

A regular meeting of the Town Board of the Town of Moreau was held on July 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:02 p.m.

The Town Clerk called the roll.

### **Town Board Members Present**

Alan VanTassel	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Gardner Congdon	Supervisor

### **Town Board Members Absent**

None

**Also present:** Leeann McCabe, Town Clerk; John Wright, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Sandy Mahoney, Recreation Program Director; Pete Corlew, Recreation Maintenance Foreman; Gerhard Endal, Zoning Board Member and Town Resident; Kathleen Moore, Post Star Reporter; Dave Rogge, Lamplighter Mobile Home Park; Town Residents: Charlene Endal, Bruce Flayer, Virginia Livsey, Richard Hughes, Richard and Elizabeth Mark, Elizabeth Lennox, Bill Lennox, Anthony Gagliano, Anastasia White and Chris Music; Village Residents: Maggie Centerbar, Ann Celeste and Brigid Martin; Rodney Congdon, Lake George

The Supervisor led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

The minutes from June 14, 2016 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes from June 14, 2016 as prepared.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Abstain

The minutes from June 28, 2016 (3 sets) were prepared and presented to the Town Board in advance of the meeting for their review, comment correction and approval.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to approve the minutes from June 28, 2016 (3 sets) as prepared.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Abstain
Supervisor Congdon	Abstain

### **SET FUTURE MEETINGS AND WORKSHOPS**

A regular meeting of the Town Board of the Town of Moreau was held on July 12, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

None scheduled.

**PUBLIC COMMENT PERIOD** \*Solely for comments and questions relating to agenda items.

A gentleman from the audience asked about agenda item #8 relating to the drainage and asked why this couldn't be handled in house. It was explained that the Town Hall has had problems with the employee restroom backing up and the Board was polled to see how they wanted to proceed with the problem. They agreed to call Jack Hall to find out what the problem was. The agenda item is to memorialize the polling of the Board. The gentleman asked, if Jack Hall finds out what the problem is, will they be hired. Councilman Kusnierz stated that they would have to follow the Town's procurement policy and get quotes.

**CODE COMPLIANCE – FORTSVILLE ROAD**

Elizabeth Mark spoke to the Town Board regarding a formal complaint made on April 27, 2016 and again on July 5, 2016. The Town Board didn't receive the complaint letters but Councilman Prendergast stated he was made aware verbally. Ms. Mark stated that a pole barn has been erected across from her residence at 250 Fortsville Road and the property is being used for commercial purposes in an R5 zone. She stated that it's being used as a scrap yard and that the owner has put in septic, well and transformers with no permit. The Supervisor reported that an investigation was done and a letter has been sent from the Building Department advising the owner of the property that a scrap yard is not a permitted use. Bill Lennox asked what can be done about the things that have already been done. Councilman Prendergast stated that the Town will take appropriate actions. They expect people to follow the code in Town and will take whatever action, legally, that needs to be. Councilman Kusnierz stated that the person who did the investigation doesn't have the authority to enforce the code. He stated that the Code Enforcement Officer from the Town would be the person to cite them if they don't comply. He also stated that the property owner has the right to due process. Ms. Mark asked if they would be getting a copy of the letter. Councilman Kusnierz told her that she could submit a FOIL request to get a copy of the letter. ~~Supervisor Congdon~~ Councilman Prendergast [amended 7/27/16 lm] gave her his copy of the letter. Councilman Kusnierz stated that he didn't think it was proper to give out a copy of the letter before the homeowner had received their copy. A lengthy discussion ensued over the FOIL process and the Attorney for the Town advised that records should be asked for by FOIL.

Brigid Martin asked, if during the slip in the process, there were other places that haven't followed the code. Councilman Kusnierz stated that there are people that have been cited.

**HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel that the Highway Department sell their 2002 CAT 938G Loader to the Transfer Station for \$40,000.00 plus their 1986 950B CAT Loader. The Transfer Station has money allocated for this purchase in account #TS8160.2 with a balance of \$52,000.00 as of 6/2/16. The Highway Department will purchase a 2016 John Deere 524K Wheel Loader for \$107,570.00, (\$40,000.00 from sale of loader to Transfer Station) plus trade value of the 1986 CAT 950B Loader of \$28,000.00, from Nortrax Equipment. There is money allocated for this purchase (\$67,570.00) in account #DB5130.2 with a balance of \$298,691.00 as of 6/2/16.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of (2) 280/85-24=11.2-24 R1 Tread - Front Tractor Tires for the #49 New Holland, from Adirondack Tire in the amount of \$888.10. This purchase will be paid from account DB5130.405, which has a balance of \$10,174.82 as of 7/5/16.

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Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

#### **RECREATION DEPARTMENT REQUESTS**

The Town Board was polled for their approval of swim lessons at the beach and needs to be resolved.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz approving swim lessons at the Sandbar Beach.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

There was a lengthy discussion regarding the trash pick-up at the beach. The Supervisor made mention that the dumpsters were overflowing during the 4<sup>th</sup> of July weekend. He also made comment about the condition of the bathrooms at the beach, stating that the floors were supposed to have been painted and he didn't feel that they had been. Councilman Prendergast reported that Tuff-Kote will be putting down an acrylic floor at no charge. Pete Corlew stated that there was a clerical error on the part of Ace Carting. He called them the following Tuesday after the holiday and they came and picked it up on Thursday. There was a suggestion that possibly a fence could be put around the dumpsters. Another suggestion was to put the dumpsters at the Recreation Park. Councilwoman LeClair stated that there hasn't been a problem in the past and suggested the Town wait before they make any changes. Pete Corlew was asked what his suggestion would be and he stated that a fence around the dumpsters would help keep people that aren't using the beach from throwing their trash in. He stated that the Village has a beautiful facility at the boat launch but they don't have garbage cans. It's carry in and carry out. Councilman Prendergast stated that if the Town is going to go to the expense of a fence, why can't the dumpster be placed inside the fenced in area. Mr. Corlew stated that there wouldn't be a place to put it without cutting trees down. The Supervisor stated that the trash that's generated from the Beach is minimal and it's mostly bottles and cans. Councilman VanTassel stated that the Town has a contract with Ace Carting and that if the dumpsters get moved to the Rec Park the Town would have to re-contract. He stated that the problem may not be as big as they think. The dumpster wasn't overflowing prior to the holiday weekend. He stated that if the Town wants to explore the cost of fencing it in; that would look nice. Councilman Prendergast stated that they should see how it goes; there's never been a problem before. Sandy Mahoney asked if the building would have to be closed when the new floor is put down. Councilman Prendergast stated that he wasn't sure how the process will go but stated that this is the best flooring you can put down. Ms. Mahoney stated that the bathroom looks 100% better than it did last year. The lifeguards work hard to keep it clean. She stated that Pop Warner volunteered their time to help paint the Beach House and so she didn't want it to get out there by the Post Star or anyone else, that gives the impression that there work wasn't appreciated. Councilman Prendergast agreed and stated that they did a great job.

#### **ASSESSOR'S REQUEST – CREATE POSITION AND ADVERTISE**

Councilman VanTassel stated that the last discussion on this issue was that the Assessor needed to exhaust the Civil Service list and she has since exhausted it.

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A motion was made by Councilman Prendergast and seconded by Councilman VanTassel authorizing the Assessor to advertise for the position of Clerk – Part Time in the Post Star and on the Town's website. The position would also fill in the lunch hours of the Building Department.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Yes

#### **ACCEPT RETIREMENT OF SUE MACMORE EFFECTIVE JULY 30, 2016**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the retirement of Sue MacMore effective July 30, 2016.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

#### **MEMORIALIZE VOTE – HIRE JACK HALL; DRAINAGE AT TOWN HALL**

The Supervisor stated that there's been a back-up situation with the employee restroom at the Town Hall and the Town Board was polled to authorize Jack Hall Plumbing and Heating to come in and see what's wrong. This polling of the Board needs to be ratified.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel authorizing Jack Hall Plumbing and Heating to come to the Town Hall to see what the problem is with the plumbing from the employee restroom.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

#### **CSEA CONTRACT**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the Supervisor to sign the CSEA agreement subject to the final approval of the Attorney for the Town. The contract date will be from January 1, 2016 through December 31, 2018.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

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### **SOUTH GLENS FALLS FIRE COMPANY – MUTUAL AID PLAN**

A resolution was presented to the Town Board that is needed by the South Glens Falls Fire Co. There wasn't enough information at this time to proceed with the resolution. The Supervisor was given a business card for the person who had handed in the resolution. This item was tabled until the Supervisor has had an opportunity to speak with the Fire Company.

### **PUBLIC COMMENT PERIOD**

Gerhard Endal stated that there were plans for a riverfront park and asked if it's still in the process. Councilwoman LeClair replied that it is still in the process and that the Attorneys had sent out easement letters over a year ago. She needs to contact those entities. She also stated that until National Grid is finished with their power line project there would be no access. She stated that the next round of grants are due this month but because we don't have the easements, we can't apply. She stated that, hopefully, next year the easements will be in place so that we can apply for the next round of grants.

Mr. Endal asked about the sewer on Route 9. Councilman Prendergast stated that the Town has applied for grant money and it's still being worked on.

Dave Rogge stated that a sewer committee was to be formed to give ideas on the Sewer project and asked if this has been done. Councilman Prendergast stated that no committees have been formed yet and stated that there should be a committee but thought we should hear about the grant first. Mr. Rogge stated that would be putting the cart before the horse. Councilman Prendergast stated that you can't do anything without money. Councilman Kusnierz stated that the Environmental Facilities Corp won't give a loan to any municipality without a plan in place. He stated that the plan hasn't changed as far as he knows. In order to move forward, the Town would need public input. Councilwoman LeClair stated that they've been working with C2ae to come up with possible options. At this time, they're not ready for committee input. Mr. Rogge stated that he is still interested in serving on the committee. Councilman VanTassel stated that he recalled the conversations back in April and is anxious to have him a part of it.

### **COMMITTEE REPORTS**

Councilman Kusnierz reported that at the last Town Board meeting there were questions about the level of service from the Sheriff's Department. He stated that after that meeting, he spoke with the Sheriff and he was assured that the Town of Moreau has the same level of patrols as they did when the substation was located in the Town.

Councilman Kusnierz also reported that the Town has received a formal notification from Crandall Public Library that Dan Hazewski was appointed to sit on the Board of Trustees representing the Town of Moreau. His appointment was made at their June 27, 2016 Board meeting.

Sandy Mahoney gave a brief update for the Recreation Department. She stated that she's been holding meetings for the beach and playground projects. The Color Run is scheduled for August 6, 2016 at 9:00am and the Moreau Community Center will be doing the on-line registrations. The Community Coalition is sponsoring the race. The next meeting will be held July 13, 2016 at 7:00pm at the Town Hall. The Beach is up and running with a few signed up for swim lessons. Flag Football will be starting up soon.

Councilwoman LeClair stated that she had met twice with the Village of South Glens Falls along with the LA Group and others regarding the Beach building and the grant was discussed. After a lengthy discussion, they wondered if a grant is the right way to go. If they wait for the grant the project would be delayed for 1 1/2 to 2 years and any work done on the project before the grant is awarded wouldn't be covered under the funds. She asked the Board if they want to proceed with the project as they had been or do they want to continue to work towards the grant possibility.

Councilman VanTassel stated that they had agreed as a Board to pursue something in the \$50,000 - \$75,000 range and then the conversation took place to see if they should explore the grant opportunity.

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A grant would put the project on hold until late 2017 or 2018. The update is to not pursue the grant and continue to move forward getting prices together. He stated that it looks like they will come in much less than that. There are a lot of people willing to donate in kind work. They were given the name of a gentleman who will help sort out any DEC issues and they've spoken with Joe Patricke regarding any concerns of the building. Councilman VanTassel asked the Board members if they should move forward and continue to explore the costs. The Board was in agreement to stay the course.

Councilman Prendergast reported that the water committee will be scheduling a meeting with the Village of South Glens Falls to discuss water rates, should the Village need to buy water from the Town.

Councilman Kusnierz reported that there was a merger between Charter Communications and Time Warner. He stated that the Board members should have received numbers for the new governmental affairs contact person. He has the number if they don't. He also reported that there will be a change in cable TV programming in that the POP or TV Guide will cease on or about August 12, 2016.

Councilwoman LeClair reported that she and the Supervisor met with Michelle Larkin, the Executive Director for Rebuilding Together Saratoga County. They're a non-profit organization that helps low income families that have needs for handicapped accessible bathrooms and ramps and such. If anyone has a need, the Supervisor's Secretary will have the paperwork and contact information.

Councilwoman LeClair reported that she and Councilman VanTassel have met with Pete Corlew to discuss Recreation contracts and fees. She also stated that the Arts & Crafts program is in need of \$250.00 for supplies to run the program. There was no objection to the request.

Councilwoman LeClair also reported that she was in the Annex Building today and that there was a leak in the air conditioner. Pete Corlew stated that it was the heat exchange drip panel. The air has been turned off for now and the Supervisor's Secretary was to call someone to come look at it. She also stated that she and Pete had been in the basement and the two dehumidifiers are working but it's still damp and the chairs are getting moldy. She thought another dehumidifier in the other end of the basement would be helpful and asked for approval to get prices. She also asked if the Town Board wanted to move forward with trying to dispose of the chairs and desks and such that are being stored and aren't needed. She stated that she would like to know where the Town is with Head Start. Supervisor Congdon stated that the Town has a letter of interest for the lease of the Annex building received from Head Start. He read portions of the letter aloud. The letter was accompanied by a sample lease agreement. The Board needs to discuss the terms of the lease and the amount of the rent and what they'll do for improvements. Councilwoman LeClair stated that she would like to verify, what improvements will be made by them. The Board members were asked to check around to see what a fair rent per month would be and bring their suggestions back to the full Board. Councilman VanTassel stated that we need to let them know we're willing to negotiate a lease. The Supervisor stated that he would have his Secretary give them a call and arrange a meeting during the day. All Board members would be welcome to attend.

Councilwoman LeClair reported that she and the Supervisor met with employees at the Transfer Station and went over safety issues.

Councilman VanTassel reported that there was a budgeted position for a Part-time Recreation Assistant but a salary hadn't been set.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast setting the hourly rate of pay for the Part-time Recreation Assistant at \$10.50 per hour.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Supervisor Congdon	Yes

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### **SUPERVISOR'S ITEMS**

The Supervisor stated that he's trying to get the building put back together and would like to get started. He contacted Snyder's Drywall and they're willing to do the sheetrock and insulation work. The Supervisor didn't have an estimate but was told they would provide one. He then stated after the sheetrock is done they can hire a contractor to do the finish work. He recommended that the Board approve staging the repair. He stated that part of it has already been done with the plumbing. He stated that we're not getting anywhere the way it is right now. Councilman VanTassel stated that he was all for moving forward. He asked if the Insurance Company has given an estimate of the cost of the work that is needed and the Supervisor replied that they did. Councilman VanTassel stated that he's not opposed to moving forward in this direction but asked that the jobs be quoted. Councilman Kusnierz stated that he's in favor of getting the situation addressed but added that the Town passed resolution #15 in the Organizational meeting, which is a procurement policy. Unless the project is under \$500.00, you need 3 competitive bids. The Supervisor stated that they had 3 bids and one backed out. Councilman Kusnierz asked what the bid prices were and the Supervisor replied that he should have a copy of the prices. The plumbing part of the project was resolved separately and therefore that amount would have to come off the bid price. There was a rather lengthy discussion following these comments. Councilman Kusnierz asked the Building Committee to get a list of the work that needs to be done and get it out to contractors so that we have quotes for the next Town Board meeting. Councilman VanTassel agreed with this suggestion and stated that the Supervisor could be involved if he chose to. He asked that this project get done the proper way.

Councilman Prendergast asked if anyone had a chance to look at the Cost Control Associates agreement. Councilman VanTassel stated that he thought the Board had authorized the Supervisor to sign the agreement.

Councilwoman LeClair recognized Kathy Perez from the Building Department and Peggy Jenkins, Assessor for their work in covering for each other during vacations. The Assessor has had no Clerk and Kathy has had no Building Inspector. They've done their best to work together answering phones and answering questions for both departments. She wanted to recognize them for their hard work.

The Highway Superintendent submitted a notice that he would be advertising for a mechanic to fill the vacant position.

Rodney Congdon asked if there were refunds given to those in Water District 1 that weren't using the Town water. Supervisor Congdon replied that there has been no motion from the Board yet.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to adjourn to executive session at 9:02 p.m. to discuss litigation on the Highway Garage and the Town's Municipal Building. Jesse Fish was invited into the executive session to discuss employee responsibilities and employee performance.

The Supervisor left the meeting.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Absent

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

The Town Board returned from executive session at 9:42 p.m. No action was taken in the executive session.

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A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to engage the services of the Town Attorney of record to pursue all necessary litigation to make the new Town building whole again from damages sustained as the result of flooding.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Absent

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the meeting for the evening at 9:43 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Yes
Supervisor Congdon	Absent

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

The above minutes are not intended to be a complete transcript of the meeting, only a summary. To hear the full audio of the meeting, please visit the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)