

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

**Town Board Members Present**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Steve Gram, Recreation Director; Peggy Jenkins, Assessor; Steve Barody, Highway Superintendent (arrived at 7:18 p.m.); Joe Patricke, Building Inspector (arrived at 7:30 p.m.); Jesse Fish, Water Superintendent (arrived at 7:37 p.m.); Martin D. Auffredou, Attorney for the Town (arrived at 7:28 p.m.); Adrianna Flax from the Saratoga County Arts Council; Town Residents: Mary & Reed Antis, Mary Meade (Conservation Committee Member), Shelley Englert (arrived at 7:15 p.m.), Adele Kurtz (arrived at 7:25 p.m.), Lori Lopez-Hammond.; Village Residents: Brigid Martin, Margaret Wolcott; Post Star Reporter, Neil Kirby; Junior Girl Scout Troop 3424 Leader, Jackie Wolcott Elder and Junior Girl; Scouts Melissa Cooper, Kayla Cooper, Nicole Laing, Abby Donohue, Emily Elder, Kayli Hammond

Supervisor Jenkins led the Pledge of Allegiance.

**MINUTES**

The minutes of June 9, 2009 were prepared and distributed to the Town Board in advance of this meeting for their review, comment, correction and approval.

**MINUTES – JUNE 9, 2009 – REGULAR TOWN BOARD MEETING**

Corrections:

Page 288 – last roll call on page – Councilwoman LeClair is listed as voting twice – change the Councilwoman LeClair before Supervisor Jenkins to Councilman Kusnierz Absent

Page 289 – top of page – Quote for Jon Simmes - change to read as follows “\$3,875.00 (One Coat) plus \$325.00 for insulation for a total of \$4,200.00”

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of June 9<sup>th</sup> with corrections so noted.

Roll call vote resulted as follows:

Councilman Kusnierz	Abstain from portion he was absent for and Yes for rest
Councilman Cumm	Yes
Councilman Prendergast	Abstain
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

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

A special meeting of the Town Board was set for July 14<sup>th</sup> at 5:30 p.m. to interview candidates for a vacancy on the Zoning Board of Appeals.

Councilwoman LeClair asked the Board if they wanted to set a workshop on outdoor wood burning furnaces.

Councilman Kusnierz thought that Joe Patricke was going to prepare another draft based on changes made at the last workshop.

A workshop was not set at this time.

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

Reed Antis asked what progress had been made with inquiring about a zip code for Town of Moreau and Supervisor Jenkins replied "not much".

### **JUNIOR GIRL SCOUTS – JACKIE WOLCOTT ELDER – BRONZE AWARD PROJECT**

The following Junior Girl Scouts appeared before the Town Board and each took turns reading a statement to the Town Board; Melissa Cooper, Kayla Cooper, Nicole Laing, Abby Donohue, Emily Elder and Kayli Hammond.

Their statement started out by explaining about the Junior Girl Scouts Bronze Award. They then asked the Town Board for permission to undertake a project of installing a flag pole at the baseball quads in the Harry J. Betar Jr. Recreational Park and have the project completed by the next baseball season. The estimated cost is \$1,500.00 and they plan to raise funds to pay for this project by holding car washes, bake sales and a community bottle drive. They have already raised \$200.00.

Councilwoman LeClair stated that it was suggested to her that the flag pole be mounted on top of the concession stand so it can be seen from all fields and it may be less costly, meaning less fund raising.

The Town Board thanked the Junior Girl Scouts for their presentation and stated they looked forward to their project being completed and it will be a wonderful addition to our Recreation Park.

### **ADRIANNA FLAX – SARATOGA COUNTY ARTS COUNCIL - GRANTS**

Adrianna Flax, Grants Administrator for the Saratoga County Arts Council, was present to inform the Town Board and public about grants that are available to municipalities, non-profit organizations and artists throughout Saratoga County. Examples of who would be eligible for these grants are Girl Scouts, Friends of Ulysses S. Grant Cottage and municipalities. The grant is called SPAF (Saratoga Program for Arts Funding). The Town of Moreau has applied in the past. The Friends of Ulysses S. Grant Cottage have received funding, as well as, Moreau Elementary School and the Town of Moreau/South Glens Falls Historical Society.

Ms. Flax stated there will be a grant seminar coming up and attending this seminar is the first step in applying for a grant. Councilwoman LeClair has signed up to attend this seminar. The Town of Moreau can apply for up to \$5,000.00. If the Town of Moreau Recreation Department wants to apply for this grant for a project and the Town Board wants to apply for the grant for a different project they both would be considered. Last year they gave away over \$44,000.00 for arts and culturally based community programs.

Councilman Kusnierz asked what types of projects were awarded grants.

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Ms. Flax responded:

- Community Theatre
- Public Concerts
- String Orchestras
- Bringing high quality musicians to small towns like Edinburg
- Corinth Theatre Guild funded their summer performances with this grant
- Libraries are eligible for public funding (Saratoga Springs Public Library had an artist who is nationally recognized as a children's book author and illustrator come work with young people in the community to illustrate her books and now they are published and translated into four languages all over the world.)
- The Historical Society is presenting the Iroquois Connection this summer for kids
- The Friends of Ulysses S. Grant Cottage are bringing in the 77<sup>th</sup> New York Balladeer Music Group for the Quadri Centennial this year.

The Town Board thanked Ms. Flax for her presentation.

Councilwoman LeClair stated that she and Steve Gram were working a grant for the summer recreation program next year.

#### **DOG PARK COMMITTEE**

Shelley Englert member of the Dog Park Committee began by stating that back in May 2008 the Dog Park Committee appeared before the Town Board at a meeting and discussed the possible use of the Town's property on Route 197 for a dog park. At that meeting the residents around the Town's property expressed opposition to a dog park being sited on the property. She asked if this proposal was still on the table.

Supervisor Jenkins replied that the Town Board didn't pull it off the table. It was his recollection that the Dog Park Committee wasn't receptive to the idea and only one or two people in that area made a direct complaint against the idea. The Town Board offered the property as an inexpensive means to giving a dog park a try to see if one would be successful in the Town. It would be on a temporary basis, because the Town does plan to build on that site at some point in time.

Councilman Kusnierz recalled that the Town Board at the time offered this option to the Dog Park Committee and the committee wasn't receptive to it. As they explored other options it became apparent that if they wanted to get a dog park up and running in a timely fashion that site would have been the best option at the time. That is when one or two complaints were received about it not being zoned for this. There wasn't any decision made to put a dog park there or not put one there.

Councilwoman LeClair stated that the neighbors were concerned over the four foot fence and large dogs could clear it and barking dogs and the disturbance they could create.

Supervisor Jenkins stated the other issue was over the lack of the Dog Park Committee filing for a 501C3 status.

Shelley Englert stated that she had with her an application for certificate of incorporation and an affidavit for a name for the dog park. She asked the Board if they wanted them to apply for a 501C3 or non-profit organization status.

Supervisor Jenkins said he didn't think it was an issue for the Board, which one they applied for. They were looking for a structure of what they were doing.

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Councilman Kusnierz asked Shelley Englert if the Dog Park Committee was now interested in the site on Route 197 and Shelley Englert replied yes.

Shelley Englert asked if they could be on a rider under the Town's insurance or would they have to get their own insurance.

Supervisor Jenkins replied they would need to get their own insurance.

Shelley Englert handed out the proposed rules and regulations for the dog park and other information.

Councilman Prendergast noted in reading the handout that it appears they expect the site to be a permanent home for the dog park and advised that this would only be a temporary site to determine if a dog park would work in the Town of Moreau.

Councilman Kusnierz said it was important to characterize it as temporary. We may find when it is up and running there are issues with the neighbors or other people who are operating the park or watching it run. If the public knows it is only temporary it would be easier to get it up and running faster. The Town Board should tell them what the temporary period is.

The question was asked if the four foot fence was adequate.

Councilwoman LeClair didn't feel it was. She stated we need to address the concerns of the residents in the neighborhood before they moved forward.

Councilman Kusnierz said that before the Dog Park Committee moves forward on this the Town Board should give them a clear indication of where we are on this. If a majority of the Town Board isn't on board with this then we are wasting our time and theirs. If any Board Member has concerns then they should bring them forward tonight.

Supervisor Jenkins stated that he goes back to where they were last July or August and at that time we offered the site as a temporary site. Bob Vittengl, Jr., Chairman of the Recreation Commission, took them down to the park and they found an area they thought would work and that was the last we heard from them. He stated that dog parks work and one can be created rather inexpensively. He sees this as a temporary site. We plan to build on the site in the future. It is an opportunity to see if a dog park will work or not.

Councilwoman LeClair suggested a public meeting with neighbors around the Town's property on Route 197 and the Dog Park Committee and Town Board to address concerns.

Councilman Kusnierz stated that he supports a temporary dog park on the Town's property on Route 197 and it would be an ideal way to gauge the interest in a dog park. In his opinion a four foot fence is adequate, because the Town's code requires all dog owner's to be in control of their dogs at all times whether they are within a fenced in area or not.

Councilwoman LeClair suggested that people sign in to use the dog park so we will know how many people used it.

Shelley Englert stated that they have drafted their goals, rules and regulations, mission statement and are moving forward with their incorporation so they would like to move forward with this.

Councilman Kusnierz suggested that when a public meeting/workshop is held on this it would be helpful if the Dog Park Committee brought with them information on how many dogs will be allowed into the park at one time, the size of the area proposed, fencing, the need for water or not and information of this nature.

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Supervisor Jenkins stated that the Board could hold a workshop or special meeting and the Dog Park Committee could give a presentation, the Town Board would discuss the proposal and then they could open up the meeting to public comment.

Councilwoman LeClair asked if they were going to charge fees for residents and non-residents and the Dog Park Committee representatives replied no fees were going to be charged. They hoped to receive donations. They hoped that other communities would contribute to the dog park as their residents would be allowed to use it.

Councilwoman LeClair stated that the Town charges fees to use the fields in the Recreation Park by non-residents.

Councilman Kusnierz said that was different. Town resources are used to maintain the fields in the Recreation Park. He stated, however, that the Dog Park Committee should not count on donations to make the dog park viable and they should develop a fee schedule.

Supervisor Jenkins stated the Board has to move on with their agenda, but the Town Board would be scheduling a workshop on this.

This concluded the discussion on the proposed dog park.

#### **HIGHWAY DEPARTMENT REQUEST(s)**

The highway superintendent submitted a request to purchase two front tires and four rear tires including mounting and balancing two front tires for truck 8 the 1999 International van.

The quotes were as follows:

Contacted Buckley Tire twice for quote and did not receive one.  
Contacted Firestone Tire and they do not sell these truck tires.  
Contacted Tire Warehouse and they sell them, but they do not install or service them.  
Contacted East Coast Tire and they don't sell these truck tires.  
Contacted Wholesale Tire and they weren't sure if they could install or not and never returned our call.  
Warren Tire quoted \$1,634.74 and this amount is state contract price.

The purchase will be made out of account DB5130.492 and that account had a balance of \$10,159.15 as of 5/6/09.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the purchase of two front tires and four rear tires including mounting and balancing of two front tires for truck 8, the 1999 International van, from Warren Tire under state contract at a cost not to exceed \$1,634.74 out of account DB5130.492.

Roll call vote resulted as follows:

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

The Highway Superintendent discussed with the Town Board the problem he is having getting blacktop. The facility that he is trying to get blacktop from quoted a very low price and it appears as a result they are inundated with orders and are unable to keep up with the demand. The Highway Superintendent

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needs the blacktop in order to pave Redmond Road and Reservoir Road. He wanted the Board to be aware of this in the event they get calls about when the roads are going to be paved. The Town Board acknowledged that the highway superintendent has no alternative but to wait for this supplier, because if we go to another supplier the cost will put us over budget.

Councilman Cumm wanted the Supervisor to write a letter to the State Comptroller and express our dissatisfaction over this vendor under cutting other vendors with their low price and then not being about to meet the demands. The Town Board didn't have a problem with this letter being sent and it was decided to send a letter to the Attorney General also.

### **RECREATION DEPARTMENT REQUEST**

The recreation director submitted an employment request to the Town Board to rehire three individuals to work in the recreation department for the summer season.

At the recommendation of the recreation director a motion was made by Councilwoman LeClair and seconded by Councilman Cumm to re-hire the following individuals to work in the recreation department for the summer season:

Ray Hoag	Soccer Specialist	\$12.50 per hour	No pre-employment physical required
Thomas Zauner	Soccer Specialist	\$10.30 per hour	No pre-employment physical required
Joe Collier	Football/Baseball/ Soccer Sports Specialist	\$10.30 per hour	No pre-employment physical required

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to change Jeremy Tripp's position in the recreation department to a full-time year-round position beginning with the next pay period, on a probationary basis for a period ending November 1, 2009, subject to civil service status and change his rate of pay to \$12.00 per hour and the Town will expend up to \$200.00 for Jeremy's pesticide license certification.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast authorizing the installation of a rebuilt power steering box in the recreation department truck at a cost not to exceed \$500.00 out of account A7140.4.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes

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Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

### **COURT REQUEST – REINSTATE RON BELISLE PART-TIME COURT CLERK**

The Town Justices submitted a letter to the Town Board regarding the vacancy in their department created by the resignation of Jacqueline Wells. Ron Belisle used to serve as Court Clerk and resigned back on June 16, 2008. At that time he indicated that he was willing to fill-in for emergency purposes and the Town Board was made aware of this back at that time. Since Jacqueline Wells has resigned and there is a vacancy Ron Belisle is willing to fill this vacancy on an as needed basis. The Town Justices recommend that the Town board reinstate Ron Belisle as part-time court clerk.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the reinstatement of Ron Belisle as part-time court clerk on an as needed basis at an hourly rate of \$10.00 per hour to fill the vacancy left by Jacqueline Wells who resigned.

Roll call vote resulted as follows:

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

### **CONSERVATION COMMITTEE**

Mary Meade and Reed Antis presented a proposal to the Town Board on behalf of the Conservation Committee. The proposal was to develop the Moreau Industrial Park Conservation Easement lands in the back of the Moreau Industrial Park into a year-round, passive recreation public use area. Some aspects of the proposal that require attention and consideration are:

- Safety of the residents using the area
- Soil, water and air quality testing may be required
- Safety of the access road – upgrading, gates and lighting may be required
- Access road location and parking lot locations need to be considered

The allowed uses of the “passive recreation” would be picnicking, hiking and fishing.

They showed the Board pictures of the area.

They asked the Town Board if they would be willing to send out a Request for Proposals (RFP) for the next round of grants in an attempt to obtain funding for a feasibility study for the proposed project.

Supervisor Jenkins stated that he thought the water, soil and air quality testing may have already been done in that area back around 1991. He recalled some remediation work in the area.

Councilman Kusnierz stated it was an excellent idea. He serves on the Historic Saratoga on Washington/Hudson Partnership and they are always looking for requests for funding for the locality and this project would be ideal for that. We should ask for funding from them to help move the project along.

Supervisor Jenkins stated the Town owns property that goes down to this site and to the river. He doesn't know legally what our access to the easement would allow us to do there.

Attorney Auffredou said we should look into it for clarification purposes.

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Councilman Kusnierz asked Councilwoman LeClair if she had an idea what the RFP would cost and the answer Councilwoman LeClair gave was no.

Attorney Auffredou stated that to prepare an RFP to mail out to consultants shouldn't require reinventing the wheel. The Department of State may have a template on file or examples from other communities.

Councilman Prendergast asked if this would be an area where a dog park could be sited.

Reed Antis replied possibly. There has been some misuse of the area with illegal dumping and ATV's.

Attorney Auffredou stated that they should be able to obtain some sample language for an RFP and he could put one together with the help of Councilwoman LeClair and then they could put it before the Board for review and discussion.

Joe Patricke told the Board that they should have Attorney Auffredou review the legality of the easements so we know what we can and cannot do.

Attorney Auffredou agreed, but suggested they move in both directions and move ahead with the RFP at the same time.

#### **BINGO LICENSE RENEWAL – AMERICAN LEGION MOHICAN POST #553**

A bingo license renewal application was received from the American Legion Mohican Post #553 on June 5, 2009 and forwarded to the Town Board for review and consideration of the Findings and Determinations Statement. The Town Board found in favor of the Findings and Determinations Statement.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to sign the Findings and Determinations Statement for the American Legion Mohican Post #553 bingo license renewal and authorizing the renewal of their bingo license.

Roll call vote resulted as follows:

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

#### **STORM WATER MANAGEMENT PROGRAM SERVICES – GARRY ROBINSON**

Supervisor Jenkins stated that the Town must file the annual storm water management report. Garry Robinson has proposed to provide this service at a cost of \$1,200.00. It was due June 1<sup>st</sup>. Funds are available to do this in account DB8540.4.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to sign an agreement with Garry Robinson to prepare and file the Town's annual storm water management report at a cost not to exceed \$1,200.00 out of account DB8540.4.

Roll call vote resulted as follows:

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



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

Reed Antis asked the Town Board if they would be willing to ask the Glens Falls Postmaster to attend a workshop held by the Town Board to discuss his request for a zip code for the Town of Moreau.

Supervisor Jenkins stated he could ask the postmaster if he would attend or not.

Reed Antis asked Supervisor Jenkins if he could contact the postmaster within the next thirty days and Supervisor Jenkins replied yes.

### **PUBLIC WORKS MUTUAL AID AGREEMENT**

Supervisor Jenkins stated the Public Works Mutual Aid Agreement came out of FEMA. They suggested that Saratoga County adopt this agreement. If there was an emergency and we sent a highway crew to another location for a couple of days the cost could be eligible for reimbursement through FEMA. The Town Board would have to authorize the Supervisor to sign the agreement in order for the Town to participate in this mutual aid program.

Following brief discussion, a motion was made by Councilman Kusnierz and seconded by Councilman Cumm authorizing the Town Supervisor to sign the Public Works Mutual Aid Agreement and designating the Town Supervisor as the authorized representative for purposes of this agreement or his designee.

Roll call vote resulted as follows:

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

### **NEW YORK FIRE & SECURITY**

New York Fire & Security quoted the following prices for replacement of fire extinguishers:

Town Court	6 fire extinguishers	\$257.70
Town Hall	2 fire extinguishers	\$171.80
Town Highway Garage	6 fire extinguishers	\$203.70
	1 fire extinguisher	<u>\$ 42.95</u>
Grand Total		<u>\$676.15</u>

Following brief discussion, a motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing New York Fire & Security to replace fire extinguishers in the Town Court building, Town Hall, and Highway Garage at a cost not to exceed \$676.15.

Roll call vote resulted as follows:

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

### **HAZARDOUS WASTE DAY**

The Town of Wilton is hosting a "Hazardous Waste Day" at their Town Highway Garage at 22 Traver Road in Wilton on October 17, 2009 and the Town's of Moreau, Saratoga, Northumberland and Village of South

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Glens Falls can participate. The Town of Moreau participated with Wilton in this program in 2007 and the cost to the Town was about \$3,500.00. Supervisor Jenkins asked the Board Members if they wanted to participate again this year and the answer was yes. The registration forms will be available August 1<sup>st</sup>. The cost will be paid out of account A8160.4. It is a general fund expense since the Village of South Glens Falls is able to participate also.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Town of Moreau to participate with the Town of Wilton in a "Hazardous Waste Day" on October 17, 2009.

Roll call vote resulted as follows:

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

### **CORNERSTONE CREDIT**

Supervisor Jenkins reported that it has been determined that Cornerstone overcharged the Town for telephone service by \$1,465.16 and he asked for authorization to accept a credit from them.

Councilman Kusnierz asked what account the credit would be applied to and Supervisor Jenkins stated that the amount would be pro-rated and each department that has phone service would receive a credit.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the acceptance of this credit from Cornerstone in the amount of \$1,465.16.

Roll call vote resulted as follows:

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

### **COMMITTEE REPORTS**

Councilwoman LeClair reported on the progress she and Terry McGuire have made in putting together a newsletter for the Town of Moreau. She obtained pricing on mailing the newsletter as follows:

Mailings Made Easy	.26 per piece x 7,431	\$1,932.06
Moreau Community Center	.139 per piece x 7,431	\$1,032.91
	Plus 3,085 labels	\$ 61.00
	Plus 20 rolls of tape	\$ 18.09
	Total Cost	\$1,112.00
U.S. Post Office	.43 per piece x 7,431	\$3,195.33

She also obtained pricing to print 6,000 or 7,431 newsletters (2 sided – 11x17 – Z folded) as follows:

	<u>6,000</u>	<u>7,431</u>
G & S Printing	\$546.00	\$668.79
Glens Falls Printing	\$752.55	\$966.03

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Kingsbury Printing

\$422.94

\$520.17

There is a balance of \$2,350.00 in the publicity account A6410.4 for this.

The Moreau Community Center is willing to help us out with our first newsletter by letting us mail ours under their business permit with the postal service and their volunteers will prepare them for mailing.

Councilman Prendergast asked how we would handle future newsletters.

Councilwoman LeClair stated that it was her goal to mail the newsletter once and notify the public in the newsletter that future editions will be available at designated locations throughout the Town and on the Town's website.

Brigid Martin advised that the last newsletter that came from the Moreau Community Center was received after a lot of the events had already passed.

Councilwoman LeClair stated that the Moreau Community Center told her they could mail them out in July.

Supervisor Jenkins stated we are proposing a cost of about \$1,700.00 for the first mailing.

Councilman Prendergast said he supported this.

Shelley Englert asked what the content of the newsletter would be.

Councilwoman LeClair stated that each department head in the Town Offices would supply information about their departments. She would also like to recognize a business in our community and recognize a volunteer within our community and include events in the Village of South Glens Falls.

Shelley Englert stated that maybe the Village of South Glens Falls would chip in on the cost and Supervisor Jenkins replied that the Village of South Glens Falls Taxpayers already contribute to the Town's General Fund through taxes and this expense will be a general fund item so we can't ask them to contribute again.

Brigid Martin suggested contacting the Chamber of Commerce and see if they would be willing to chip in. She also suggested checking into the cost to insert the newsletters into the papers like the Penny Saver.

Councilman Kusnierz stated that the newsletter is an excellent idea. However, he is concerned over the tough economic times and to make it work the newsletter would have to be mailed out several times a year. He would prefer that we insert the newsletter into publications. The website has been updated and is more "user friendly" now so we could post it there. He suggested they look into these options. It would be more cost effective. He mentioned the Chronicle and inserting the newsletter in it.

Mary Meade said there would be many households that wouldn't pick up a copy of the Penny Saver or Chronicle.

Supervisor Jenkins stated that he thought we should do a mailing for the first time and let the public know that it will be available on the website in the future. There have been people at many meetings asking for a newsletter. The question is are they willing to pay for it.

Councilwoman LeClair asked the Board Members if they were willing to move forward with this project. She and Terry have spent a lot of time on this and they don't want to spend any more time on it if the Board doesn't want to move forward with it.

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Councilman Cumm stated he supported a newsletter. There is a question of what mode it should be made available in and we need to gather more information.

Councilman Prendergast said he was in support of it.

Councilwoman LeClair said she would check on the cost of inserts and at the next meeting the Town Board could decide what they want to do.

Councilwoman LeClair then asked for Steve Gram to report on the fields in the Rec. Park.

Steve Gram advised that Toadflax was hired to fertilize the fields and they sent a man over with a spreader like you would use at home for your yard to spread the fertilizer and now the fields are all striped.

Steve Gram was instructed by the Board to call Toadflax and tell them to come back and correct problem and that pictures should be taken of the field.

Councilwoman LeClair reported that the second inspection of the new concession stand was more positive than the first. It looks 100% better.

Steve Gram stated that \$4,600.00 was previously approved for electrical service to pavilion #4 in the Rec. Park. The Town ended up buying the materials for the job in the amount of \$2,500.00 so this amount is going to be deducted from the \$4,600.00.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to accept a reduction in the amount of \$2,600.00 from the motion which authorized Colvin Electric to purchase and install electric line to pavilion #4 at a price of over \$4,600.00 and deduct the \$2,600.00 from this cost subject to the owner's written agreement.

Roll call vote resulted as follows:

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

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins stated that the Town Clerk is having a problem with the new server and backup of data and he asked the Town Clerk to elaborate for the Board.

The Town Clerk advised that the new server is up and running. However, since the day of installation there has been nothing but problems with the backing up of two programs in her office, the Laser Fiche program from General Code and the BAS system from Business Automations. First of all the server came without a software program to back up the files. The Town's computer technician is trying to use the windows software to back up the files and claims it should work. He has been in on a regular basis trying to get the data from these two programs backed up on the server. He is able to do a manual back up, but not a scheduled back up automatically at night. The Town Clerk asked the Board what they wanted her to do. Did they want her to call in another technician or let him continue to work on the problem? He hasn't submitted a bill yet for his service and she didn't expect to get one since the problem hasn't been fixed.

Supervisor Jenkins said he would discuss this problem with the technician tomorrow.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the assessor to attend a seminar on appraising at Cornell University in Ithaca, New York, July 13<sup>th</sup> – 15<sup>th</sup> and for the expenses to be reimbursed by the State of New York.

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

Supervisor Jenkins mentioned the contract between the Town and Ed Robbins for dog control services and how his office has filed a form with the IRS along with supporting documentation outlining Ed Robbin's duties, title and copies of his contract. He suspects that the IRS will return an opinion that Ed Robbins is not considered an employee of the Town based on the form. If they were to say he was an employee then he would subject to withholding taxes for social security, disability, compensation, etc. If he is not considered an employee then he will have to pay for liability insurance. On another note, he receives a 1099 from the Village of South Glens Falls as animal control officer.

Supervisor Jenkins reported that there is a water customer in Water District No. 6 that has service to his building, but is not hooked up to the service. He has been billed a minimum since the district was formed. He believed it was part of the contract that he has to pay a minimum charge. The question has been raised whether or not he should pay the minimum fee if he isn't hooked to the water service. The Board agreed that he should pay a minimum bill.

Supervisor Jenkins stated that we have a problem at the Transfer Station whereby a person who we have had working there part-time doesn't want to work during the summer. He is also drawing unemployment when he is not working. We never replaced our seasonal person at the Rec. Park so the director is short help. Perhaps we should find a part-time person who is willing to work at both the Transfer Station and Recreation Park. The other question is do we want to advertise?

Councilman Kusnierz asked if it would be a full-time, seasonal position and the answer was part-time, seasonal, on-call.

Steve Gram stated there is a gentleman now collecting unemployment and Fran was going to send him a letter.

Councilman Cumm stated that the letter has been sent. He hasn't responded yet. If he responds positively then Steve Gram doesn't have an issue. If he responds negatively then we do have an issue.

Councilman Kusnierz corrected this statement saying the employee would have an issue.

Councilwoman LeClair stated that it was her understanding that he was contacted and he refuses work.

Councilman Kusnierz replied that he can't do that. It should go through a judicial review. If we have any employees who are collecting unemployment then we should contact them and tell them that we have employment right now.

Supervisor Jenkins stated that has been done.

Supervisor Jenkins said this gentleman only works on an as-needed basis primarily at the Transfer Station. The days he works, he reports properly.

Councilman Kusnierz said he would rather have a full-time, seasonal, employee rather than the Town pay unemployment.

Supervisor Jenkins said we can offer him full-time, seasonal, but he may deny it.

Councilman Kusnierz stated that we would have an opportunity then to get him off our employment.

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins asked if the Town Board wanted to offer this gentleman a full-time, seasonal position with the Transfer Station and Recreation Department. He would work in both departments as needed.

Councilman Prendergast said to offer him the position and if he says no then we “make the call”.

Councilman Cumm said the question with the Labor Department is what is a work week? If we have him working weekends is that part of his work week?

Steve Gram replied that he has worked weekends.

Councilman Kusnierz asked if we have a plan B.

It was the consensus of the Board that if they have to they will go through the 100 plus application received for the laborer position.

Councilman Kusnierz noted in the Planning Board Minutes regarding Thousand Oaks Subdivision the issue of medians came up again. He thought the Town Board had come to an agreement about how we feel about them. He didn't know if any correspondence had been transmitted to the Planning Board or not. The minutes reflect a question about medians and who was going to take care of them and the reply was that they were going to ask the Town.

Supervisor Jenkins said it is a code issue.

Councilman Kusnierz said that is only if there is only one point of egress in the subdivision.

Joe Patricke said this was correct and they only have one egress.

Councilman Kusnierz said it also requires that when they bring a proposal before the Planning Board they must specify who is going to take care of the median, according to Town Code. He stated that the Town Board should transmit a letter to the Planning Board indicating that it is our intention to have the developer be responsible for the median.

Supervisor Jenkins asked if this conflicts with the code.

Councilman Kusnierz said no. The code only specifies that medians have to be there. We have the option of whether or not we are going to maintain them.

Joe Patricke stated that this would apply to all cul-de-sacs in the Town too.

Councilman Kusnierz said he was talking about going forward not those already approved.

Joe Patricke stated we have two applications before the Planning Board now.

Councilman Kusnierz said they haven't been approved yet and Joe Patricke said this was correct.

Councilman Kusnierz stated that brings him to tonight's events whereby we can change the direction we are going in.

Supervisor Jenkins stated he would draft a letter to the Planning Board if that was the Board's intent.

Councilman Kusnierz asked Supervisor Jenkins to do that.

Councilman Prendergast stated he would support that.

Supervisor Jenkins stated it would affect all cul-de-sacs in the future.

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Joe Patricke asked what they were going to do about cul-de-sacs in the future.

Attorney Auffredou told Joe Patricke that what the Town Board was saying was that as far as anything before the Planning Board in the future the Town Board wants to express its intent that the Town Board doesn't want to own those.

Joe Patricke asked how the Town could not own them. What about snow removal?

Supervisor Jenkins stated that we are saying that we don't want to maintain them.

Councilman Kusnierz said there is a median in the industrial park and we can't seem to maintain that one. How are we going to maintain others?

Councilwoman LeClair asked if we could require pavement in the middle of a cul-de-sac and Joe Patricke replied yes.

Councilwoman LeClair said if we say we aren't going to maintain them and there is grass in the middle and nobody maintains it then we are going to be stuck with it anyway

Councilman Cumm said both sides of the Town's highways are being mowed now anyway.

Councilman Kusnierz said the taxpayers of the Town of Moreau shouldn't foot the bill for a project a developer puts forth and makes money on.

Attorney Auffredou thought the answer was a code change.

Councilman Kusnierz stated there are two projects before the Planning Board now and we should change it now for these two projects without changing the code. The code doesn't say we have to maintain them.

Supervisor Jenkins stated that when the Town takes over a road it becomes our responsibility. If a developer doesn't maintain it then who does?

Councilman Kusnierz said we would, but that doesn't mean we should jump right in and take care of it from day one when we can express our position and policy as a Town Board to the Planning Board.

Attorney Auffredou said the Town Board could express its intent that you aren't going to maintain them, but ultimately the responsibility may come back to the Board.

Councilman Kusnierz said we should express that we are not going to be responsible not that we aren't going to maintain them.

Supervisor Jenkins suggested that he get together with Attorney Auffredou and draft some language to forward to the Planning Board.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn to executive session at 9:32 p.m. to discuss litigation involving Fitzgerald Bros., land negotiations and the employment history/performance of a particular unnamed employee.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on June 23, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 10:02 p.m.

Roll call vote resulted as follows:

Councilman Cumm	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 Kusnierz and seconded by Councilman Prendergast to adjourn the meeting at 10:03 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk