all the data and verify it again. Doing a little bit each year "1/6 of the parcels each year" and making sure the data is correct is a lot easier to manage than trying to do all of them again six years from now. If the Town doesn't follow the requirements then the state is going to ask for the aid money back.

Supervisor Jenkins asked Ms. Baire if the four-year total cost to the Town was estimated at \$33,000.00 and Ms. Baire replied yes it was an estimate. She stated that first two years 2011 and 2012 would be cost neutral and in 2013 and 2014 they would do all the parcels, mail the notices, do the "informals" and go through all the steps. It would be an up to amount.

Councilman Cumm asked if this was mandatory for any municipality that has just completed a revaluation in 2010

Ms. Baire replied yes if the Town wants to apply for aid from ORPS.

Peggy Jenkins stated that under the new rules and regulations in order to get the \$5.00 per parcel for the revaluation the Town just finished we need to file a claim.

Supervisor Jenkins stated if we do nothing and we have to do a reval in four years we could be facing a cost of \$300,000.00 and Ms. Baire stated it would be pretty close to that amount.

Councilwoman LeClair asks what happens if the state reduces the reimbursement to below \$2.00 per parcel.

Ms. Baire replied that the Town is in control, because if the agreement between the Town and GAR is a not to exceed amount then they would sit down with the assessor and figure out what needs to be done and work within that amount.

Ms. Baire stated that if the Town maintains the values in 2011 and 2012 and keeps the equalization rate stable then in 2013 and 2014 depending on the market it shouldn't be a huge task.

Councilwoman LeClair asked Ms. Baire if she thought the \$12,000.00 a year that we are anticipating to receive from the state if we participate in this program is going to be enough to cover the cost of the maintenance if we work with GAR or would we have to hire an employee.

Ms. Baire replied that she thought it would be fine for 2011 since the Town is just coming off a reval and the market isn't too crazy right now and in 2012 it depends on the market.

Councilman Prendergast asked again for an explanation of the reimbursement for the reassessment we just finished.

Peggy Jenkins replied that in order for the Town to get up to the \$5.00 per parcel in aid we have to file a plan. If we do not file a plan then we won't get the reimbursement. If we file a plan for 2010 and we get the \$5.00 per parcel for 2010 and then in 2011 if we decide that times have changed or things have changed and we decide not to continue with the plan and we accepted the \$2.00 per parcel then we have to pay that back. The only thing we keep is the original \$5.00 per parcel. Anytime during the plan if the board decides to opt out then they have to reimburse the state.

Councilman Prendergast asked if the maintenance would only include new buildings.

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Ms. Baire replied that they would look at sales and run statistics and determine if the market has changed in a specific neighborhood or in any particular style of home or commercial or vacant land. They would have to monitor those, because the goal is to maintain the 100%.

Councilman Prendergast said they would monitor, but not change any assessments right?

Ms. Baire replied they could as long as it could be supported and they had documentation saying there was enough of a change in a neighborhood or style or property type. They are able to do that by law. If it is not plus or minus 5% they probably would wait for more sales and more activity. They would be minor changes. What she thought was good about the annual reassessment, was that minor changes could be made and you didn't have to wait to make big changes. This program gives the Town that flexibility to make small changes where needed and in four years the Town could do a town-wide and pick up everything else. Doing a town-wide reassessment in four years doesn't necessarily mean the values would change.

Supervisor Jenkins thought that the "Welcome Stranger Law" didn't allow only a few values to be changed.

Ms. Baire replied they couldn't change one parcel. They could change a group of parcels. For example: They could find that ranches were appreciating or depreciating faster than the other properties or a particular neighborhood seems to be appreciating or depreciating away from that 100% so they would have to raise or lower them to keep them at 100% like everyone else.

Supervisor Jenkins asked if they signed and submitted a plan to the state and received \$35,000.00 from the state and the cost to maintain was \$33,000.00 under GAR's proposal then we should be able to break even and do a reval in 2014.

Ms. Baire said that is the hope. If you maintain every year and keep it level then it is doable.

Supervisor Jenkins said he would put this on the agenda for the meeting on November 23rd.

Ms. Baire stated that these were "emergency rules" that were passed and the state is accepting public comment come the spring and they could change.

Councilwoman LeClair asked if we choose to move forward and we get the \$5.00 per parcel for the reval and the state changes things dramatically and decides not to continue with this and then we stop would we have to pay anything back.

Peggy Jenkins replied that we would retain the \$5.00 per parcel.

Ms. Baire then said if the Town took the \$2.00 per parcel in 2011 and in 2012 the Town decided they didn't want it, then the Town would have to pay back the \$2.00 per parcel that it took for 2011.

Councilman Kusnierz said he saw in the proposal from GAR the numbers for "do nothing" and the plus or minus \$300,000.00 for a reval and he asked what number we would be facing if we do something and still have to do a reval.

Ms. Baire said that if they are maintaining with the Town each year then they "hoped" that in 2013 it would be \$25,000.00 and in 2014 it would be \$50,000.00, because they would have to do all the parcels and

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they don't know what ORPS is going to require then. The maintenance is doable for the \$2.00 per parcel. The Town could decide to do a town-wide sooner and the plan could be amended.

Peggy Jenkins stated that in the final year the Town would get the \$5.00 per parcel again.

Councilman Kusnierz stated that during the extensive conversations that took place prior to the reval, one thing that repeatedly came out was that once we did a reval it should be very easy to maintain it in-house. He asked if this was not the case now.

Supervisor Jenkins replied that we could expand our staff.

Councilman Kusnierz said there wasn't any talk about expanding staff when they were talking about doing it in-house.

Peggy Jenkins said yes there was.

Supervisor Jenkins said he recalled discussing it. They discussed how potentially they might need a part-time clerk to help maintain the records.

Councilwoman LeClair said in her opinion we would get a lot more for our money by utilizing GAR Associates with their large staff and vast experience vs. hiring a part-time clerk if we can do it for the same cost.

Supervisor Jenkins thanked Ms. Baire for her presentation.

Elizabeth Lanfear asked for clarification on something she thought she heard Ms. Baire say and Ms. Baire clarified it for Ms. Lanfear.

HIGHWAY DEPARTMENT REQUESTS

Bids for sand were received and opened on November 8th as follows:

Charles Friedman Excavating, Inc.	\$4.20 picked up at their pit on County
54 North Street	Route 16 in Fort Ann M-F 7-3
Hudson Falls, NY 12839	\$8.35 delivered
Phone: 747-9371	
Fax: 747-2700	

Cranesville Aggregate Co. Inc.	\$5.34 ton F.O.B. pick up by Town
85 Saratoga Avenue	Sand quality based on sieve gradation
Gansevoort, NY 12831	\$7.99 ton F.O.B. pick up by Town
Phone: 792-0450	
Fax: 792-0503	per spec

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Warren W. Fane, Inc.
62 Leversee Road

Troy, NY 12182

Phone: 1-800-566-5531 or 235-5531

Fax: 235-1064

\$6.55 per ton per Rensselaer County

Bid F.O.B. Perry or Hemstreet Park Pits

Delivered \$15.50 per ton

Jacobie Excavating

9 Moreau Rec Road

Fort Edward, NY 12828

Phone: 792-4316

3,000 tons of screened road sand

pick up by Town at quarry, loaded by

Jacobie Excavating. Trucking and loading

will be worked out by the two parties

\$17,850.00

Paul Joseph recommended accepting the bid from Cranesville for the following reasons:

The lower bidder was Charles Friedman Excavating. However, Paul Joseph stated that it would take them 1 ¼ to 1 ½ hour round trip to pick up one load of sand at their pit on County Route 16 in Fort Ann. He could get three loads per hour from Cranesville. The cost difference per load is \$22.80 for labor and fuel.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the bid from Cranesville Aggregate at \$5.34 per ton for 2,500 tons of sand at a cost not to exceed \$15,000.00, the amount in the budget for sand.

Roll call vote resulted as follows:

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

HATCHERY ROAD CULVERT – SURVEY WORK

Additional survey work was required by C.T. Male in the amount of \$1,127.00 and the board was polled and they gave verbal approval to go ahead with the survey work so the job could be completed this year. This now has to be ratified by the Town Board.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing additional survey work to be done by C.T. Male on the Hatchery Road culvert project in an amount not to exceed \$1,127.00.

Roll call vote resulted as follows:

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

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TOWN COURT REQUEST – TELEPHONE SYSTEM

Town Justices, Jeff McCabe and Tim Alden, were present to request approval to purchase a new telephone system for Town court. They gave information to the board on quotes that they received and information on their current phone system, which is about 21 years old. They can't put someone on hold and pick up another line and if they do then the call on hold gets dropped.

They received more than two quotes, but the two quotes that the justices were considering were from Cornerstone and PS Technical Services (JR Pettis & Wade Sherman). The one from Cornerstone was in the amount of \$8,029.00 and the one from PS Technical Services was in the amount of \$5,300.00. The Village of South Glens Falls purchased their phone system from Cornerstone and they have had good luck with it and good service and it is the justices preferred system, but it is the more expensive system so in an effort to save taxpayer's dollars they were proposing to purchase the phone system from PS Technical Services.

They noted that both vendors will move the phone system to a new court facility if the court relocates.

They also want the ability to record phone conversations in order to protect the integrity of the court staff.

Discussion followed on maintenance and the legality of recording phone conversations.

A motion was made by Councilman Cumm authorizing the purchase of a telephone system for the court offices from PS Technical Services in an amount not to exceed \$5,300.00 out of account A1110.2.

Discussion followed. (The discussion that took place can be heard in the audio that is available on-line on the Town's website www.townofmoreau.org)

The motion was seconded by Councilwoman LeClair.

Roll call vote resulted as follows:

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

[Note: Councilman Kusnierz voted no, because he thought it was premature to purchase a telephone system when the Town may be building a new court facility and that facility will include a new telephone system and the cost won't be directly out of the taxpayer's pockets.]

WATER DEPARTMENT REQUESTS

None

RECREATION DEPARTMENT REQUESTS

None

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The board discussed with Elizabeth Lanfear the purchase of first aid kits for the recreation programs.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the purchase of first aid kits at a cost not to exceed \$300.00 for the recreation department.

Roll call vote resulted as follows:

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

KEITH KREPPEIN - SIGN

Councilman Kusnierz noted that he would be abstaining from any discussion or vote on this topic to avoid the appearance of a conflict of interest as Keith Krepplein is his brother-in-law.

Keith Krepplein designed and constructed a sign in memory of Mike Nolan for the rec. park and he was looking for reimbursement in the amount of \$500.00 for materials. His actual cost not including labor is \$800.00 to \$900.00.

Mr. Krepplein will also be presenting to the board a layout of a sign that he is designing that will promote activities in the rec. park and will be erected along Route 9 at the intersection of Butler Road. The estimated cost of materials is \$1,400.00 and he would like to know what the budget is for this sign.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the payment of \$500.00 to Keith Krepplein for the sign that he constructed in memory of Mike Nolan for the rec. Park.

Roll call vote resulted as follows:

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

KEITH OBORNE – REQUESTS TOWN SUPPORT FOR HIM TO SERVE ON THE WATER QUALITY COORDINATION COMMITTEE FOR SARATOGA COUNTY

Keith Osborne was not present at this meeting as he was in attendance at another meeting.

The Town Board did not act on this request at this time. If Mr. Osborne still needs Town Board support they asked that he attend the next meeting.

BOARD OF ASSESSMENT REVIEW APPOINTMENT

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to appoint Tim Long a member of the Board of Assessment Review for the Town of Moreau for a five year term that will expire 9/30/2015.

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Roll call vote resulted as follows:

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

RIVERFRONT PARK PROPOSALS

This topic was briefly discussed at the beginning of the meeting when the board set a date, time and place of December 7, 2010 at 7:00 p.m. in Town Hall to interview firms interested in developing a plan for a riverfront park.

LOCAL LAW NO. 3 OF 2010 – DOG CONTROL LAW

The Town Board held a public hearing this date prior to this meeting at 6:30 p.m. on Local Law No. 3 of 2010, Dog Control Law. The public hearing was held open to allow time during this meeting for further public comment.

Supervisor Jenkins asked if anyone present wished to be heard on the proposed local law and he gave a brief synopsis of the proposed local law for those present who were not in attendance at the public hearing.

Councilman Kusnierz said he would support the local law, but he asked that at budget time in 2011 the Town Board review the number of people in the community that took advantage of the local licensing law, because what we are doing is shifting the cost of the program directly onto the dog owners in our Town. Whereas, prior to this the entire town picked up the tab for our dog control officer and that position is being funded now through fees exclusively. He asked that they review the revenues at that time also to see if they could lower fees.

Adele Kurtz referred to the section that covered dogs that accompanied hunters and she asked if a dog was ahead of a hunter by two or three parcels of property would it be unlawful and would the dog be considered running at large.

Attorney Auffredou replied that this is a carry-over from the existing law, which a lot of the proposed new law is.

Councilman Kusnierz stated that under DEC regulations hunting dogs must be under the control of the hunters at all times and DEC interprets that to mean that they are within sight.

Councilman Kusnierz stated he didn't see any language in the proposed law that covers working dogs in agriculture.

Discussion followed on this.

Attorney Auffredou said he could add language in Section 59-5A that would read something to the effect that working dogs engaged in agricultural activities would not be considered running at large. He said this wouldn't be a substantive change that would require another public hearing.

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No objections were raised to this language being added.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to close the public hearing.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign a short form EAF for Local Law No. 3 of 2010 and authorizing the issuance of a negative declaration under SEQRA.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adopt the following resolution, which adopts Local Law No. 3 of 2010:

WHEREAS, the New York State Legislature has enacted revisions to Article 7, Chapter 59, Part T to the New York State Agriculture and Markets Law; and

WHEREAS, many of the legislative changes relate to the licensing of dogs, license fees and dog population control and the Town of Moreau must make revisions to Chapter 59 to implement the changes to the New York State Agriculture and Markets Law; and

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the repeal and replacement of Chapter 59 "Dogs" of the Town of Moreau Code with a new Chapter 59 "Dog Control Law" which will continue to regulate the acts and conducts of dogs within the Town, provide for the seizure of dogs at large, and provide for the filing of complaints and penalties for offenses; and

WHEREAS, through the repeal and replacement of Chapter 59, it is the purpose and intent of the Town Board to comply with the Agricultural and Markets Law to implement the recent legislative changes; and

WHEREAS, the Chapter, as proposed, provides that it shall be unlawful for any owner of any dog in the Town to permit or allow such dog to run at large, engage in conduct that is unreasonably and habitually disturbing to the comfort of any other person, cause damage or destruction to another's property, chase, jump or otherwise harass any person, and to habitually chase or bark at motor vehicles, motorcycles or bicycles on a public place; and

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WHEREAS, the Chapter, as proposed, provides that all dogs within the Town must be licensed by the age of four (4) months and further provides that a fee must be paid for such license, except such fee is not required for any guide dog, service dog, hearing dog, detection dog, war dog, work search dog, police dog and therapy dog; and

WHEREAS, the Chapter, as proposed, provides that any dog found to be running at large shall be seized by the Dog Control Officer and properly fed and cared for until redeemed, adopted or disposed of; and

WHEREAS, the Chapter, as proposed, also provides for the filing of complaints and penalties for violations of the Chapter pursuant to Section 118 of the Agriculture and Markets Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 3 of 2010 was duly advertised, noticed and thereafter conducted on November 9, 2010 at the Town Hall; and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 3 of 2010; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 3 of 2010 is in the best interests of the Town of Moreau and is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

WHEREAS, the Attorney for the Town has prepared the documents necessary for filing the local law with the Secretary of State including the text of the law itself;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby adopts Local Law No. 3 of 2010 annexed hereto; and

BE IT FURTHER RESOLVED, that Local Law No. 3 of 2010 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file said documents as required by law and to take all the necessary actions for the promulgation thereof.

Roll call vote resulted as follows:

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

[Note: Councilman Prendergast voted no, because the language was added about working dogs in agricultural activities. In his opinion it allows dogs to run free in rural areas off their own property. What would prevent a dog owner from saying his/her dog was on someone else's property, because the dog was working.]

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RAFFLE CONSENT REQUEST

A request was received from Daniel J. Mannix, Director of the Warren County Bar Association, to sell raffle tickets within the territorial limits of the Town of Moreau during 2010.

Discussion followed on this request and the question was raised as to where the raffle tickets were being sold. Councilman Prendergast said he didn't want them going door to door selling raffle tickets. The Town Clerk said she could include with the consent a copy of the Town's peddler's/solicitor's law along with a cover letter.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the issuance of a raffle consent to Daniel J. Mannix, Director of the Warren County Bar Association, to sell raffle tickets within the territorial limits of the Town of Moreau during the calendar year 2010.

Roll call vote resulted as follows:

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

LANDFILL MAINTENANCE REQUEST FOR PROPOSALS (RFP'S)

Liz Rovers from C.T. Male sent out RFP's for landfill maintenance work to five companies and either they didn't respond at all or they responded that they were too busy to submit a proposal so she sent out RFP's to additional companies and she is awaiting a response.

MONITORING WELLS AT THE SITE OF THE OLD HIGHWAY GARAGE ON WILLIAM STREET

C.T. Male Associates submitted a proposal for engineering and subcontractor services in connection with abandoning the temporary micro monitoring wells at the site of the former highway garage on William Street.

NYS DEC closed out the NYS DEC spill number associated with the site and the monitoring wells are no longer needed and should be abandoned to eliminate them as a conduit to the subsurface and to groundwater.

The cost for engineering was proposed at \$1,050.00 and the cost for a sub-contractor was proposed at \$1,522.00. C.T. Male noted that if the Town was able to provide a backhoe and operator to pull out the PVC riser pipe and well screen then a sub-contractor would not be necessary at a cost of \$1,522.00.

Supervisor Jenkins asked Paul Joseph, Highway Superintendent, to contact Liz Rovers from C.T. Male and discuss with her what needs to be done.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the Supervisor to enter into an agreement with C.T. Male Associates to provide engineering services in an amount not to exceed \$1,050.00 for the above mentioned project.

Roll call vote resulted as follows:

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

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MINING PERMITS

Applications for special use permits for mining were submitted for approval by the Village of Fort Edward and Chris Barden D/B/A Washburn Farms.

Joe Patricke, Building Inspector/Code Enforcement Officer, noted that Chris Barden is not operating his mine at the current time, but his NYS DEC mining permit is valid for four more years and he wants to keep his Town mining permit valid.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the issuance of special use permits for mining operations to the Village of Fort Edward and Chris Barden D/B/A Washburn Farms to run concurrently with their NYS DEC mining permits.

Roll call vote resulted as follows:

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

CAPITAL RESERVE FUNDS – GOVERNMENT COMPLEX AND HIGHWAY GARAGE

Two resolutions were before the board for their adoption. One was a resolution authorizing the transfer of funds into the capital reserve fund for financing the cost of construction of a new Town of Moreau Municipal Government Office Complex and the other resolution was a resolution authorizing the transfer of funds into the capital reserve fund for financing the cost of construction of a new Town of Moreau Highway Garage Building.

The Town Clerk read both resolutions aloud.

Councilman Kusnierz asked that the word “overwhelmingly” be stricken from the third whereas clause in each resolution. He said the reason being, it is based on unofficial election results, but the elections were called based on those results and approximately 4,300 voters went to the polls and 35% of those voted for these resolutions.

Supervisor Jenkins said that 60% of the voters that voted, voted on the resolutions. He further stated that if a statistical analysis was done on the actual count vs. the total count, the statistics wouldn't change the numbers very much. The way he saw it 65% of the people voted yes and 35% voted no. However, he didn't have a problem striking the word “overwhelmingly”.

No objections were raised over removing the word “overwhelmingly”.

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

WHEREAS, by resolution dated July 27, 2010 and published in the Post-Star on July 31, 2010, the Town Board of the Town of Moreau established a capital reserve fund for financing the cost of construction of a new Town of Moreau Municipal Government Office Complex (“Reserve Fund”) under Section 6-c of the General Municipal Law of the State of New York; and

WHEREAS, pursuant to Section 94 of the New York State Town Law, the Town Board caused the resolution and the creation of the Reserve Fund to be placed before the voters of the Town of Moreau at the general election on November 2, 2010; and

WHEREAS, the results of the election revealed that the voters of the Town of Moreau approved the creation of the Reserve Fund; and

A regular meeting of the Town Board of the Town of Moreau was held on November 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, as a result of the election and pursuant to the resolution adopted by the Town Board on July 27, 2010, the Reserve Fund has been established; and

WHEREAS, the Town Board desires to transfer the sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) from the Landfill Betterment Capital Project Fund into the Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is hereby authorized to transfer the sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) presently on deposit in the Landfill Betterment Capital Project Fund into the Reserve Fund; and

BE IT FURTHER RESOLVED that the Town Supervisor shall take all necessary actions for the implementation of this resolution.

Roll call vote resulted as follows:

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

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

WHEREAS, by resolution dated July 27, 2010 and published in the Post-Star on July 31, 2010, the Town Board of the Town of Moreau established a capital reserve fund for financing the cost of construction of a new Town of Moreau Highway Garage Building ("Reserve Fund") under Section 6-c of the General Municipal Law of the State of New York; and

WHEREAS, pursuant to Section 94 of the New York State Town Law, the Town Board caused the resolution and the creation of the Reserve Fund to be placed before the voters of the Town of Moreau at the general election on November 2, 2010; and

WHEREAS, the results of the election revealed that voters of the Town of Moreau approved the creation of the Reserve Fund; and

WHEREAS, as a result of the election and pursuant to the resolution adopted by the Town Board on July 27, 2010, the Reserve Fund has been established; and

WHEREAS, the Town Board desires to transfer up to the sum of One Million Four Hundred Thousand Dollars (\$1,400,000) from the Landfill Betterment Capital Project Fund into the Reserve Fund;

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is hereby authorized to transfer up to the sum of One Million Four Hundred Thousand Dollars (\$1,400,000) presently on deposit in the Landfill Betterment Capital Project Fund into the Reserve Fund; and

BE IT FURTHER RESOLVED that the Town Supervisor shall take all necessary actions for the implementation of this resolution.

A regular meeting of the Town Board of the Town of Moreau was held on November 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Comments were given by Elizabeth Lanfear and Vince Sporrer about the capital reserve projects.

Vince Sporrer commented on the library tax. Councilman Kusnierz advised Mr. Sporrer that the Town of Moreau portion of the total library budget for 2011 will be \$659,320.00 vs. \$595,780.00 in 2010.

Adele Kurtz asked questions about the “emergency rules” and the reveal that were discussed at the beginning of the meeting and she was given answers to her questions.

Elizabeth Lanfear asked the board how they arrived at the 2% increase in salaries across the board for Town employees when the board doesn’t have an employee review policy in place.

Supervisor Jenkins replied that the board was trying to help the employees with the cost of living as best they could even though the cost of living increase is more than that.

[Note: The entire conversations that took place during the public comment period can be heard in the audio of this meeting that is available on the Town’s website at www.townofmoreau.org.]

SUPERVISOR’S ITEMS

Supervisor Jenkins advised that the American Legion is not hosting the Memorial Day Parade this year in South Glens Falls. Boy Scout Troop 9 actually hosted the parade in 2010 and they are willing to host the parade again in 2011 and the Village of South Glens Falls has agreed to handle the money end of things through their Trust & Agency Account. The Village of South Glens Falls normally contributes \$2,500.00 towards the parade and the Town of Moreau normally budgets \$3,000.00 as a contribution towards the parade. He asked if the board any problem with the Boy Scouts hosting the parade and the Village of South Glens Fall handling the financial end. No objections were raised.

Supervisor Jenkins reported that there hasn’t been any activity with the LDC since 12/31/94, but tax returns are required even though there are zero assets and no activity. We are also required to submit to the state an independent financial audit of the LDC. He thought the purpose of the LDC originally was so there could be a transfer of federal grant money into a sewer account for the industrial park. He asked Attorney Auffredou to look into how the board can dissolve the LDC and report back to the board.

Supervisor Jenkins reported receiving a memorandum of understanding from Gas Watt LLC (Ed DeVarney) and he asked the board if they had any interest in this. This was regarding the conversion of gas from the landfill into energy. The board met with Mr. DeVarney some time ago and listened to his proposal. He asked if the board wanted Attorney Auffredou to discuss the memorandum of understanding with Mr. DeVarney.

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Attorney Auffredou recalled spending a considerable amount of time on this some time ago and then Mr. DeVarney disappeared for about ten months and the board heard nothing from him until now.

Councilman Kusnierz said he was kind of luke warm on this proposal based on the numbers he saw, but he didn't have any objection to Mr. DeVarney coming and talking to the board again.

Supervisor Jenkins said he didn't have any problem telling Mr. DeVarney that the board is not interested at this time in his proposal.

It was the consensus of the board that Supervisor Jenkins should tell him that they aren't interested.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn to executive session at 9:25 p.m. to discuss Moreau Emergency Squad contract negotiations, Article 7 litigation involving Hendel, CSEA contract negotiations, the employment history/performance of a particular unnamed employee(s) and the employment history/performance of a particular unnamed employee and the possibility of appointing legal counsel to represent that employee.

Before they adjourned to executive session, Joe Patricke asked if the board wanted to set a workshop to discuss a law on notice of prior defects and a littering law.

Supervisor Jenkins said they could set those workshops at the next regular meeting of the Town Board.

Councilman Cumm advised Joe Patricke that the board scheduled a meeting for November 16th following the public hearing and special meeting on the budget to interview candidates for the position of Assistant Building Inspector/Code Enforcement Officer.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 10:15 p.m.

Roll call vote resulted as follows:

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

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

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 10:16 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on November 9, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.