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

### **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; Malcolm O'Hara, Attorney for the Town; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Elizabeth Lanfear, Supervisor's Confidential Secretary; Pete Corlew, Recreation Maintenance Foreman; Kathleen Moore, Post Star Reporter; Reed Antis, Town Resident and Planning Board member; Greg Royer, Smart Watt Energy; Laura Conway, Jaeger & Flynn; Don Ranck, Saratoga County Fire Advisory Board; Town Residents: Angela Wadsworth, Brittany Wadsworth, Mary Jenkins, Richard Hughes, Stevee Vittengl, Terry Clark, Ed Petrush; Village Residents: Brigid Martin, Pete Lemery, Maggie Centerbar, Ann Celeste, Buddy Beames and Sam Wahnon

The Supervisor led the Pledge of Allegiance.

# APPROVAL OF MINUTES

The minutes from September 14, 2016 were presented to the Board prior to the last regular Town Board meeting for their review, comment, correction and approval. The motion to approve them failed and therefore are being presented again at this meeting along with the minutes from September 27, 2016 (2 sets) and September 28, 2016.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes from September 27, 2016 (2 sets) and September 28, 2016, as prepared.

Roll call vote resulted as follows:

Councilman Prendergast Yes to September 27th and Abstain from September 28th

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

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to approve the minutes from September 14, 2016, with the noted corrections presented on September 27, 2016.

Roll call vote resulted as follows:

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

# SET FUTURE MEETINGS AND WORKSHOPS

The following budget workshops were scheduled:

October 17, 2016 at 6:00 p.m. October 18, 2016 at 6:00 p.m. October 24, 2016 at 6:00 p.m. October 25, 2016 at 6:00 p.m. October 26, 2016 at 6:00 p.m.

Councilman VanTassel stated that Department Heads should be in touch with Francine Thibodeau, should they wish to speak to the Board regarding their budgets, and she'll will give them a date and time.

#### PUBLIC COMMENT PERIOD - solely for comments and questions related to items on the agenda

Reed Antis asked Councilman Prendergast if he had gone to the Water Tower buildings to look at the energy usage. Councilman Prendergast replied that he had and that the buildings were poorly insulated and there could be different heaters that would make a difference. He asked the Water Superintendent to get someone in there to let us know what can be done. He also suggested more insulation in the rooves of the buildings. He stated that they should look at this at budget time and do what it takes to get the costs down.

Mr. Hughes asked who owns the beach. Supervisor Congdon replied that the Village owns the property and leases it to the Town.

### HEALTH INSURANCE PRESENTATION – JAEGER AND FLYNN; LAURA CONWAY

Laura Conway gave a presentation as to the 3 choices available starting December 1, 2016. If the Town decides to go with Blue Shield, they'll have to look at their HRA. She went over the percent of increase and the change in deductibles. She advised that CDPHP quotes weren't provided as they don't allow for employers to reimburse in the form of an HRA, more than 50% of the deductibles. The Town presently uses CDPHP for their retirees, over age 65. The rate increase will be 11.77% as of 1/1/17. The Board didn't make any suggestions to change the retiree plan. With the present plan, there would be an 8.48% increase in premium and with the Silver 8 plan, there would be a 2.09% increase. Fran Thibodeau stated that she liked the Silver 8 plan. It has the cheapest premium and after deductibles are met, the coverage is 100%. The deductibles would be \$3,500/\$7,000 and the Town would still pay the \$2,000/\$4,000 leaving the employee to pay \$1,500/\$3,000 and it would only increase the cost of the plan\$7,000.00 over this year's premium. Councilman Kusnierz asked if the plan is similar in value to what they have now and Ms. Thibodeau replied that she believed so. Ms. Conway suggested staying with MVP and choosing one of the two plans. She also stated that the Dental contract with Guardian was negotiated down to a 3% increase and also explained that the CSEA vision has a gold plan that would cost an additional \$0.75 per employee per month for better coverages. It was agreed that the Town would go with the MVP Silver 8 plan, to stay with Guardian for dental and to change to the Gold plan for CSEA vision.

#### SMART WATT PRESENTATION - GREG ROYER

Greg Royer, Account Executive from Smart Watt Energy, gave a presentation to the Town Board for the possible Auditing of the Town's utilities. He described his company and explained the steps that would be taken, should the Town decide they want an energy audit. He also provided a list of Municipalities that they've been working with, which included the Town of Queensbury and Saratoga County. His offices are based in Clifton Park, so there would be availability should problems arise. Smart Watt Energy does energy performance contracts. He stated that back in 1997, New York State passed legislation enabling municipalities to use their existing operation maintenance utility fund in their budget to self-fund energy projects. He stated that you wouldn't have to bond or raise taxes. He explained how the project is paid for. Councilman Prendergast asked how you would budget for the project and Mr. Royer replied that you don't. Should the Town decide to go ahead with the proposal, Smart Watt would perform a preliminary feasibility assessment at no cost to the Town.

### **OLD BUSINESS**

Councilman VanTassel reported that there were three proposals received in response to the Town's requests for the repair of the flood damage to the Board Room/Court Room. He stated that the new Building Inspector has met with the two lowest bidding contractors and checked references. The recommendation was to contract with Jake Losaw. Councilwoman LeClair asked, if the pipe that was replaced and is exposed in the D.A.'s office, is in the specs to be boxed in and the answer was yes.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair approving Jake Losaw Custom Carpentry to do the repairs detailed in the RFP that was submitted for a total cost of \$20,479.00.

### Roll call vote resulted as follows:

Yes
Yes
Yes
Yes
Yes

The Supervisor reported that the Town had approved the purchase of a side view mirror for the Water Department truck, which was over \$400.00. Since that meeting, a mirror was found on Ebay for less than \$100.00. The mirror will be purchased from the Ebay account and the Supervisor thanked Jeff McCabe for taking care of this.

The Board discussed the possible advertising for a Water Department Laborer. They asked Jesse Fish for his opinion on the matter. He stated that they already have laborers in the Town. He stated that this person should have some qualifications. The Supervisor asked Councilman Prendergast to meet with Mr. Fish and work up a salary range with criteria and bring it back to the Board.

# **COURT REQUEST**

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Town Court, of the Town of Moreau, to apply for the 2016-2017 JCAP Grant and authorizing the Supervisor to sign the application.

### Roll call vote resulted as follows:

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

#### HIGHWAY DEPARTMENT REQUEST

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the Highway Superintendent to fill the vacant Mechanics position with Dustin Underwood with his rate of pay as per contract and the successful completion of a pre-employment physical.

#### Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel approving a rental fee of \$750.00 for a small excavator to assist with a Storm Water Project on Robert Rogers Avenue.

Roll call vote resulted as follows:

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

# **BUILDING DEPART REQUEST - ESC TRAINING**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Building Inspector, Matthew Dreimiller, to attend an Erosion, Sediment Control and Stormwater Training session to be held on October 27, 2016 in Ballston Spa at a cost of \$75.00.

Roll call vote resulted as follows:

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

### CT MALE - PROPOSAL TO UPDATE SPCC PLAN FOR THE TOWN

A proposal was received from CT Male in connection with updating and recertifying the Spill Prevention, Control and Countermeasures (SPCC) Plan for the Town of Moreau Highway Department Garage. The Supervisor stated that he wanted more information before they act on this proposal.

#### RFP - REPAIR INSULATION THROUGHT TOWN

Councilman VanTassel stated that there is insulation in the Town Hall building attic that's either missing or falling off. This is unrelated to the insurance claim for the water damage. The Town needs to consider whether or not to send out an RFP for quotes to repair the problem as winter is approaching. He stated that the Building Inspector has been reaching out to some businesses that do this type of work and asked if we need to bring in an expert to write the RFP.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the Building Inspector, Matthew Dreimiller, to send out RFP's for insulation repair.

Roll call vote resulted as follows:

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

# RFP - TOWN ENGINEER

It was mentioned to the Town Board that they might want to send out RFP for Town Designated Engineers for 2017. This would allow time to conduct interviews for potential engineers before the 2017 Organizational meeting in January.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing and RFP to be sent out for Town Designated Engineers for the year 2017.

Roll call vote resulted as follows:

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

Reed Antis asked who would write the RFP and the Supervisor replied that it is "to be announced".

# **HEAD START – LEASE OF THE ANNEX BUILDING**

Councilman Prendergast stated that there were some minor changes to the contract and read the section aloud. Elizabeth Lanfear reported that there was also a change in the agreement giving the Town exclusive rights to the basement and the garage.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Supervisor to sign the Lease Agreement between the Town of Moreau and Head Start for the use of 349 Reynolds Road (previously known as Jehovah Witness Building) for a monthly payment of \$1,250.00 in lieu of electric and heat. Each subsequent year will increase by \$1200.00 per year. The lease agreement will also include a six month review of the contract.

Roll call vote resulted as follows:

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

# MEMORIALIZE VOTE – ADVERTISE FOR TRANSFER STATION VACANCY

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to memorialize a vote that advertisements for the vacancy at the Transfer Station be posted on Craig's List, on the Town's website, at the Transfer Station and placed around Town.

Roll call vote resulted as follows:

Councilman Kusnierz Abstain

Councilman Kusnierz stated that he was supportive of advertising for the position but thought it should be posted in the Post Star in addition to the methods in the motion.

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

#### **GGFT OPERATING AGREEMENT**

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Supervisor to enter into a Transportation Agreement with the City of Glens Falls for 2017 in the amount of \$4,688.00.

# Roll call vote resulted as follows:

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

The Supervisor stated that he abstained because he has a problem with buses running with only one or two people on them. Councilman VanTassel stated that they can get some factual numbers for next year's contract.

### DISCUSSION - EMPLOYEE PAY TO ATTEND TOWN BOARD MEETINGS

There was discussion as to whether employees should be paid if attending Town Board meetings. The Supervisor was of the opinion that if an employee is required to be at a Town Board meeting, they should be paid but if it's for their own interest, they shouldn't. Councilman VanTassel stated that in the past it had been required for department heads to attend the meetings. He stated that he would let the Recreation Department employees know if they'll be needed for future meetings. Councilman Kusnierz stated that historically, salaried department heads were required to attend Board meetings and over the years not all attended regularly. He stated that this issue came to a head when there was one salaried department head for the Recreation Department and the Full-time position was eliminated. We now have two hourly employees that have been coming to the meetings. Sandy Mahoney stated that when she came on board, she was required to attend the meetings. She stated that there was a letter put in her file relating to her attendance at Town meetings and Councilman VanTassel stated that they would take care of that.

Councilman Kusnierz stated that the Town Board had received a letter late this afternoon from Kevin Feuka of C2ae with regard to the proposed sewer project. The information was late getting to the Board and that's why it wasn't on the agenda. He stated that their under a time constraint and if they want to continue with the proposed project, they need to get something to the engineer by October 17, 2016 to move the process along. Councilman Kusnierz gave a brief history of the original proposed sewer district along Route 9 and how it went to a referendum vote that was ultimately voted down. He stated that the Town is under time constraints as they were the first time around but that the Town still has access to 13.9 million dollars of EFC funding. He stated that the interest rate is lower than what it was in 2014. Councilman Kusnierz stated that the engineer has the task of coming up with a cost for the Board to review. He outlined the six points of the scope of their work they've proposed to the Town, in order for the EFC to review. The first point is to complete an updated engineering analysis. Feedback from the public and Town Board would need to be back to C2ae by October 17, 2016. The fee for the analysis is \$5,500.00. The second point would be to assist the Town with conducting the updated SEORA process and the fee for that is estimated to be \$1,900.00. The third point would be to secure, process and update the real property database from Saratoga County, The fee for the third point would be \$1,900.00. The fourth point would be to provide the map, plan and report for a fee of \$2,100.00. The fifth point would be a power point presentation at the public hearing and to answer questions from the public for a cost of \$2,200.00. The sixth point would be to assist the Town in preparing the EFC's financing application, which is due in March of 2017. The cost for the sixth point would be \$1,900.00. The total charges would be \$15,500.00. Councilman Kusnierz stated that they had budgeted \$8,000.00 for this year in account A6460.4 but had only used \$400.00. This leaves \$7,600.00 remaining that can be put towards these charges. He also mentioned that they will bill as they go along and that the Town can pay as services are rendered. They wouldn't have to pay the full fees up front. Councilman Kusnierz stated that if anybody has comments, they should be directed to the Supervisor's office and they can transmit them to the engineers. Reed Antis asked if the Board has a plan for the new district. Councilman Kusnierz stated that the Town can't do a whole scale change but can create a different district that's similar and he believes that is the thoughts of this Board. Ed Petrush, who is a property owner on Route 9, stated that there wasn't support the last time and also stated that if there isn't 100% this time and the Town goes through the process, it would be a waste of tax payer's money. Mr. Petrush stated that he's been a property owner in a C1 zone for over 30 years and if this doesn't go through, he can't use his property for anything commercial without sewers. He stated again that if the entire Board isn't on board with the plan, it will be a waste of tax payer money.

Sam Wahnon addressed the Town Board and stated that he's Mr. Petrush's neighbor and owns 93 acres. He echoes Mr. Petrush's viewpoints. He stated that sewers can only be a plus to this Town. He envisions a beautiful mall and no PUD's. He stated that it would create jobs for the Town. Councilman Prendergast stated that they would have to have the funds available in order to make a motion. He stated that money would have to be found and transferred before it can be spent. Councilman Kusnierz stated, that in the proposal, if at any point the Board decides to not move forward, they won't be charged.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel that \$8,100.00 be transferred from A1990.4 – Contingency to A6460.4 – Economic Development, which has a balance of \$18,255.00 as of October 5, 2016.

# Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the Supervisor to enter into a contract for the professional services of C2ae, in Canton, New York, for the purposes of providing any necessary engineering documents, which were outlined in the scope of work received by the Town Board today.

#### Roll call vote resulted as follows:

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

Councilwoman LeClair thanked Councilman Kusnierz and the former Supervisor, Preston Jenkins, for pushing this project through. Councilman Kusnierz stated that he doesn't work alone and also recognized Preston Jenkins for all his hard work on the project.

#### **SUPERVISOR'S ITEMS**

None

#### **PUBLIC COMMENT PERIOD**

Angela Wadsworth presented to the Town Board with copies of deeds and tax maps with the suggestion that the maps were altered. She also expressed her frustration with the surveyors of her property and asked the Board members to come to her house and she would supply them with a tape measurer and they can see where the survey was wrong. She stated that the fence her neighbor installed was 200' and they don't own 200'. She stated that you would have to deduct the 25' from the center of the road. She also expressed her concerns over a conflict of interest with the firm that represented the Town and herself at the same time. She stated that she shouldn't have to endure the water problems caused by the neighboring home that was permitted to be built improperly and with a court order stating that no one should be on 25' of her property before it was built. She stated that she wants to know how all this happened. The Supervisor stated that this was all new information for him to look at and stated that he would like some time to review it. Ms. Wadsworth made mention that the whole thing was a fraud. She's asking that the Town get her property straightened out because she doesn't want to be flooded out this winter. She asked Attorney O'Hara if he had been directed to meet with her and Attorney Rhodes. He stated that he hadn't been directed. Ms. Wadsworth asked the Board to direct him to meet with her and Attorney Rhodes to discuss the conflict of interest.

Terry Clark addressed the Board with a complaint that others who attend the meetings are disruptive and also stated that there were comments made to Ms. Wadsworth after the last Town meeting. He claims to have a video of their actions. Stevee Vittengl replied that she doesn't want to come to the meetings and be called vulgar names and be harassed. The Supervisor stated that it's unusual for them to come to every meeting. There was an exchange over the accusations that were made about Ms. Wadsworth being confronted.

Maggie Centerbar stated that Terry Clark has been coming to every Board meeting and asked why something isn't being done. The Supervisor replied that Mr. Clark wants the people to be held responsible that were responsible for the damage to his property and that the Board went by the opinion of the Judge that Mr. Clark was late in submitting his claim. He also stated that there is now new documentation showing that the Town would be responsible for 30 years. He stated that the Town is stuck with the laws. They don't make them. Ms. Centerbar asked how much longer this might take. The Supervisor replied that he didn't know but also stated that Mr. Clark isn't going to go away.

Reed Antis asked about the 61 Hudson Street property. The Supervisor replied that there was no new news. Elizabeth Lanfear stated that the parties that were interested are also looking into another option. Mr. Antis stated that if the building isn't going to be sold it should be demolished and the property put back on the tax rolls. The Supervisor made comment that Mr. Antis would be happy to give the property away and stated that the Board won't do that.

Mr. Antis asked if Blue Flame has a legal building permit to begin work on their project. The Supervisor stated that he would rather not answer the question.

Mr. Antis asked if the Highway Garage roof litigation is still in discover and Attorney O'Hara replied "yes".

Mr. Antis asked when the comptroller would be conducting the audit on the Town. The Supervisor didn't have an answer to the question.

Mr. Antis asked about the structure that was to be built with a grant on VanBuren Street for the purpose of metering sewer to Glens Falls. Jesse Fish stated that he didn't know about a grant but that he had spoken with the Cement Co., about a piece of property that they would sign an easement for, to put in a meter pit and they never got back to him.

The Supervisor asked Mr. Antis if he would get him a better explanation of the question in writing. Mr. Antis stated that the point was that a meter was supposed to be put in. The Supervisor asked him to put his question in writing so the Board could look at it.

Mr. Antis asked Councilwoman LeClair when they would be coming up with the new fees for field usage. Councilwoman LeClair stated that they would be meeting with the Recreation Department tomorrow night.

Don Ranck was present and advised the Town Board of an upcoming program from the Saratoga County Fire Advisory Board, called "Fire 101", which will be held on October 29, 2016 at 9:00am at the Byron J. Baker Fire Training Center in Ballston Spa. The annual event is an opportunity for the Fire Service of Saratoga County to demonstrate what they do. All Town Board members are invited to attend.

Elizabeth Lanfear asked the Supervisor, regarding the CT Male proposal, what additional information he was looking for. The Supervisor stated that he would talk to them about it.

Reed Antis stated that he, the Supervisor and the Highway Superintendent had met with DEC and the EPA regarding the road into Rogers Cemetery on West River Road. He stated that he has the tax map of the parcel he was referring to. He stated that Paul Joseph is going to help clear out the road to the cemetery. He stated that the EPA would like to give the parcel to the Town of Moreau. The Supervisor asked Mr. Antis to provide the Board, in sketch form, of the road in question, so that the Board knows what he's talking about.

# **COMMITTEE REPORTS**

Councilwoman LeClair stated that there was a plaque on the Assessor's counter and wanted to acknowledge Peggy Jenkins for a Distinguished Service Award received from the New York State Assessor's Association. She read the award and stated that she would like to do a press release to acknowledge her accomplishment. She congratulated Ms. Jenkins on the award.

Councilman VanTassel stated that they had met at the Beach earlier this week and mentioned a gentleman who has donated engineering plans for the project. An estimation of the costs are being determined. Once that has been received, it will be put before the Board. There was discussion of the project being moved closer to the fence to afford those using the Betar Byway the use of restroom facilities.

Councilman Kusnierz wanted to remind everyone that the Crandall Public Library will have a public hearing on their budget next Tuesday, October 18, 2016 at 7:00pm in the Town's meeting room.

A motion was made by Councilman VanTassel and seconded by Councilman Prendergast to adjourn to executive session for an update on a litigation matter at 9:35 p.m.

Roll call vote resulted as follows:

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

The Town Assessor was invited into the executive session. The Town Clerk did not sit in on the session.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to close the executive session and resume the regular meeting at 10:17 p.m.

Roll call vote resulted as follows:

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

Councilman Prendergast stated that it was brought to the Town's attention that the Village of South Glens Falls may need to buy water from the Town on an emergency basis.

A motion was made by Councilman Prendergast and seconded by Councilman VanTassel authorizing an inter-municipal agreement with the Village of South Glens Falls to purchase water from the Town of Moreau at a rate of \$3.25 per thousand gallons.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the meeting for the evening at 10:19 p.m.

# Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe Town Clerk