

A regular meeting of the Town Board of the Town of Moreau was held on September 28, 2010 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 Town Clerk called the roll.

**Town Board Members Present**

Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Tom Cumm	Councilman
Gina LeClair	Councilwoman

**Also Present:** Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Joe Patricke, Building Inspector/Code Enforcement Officer (entered meeting at approximately 7:20 p.m.); Town Residents: Reed Antis, Elizabeth Lanfear and Ed Tracy; Gregory Aidala, Interim Superintendent of the South Glens Falls Central School District; and Lydia Wheeler, Post Star Reporter

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

Supervisor Jenkins led the Pledge of Allegiance.

**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 14<sup>th</sup> (2 Sets) and September 16<sup>th</sup>

**MINUTES – SEPTEMBER 14, 2010 – WORKSHOP RE: WATER HOOK UP FEES**

No comments or corrections.

**MINUTES – SEPTEMBER 14, 2010 – REGULAR MEETING**

No comments or corrections.

**MINUTES – SEPTEMBER 16, 2010 – SPECIAL MEETING RE: INTERVIEWING INSURANCE COMPANIES**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve both sets of minutes dated September 14<sup>th</sup> as prepared and to receive and file the minutes from September 16<sup>th</sup>.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Absent

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Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

### **FUTURE MEETINGS/WORKSHOPS SCHEDULED**

Budget workshops were scheduled for the following dates and times:

October 4<sup>th</sup> @ 6:30 p.m. in Town Hall  
October 6<sup>th</sup> @ 6:30 p.m. in Town Hall  
October 13<sup>th</sup> @ 7:00 p.m. in Town Hall  
October 18<sup>th</sup> @ 7:00 p.m. in Town Hall

Discussion followed regarding the proposed cable franchise agreement with Time Warner.

The Public Service Commission is pushing for the Town to take action on the proposed agreement.

Attorney Auffredou spoke about the term of the contract and how Time Warner wants a 10 year agreement minimum and Attorney Auffredou recommended that the term of the agreement be back dated four years, the amount of time that Time Warner has operated under a temporary agreement and then add six years onto that.

Councilman Kusnierz stated that the Town of Moreau is the 5<sup>th</sup> largest Town in Saratoga County and even Northumberland, the small Town that they are, has cable provided to all of its residents. He won't support a ten year agreement.

Supervisor Jenkins stated that we should ask Time Warner to address the areas of the Town that don't have cable. He stated that if the cable company filled in the gaps they would be taking on a major group of people and he mentioned Clark Road.

A public hearing on the proposed Time Warner franchise agreement was scheduled for October 26, 2010 at 6:30 p.m. in Town Hall.

Attorney Auffredou will invite Carol from the PFC and John Mucha from Time Warner.

Attorney Auffredou will send the Notice of Public Hearing to the newspaper.

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

Gregory Aidala, interim superintendent of the South Glens Falls Central School District introduced himself and talked with the board members about the parking situation on Tanglewood Drive during high school football games and the lack of street lights and sidewalks. He said that these issues were discussed at the last Board of Education meeting and he offered assistance to the board members in these matters.

He also welcomed the opportunity to have the Board of Education and Town Board meet to discuss areas of mutual interest.

Councilman Kusnierz explained to Mr. Aidala that the idea about street lighting and sidewalks is not new to the Town Board. They received an estimate of about \$5,000.00 for street lighting for Tanglewood Drive and how a lighting district would have to be created and the cost of the lighting district would have to be borne by the property owners within the district.

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Supervisor Jenkins advised that a lighting district would not have to be formed. The Town Board could install street lights if it was a matter of safety.

Attorney Auffredou recalled that the Town Board was going to look into the Safe Routes to Schools Act for funding and he was told by Councilman Kusnierz that the State of New York did not have funding for that.

Supervisor Jenkins stated that Garry Robinson, engineer for the Town, looked into the Safe Routes to Schools Act for the board back in 2009 and at the time there wasn't any funding in place for it.

Councilman Kusnierz explained how the Town Board proposed sidewalks on Tanglewood Drive a while back and the residents along Tanglewood Drive filled the meeting room and objected.

Supervisor Jenkins stated perhaps the shoulder of the roadway on one side could be widened.

Attorney Auffredou stated that the Fort Ann School District put in sidewalks along two streets in Fort Ann under the Safe Routes to Schools Act. It was a joint project between the school and the Village and it was fully funded by the Safe Routes to Schools Act. It also provided for lighted crosswalk signs. The School District was lead agency. The Village of Fort Ann was paying for it and then will get reimbursement under the Safe Routes to Schools Act.

Councilman Prendergast asked if the street lights on Route 9 and Feeder Dam Road were installed as lighting districts and the answer was no, they were installed under public safety.

Councilman Kusnierz stated that the residents in the Tanglewood Drive area should be consulted first.

The parking situation on Tanglewood Drive was discussed further and Councilman Kusnierz noted that there are "No Parking" signs there and that it is a matter of enforcement.

#### **RECREATION DEPARTMENT REQUESTS**

Supervisor Jenkins stated that he didn't have any requests from the recreation director and stated that the recreation director would be present later in the meeting.

Supervisor Jenkins advised that a voucher and invoice was received from Sigma Psi Consulting Engineers a sub-contractor under EDP for work done on the lighting grant in the amount of \$2,500.00 and approval is needed to approve it to be paid.

Councilman Kusnierz made a motion to pay the amount of \$2,500.00 to EDP.

Supervisor Jenkins said it would be paid to Sigma Psi Consulting Engineers.

Councilman Kusnierz withdrew his motion.

The Town Clerk advised that Rudy Klick, Special Projects Aide, needed approval for the sub-contractor and the amount, because the sub-contractor was never approved to do the work.

Supervisor Jenkins stated it is part of the EDP contract so the board just needed to approve the sub-contractor and for the amount to be approved.

Councilman Kusnierz said the money would still have to pass through EDP so Sigma Psi the sub-contractor received the money.

Councilman Prendergast said that EDP should be paid and EDP could then pay the sub-contractor.

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Supervisor Jenkins stated that is not the voucher that we have.

Councilman Prendergast stated the board didn't hire the sub-contractor and Attorney Auffredou stated that the board would have to pay EDP and that the Town doesn't have privity with the sub-contractor. EDP could sign the check over to Sigma Psi.

Supervisor Jenkins stated a new voucher would have to be submitted then.

Councilman Kusnierz asked if this was included in EDP's costs when they originally offered their services.

Supervisor Jenkins said that the contract was with EDP and they hired Sigma Psi as a sub-contractor.

Councilman Kusnierz asked if it was a line item in the contract and Supervisor Jenkins said yes.

Joe Patricke said he would get a voucher from EDP in this amount tomorrow.

Supervisor Jenkins said they still needed approval to pay the \$2,500.00 to EDP.

Councilman Kusnierz made a motion to pay the amount of \$2,500.00 to Environmental Design Partnership from Clifton Park for services regarding the recreation park lighting grant.

Councilman Prendergast seconded the motion.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

Paul Joseph, Highway Superintendent, submitted a memo to the Town Board advising that he would be advertising for the purchase of winter sand and he presented a set of specifications that he said were the same as 2009 that were reviewed and approved by the attorney for the Town. There is \$15,000.00 for sand in account DB5142.491.

Paul Joseph also submitted a memo to the Town Board with his estimate of the cost to install a driveway culvert for a property owner, which was, \$378.00. The memo also outlined two options for a homeowner. They could either have the culvert installed by a private contractor as long as proper grade is met and the installation would have to be inspected by the highway superintendent before and after to ensure proper procedure is followed or the highway department could install the culvert at a cost to the homeowner of \$378.00. He also noted that he was in the process of revising the driveway permit so that all steps are documented to ensure proper installation.

Councilman Kusnierz suggested they round up the price to \$400.00.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast establishing the policy that with any new construction, whereby a driveway hasn't been installed before the homeowner be given the option to have their contractor install a driveway culvert to Town specifications and certification or we offer the service at a cost of \$400.00 to do the installation with the understanding that the Town will not pay for the culvert.

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Roll call vote resulted as follows:

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

**C.T. MALE – APPROVE STAKE OUT OF HATCHERY ROAD FOR SURVEY (CULVERT PROJECT)**

There is a change order in the amount of \$866.00 under the contract with C.T. Male to stake out Hatchery Road for a survey for the culvert project. The new contract price with this change order will be \$8,366.00. The Town Board was polled by telephone about this so that the project could continue to move along and it now has to be ratified.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to approve the change order in the amount of \$866.00 under the contract with C.T. Male for stake out of Hatchery Road.

Roll call vote resulted as follows:

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

**HATCHERY ROAD CULVERT REPLACEMENT – APPROVE BID DOCUMENTS & SET BID OPENING DATE**

Supervisor Jenkins stated that we don't have two easements yet. The two property owners involved do not want to agree to the easements they were presented with. He is going to meet with one of the property owners to discuss this. They told Joe Patricke they weren't interested in giving an easement to the Town and they want the Town to find another way to do it and Supervisor Jenkins said it is apparent they want payment. He was going to talk to one property owner on Thursday and the other he asked Attorney Auffredou to talk to them.

Attorney Auffredou stated that what they are saying is that they want the Town to go through the eminent domain process to get an easement. He stated that it is not the easement itself they are objecting to it is that they want to be compensated. They aren't giving up any fee title, they still own the land and what we are asking for is an easement essentially to the betterment of their land. This is what has to be explained to them and he would be willing to try.

Supervisor Jenkins stated it doesn't involve any property that is useable for anything except a streambed and a couple of banks on both sides. It is land that has very little value to start with and it will improve their property. They have problems with water backing up on one of the properties, because the culvert isn't functioning.

Councilman Kusnierz asked Paul Joseph if from a construction standpoint there was a way to do this without an easement.

Paul Joseph replied it would be very expensive.

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Supervisor Jenkins said that in the meantime they needed to approve the bid documents and establish a bid opening date.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the bid documents and set the bid opening date for October 14<sup>th</sup> at 1:00 p.m.

Roll call vote resulted as follows:

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

### **WATER DEPARTMENT REQUESTS**

Jesse Fish, Water Superintendent, stated he needed to hire more water meter readers.

After brief discussion the Town Clerk was instructed to run an ad for water meter readers.

Councilman Kusnierz asked if the air compressor was put into the grant application for water and the answer was yes.

### **ASSISTANT BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

Supervisor Jenkins reported that Tom Mann resigned from the position of Assistant Building Inspector/Code Enforcement Officer. He turned in his keys, but didn't submit anything in writing.

The Town Clerk was instructed to run a help wanted ad for this position.

Councilman Kusnierz asked if the current salary for 2010 should be included in the ad and the board members concurred with this.

### **TIME WARNER CABLE FRANCHISE AGREEMENT - DISCUSS SCHEDULING PUBLIC HEARING**

This topic was discussed at the beginning of the meeting and a public hearing was scheduled for October 26, 2010 at 6:30 p.m. in Town Hall.

### **PROPOSED DOG LAW**

Supervisor Jenkins stated the board members had a tough schedule with meetings right now so he wanted to hold off until November sometime to schedule a public hearing, we have until December 31<sup>st</sup> to adopt a law and the Town Clerk corrected him by saying that a law had to be adopted by December 1<sup>st</sup> and that dog license renewals have to be mailed out in December.

### **PROPOSAL FOR PUBLIC-PRIVATE PARTNERSHIP WASTEWATER PROJECT STUDY**

Supervisor Jenkins stated that we have one contractor who has already installed lines for his own use and that is Schermerhorn and he paid for it. We have a developer who was going to be here tonight to discuss Arrowhead Subdivision. They are going to be providing a six inch line all the way to Fort Edward Road at their cost. They are also willing to install an eight inch line at their cost and we as a Town would be at no risk. The Town would own everything and these people would have an opportunity to recover some of

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their investment from other users who buy-in. There are other potential developers that could take the same approach from Exit 17 to Bluebird Road to Route 32. In order to do that we need to have some control over it. The board members had a copy of a proposal from Tim Burley for engineering services in the amount of \$11,400.00. We can't allow three developers to design our system. The Town would be at zero risk from a financial standpoint and the Town would inspect the project and we would have control over the project. Once the project was done we would audit their out of pocket costs. It is an opportunity for us to get those lines installed, which would give us an opportunity to provide those services to other people who live in those areas and have a better opportunity for funding. At this time we need to approve Tim Burley to move in that direction. There is one developer right now ready to move in that direction. His goal would be to get reimbursed at some point from the other people who participate. He mentioned the other developer that is proposing a development on the SW corner of Fort Edward Road and Bluebird Road and they would be buying in too. Some of the developers cost would be reimbursed by us. The buy-in that we would charge would be used to reduce what they have coming. If they don't get any money back that is their problem. The Town would be at no risk. There is no contract. We could pay for Tim Burley's services through the economic development account and we could transfer money into the economic development account from contingency. He stated that the proposal from Tim Burley was to develop a sewer cad hydraulic model, regulatory issues and various engineering reports.

Councilman Kusnierz stated that there is no question that the lynch pin for commercial growth down the Route 9 corridor is putting sewer in. This has been a stumbling block for us. He asked for clarification. He heard Supervisor Jenkins say that the Town would retain ownership of the lines yet the developer would charge for the buy-in and all of that.

Supervisor Jenkins replied that we would take title to just the lines in the public right-of-way.

Councilman Kusnierz asked if somebody along the route where the sewer line was proposed wanted to tap into would the developer control the rights and Supervisor Jenkins replied no, the Town would control the rights.

Councilman Kusnierz asked about the fees and Supervisor Jenkins replied we haven't established that yet, because we don't know what the cost is going to be yet.

Attorney Auffredou stated that the Town would own the lines and the Town would establish the fees and there would be an agreement that the Town would enter into with the developer(s) that as a new entity taps into the line depending upon how much capacity they buy in to the developer would recoup some of his or her investment.

Supervisor Jenkins stated the Town would do the billing and collection of the money.

Attorney Auffredou stated that a portion of that would go to the developer though as per the agreement so that the developer could recoup his or her investment. The developer would put the pipe in the ground at his or her cost.

Councilman Kusnierz asked if the buy-in fees and the amount that would be reimbursed to the developer would be established before any work is done.

Attorney Auffredou said it would have to be, but that doesn't mean that the fees set in 2010 will be the same as in 2025.

Supervisor Jenkins stated that the cost of construction would be presented to us and we would have to audit it and approve it. They are going to be installing a six inch and eight inch line to one of the sites and some of the others is going to be strictly a twelve inch line and he mentioned Route 9.

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Joe Patricke said that is not what is proposed. The twelve inch line along Route 9 is what Tim Burley has proposed for the \$13 million project and other than that it will be six and eight inch lines along Route 9.

Supervisor Jenkins stated that the six inch line would be the responsibility of the developer entirely and no cost reimbursement, because that line is so he can start doing business. The twelve inch line is for us for the future so we have the ability to have other people hook into. The contract would include us auditing and approving the final cost that would go into the collection pool and maybe we could negotiate a low interest rate that they would be entitled to. Essentially, it would probably be more than one pot, because we could be dealing with more than one developer. This is fairly common, because it is hard to get money. The only way we can get business on Route 9 is to have sewer available and it could happen faster this way, because the developers can install the lines cheaper than a municipality can. It would open the door for lateral lines, which are easier to get funding for.

Councilman Kusnierz asked Attorney Auffredou if the cost of the engineering by Tim Burley could be paid for out of the money that is in the landfill betterment fund if we established a capital reserve fund for economic development and put money from the landfill betterment fund into the capital reserve fund for economic development and use it for projects like this down Route 9.

Attorney Auffredou said he would have to check the General Municipal Law (GML) whether there is a capital reserve fund for economic development or not.

Discussion followed on this.

Councilman Kusnierz made a motion to engage the services of Burley & Guminiak to develop a sewer cad hydraulic model for the Town of Moreau for the purposes stated in his memo of September 16<sup>th</sup> at a cost not to exceed \$11,400.00 which would be drawn from our economic development fund.

Motion was seconded by Councilman Prendergast.

Roll call vote resulted as follows:

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

Supervisor Jenkins said he would present a transfer of funds request at tomorrow's audit meeting to cover this.

#### **MOREAU EMERGENCY SQUAD AUTHORITY TO SIGN CONTRACT**

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Supervisor to sign the contract with the Moreau Emergency Squad in the amount of \$14,750.00 for the month of October 2010.

Roll call vote resulted as follows:

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

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### **TANGLEWOOD LIGHTING**

Supervisor Jenkins stated that the board already discussed this earlier in the meeting. He will work on getting more data and find out how we have to do it and at some point hold a public hearing and receive input from the public.

### **TRANSFER STATION ROLL-OFF CONTAINER BIDS**

Attorney Auffredou prepared bid documents. He took last year's document and updated it. He used the same container services, but included an option 1 and option 2. Option 1 is for a 12 month contract and option 2 is for a 24 month contract.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the bid procurement document and to establish a deadline of October 8, 2010 at 1:00 p.m. for questions to be submitted by potential bidders and a bid opening date of October 12, 2010 at 1:00 p.m.

Roll call vote resulted as follows:

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

Attorney Auffredou stated that he needs the tonnage figures and number of containers from 2009.

### **BOARD OF ASSESSMENT REVIEW –RE-APPOINT MARC PORTER FOR A FIVE YEAR TERM**

A letter was received from Marc Porter expressing interest in continuing to serve on the Board of Assessment Review for the Town and Peggy Jenkins, Assessor, supports his re-appointment to a five year term.

Councilman Kusnierz stated that he supported Marc Porter's re-appointment, but asked if the position was advertised and the Town Clerk replied that it was not. Councilman Kusnierz stated that he normally wants positions that are open to be advertised and the Town Clerk advised that she could run an ad, because there is still one vacancy on the Board of Assessment Review and she didn't think that the assessor had found anyone yet to fill the vacancy.

The board directed the Town Clerk to advertise the vacancy.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the re-appointment of Marc Porter as a member of the Board of Assessment Review for a five year term to run from October 1, 2010 through September 30, 2015.

Roll call vote resulted as follows:

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

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**PRINCIPLE ACCOUNT CLERK REQUEST**

A request was received from the Principle Account Clerk for a transfer of funds and increase in appropriations.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the transfer of funds as follows:

\$3,200.00 from DB1990.4 – Highway Fund – Special Items – Contingent Account into DB5110.497.1 – Highway Fund – General Repairs – Hatchery Road Culvert to reflect resolution on July 27, 2010 to do a survey and paper work to obtain easements and other expenses associated for the Hatchery Road culvert project.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz approving an increase in appropriations in the amount of \$2,175.00 in A8810.4 – General Fund – Cemeteries – Contractual to reflect the insurance money received for damages to the fence at Rice Cemetery on December 15, 2009.

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Ed Tracy stated that he was told the Farmer’s Market doesn’t want to come back to the recreation park next year due to the poor turnout this year. He suggested that it be held in the parking lot of the Town’s building on Route 197 next year.

Supervisor Jenkins said this may be a possibility. However, if the voters turn down the propositions on the General Election ballot in November to fund a new municipal complex then the board may consider moving a couple of departments from Town Hall to that building.

Reed Antis stated that he read the Town Code Book on-line and in particular the chapter regarding the recreation commission and the way the code reads the recreation commission sets all the policies for the recreation department.

Supervisor Jenkins replied no and stated that the Town Board establishes all the policies for the Town. The recreation commission can only give recommendations.

Reed Antis stated that the way the code reads they govern all recreational areas in the Town.

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After some brief discussion on this Reed Antis said he would go back and read it again and Councilman Prendergast stated they would take a look at the code.

Elizabeth Lanfear asked what happened with the reward the Town Board was contemplating offering in order to find the person responsible for the assault on a Town employee in the recreation department.

Supervisor Jenkins replied that the board received a report from Attorney Auffredou indicating that the Town cannot offer a reward. However, people may offer a reward privately. He stated the response from the authorities wasn't the best and the Moreau Emergency Squad responded before the police did. We are suppose to be getting a little better protection from now on out as the result of this incident.

Councilman Kusnierz voted against the proposal to offer a reward, because it isn't a proper use of Town funds.

Elizabeth Lanfear asked if her suggestion for first aid kits for the soccer program was going to appear on a Town Board agenda.

Steve Gram said the first aid kits cost upwards of \$50.00 each and that 60 of them would be needed.

Elizabeth Lanfear stated that she asked for ice packs to be available and was told they were available in the maintenance building. She stated that the EMS was called three times during games and if ice packs had been available there wouldn't have been a need to call 911.

Councilman Kusnierz asked Elizabeth Lanfear to bring it up at the recreation commission meeting on October 4<sup>th</sup> for discussion and recommendation. He asked Steve Gram to give the cost for the first aid kits to the recreation commission in writing and to carbon copy the Town Board.

Elizabeth Lanfear at the last meeting gave the Town Supervisor copies of six different documents from her regarding recommendations from the recreation commission and she asked the Supervisor if he would revise his statement in which he said he had not received any written communication from the recreation commission in the last 2 ½ years.

Supervisor Jenkins said no, because the documents were just a list of items. What he needs is a resolution passed by the recreation commission that says this is what they decided.

Brief discussion followed (audio of entire meeting available on Town website).

### **COMMITTEE REPORTS**

Councilman Kusnierz reported as Library Liaison that the library is working on a five year strategic plan to put in place framework whereby communities will have input on the future of the library.

Supervisor Jenkins asked him if they have discussed bringing into the district other communities.

Councilman Kusnierz replied no and he thought it was because of how the library district was created originally and that it had something to do with Home Rule Law.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported receiving a proposed memorandum of understanding from Ed DeVarney regarding the potential production of methane gas at the landfill.

Discussion followed on this proposal (audio available through the Town's website).

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Attorney Auffredou stated that if the Town Board wanted to move ahead with this the memorandum of understanding would need a lot of revision.

Councilman Kusnierz stated that liability and the integrity of the encapsulation are big concerns and he wasn't sure it would be worth the risk for the amount of methane gas that could be produced based on prior reports from C.T. Male.

Supervisor Jenkins suggested they set the proposal aside for now.

Supervisor Jenkins then reported that sales tax revenue for next year is estimated to remain relatively flat and that it would only increase about 1%. As the result of the revaluation of assessments our share of sales tax revenue is expected to increase about  $\frac{3}{4}$  of 1% based on this year's numbers or \$350,000.00 more and this was good news he said.

Supervisor Jenkins started to ask for a motion to adjourn to executive session when the Town Clerk asked the board to address two items.

The first was regarding a purchase request/quote summary sheet that the recreation director submitted to the board. At a prior meeting the Town Board approved an amount up to \$600.00 for Cardinale's to repair the recreation department truck and the invoice came in at \$733.95. Therefore, an additional amount of \$133.95 needs to be approved for this repair.

Councilman Kusnierz stated that he originally voted against the original request for repair, because of lack of detail and now that this has been provided he would vote for it.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to increase the amount previously approved by the board to repair the recreation department truck by Cardinale's by \$133.95.

Roll call vote resulted as follows:

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

The Town Clerk then noted that Cherie Kory, Planning Board Secretary, submitted her letter of resignation effective January 1, 2011 and the Town Clerk asked if she could advertise for the position and the board members were okay with her doing that.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn to executive session at 8:40 p.m. to discuss the employment history/performance of a particular unnamed contractor of the Town and the employment history/performance of a particular unnamed employee(s).

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on September 28, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the executive session and re-open the regular meeting at 9:00 p.m.

Roll call vote resulted as follows:

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

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

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

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk