

A regular meeting of the Town Board of the Town of Moreau was held on September 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, NY 12803.

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

The Town Clerk called the roll.

**Town Board Members Present**

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

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director (left the meeting around 8:00 p.m.); Peggy Jenkins, Assessor; Joe Patricke, Building Inspector (left the meeting early); Reed Antis, Alternate Planning Board Member; Town Residents: Jeffrey Anders, Madeline Duxbury, Annette Minnick, Carolyn Fletcher, Carole Smith; and Garry Robinson, Engineer for the Town

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked that everyone silence 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: August 23<sup>rd</sup> and August 28<sup>th</sup> (2 Sets)

**MINUTES – AUGUST 23, 2012 – BID OPENING RE: NEW MUNICIPAL COMPLEX**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to receive and file the minutes of August 23, 2012 as prepared.

Roll call vote resulted as follows:

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

**MINUTES - AUGUST 28, 2012 – MONTH-END TOWN BOARD AUDIT MEETING**

Corrections:

Page 393 – 1<sup>st</sup> paragraph – 1<sup>st</sup> line – change \$7,700.00 to \$7,007.00 and on the 2<sup>nd</sup> line change \$7,707.50 to \$7,007.50

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Page 393 – 2<sup>nd</sup> resolution on page – 2<sup>nd</sup> line of resolution – delete the words “beach area” and add the words “Recreation Park in back of basketball court”

Page 394 – 3<sup>rd</sup> resolution – 1<sup>st</sup> line of resolution – add “& labor” after the first word “Parts”

**MINUTES – AUGUST 28, 2012 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve both sets of minutes dated August 28, 2012 with corrections so noted.

Roll call vote resulted as follows:

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

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

Supervisor Jenkins initially planned to set a meeting of the Town Board to interview for employee benefits, but said that he didn't have enough information yet for the board to conduct interviews. No meeting was scheduled for this purpose.

Supervisor Jenkins reminded everyone that there was a workshop of the Town Board scheduled for September 13<sup>th</sup> at 7:00 p.m. regarding cemeteries in Moreau.

Councilman Prendergast informed everyone that he may be out of town and unable to attend the Town Board Meeting on September 25<sup>th</sup>.

**15 MINUTE PUBLIC COMMENT PERIOD**

Carolyn Fletcher who resides at 7 Linden Street in the Town of Moreau addressed the board and said that she was angry and disgusted over the fact that the Clearview Motel is being used as a residence by people and the recent problems that have occurred there.

Supervisor Jenkins advised Carolyn Fletcher that the Clearview Motel is located within the Village of South Glens Falls. He said it was his understanding that the Village Board of Trustees are working on drafting a nuisance law.

Carole Smith who resides at 9 Linden Street in the Town of Moreau stated that there have been about six or eight robberies in the area of the town where she lives and asked what protection the Town Board was providing her and her neighbors. She suggested the Town Board get together with the Village Board of Trustees to address the problem.

Supervisor Jenkins said he would talk to the Saratoga County Sheriff about stepping up patrols in that area.

Councilman Kusnierz stated that the problem goes hand in hand with drug transactions and there is a lot of that going on in certain areas. Folks are looking for quick money to fuel their drug habits. It is a growing problem in a lot of communities around us.

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Supervisor Jenkins explained how the town has a law on the books about motels and hotels and how people aren't allowed to stay for long term.

Carole Smith stated that the Graylyn Motel has been taking people in too.

Supervisor Jenkins advised that motels/hotels are not allowed to be used as apartments. People staying in the motels/hotels are supposed to have a permanent residence someplace else. We are trying to enforce the law the best we can.

Councilman Kusnierz asked Joe Patricke what the status was on this.

Joe Patricke stated that the Graylyn was notified on June 13, 2012 so their six month period will be up in about four weeks or so. He said that the Sara Glen Motel and Landmark Motor Inn don't allow this. The Town & Country Motel said they don't have anybody living there.

Carolyn Fletcher asked for an explanation of the law.

Joe Patricke replied that a person can stay at a motel/hotel as long as they have permanent lodging in another location and can prove it.

Reed Antis stated that he has mentioned to the board more than once that there is no signage for the electronic recycling at the Transfer Station. Something was supposed to be done and nothing has been done. It was part of the agreement with the gentleman that has the container down there and he isn't holding up his end of the bargain so why are we letting it slide.

Supervisor Jenkins said the last he knew the gentleman was supposed to supply some signs and he hasn't. He will follow up on this.

#### **GARRY ROBINSON – BURT ROAD CULVERT REPAIR**

Supervisor Jenkins stated that last week we approved a bid for the Clark Road Culvert at a cost of \$241,000.00 plus inspection fees. The second item that the board didn't act on was the Burt Road Culvert rehabilitation. The bid for that came in at \$182,400.00 plus \$35,300.00 to extend the culvert and \$77,250.00 to widen and improve the road, which totals \$294,950.00. He saw pictures taken back in 2001 by Tim Burley of the Burt Road Culvert, which show that the culvert should have been repaired back then and here we are eleven years later and it still hasn't been repaired. He said there are school buses, farm vehicles, pedestrians and bikers that traverse the roadway and it is a very dangerous situation, because the road isn't wide enough. He stated that the problem is that the cost to fix the culvert and road is \$294,950.00 and there is nothing budgeted for this. He said that at the beginning of the year there was \$1,238,000.00 in the highway fund. We re-appropriated \$300,000.00 for the Clark Road Culvert, which brought that amount down to \$938,000.00. We will likely have a surplus of \$100,000.00, which brings the fund balance down to about \$1,000,000.00 at the end of the year and there is \$199,000.00 in the equipment reserve account. We have a bid from a reliable bidder who is working on the Clark Road Culvert now and we could do a budget adjustment to get the Burt Road Culvert done this year. If we budget for this work in the 2013 budget the problem is that the cost to rehabilitate the culvert and road could increase by 10% to 15% and there is a cost of almost \$10,000.00 to rebid the project. He asked Garry Robinson to comment on the condition of the culvert.

Garry Robinson said he spoke with the contractor and he is willing to extend the alternates for 45 days as outlined in the bid documents. He spoke with him about extending his bid on the alternates into next year and the contractor was not receptive to this. The contractor said that he didn't think the labor would be an issue, but in his opinion the cost of materials will go up about 10% next year and he would bid higher next year. Garry Robinson concurred with this and said that the construction cost index has risen 5% from 2011 to 2012 and he expected it to rise between 3% and 5% by next year. There would be a savings to the town if the contractor was able to do both jobs this year.

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Councilman Kusnierz asked what the next highest bid was and Garry Robinson replied that there were only two bids received, Kubricky and Reale Construction. Reale Construction's total bid price including the alternates was \$327,000.00.

Garry Robinson stated that when Tim Burley originally investigated this his thought was to replace the culvert only. The road is not standard width for the town and the grade has dropped down adjacent to the guard rails about two or three feet on the side of the road where there is a farm. The proposal is to widen the road so it is standard width and the shoulders of the road are standard width and the culvert would be extended and the slope evened out so it makes an embankment. He said in his opinion the town should go with alternate 2 if the money is available. If the board decides to go with alternate 1 and just repair the culvert then he would suggest that the town extend the culvert and widen the road at a future date. This option would cost more money in the long run.

Councilman Kusnierz asked what the time frame was from beginning to end and Garry Robinson replied 45 days per the contract documents.

Councilman Kusnierz said there is no question that something needs to be done, but he has serious problems with the timing. There is a farm along Burt Road and Burt Road is their major route into the bunker silo and the next month and a half is peak harvest time. This could pose a serious hardship and additional cost to this individual. Farms across the state are facing difficult economic stresses just from the weather. He would be sensitive to doing something that will add cost to their harvest.

Garry Robinson replied that the road wouldn't be closed at all and then said that bid documents were written in such a way that we would entertain a limited closure of the road for a few hours when the water flow has to be diverted so they can put the culvert in the ground. When they get to widening the road then they could close one lane at a time.

Supervisor Jenkins stated that Paul Joseph explained to him the dangers regarding the condition of the culvert and road and the road is heavily travelled. The culvert looked bad in 2001. We have the funds. If we don't use the funds this year then that money will roll over into fund balance and if we budget for next year the funds will come back out. If we do it this year we could save 10% to 15%. To do this we have to amend the budget by \$300,000.00 and award a bid.

Councilwoman LeClair said a 10% to 15% savings on \$300,000.00 is a significant amount of money.

Councilman Prendergast asked if there are any other culverts that need to be done and Paul Joseph replied that there is one small culvert on Birch Drive that needs to be slip lined, but his staff can do that one. He estimated the cost to be about \$60,000.00.

Councilman Prendergast stated that the board probably discussed the Burt Road culvert at budget time, but the board probably didn't want to take that big of a bite out of the budget all in one year.

Paul Joseph stated that when they put this culvert out to bid they considered the economy and put it out as an alternate to see how the bids came in. Doing both culverts together saves on mobilization costs and a lot of other things. It would be a \$30,000.00 savings if not more.

Councilman Prendergast stated that safety is number one and number two is the savings.

Paul Joseph replied that it is a very narrow road and there are more children on the road now.

Councilman Kusnierz stated that the speed limit is 55 mph now and if they widen the road cars aren't going to slow down, they are going to go faster.

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Supervisor Jenkins said he could request a speed limit reduction in that area again.

Councilman Kusnierz stated that he would like Paul Joseph or someone to talk to the Killian's and find out if the 45 work day schedule was going to negatively impact them or not. He would have to know this before he could vote to do this work this year. This year there is early harvest, because of the dry early season. He doesn't want to do anything that is going to cost them additional money.

Paul Joseph advised that the first stage of the work is all underground. The widening of the road wouldn't be started for at least twenty days. He said they were looking at 40 days right now before they do any "topside" work.

Councilman Kusnierz asked if it would require any road closure or limited traffic and Paul Joseph replied no.

Garry Robinson stated that they would do the work on the existing concrete first and then build their access ways down to the stream. After they put the culvert in then they would start the widening of the road. DEC limits when they can work in the stream. We have a permit to do the work for both locations. DEC will give us an extension if things don't go as quickly as planned and the project goes into the spring. The work will have to be done in the stream first to meet DEC's deadline and then the road work.

Councilman Prendergast asked Garry Robinson if in his opinion the Killian's can get their work done before the topside work is started on the road.

Garry Robinson said he was not familiar with harvesting, but the last thing the contractor will be working on is the road. The road won't be totally closed. The contractor can request to close the road for a couple of hours. It would be limited closure.

Councilman Kusnierz said that someone should reach out to the farmer and discuss this with him and bring back his comments to the board.

Councilman Prendergast asked what that would do to the time frame for project.

Garry Robinson replied that if the board waited two weeks until the next meeting then that would be beyond the 45 days that the contractor can hold his bid. The bid opening was held August 10<sup>th</sup>. It may be worth having a special meeting.

Councilwoman LeClair asked if the board could hold a special meeting Thursday at 6:45 p.m. and Attorney Buettner stated that there isn't enough time to notice the meeting. She then suggested a special meeting for early next week.

Reed Antis suggested that the board take a recess and call Pat Killian and then come to a decision tonight.

Councilwoman LeClair said they would have to reach Kubricky tonight also.

Reed Antis said that the board just needs to make their decision as to whether or not Pat Killian is going to be affected, so they should call Pat Killian tonight and make a decision before they close the meeting.

Councilman Prendergast stated that they were being overcautious and they should be especially when they are going to affect somebody's business, but what he keeps hearing is that the road is going to be kept open. He said he thinks the board can move ahead with this. The road isn't going to be closed.

Paul Joseph stated that the road will be open, but with limited closure up to one hour.

**Councilman Prendergast made a motion to approve the following budget amendment:**

**Transfer \$300,000.00 from Highway Fund Balance into DB5112.431 Clark/Burt Road Culverts**

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Councilman Kusnierz asked why \$300,000.00. He said why not \$200,000.00 when we are going to have \$100,000.00 left over at the end of the year.

Supervisor Jenkins said he didn't think it made a difference. If they don't spend the money then it will roll over into the 2013 budget.

Councilman Kusnierz said it does make a difference, because in the highway budget there won't be such an emphasis or concern to save \$100,000.00 this year if we have it earmarked to go towards this project this year.

Supervisor Jenkins said he doesn't see what affect it has on anything. If we don't do this and we budget for it next year then it has the same affect on the highway budget one way or another. It is the same number of dollars. If we do \$200,000.00 and we end up with \$50,000.00 rather than \$100,000.00 then we will have to do another budget amendment, which is time we don't need to spend. If we have money left it rolls forward into fund balance anyway.

**Councilwoman LeClair seconded the motion on the budget amendment.**

Councilman Kusnierz stated that these are big ticket items. That is why we have countless budget workshops. We develop a budget every year and we look at priorities in the town, we look at what things are in desperate need of repair and as a board put together a budget and come to an agreement on how much fund balance we are going to spend on these projects. We are coming into another budget cycle and this isn't the way we should be budgeting by going into fund balance. It is something that is addressed as part of the budget process.

Supervisor Jenkins said he understands this, but the board decided to ask for the prices on the second one in case it made sense to do it and we could get a better deal. If this is the case then we shouldn't have done that then.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked if anybody on this board or any department head was going to reach out to the farmer and explain what is going on. There is no guarantee that the road is going to remain open. He has heard it repeatedly tonight, there is no guarantee.

Supervisor Jenkins asked Paul Joseph to talk with Mr. Killian and let him know what to expect. Paul Joseph said he would.

Councilman Kusnierz asked Paul Joseph to report back to him about what transpires.

**A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to award the bid to Kubricky Construction Corp. for Alternate Bid 2 for the Burt Road Culvert per their bid price of \$294,500.00.**

Councilman Kusnierz stated that there are two ways to fix the road. There was an alternate bid in the amount of \$182,400.00 and alternate 2 in the amount of \$294,000.00. He said that is a huge difference.

Supervisor Jenkins stated that the \$182,400.00 didn't include doing anything to the road, only the culvert repair.

Councilman Kusnierz said right, which would make it safe to continue to use the road as it is.

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Paul Joseph said it didn't include widening the road.

Councilman Kusnierz said the speed limit is 55 mph and the narrowness of the road makes people slow down. He said that for \$300,000.00 the taxpayer's don't need a little bit wider road there and the farmer who has extra wide equipment hasn't said he needs it wider. He said that he thought it was a waste of taxpayer's dollars.

Councilman Vittengl asked if it is a safety issue since the bank has eroded over the years. Paul Joseph replied yes.

Councilman Vittengl asked if we have a liability issue if a car drives off the edge and goes into the creek. Paul Joseph replied that there are guard rails, but that doesn't stop everything.

Councilman Vittengl asked if it is a safety issue. Paul Joseph replied yes. The lanes are 9' 3" and the standard lane width is 10'.

Councilman Prendergast asked if we should follow our own codes. Paul Joseph replied yes and Councilman Prendergast replied that he believes we should. If a developer came in here and asked to build a road that doesn't meet code what would be our answer. Paul Joseph said the answer would be no. Councilman Prendergast said we should follow our own codes.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted a memo to the Town Board informing them that Timothy Butler, Working Foreman, is retiring in October and his last working day will be September 19, 2012. He conducted several interviews and is offering the position to Paul Patterson who holds a CDL license and is very knowledgeable in operating heavy equipment and is a Town of Moreau resident. The start date for Paul Patterson will be September 17, 2012.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to hire Paul Patterson as a laborer in the highway department, effective 9/17/12, at \$15.60 per hour and subject to the successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

The highway superintendent submitted a memo to the Town Board indicating that he was going to change the reclamation process used on Old West Road from full depth reclamation to cold-in place recycling with cement. The savings in this process will allow him to overlay 2,112 feet of Wynnefield Drive and 745 feet of Jacobie Road this year. Neither of these roads has been resurfaced since 1990.

**Councilman Prendergast made a motion and it was seconded by Councilwoman LeClair authorizing the overlay of 2,112 feet of Wynnefield Drive and 745 feet of Jacobie Road.**

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Councilman Kusnierz asked what the cost would be and Paul Joseph replied \$38,000.00.

Paul Joseph stated that these two roads were on the list of roads needing overlay for the last four years.

Councilman Kusnierz asked if these roads were the next ones on the list and Paul Joseph replied yes.

Supervisor Jenkins recalled that they were removed from the list at the last minute during budget time last year.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to purchase two tires for the Caterpillar Loader, including dismounting and mounting. He obtained the following quotes:

Adirondack Tire Center	\$2,598.48
Monroe Tractor	\$3,078.00
Rouse Tire Sales	\$3,576.00
Terry-Haggerty Tire Co., Inc.	\$3,060.00
Warren Tire Service Center	\$2,961.94

Money was budgeted for this purchase in 2012 in account DB5130.405, which had a balance of \$15,456.00 as of 9/6/12.

**A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of two tires for the Caterpillar Loader including dismounting and mounting from Adirondack Tire Center at a cost not to exceed \$2,598.48.**

Councilman Kusnierz asked why he was only purchasing two tires and Paul Joseph replied that only two tires are worn out.

Councilman Kusnierz asked if the tires were purchased at different times and Paul Joseph replied that he assumed so.

Councilman Kusnierz asked if he would get another year out of the other two tires and Paul Joseph replied yes and hoped to get two years out of them.

Councilwoman LeClair stated that in the Town of Queensbury they use tires like these, in their playground area. She asked if Steve Gram would look into this.

Roll call vote resulted as follows:

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

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### **RECREATION DEPARTMENT REQUESTS**

When the board members arrived at the meeting there was a request in their boxes from Steve Gram, Recreation Director, to attend a class sponsored by the New York State Parks and Recreation Society, on September 25<sup>th</sup> from 9:00 a.m. until 12 noon in Saratoga Springs, New York. There is no cost to the town to attend this class. The agenda for the class includes: Future funding opportunities and getting the best return on your revenue, summer camp round up (what worked, what did not and tips for next year), loss prevention (best practices), open round table discussion.

Supervisor Jenkins stated that it would have been nice if they got this information sooner.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing Steve Gram, Recreation Director, to attend a class on September 25<sup>th</sup> from 9:00 a.m. until 12 noon in Saratoga Springs at no cost to the town.

Roll call vote resulted as follows:

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

Just before the meeting Steve Gram also gave the board members a copy of an e-mail he received on 9/6/2012 from Northstar Publishing indicating that they were going to send out RFP' for playground equipment to about 13 vendors once they receive approval from Steve Gram to do so.

Supervisor Jenkins said they weren't going to do anything with this until they knew the cost and he asked Steve Gram if this was correct and Steve Gram replied yes.

Steve Gram reported that he submitted a proposal to the New York State Girl's Softball State Tournament for 2014-2016. He explained to the board members what was involved in the application process to host a tournament.

The board members didn't have any written information on this and Steve Gram said he submitted the paperwork to Terry two weeks ago and Supervisor Jenkins said he didn't have any of the information.

The board members asked questions and Steve Gram answered them.

Steve Gram was asked to supply the board members with information.

Discussion then turned to a broken piece of playground equipment and Steve Gram said he is trying to get it fixed.

Discussion then turned to the soccer program and discussion followed on the lack of t-shirts for some players.

There was also discussion on the time that the team photos were taken and how it conflicted with school hours and parents work schedules.

[The full context of the discussion about rec. can be heard on the audio of the meeting that is available through the town's website at [www.townofmoreu.org](http://www.townofmoreu.org)]

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**KEVIN DICKINSON – TRANSFER STATION LABORER - \$11.71 PER HOUR**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair approving the rate of \$11.71 per hour for Kevin Dickinson when he is working as Transfer Station Laborer.

Roll call vote resulted as follows:

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

**WATER DEPARTMENT REQUESTS**

None

**TRANSFER STATION ROLL-OFF CONTAINER RENTAL AND WASTE HAULING – AUTHORIZE BID DOCUMENTS TO BE PREPARED AND SET BID OPENING DATE**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing a bid opening date of October 5, 2012 at 2:00 p.m. to open bids for waste hauling and disposal and container rental at the transfer station and authorizing bid documents to be prepared.

Roll call vote resulted as follows:

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

**TRANSFER STATION – ELECTRICAL WORK – QUOTES**

Two quotes were received for electrical work at the transfer station and were discussed at two previous meetings of the Town Board and were back on the agenda for discussion and possible action. The original quotes were substantially different in that one vendor included a lot more work in his quote than the other vendor and was therefore substantially higher. One quote was from Terry Colvin in the amount of \$650.00 and the other quote was from Gross Electric in the amount of \$2,002.00. The quote from Gross Electric included work in the compactor building and operator building and the one from Terry Colvin did not. The vendors were asked to resubmit quotes for the identical job. Two new quotes were received. The quote from Gross Electric was in the amount of \$607.32 and the quote from Terry Colvin was in the amount of \$600.44.

Following a rather lengthy discussion on the quotes the board members took the following action. [A full context of the discussion can be heard on the audio of the meeting that is available on the town's website at [www.townofmoreau.org](http://www.townofmoreau.org).]

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to accept the quote from Gross Electric at a cost not to exceed \$607.32.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	No
Councilwoman LeClair	Yes

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Councilman Kusnierz	No
Supervisor Jenkins	No

The motion and second failed.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to accept the quote from Terry Colvin at a cost not to exceed \$600.44.

Roll call vote resulted as follows:

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

### **15 WOODLAWN AVENUE**

Attorney Buettner reported that Joanne Carr the heir to the property located at 15 Woodlawn Avenue that burned over a year and a half ago has received a purchase offer on the property and it is expected that she will sign the papers for the sale on Saturday or Sunday. The purchaser is going to undertake the demolition of the house. Attorney Buettner told Attorney Reynolds, Joanne Carr's attorney, that this should be done sooner than later. She also told Attorney Reynolds that the town is not going to wait around for the closing. She suggested an early occupancy agreement so the purchaser can do the demolition work before the closing. Originally a hearing was scheduled for this meeting when Ms. Carr would appear before the Town Board regarding this matter. Attorney Reynolds has asked that the hearing be postponed until September 25<sup>th</sup> and hopefully the early occupancy agreement will be in place before that time. Attorney Buettner told Attorney Reynolds that the town was going to still go out for RFP's on the asbestos inspection in case there isn't an early occupancy agreement in place by September 25<sup>th</sup> and in case Ms. Carr hasn't signed a purchase contract by then.

Councilman Prendergast had asked Attorney Buettner to supply the board members with copies of nuisance abatement laws that other municipalities have in place. Attorney Buettner supplied the board members with copies of three laws. Councilman Prendergast said that the Town of Moreau should consider such a law. There needs to be a law in place to allow the board to address issues such as the Woodlawn Avenue issue. At some point this should be put on an agenda for discussion.

### **PROCLAMATION – CONSTITUTION WEEK**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adopt the following Proclamation that was read aloud by the Town Clerk:

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2012, marks the two hundred twenty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

A regular meeting of the Town Board of the Town of Moreau was held on September 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, NY 12803.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau does hereby proclaim the week of September 17 through 23, 2012 as "Constitution Week" in the Town of Moreau, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau asks all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

Roll call vote resulted as follows:

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

### **PROCLAMATION – BULLYING AWARENESS MONTH- OCTOBER 2012**

A motion as made by Councilwoman LeClair and seconded by Councilman Vittengl to adopt the following Proclamation:

WHEREAS, we must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security, and

WHEREAS, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children, and

WHEREAS, each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety, and

WHEREAS, it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and

WHEREAS, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual, and

WHEREAS, it is time to "Stand Up for Character – Down to Bullying!", and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau does hereby designate the month of October 2012 as Bullying Awareness Month in the Town of Moreau as a symbol of our commitment to the year-round struggle against bullying.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on September 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, NY 12803.

### **TRANSPORTATION AGREEMENT WITH CITY OF GLENS FALLS**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Supervisor to sign the Transportation Agreement with the City of Glens Falls for the period of January 1, 2013 through December 31, 2014.

Roll call vote resulted as follows:

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

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

Reed Antis stated that it is time for the Recreation Department to go in a different direction. It no longer seems to meet town standards.

Reed Antis asked how the Transfer Station is doing. He stated that the hours have changed for the third time this year.

Supervisor Jenkins explained that the Thursday evening hours are changing to 1:00 p.m. to 5:00 p.m. on September 20th, because it is getting dark earlier now. He would assume that in the spring they would change the hours back to what they were which was 3:00 p.m. until 7:00 p.m. The financial records show a steady daily income stream. We are covering our expenses now. There is also some money put away for equipment repair.

Reed Antis suggested the Transfer Hours of operation be three, eight hour days. He also suggested better signage at the Transfer Station as to what the hours of operation are. He said that the lack of signage in the Town is the weakest part of the whole program.

Paul Joseph reported that the first two weeks the hours of the Transfer Station were changed was when his department picked up a lot of garbage from alongside the roads in the Town, but since then it has calmed down a lot.

Reed Antis asked if the board ever entertained the notion of closing the Transfer Station altogether if it isn't working financially.

Supervisor Jenkins commented.

Adele Kurtz asked for an update on the Route 9 project proposed by the Buck Group.

Supervisor Jenkins stated that the developer is applying for a grant through the LDC and they are finalizing purchase contracts with the landowners. They are also working with NYSERDA and the Department of State.

Reed Antis commented on the proposed repair to the bridge on Route 197 that goes over the river into Fort Edward.

### **COMMITTEE REPORTS**

Councilwoman LeClair asked if the board had any objections to the employees at the Transfer Station working on a Wednesday when the Transfer Station is closed, as long as they keep their hours under 20 hours, repairing the compactor doors, flashing and painting.

The board members did not voice any objection.

A regular meeting of the Town Board of the Town of Moreau was held on September 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, NY 12803.

Councilwoman LeClair asked if it was okay to ask Farrell Oil to come and pick up the propane tank at the Transfer Station. It is quite full of gas. We would request a credit for the propane that is in the tank.

The board members did not voice any objection.

**SUPERVISOR'S ITEMS**

None

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn to executive session at 8:55 p.m. to discuss contractual negotiation re: the Highway Union, property negotiations with an unnamed party, the employment history/performance of an unnamed employee(s), Article 7 involving Shady Pines a/k/a Second Garden Park Partnership.

Roll call vote resulted as follows:

Councilman Vittengl	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 Councilman Prendergast and seconded by Councilman Vittengl to adjourn the executive session and re-open the regular meeting at 10:01 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing the Town Assessor to hire Upstate Appraisal Services at an amount not to exceed \$5,000.00 to prepare a court ready appraisal, court testimony if needed and consultation fees for the Article 7 Tax Certiorari involving Second Garden Park Partnership.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on September 11, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, NY 12803.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the regular meeting at 10:04 p.m.

Roll call vote resulted was follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk