

A regular meeting of the Town Board of the Town of Moreau was held on May 27, 2014 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

Supervisor Jenkins called the meeting to order at 7:01 p.m.

The Town Clerk called the roll.

#### **Town Board Members Present**

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

#### **Town Board Members Absent**

Gina LeClair	Councilwoman
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**Also Present:** Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Paul Joseph, Highway Superintendent; Amanda Metzger, Post Star Reporter; Aaron Frankenfeld from Adirondack Greater Falls Transportation Council (AGFTC); Jennifer Jachym from Solar City; Reed Antis, Planning Board Member and Town Resident; Terry Clark, 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 following minutes were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval:

May 13, 2014

#### **MINUTES – MAY 13, 2014 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve the minutes of May 13<sup>th</sup> as prepared.

Roll call vote resulted as follows:

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

#### **ADIRONDACK GLENS FALLS TRANSPORTATION COUNCIL (AGFTC) – AARON FRANKENFELD – ROUTE 9 EXIT 17 CORRIDOR LAND USE & TRANSPORTATION STUDY/SCHEDULE PUBLIC WORKSHOP**

Aaron Frankenfeld from the AGFTC was present to distribute to the Town Board a draft copy of the “Exit 17/US Route 9 Corridor Land Use and Transportation Study Report” that was prepared by Creighton Manning.

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Mr. Frankenfeld gave an overview of what was contained in the study.

He stated that a Public Workshop will be held on June 19<sup>th</sup> at 7:00 p.m. in the Town of Moreau Municipal Building. That Public Workshop will kick off a 30 day public comment period.

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

At the request of Supervisor Jenkins, Attorney Buettner prepared a Local Law and Notice of Public Hearing to consider the adoption of a Local Law that would allow the Town to utilize “best value” methodology when awarding certain purchase and contracts for service work rather than accepting the lowest responsible bidder.

Attorney Buettner explained about the “Best Value” methodology and how it is defined in the Finance Law. She explained the definition of “Best Value” as defined in the Finance Law and stated that municipalities and counties around the State are adopting Local Laws to this effect.

Discussion followed amongst the Town Board Members and Attorney Buettner about this draft Local Law.

It was the consensus of the Board that Attorney Buettner should obtain copies of Local Laws of this type adopted by the surrounding municipalities and the Board will review them.

The proposed draft Local Law was put on hold for the time being.

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

Reed Antis asked if the claim against the Town made by Hillman Properties regarding the building that formerly housed the Town Court has been settled or not.

Attorney Buettner advised that a Notice of Claim has been filed and legal counsel for the Town’s insurance company is handling it.

Reed Antis asked if Hillman Properties is still expecting to be paid back rent for the building.

Attorney Buettner replied again that a Notice of Claim has been filed.

Reed Antis asked what the cost to the Town is for the year for Insurance.

Supervisor Jenkins replied about \$68,000.

Reed Antis asked when a flag pole was going to be erected on the municipal building site.

Supervisor Jenkins replied that it is on his desk now to take care of.

Reed Antis asked if it would be paid for out of the general fund or from money dedicated for the municipal complex project.

Supervisor Jenkins replied that they have the funds in the account in the amount of \$10,000 for the flag pole. He said the prices obtained are from \$7,000 to \$10,000. He said they are ready to move and were waiting until about now to do it. He said we would probably install the poles ourselves.

Reed Antis asked what the status is of the roof on the new Highway Garage.

Attorney Buettner replied that she is still waiting to hear back from Mr. McCormick. She has pictures and a report, but is waiting on the “name of his individual”.

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Supervisor Jenkins told Attorney Buettner that if she doesn't hear back from Mr. McCormick within two weeks that we should go to the bonding company.

Reed Antis asked if the Board has gone back down to the Moreau Emergency Squad to look at their records for a second time.

Supervisor Jenkins replied no.

Reed Antis informed the Board that Royce Pixley is mowing the cemeteries every week.

Reed Antis asked about the Sand Bar Beach Building.

Supervisor Jenkins said they would be addressing the building late in the summer.

Reed Antis said the Board was aware of the condition of the building last summer and asked why it has taken this long to deal with it.

Supervisor Jenkins said the arms of government work slowly. He said it took six years to get the youth baseball concession stand done.

Terry Clark addressed the Town Board about his claim of a broken water line inside his home and the flooding of his basement. He said he hasn't heard anything from the Town Board. He reiterated several times that he shouldn't have to pay the \$500.00 deductible that he has on his insurance.

Supervisor Jenkins said that the Town's insurance company will deal with it and the Town's Attorney.

Attorney Buettner advised that the insurance companies are talking about it.

## **SOLAR CITY**

Jennifer Jachym was present representing Solar City.

Solar City is proposing a solar array in the Town to offset the Town's electrical bills for Town's buildings and street lights other than the municipal building, which is under contract right now with Monolithic Solar to install solar panels on the site of the municipal building to produce power for the building. The sites proposed for the solar array from Solar City are the Industrial Park and the walking trails between the Nolan Road Water Pump House and the Landfill. The proposal is for the Town to enter into a 20 year contract with Solar City. The estimated annual savings to the Town in electrical costs is \$32,000 or \$34,000 if the Town mows around the solar arrays to keep the area around them maintained. If the Town Board decides to move ahead with the project then the Town Board must send a letter of intent to NYSEDA no later than July 17<sup>th</sup>. There is no obligation on the part of the Town if this letter of intent is sent. However, if the Town receives an incentive to move forward with the project then the Town cannot give the incentive to another solar company. Also, within 60 days of receipt of an incentive the Town Board must enter into a contract with Solar City or lose the incentive. Once a contract is signed with Solar City then the Town would be bound by the contract.

Councilman Kusnierz asked how many municipalities have a contract with Solar City.

Jennifer Jachym replied City of Schenectady, Suny Courtland, Onondaga County and Oneida County.

Councilman Kusnierz asked about the size of the panels.

Jennifer Jachym replied that one megawatt would require 5 acres of land and 572 kW would require 3 acres of land. The proposal for Moreau would be the 572 kW and 3 acres.

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Councilman Kusnierz asked how many full time jobs this project would create.

Jennifer Jachym replied that most of them would be Solar City Employees. There would be a dedicated project manager and dedicated construction manager. The rest would be local sub-contractors.

Supervisor Jenkins thanked Jennifer Jachym for her time.

### **HIGHWAY DEPARTMENT REQUESTS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of gasoline from Global Montello Group under State Contract #PC66184 out of account DB5142.460 and at an amount not to exceed \$10,000.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the expenditure of \$4,000 under Saratoga County Contract #12-PWP-21R out of account DB5110.497 for the purchase of culvert pipe with end sections for use on Selfridge Road, Feeder Dam Road, Old Saratoga Road and Mott Road.

Roll call vote resulted as follows:

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

The following quotes were obtained by the Highway Department for the purchase of six 30" x 6' fully perforated, galvanized drywells:

Chemung Supply P.O. Box 527 Elmira, NY 14902	\$1,120.64
Lane Enterprises 825 Route 67 Ballston Spa, NY 12020	\$1,071.00
Vellano Bros. Inc. 7 Hemlock Street Latham, NY 12100	No Quote

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of six 30"x6' fully perforated galvanized drywells from Lane Enterprises at a cost not to exceed \$1,071.00 out of account DB5110.450.

Roll call vote resulted as follows:

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

The following quotes were received by the Highway Department for the maintenance on nine overhead doors at the new Highway Garage Building:

Adirondack Overhead Door Co. 10 South Western Avenue Queensbury, NY 12804	\$700.00
Overhead Door Co. of Glens Falls P.O. Box 834 Glens Falls, NY 12801	\$1,398.00
Wayne-Dalton of Syracuse 6890 Kinne Street East Syracuse, NY 13057	\$1,339.20

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the maintenance on nine overhead doors at the new Highway Garage Building by Adirondack Overhead Door Co. at a cost not to exceed \$700.00 out of account A5132.407.

Roll call vote resulted as follows:

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

#### **RECREATION DEPARTMENT REQUESTS**

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing Beverly Butler to instruct two 7 week fitness classes and to charge a registration fee of \$29.00 per person and for \$20.00 of that fee to go to Beverly Butler as Instructor.

Roll call vote resulted as follows:

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

#### **PESTICIDE TRAINING FOR RECREATION FIELDS - DISCUSSION**

Pete Corlew, Laborer in the Recreation Department, has agreed to take a 30 hour course to become a pesticide technician. Upon completion of the course he will be able to take an exam and once he passes the exam he will receive his certification card within three to six weeks to be able to use a general use product. This timeline would put us into the middle of July before he would be able to apply pesticide to the fields in the Rec. Park. The cost of the course is \$300 and the cost for the NYS DEC exam is \$100.

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Councilman Kusnierz asked if he would be private or commercial certified and nobody knew the answer to this question.

Councilman Prendergast asked how the fields are for the State Tournament.

Councilman Vittengl advised that Rich Morris has offered to donate an application of fertilizer of the fields for the Tournament. There would be no cost to the Town and no contract.

Councilman Prendergast asked if since there wouldn't be any contract the Town would incur any liability.

Attorney Buettner stated that Rich Morris should sign a hold harmless agreement and provide the Town with a certificate of liability insurance. She also advised that since Rich Morris submitted a quote for lawn and turf treatment along with two other vendors the quotes should all be rejected first.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing Pete Corlew to attend a 30 hour course to become a pesticide technician at a cost not to exceed \$300 and to take an exam at a cost not to exceed \$100.00 for a total cost not to exceed \$400.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept Rich Morris's donation of field fertilization in the Harry J. Betar Jr. Recreational Park contingent upon receipt of his signing a hold harmless agreement and supplying the Town with a certificate of insurance.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to reject all quotes presented on May 2<sup>nd</sup> for lawn and turf treatment.

Roll call vote resulted as follows:

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

#### **SOUTH HIGH MARATHON DANCE COMMITTEE FIELD USE REQUEST**

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing the South High Marathon Dance Committee to use of the fields in the Harry J. Betar Jr. Recreational Park for a softball tournament on August 23<sup>rd</sup> and 24<sup>th</sup> and for the field usage fees and certificate of insurance requirement to be waived.

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Roll call vote resulted as follows:

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

### **LIFEGUARD HIRES AND RE-HIRES**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to hire and re-hire the following lifeguards for the 2014 summer season on a full-time, seasonal basis:

Justin Fizzuoglio	Re-Hire \$9.01 Per Hour	No Pre-Employment Physical Required
Marikka Ryan	Re-Hire \$9.54 Per Hour	No Pre-Employment Physical Required
Kelly Styczynski	Re-Hire \$9.37 Per Hour	No Pre-Employment Physical Required
Nick Trudeau	Re-Hire \$9.01 Per Hour	No Pre-Employment Physical Required
Johann Williams	Re-Hire \$9.19 Per Hour	No Pre-Employment Physical Required
Emma Jones	New Hire \$8.75 Per Hour	Pre-Employment Physical Required
Megan Blake	New Hire \$8.75 Per Hour	Pre-Employment Physical Required

Roll call vote resulted as follows:

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

### **RFP'S STUMP GRINDING RECREATION PARK**

The following quotes were received for the grinding of stumps in the new parking area near the girls' softball field:

Wood Waste Products	\$2,500.00
Galusha & Sons	\$4,732.00
A&B Mulch	None

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to accept the quote from Wood Waste Products in the amount of \$2,500 for the grinding of stumps in the new parking area near the girls' softball field and for this cost to be paid out of account HP7180.4.

Roll call vote resulted as follows:

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

### **TRANSFER STATION REQUEST**

The following quotes were received for the servicing of the compactor at the Transfer Station:

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Waste Management P.O. Box 13645 Philadelphia, PA 19101-3648	Declined
DLV Inc. P.O. Box 294 Hudson Falls, NY 12839	\$1,295.00
Artron Environmental 106 Hill Street Troy, NY 12180	\$1,128.00

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the quote from Artron Environmental in the amount of \$1,128.00 to service the compactor at the Transfer Station and for this cost to be paid out of account TS8160.4.

Roll call vote resulted as follows:

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

#### **ASSESSOR'S REQUEST**

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing the Assessor, Peggy Jenkins, to attend an Assessor's training session at Cornell University in Ithaca, NY July 13<sup>th</sup> through the 15<sup>th</sup> and for all necessary expenses not reimbursable by the State of New York to be a proper town charge.

Roll call vote resulted as follows:

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

#### **MOSQUITO DUNKS – TRANSFER OF FUNDS**

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the following transfer of funds:

\$500.00 from A1220.4 Supervisor's Contractual Account into A4068.4 Insect Control Contractual Account for the purchase of mosquito dunks.

Roll call vote resulted as follows:

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

The purchase of the mosquito dunks does not require Town Board approval per the Town's Procurement Policy as the total will be less than \$500.00.



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

No comments.

### **COMMITTEE REPORTS**

None

### **SUPERVISOR'S ITEMS**

Remediation of Larry Sweet's lawn is scheduled to be done. The remediation is part of the water project. He wants a water tap put in at his lot on Astoria Avenue and rather than pay the \$1,700.00 hookup fee he wants to know if the Town Board wants to put in the tap free of charge in lieu of remediating his lawn.

It is Supervisor Jenkins' opinion that we should follow the Town's policy and charge Larry Sweet for the water hookup and remediate his lawn as planned.

Supervisor Jenkins noted that Town Code for Water District 1 does not address the minimum charge that the Town charges to property owners who are hooked up to Water District 1 Extension 1 and 2, but who do not use the water. He said that Water District 1 Extension 1 and 2 has debt as do other Water Districts in the Town and the Town's policy is to bill a minimum charge in the districts that have debt even though the water is not turned on and it is his opinion that we should continue to do this. The Town Code for Water District 1 also references the purchase of water from the Village of South Glens Falls and the Town no longer purchases water from the Village so the Town Code for Water District 1 needs to be amended. He said this has already been discussed with Attorney Buettner and she will get it done.

Supervisor Jenkins stated that Jean Linehan who resides on Gansevoort Road submitted a petition to the Town Clerk signed by property owners along Gansevoort Road requesting a speed limit reduction along Route 32 between William Street (the Town/Village Line) and Bluebird Road. Requests have been made to NYS DOT for a speed limit reduction and the State has denied the requests. Hopefully if we send the State this petition showing them how strongly people feel about a need for a speed limit reduction that the State will take heed to our request. It was the consensus of the Town Board that the Town Clerk send this petition to NYS DOT and urge them to reconsider our requests.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to adjourn the meeting at 8:15 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk