

A regular meeting of the Town Board of the Town of Moreau was held on September 9, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, 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
Robert J. Vittengl, Jr.	Councilman
Gina LeClair	Councilwoman (Arrived at 7:03 p.m.)
Preston L. Jenkins, Jr.	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Pete Corlew, Recreation Department Laborer; Christina Scanlon, Post Star Reporter; Reed Antis, Planning Board Member & Town Resident; Town Residents: Ann & Joseph Parrish, Heather & Jim Aiken, Ronnie Batkay, Elizabeth Lanfear, Patricia Webb; David Rogge, Owner of Lamplighter Acres; Village Residents: Judi Stewart and Paula Hanchett

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 – AUGUST 26, 2014 – TWO SETS**

The minutes from the Town Board Month-End Audit Meeting held on August 26<sup>th</sup> at 6:30 p.m. and the Regular Town Board Meeting on August 26<sup>th</sup> at 7:00 p.m. were prepared and presented to the Town Board in advance of this meeting for review, comment, correction and approval.

**MINUTES – TOWN BOARD MONTH-END AUDIT MEETING – AUGUST 26, 2014 – 6:30 P.M.**

No comments or corrections.

**MINUTES – REGULAR TOWN BOARD MEETING – AUGUST 26, 2014 – 7:00 P.M.**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve both sets of minutes dated August 26<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

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### **SET FUTURE MEETINGS/WORKSHOPS**

The regular meeting of the Town Board and the Month-End Audit Meeting was changed from September 23<sup>rd</sup> to September 30<sup>th</sup> with the Audit Meeting being held at 6:30 p.m. and the Regular Meeting being held at 7:00 p.m.

A Special Town Board Meeting was scheduled for September 17<sup>th</sup> at 6:30 p.m. with the LLC regarding the Industrial Park. Meeting will likely be held in executive session as it related to contract negotiations.

A Special Town Board Meeting was scheduled for November 13<sup>th</sup> at 6:30 p.m. with the LA Group re: the River Front Park Project.

A workshop of the Town Board was scheduled for November 19<sup>th</sup> at 6:30 p.m. re: the Sign Law.

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

Reed Antis asked for an update on the highway garage building and the condensation problem inside the building.

Attorney Buettner advised that the bonding company has been non-responsive. The next step would be to do the repairs ourselves and file an action against TMG. However, it is not feasible to get the work done this year.

Reed Antis recalled a request being made a while back to change the polling places from the schools and that one alternative mentioned was to put the polling place back in the Town Hall.

Supervisor Jenkins said that could be a possibility, but he doesn't think the voters in the Village of South Glens Falls would be very happy having to drive all the way down here to vote. He said he would have to discuss this with the Board of Elections. They could move the polling places from the Junior High School back into the Village Municipal Building, but during Presidential Elections there is not enough room in the Village Municipal Building to accommodate all the voters.

Councilman Prendergast said that maybe if we talk to Sheriff Zurlo he would be willing to place a deputy in the schools for that day.

Reed Antis asked for an update on the cold storage building project at the rec. park.

Councilman Vittengl advised that it was approved at the last meeting and it should be done this fall.

Reed Antis said it appears that there is not enough parking spots around the municipal building when court is in session.

Supervisor Jenkins advised that it isn't a problem yet.

Reed Antis asked what the plans are for the annex building and is it being utilized.

Supervisor Jenkins advised that it is being used for storage right now. Rec. programs may be held in the building in the future and a fitness class was held in the annex this past summer.

Reed Antis asked about the Moreau Emergency Squad. He recalled that the check was being withheld from the Moreau EMS.

Supervisor Jenkins said he has a discussion with the executive director and the executive director was supposed to get back to him within the hour and he never did and that was a week ago. They have until September 15<sup>th</sup> to respond.

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Reed Antis asked if the Town Board was going to consider sending out RFP's to other emergency services.

Supervisor Jenkins replied that they still have some time yet and the Board could discuss doing this.

Reed Antis asked about the 2015 Budget for the South Glens Falls Fire Company and how that was coming along.

Councilwoman LeClair said it was on her list of things to bring up at this meeting.

Supervisor Jenkins said they were requesting a 6% increase.

Reed Antis asked if they resolved their air pack issue.

Councilman Kusnierz replied that the Board voted to allow them to use some of the money that was set aside per their contract for a new truck, for air packs.

Elizabeth Lanfear asked the Town Board who she should call to handle domestic animals other than dogs. She said that Joe Patricke said that the Town Board could pass legislation that would require animals to be confined. She stated that there are five pigs running loose in the woods around her house.

Councilman Kusnierz asked Elizabeth Lanfear if she was asking him if he would support mandatory fencing in the Town when the agricultural district makes up a good portion of the Town. He said his answer would be no. He will not support mandatory fencing of animal.

Elizabeth Lanfear said it isn't asking too much to require people to keep their animals on their own property. She said she has 32 acres of land and has pigs. Once in a while they get loose, they are animals. The pigs, two doors down, got into her pig pen and one was a boar that went after her pigs and then her husband. Her husband shot the boar. En Con said they shouldn't have shot the boar.

Supervisor Jenkins stated that next week the Town Board is holding a meeting to consider whether or not they should change the zoning to allow chickens in residential zones. This will raise other questions about other animals. He said he thought that NYS Agriculture & Markets requires fencing of animals.

Councilman Kusnierz stated that a landowner has the right to seek compensation for damages if their property is damaged by an animal that may be running loose.

Supervisor Jenkins said they would start the process next week.

### **HIGHWAY DEPARTMENT REQUESTS**

The Highway Superintendent submitted a request to purchase a portable hot water pressure washer and the following quotes:

Industrial Pressure Washers	\$5,400.00 (Free Shipping)
Northern Tool & Equipment	\$3,750.00 (Free Shipping)
Wallace Supply	\$4,187.00

This purchase would be made out of A5132.2 that had a balance of \$6,390.00 as of 9/3/14.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a portable hot water pressure washer from Northern Tool & Equipment at a cost not to exceed \$3,750.00 including shipping.

Roll call vote resulted as follows:

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

The Highway Superintendent submitted a request to set aside \$5,000 for the purchase of road sealant from Crafc0, Inc. to be used town wide. Crafc0, Inc. is the low bidder on the 2013/2014 NY SOGS Liquid Bituminous Materials Award Group 31505, Award 22220 Option 8. This expense would come out of account DB5112.493.2 with a balance of \$5,000 as of 9/3/14.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of road sealant from Crafc0, Inc. at a cost not to exceed \$5,000 under the 2013/2014 NY SOGS Liquid Bituminous Materials Award Group 31505, Award 22220 Option 8.

Roll call vote resulted as follows:

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

Paul Joseph, Highway Superintendent, reported that with the Burt Road Culvert Project they were removing two trees so they could install a guide rail and they found rotting railroad ties that had been buried probably 25 or 30 years ago and they are holding the road in place right now, but there is a potential for a serious slide. The way to correct this is to install a 23 foot long wall to hold the bank in place. This will require a change order. An estimate of what this change order will cost is being calculated.

#### **RECREATION DEPARTMENT REQUESTS**

None

#### **WATER DEPARTMENT REQUESTS**

None

#### **TOWN COURT REQUESTS**

Justice McCabe submitted a request to purchase six Hon Brigade 600 Series Shelf files Model HON-626CLL from WB Mason at a cost of \$699.00 each for a total of \$4,194.00 to be paid out of the Justice Court Fund Grant that was received by the Court for 2014. The units will be delivered inside the building. The same units from Staples are \$839.99 each and from Quill for \$869.99 each.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of six Hon Brigade 600 Series Shelf Files from WB Mason at a cost not to exceed \$4,194.00 out of the Justice Court Fund Grant.

Roll call vote resulted as follows:

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

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### **LA GROUP PROFESSIONAL SERVICES PROPOSAL TO REVISE TOWN ZONING**

Supervisor Jenkins presented to the Town Board again for consideration the proposal from the LA Group to update the Town's Zoning Code. This process was started back in 2009 by another firm and was never finalized. The proposal estimates their service to cost between \$12,000 and \$15,000. A transfer of funds will be required to move forward with this.

Supervisor Jenkins stated that Jim Martin from the LA Group will be the main person in charge of this project along with a GIS Tech and a Senior Planner.

Councilman Kusnierz asked if RFP's were sent out and Supervisor Jenkins replied no.

Councilman Kusnierz said that normally we send out RFP's. We require department heads to get three prices.

Supervisor Jenkins said he realizes this, but Jim Martin is going to be doing this project himself and he has done good work for us in the past. Professional services do not have to go out to bid.

Councilman Kusnierz said he wasn't questioning the work that the LA Group or Jim Martin has done for the Town in the past, but he was questioning the process. He said he doesn't recall this being discussed last fall during the budget preparation process for 2014.

Supervisor Jenkins said it wasn't discussed during the budget process, but the Board has been talking about zoning for the last six months.

Councilman Kusnierz said the Board was going to be talking about the 2015 Budget soon and this should be addressed then.

Supervisor Jenkins said there are funds available in the budget for this and there is no reason to wait until next year.

Councilwoman LeClair said the Board has talked about sewer and how we had better have a plan in place and good zoning in place. She said they don't want to wait and end up with a Route 9 corridor that no one wants.

Councilman Kusnierz said he thinks they all agree with that, but they take department heads to task for not getting quotes and not budgeting for something and yet here we are about to do it ourselves. He said the Board won't be doing their fiduciary responsibilities if they move forward with this now.

Councilwoman LeClair said she has worked with Jim Martin on the River Front Park Project and with excellent results. If they put it out to bid the LA Group may not be the low bidder, as they aren't always the low bidder. They are normally in the middle with their bids. She knows it is outside the budget process, but as they move forward with the sewer project she doesn't feel they can put this off.

Councilman Kusnierz said it is a disserve to the taxpayers and he pointed out that Councilwoman LeClair just pointed out that the LA Group isn't always the low bidder.

Councilwoman LeClair stated that they went with the low bidder last time and they weren't happy with the results.

Supervisor Jenkins stated that is why the re-zoning project isn't done.

Councilman Vittengl said he was willing to move forward on this.

Councilman Prendergast said it was important for them to follow their own process.

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Supervisor Jenkins said he would table this for now. He stated that the \$14,000 would only go into fund balance anyways so there is no impact on the money we spend.

Councilman Kusnierz stated that fund balance is what is used to offset the tax liability for the taxpayers going forward.

Supervisor Jenkins said there is no tax in the Town Outside Fund.

Councilman Kusnierz asked if they could put this out for RFP's so they would have the numbers for the 2015 Budget.

Supervisor Jenkins said he could do that.

**CHANGE TO WINTER HOURS AT TRANSFER STATION STARTING SEPTEMBER 25<sup>TH</sup> TO 1:00 P.M. TO 5:00 P.M. ON THURSDAYS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl approving the change in operating hours on Thursdays at the Transfer Station to 1:00 p.m. to 5:00 p.m. for the winter months.

Roll call vote resulted as follows:

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

**ADOPT POLICY REGARDING ELECTRONIC SIGNATURES ON VOUCHERS**

The Town Board directed Attorney Buettner to draft a policy regarding the acceptance of electronic signatures on vouchers.

**AUTHORIZE PURCHASE OF FLAG POLES ONLY FROM SARATOGA FLAG \$3,639.00**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of flag poles only from Saratoga Flag at a cost not to exceed \$3,639.00.

Roll call vote resulted as follows:

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

**15 MINUTE PUBLIC COMMENT PERIOD**

Jim Aiken asked if the taxpayers would be able to give feedback during the re-zoning process.

Supervisor Jenkins advised that at some point a public hearing would have to be held to adopt the zoning revisions and the public would have a chance to give input. There was also a committee formed back in 2009 and citizens served on this committee and he assumes that a committee will be used again to aid in the re-zoning process.

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Elizabeth Lanfear asked why the Aiken's dog grooming business was shut down when there are two others that are allowed to operate. One is on Route 32 and the other is on Sweet Road.

Discussion followed between Elizabeth Lanfear and the Town Board.

Attorney Buettner advised that the Zoning Board of Appeals ruled that the Aiken's dog grooming business in their home, in their district, in their neighborhood, was not a home occupation. They can appeal this decision to the Supreme Court and their attorney is aware of this.

Discussion followed on chickens.

### **COMMITTEE REPORTS**

Councilwoman LeClair stated that she met with Tim Burley and Councilman Prendergast and Jesse Fish regarding the Town's assets and water rates. Tim Burley will submit a report to the Town Board.

Councilwoman LeClair reported that Natalie Walsh submitted a report on the community garden and how our program is going to be used as a guideline for a grant that will be offered to other school districts/children/communities.

Councilwoman LeClair said she plans to meet with the South Glens Falls Fire Company about their budget and asked if any other Board Member wants to attend.

Councilman Kusnierz said he wants to see what their request is first and what the Town's Tentative Budget looks like.

Councilman Kusnierz reported that the Crandall Public Library submitted their budget propositions to the Saratoga County Board of Elections. One of the propositions is for the election of two Library Trustee's for the Town of Moreau: Mark A. Lebowitz and Michael M. Harman. He also reported that the Town of Moreau's portion of the Library Budget is 15% and 20% of the users of the Library are from the Town of Moreau.

### **SUPERVISOR'S ITEMS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Assessor to attend an annual training seminar in Lake Placid, October 5<sup>th</sup> through the 8<sup>th</sup> and for all necessary expenses to be a proper town charge.

[A portion of the expenses may be reimbursed by NYS.]

Roll call vote resulted as follows:

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

Supervisor Jenkins reported receiving a compliment on the staff at the sand bar beach.

Supervisor Jenkins reported that a developer has expressed interest in developing a PUD along Route 9 that would be a mixed use similar to what the Buck Group previously proposed. The project would be on a 123 acre parcel. It is all very preliminary at this point.

Councilman Kusnierz asked Peggy Jenkins, Assessor, why the equalization rate was at 108% when he thought we were supposed to be maintaining the tax roll at 100%.

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Peggy Jenkins stated that the level of assessments is at 100% for the residential properties. The equalization rate includes all properties commercial, industrial and utilities and not just residential. The State of New York has said it is because of the utilities. They should have taken the utilities out of the equation, because we settled with them. However the State disagreed with her. After this year they said it should be going down.

Councilman Kusnierz asked Peggy Jenkins if she could put something on the website explaining the 108%. He has had six people ask him about this.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn to executive session at 8:10 p.m. to discuss a possible contractual issue and the employment history/performance of an unnamed employee.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Prendergast	Yes
Councilman Vittengl	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 8:29 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 or as the result of the executive session.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the regular meeting at 8:31 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

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