

A regular meeting of the Town Board of the Town of Moreau was held on September 30, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Jenkins called the meeting to order at 7:00p.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 L. Jenkins, Jr.	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Pete Corlew, Recreation Department Laborer; Reed Antis, Planning Board Member and Town Resident; Christine Scanlon, Post Star Reporter; Steven M. VanGuilder, Moreau Emergency Squad; Dennis Brobston, SEDC; Matt Fuller, Attorney representing Mr. & Mrs. Aiken; Heather Aiken, Town Resident; Ron Quinn, Town Resident

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or silence all electronic devices.

**APPROVAL OF MINUTES**

The minutes dated September 9<sup>th</sup> and September 16<sup>th</sup> were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

**MINUTES – SEPTEMBER 9, 2014 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

**MINUTES – SEPTEMBER 16, 2014 – TOWN BOARD WORKSHOP RE: RE-ZONING TO ALLOW CHICKENS**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve the minutes of September 9<sup>th</sup> and September 16<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

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**SET FUTURE MEETINGS/WORKSHOPS**

Budget workshops were set for the following dates and times: October 7<sup>th</sup> @ 7:00 p.m.; October 15<sup>th</sup> @ 7:00 p.m.; October 16<sup>th</sup> @ 7:00 p.m.; October 22<sup>nd</sup> @ 7:00 p.m.

**15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis asked Councilman Vittengl about the beach.

Councilman Vittengl said that a couple of groups have offered “tradesmen” skills and someone has offered engineering services as a donation. Sandy Boucher is working on this.

**HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the advertising for a wing person for the highway department on a part-time, on-call, as-needed basis.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of diesel fuel from Global Montello Group under State Contract #PC66158 at a cost not to exceed \$20,000.00 out of account DB5142.460 that had a balance of \$48,113.31 as of 9/3/14.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of gasoline from Global Montello Group under State Contract #PC66184 at a cost not to exceed \$10,000.00 out of account DB5142.460 that had a balance of \$48,113.31 as of 9/3/14.

Roll call vote resulted as follows:

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

**RECREATION DEPARTMENT REQUESTS**

Tim Johnston, Maintenance Director, submitted to the Town Board three recommendations regarding the Rec. Park.

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The first was a proposed policy for pavilion use. He proposes that all pavilion requests have a pavilion fee of \$20.00 for three hours and \$35.00 for anything above three hours. This would be for residents and non-residents. It has been his observation that approximately half of the "resident" pavilion requests appear to be possibly fraudulent. When asking people occupying the pavilions where the "requester" is, many times they advise they are not there for one reason or another. None of the surrounding communities have anything like this for free and it is his belief that the amount for the fee is still low enough that as a town resident he would pay that fee for the use

The second proposal was for a policy for cancellation of tournaments. He would like to make a cancellation policy of 50% refund for cancellations of tournaments. There has been several instances where organizations/people have booked and paid for two tournament dates far ahead of time, only to end up canceling one of the dates and request a refund. In the meantime, we have turned away other requests assuming those dates already have been filled with a tournament. It is my opinion that some people booking tournaments reserve two dates with the intention of only having one tournament. They then determine which date works better, and/or which date has more interest from participating teams and cancel one of the tournaments. He also would like to propose a maximum number of games to be played for a single tournament to be 44, and any games over be charged the normal field use rate per game.

The third proposals was for a policy for cancellation of individual games. He would like to make a cancellation policy of 24 hours in advance for individual games, and would like this to be printed on the "Field Use Request" form. During the past two years we have used staff and resources to prepare field, which is usually done mid-day, only to have people call to cancel the games an hour or two before the original start time. The exception to this policy would be rainouts or hazardous conditions.

Supervisor Jenkins said the Town Board would review and consider these recommendations and they would be put on the agenda for the next Town Board Meeting.

#### **WATER DEPARTMENT REQUESTS**

None

#### **AWARD SAND BIDS & TREE REMOVAL BIDS**

Bids were opened and read on September 25<sup>th</sup> for winter sand for the highway department.

There were two bidders as follows:

Charles Friedman Excavating, Inc. 54 North Street Hudson Falls, NY 12839	Winter Sand 3/8" \$4.55 a ton picked up at Fort Ann Pit \$9.95 a ton delivered
Cranesville Aggregate Co., Inc. 85 Saratoga Road Gansevoort, NY 12831	Ice Control Sand Per Spec \$8.91 a ton picked up at Exit 17 Yard Ice Control Sand \$6.08 a ton picked up at Exit 17 Yard

Paul Joseph stated that there would be a 44 minute travel time if they went with the Charles Friedman bid. His recommendation was to accept the bid from Cranenville.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to accept the bid from Cranenville Aggregate Co., Inc. for winter sand for the highway department at ~~\$8.91~~ **\$6.08** a ton to be picked up at their Exit 17 Yard. **[Amended 10/14/14 jf]**

Roll Call vote resulted as follows:

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Councilman Prendergast	Yes
Councilman Vittengl	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Bids were opened and read on September 25<sup>th</sup> for tree and stump removal.

The bids were as follows:

**Adirondack Tree Surgeons**  
**353 Gurn Spring Road**  
**Gansevoort, NY 12831**

<u>TREE REMOVAL</u>	EST. QTY.	BID Price	TOTAL
over 5" to 12" dbh	0	65.00	
over 12" to 18" dbh	4	540.00	2160.00
over 18" to 24" dbh	6	725.00	4350.00
over 24" to 36" dbh	10	1115.00	11150.00
over 36" dbh	4	1215.00	4860.00
TREE TOTAL	24		22520.00

**STUMP REMOVAL**

over 5" to 12"	0	25.00	
over 12" to 18"	4	50.00	200.00
over 18" to 24"	6	200.00	1200.00
over 24" to 36"	10	325.00	3250.00
over 36"	4	325.00	1300.00
STUMP TOTAL	24		5950.00

GRAND TOTAL 28470.00

**Richard Sears Tree Experts, INC**  
**PO Box 133**  
**Glens Falls, NY 12801**

<u>TREE REMOVAL</u>	EST. QTY.	BID Price	TOTAL
over 5" to 12" dbh	0	35.00	
over 12" to 18" dbh	4	275.00	1100.00

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over 18" to 24" dbh	6	725.00	4350.00
over 24" to 36" dbh	10	900.00	9000.00
over 36" dbh	4	1500.00	6000.00
TREE TOTAL	24		20450.00

**STUMP  
REMOVAL**

over 5" to 12"	0	45.00	
over 12" to 18"	4	95.00	380.00
over 18" to 24"	6	150.00	900.00
over 24" to 36"	10	225.00	2250.00
over 36"	4	325.00	1300.00
STUMP TOTAL	24		4830.00

GRAND TOTAL 25280.00

**Tree Care by Stan Hunt  
53 Boulevard  
Queensbury, NY 12804**

	EST QTY	BID Price	TOTAL
<b><u>TREE REMOVAL</u></b>			
over 5" to 12" dbh	0	25.00	
over 12" to 18" dbh	4	185.00	740.00
over 18" to 24" dbh	6	375.00	2250.00
over 24" to 36" dbh	10	645.00	6450.00
over 36" dbh	4	955.00	3820.00
TREE TOTAL	24		13260.00

**STUMP  
REMOVAL**

over 5" to 12"	0	10.00	
over 12" to 18"	4	28.00	112.00
over 18" to 24"	6	68.00	408.00
over 24" to 36"	10	128.00	1280.00
over 36"	4	178.00	712.00
STUMP TOTAL	24		2512.00

GRAND TOTAL 15772.00

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A-1 Tree Works  
 339 Clendon Brook  
 Queensbury, NY  
 12804

	EST QTY	BID Price	TOTAL
<b>TREE REMOVAL</b>			
over 5" to 12" dbh	0	55.00	
over 12" to 18" dbh	4	100.00	400.00
over 18" to 24" dbh	6	225.00	1350.00
over 24" to 36" dbh	10	400.00	4000.00
over 36" dbh	4	500.00	2000.00
<b>TREE TOTAL</b>	<b>24</b>		<b>7750.00</b>

**STUMP REMOVAL**

over 5" to 12"	0	15.00	
over 12" to 18"	4	30.00	120.00
over 18" to 24"	6	50.00	300.00
over 24" to 36"	10	60.00	600.00
over 36"	4	70.00	280.00
<b>STUMP TOTAL</b>	<b>24</b>		<b>1300.00</b>

**GRAND TOTAL** 9050.00

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to accept the bid from A-1 Tree Works for tree and stump removal at a cost not to exceed \$9,050.00.

Roll call vote resulted as follows:

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

**TRANSFER STATION HAULING AND CONTAINER SERVICES – SET BID OPENING DATE**

Procurement Documents for Roll-Off Container, Hauling and Disposal Services have been prepared and a bid opening date of October 24, 2014 at 2:00 p.m. was set by the Board.

**AMANUS PROPOSAL**

Amanus Consulting Group submitted a proposal to complete and submit an ETP (Economic Transformation Program) application on behalf of the Town of Moreau. This application and program is in connection with the NYS Route 9 area sanitary sewer development plan. The application would be to apply for financing. They estimate that it will take them between 5 and 7 hours to complete the

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application. Their agents bill out at \$175.00 an hour and staff at \$65.00 an hour and they anticipate that the total cost will not exceed \$1,000.00.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Supervisor to sign an agreement with Amanus Consulting Group to complete and submit an application on behalf of the Town of Moreau for the Economic Transformation Program in connection with the NYS Route 9 Sewer Project and for their services not to exceed \$1,000.00.

Roll call vote resulted as follows:

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

#### **ACCEPT RESIGNATION FROM MICHELE DEMERS FROM CLEANING POSITION**

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to accept the resignation of Michele Demers from the cleaning position effective two weeks from September 26<sup>th</sup>.

Roll call vote resulted as follows:

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

#### **BOCES CONTRACT – FIELD PREP. – DISCUSSION**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Supervisor to sign a contract with BOCES for work on the fields at the Rec. Park subject to approval by the Attorney for the Town.

Roll call vote resulted as follows:

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

#### **LEGAL SERVICES FOR BOND COUNSEL – BPSRL – LONG TERM FINANCING WATER 1 EXT. 2 & 3**

Supervisor Jenkins said he wanted to discuss this topic in executive session.

#### **BURT ROAD CULVERT REPAIR – KUBRICKY CONSTRUCTION CORP. QUOTE**

Supervisor Jenkins stated that the Burt Road Culvert Repair Project and restoration to the Bouton property was briefly discussed in the Audit Meeting prior to this meeting.

Councilman Kusnierz recapped for those present what was discussed.

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Mr. & Mrs. Bouton are very upset over the fact that after one year their property has not been restored to the condition that it was prior to commencement of the Burt Road Culver Project. The Town was allowed to use their property during construction without recompense. Councilman Kusnierz took pictures of the property for the Town Board to look at. The contractor used inappropriate and foul language when speaking to the property owner.

Councilman Kusnierz said he assumed the Town held some retainage, although he wasn't sure how much, but the Town has an obligation to take care of this problem right away.

Supervisor Jenkins said there is retainage. He said the engineer signed off on the project, but that doesn't mean anything. He has seen the pictures. He would like to discuss with Attorney Buettner in executive session where we go from here.

Councilman Kusnierz stated that the property owners are at the stage now where they are going to seek legal recourse and the Town Board shouldn't let that happen. The Town should make it right. He said perhaps Town employees can remediate the Bouton property and bill the cost against the retainage.

Christine Scanlon the Post Star Reporter asked what the reason was for this being discussed in executive session.

Attorney Buettner replied that it appears there is potential litigation.

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

Reed Antis asked when the Asset Management Plan that Tim Burley was working on was going to be finalized.

Supervisor Jenkins said there is a preliminary copy, but it is not complete. He will ask Tim Burley when it will be completed. He said it involves six water districts so it is rather complicated.

Reed Antis asked what all the building materials were for behind the annex building and he was told they are the solar panels that are going to be installed.

Reed Antis asked what the MIP/SEDC/LLC meant on the agenda that was going to be discussed in executive session.

Supervisor Jenkins explained that the LLC owns about 1/2 the land in the industrial park. MIP means Moreau Industrial Park and SEDC is the Saratoga Economic Development Corp. He said Dennis Brobston is here from the SEDC.

Christine Scanlon asked about the projects that Solar City and Monolithe are working on and for clarification as to where the solar projects are going to be.

It was explained that Monolithe is putting in solar panels on the municipal building site to run the electricity in the building and Solar City, if funding is received, is going to be installing a solar farm in the Moreau Industrial Park to run the street lights in the Town.

Matthew Fuller the attorney representing Mr. & Mrs. Aiken in the dog grooming case that was before the Zoning Board of Appeals spoke to the Town Board about an Article 78 that he filed with the Town Clerk before the meeting started and about the zoning changes the Town Board is contemplating making. He said he doesn't want to waste his client's time or money if the Town Board is not going to re-zone to allow them a home occupation.

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Councilman Kusnierz stated that Attorney Fuller pointed out in a letter that the residents of the Town are unofficially charged with pointing out violations in the Town. He said the Town has paid staff that are supposed to enforce the Town's regulations and the onus shouldn't be on the residents and if it is then it does create problems like in this case. He hoped that they were all on board with code enforcement equally across the board.

Councilman Kusnierz also stated that as Attorney Fuller is aware the Town Board is legally prohibited from influencing any decision made the Zoning Board of Appeals. He was however disappointed in the ruling that they made in the Aiken case. He said there was legal flexibility in the case to handle their request and there was a tool that could have been implemented to resolve the case.

### **COMMITTEES**

None

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported on a \$24,000 check that was received for timber removed in the Potter Road Trail/Park System that is being created.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn to executive session at 8:01 p.m. to discuss the Terry Clark pending claim, potential purchase/sale negotiations regarding real estate property, contractual issues regarding the Moreau Industrial Park/SEDC/LLC, potential litigation involving a landowner.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Vittengl	Yes
Councilman Prendergast	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 9:17 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the Attorney for the Town to notify Gallo Construction that the Town is going to remediate the Bouton property and deduct the cost to do so from their retainage.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing Bartlett, Pontiff, Stewart & Rhodes, P.C., to provide bond counsel legal services in connection with the NYS DWSRF Long-Term Financing for Water District 1 Extensions 2 & 3 in the amount of \$12,000.00.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the regular meeting at 9:20 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk