

A regular meeting of the Town Board of the Town of Moreau was held on June 9, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:00p.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
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman (arrived at 8:05 p.m.)
Preston Jenkins	Supervisor

Town Board Members Absent:

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Steve Barody, Highway Superintendent; Joe Patricke, Building Inspector arrived at 7:58 p.m.; Martin D. Auffredou, Attorney for the Town arrived at 7:40 p.m.; Town Residents, Reed & Mary Antis, Brigid Martin, Mike Woodell and Town Resident Adele Kurtz who arrived at 7:35 p.m.

Supervisor Jenkins led the Pledge of Allegiance.

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 26th and May 28th

MINUTES – MAY 26, 2009 – REGULAR TOWN BOARD MEETING

Corrections:

Page 271 – Fifth Paragraph – “Icing Machine” should read “Icie Machine”

Page 271 – Last Paragraph – First sentence – Clarification: We aren’t hauling away the newly ground material, we are hauling away the existing composted material.

Page 277 – Under Heading “Newsletter” – Next to the last line – “Moreau Community” should read “Moreau Community Center”

MINUTES – MAY 28, 2009 – MONTH-END TOWN BOARD MEETING

Corrections:

Page 282 – The motion regarding Curtis Lumber invoice should read as follows: “A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the payment of the balance of the approved amount of \$1,535.00 towards the Curtis Lumber invoice and the balance will be the responsibility of Girl’s Softball.”

Page 283 – First Paragraph – “A.T. & T.” should read “Cornerstone”

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of May 26th and May 28th with corrections so noted.

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Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED

The Town Board's Month-End Meeting was scheduled for June 25th at 4:30 p.m.

A workshop of the Town Board was scheduled for June 25th at 5:15 p.m. to discuss Transfer Station issues.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked what the status was of the Recreation Commission Minutes and if they have been filed.

Mr. Antis was told that there is a new secretary and the minutes were filed within three days of the meeting.

The Town Board had asked the Recreation Commission to prepare a summary of all previous meetings and this hasn't been done. Supervisor Jenkins asked the Town Clerk to notify the Recreation Commission again with this request.

Mr. Antis asked about Moreau getting its own zip code and asked how they should proceed on this. He thought that Councilwoman LeClair was going to contact Malta and find out who the person was that started the process of them getting their own zip code and how they went about it.

Mr. Antis asked about the abolition of reference to the Fernwood area.

Supervisor Jenkins stated he would put it on the agenda for the June 23rd meeting.

HIGHWAY DEPARTMENT REQUESTS:

The Highway Superintendent submitted a purchase request to the Town Board of his intent to purchase asphalt concrete under Saratoga County Contract 09-PWAC-3R. There are funds allocated in the amount of \$260,000.00 in DB5112.4923.4. He was requesting to expend the full allocation of \$260,000.00.

Steve Barody explained that the asphalt was going to be used in the reconstruction of Reservoir Road and Redmond Road. He expected there would be about \$6,000.00 left out of the \$260,000.00 after these two projects.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the allocation of funds in the amount not to exceed \$260,000.00 out of account DB5112.493.4 for paving of Reservoir Road from Burt Road to Fort Edward Road and all of Redmond Road.

Roll call vote resulted as follows:

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

[Amended 6/23/09 jf]

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Quotes were received from the Highway Department for painting of the highway garage as follows:

Northeast Painting	\$9,400.00 (One Coat)	
R.D. T.'s Paint Specialist, Inc.	\$7,800.00 (One Coat)	
Custom Craft Painting	\$7,928.00 (Two Coats)	\$6,228.00 (One Coat)
Jon Simmes	\$4,200.00 \$3,875.00 (One Coat)	Plus \$325.00 for insulation for a total of \$4,200.00 [Amended 6/23/09 jf]

This would be paid out of A5132.472 that has a balance of \$22,458.89.

Councilman Cumm stated that Custom Craft is priming the whole building and the other two are only proposing to spot prime the building. They all proposed to take care of the foam insulation.

Councilman Cumm said the problem with Jon Simmes was that he wouldn't return his calls three times and he didn't provide references when the rest did.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to contract with Custom Craft Painting at a cost not to exceed \$6,228.00 to paint the highway garage.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

The Recreation Director submitted quotes for the installation of 200 amp underground electrical service from an existing Niagara Mohawk utility pole #6-6 to pavilion #4 in the Rec. Park. Quotes were as follows:

Colvin Electric	\$ 4,687.13
Brownell Electric Corp.	\$12,395.00
Gross Electric	\$ 6,400.00

Town employees buried the cable.

Councilwoman LeClair stated that at a meeting of the Recreation Commission it was discussed about the need for bathrooms and a concession stand for the Little League Field and Fields 1, 2 and 3. It was recommended that when this electrical service was being put in we have them lay a wire in the ground to this area so when the day comes and electrical is needed in that area the wire will already be there.

Supervisor Jenkins stated that this wouldn't be part of this contract and Councilwoman LeClair replied, no, but she would like to see it done at the same time.

Steve Gram said he would take care of it.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the proposal from Colvin Electric in the amount not to exceed \$4,687.13 for a 200 amp underground electrical service from an existing Niagara Mohawk utility pole #6-6 to pavilion #4 in the Rec. Park.

Roll call vote resulted as follows:

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

Councilwoman LeClair reported that there are several areas in the Rec. Park where there are plantings that are becoming overgrown and crowded and some of them need to be cleared out. If some are cleared out of each area then some of the plantings will stand a chance to grow. She stated that she would put this information in Councilman Kusnierz's mailbox.

TOBACCO FREE RECREATION PARK AND BEACH

Supervisor Jenkins read a resolution that if adopted would prohibit the use of tobacco including cigarettes in the Harry J. Betar Jr. Recreational Park and the Town Beach.

A brief discussion followed on this resolution and Councilman Cumm asked if there would be any areas of the park or beach where tobacco use would be allowed and Supervisor Jenkins replied no. Councilwoman LeClair at first thought the public should have a chance to comment on this before it was adopted. Supervisor Jenkins was of the opinion that it is a policy that would protect the health of those who use our facilities. It isn't good to have someone smoking in close proximity to children who are playing in the area. Where there is tobacco use there are cigarette butts all around on the ground.

Steve Gram was in agreement with the ban.

Supervisor Jenkins stated that it is not a law rather a policy and doesn't require a public hearing.

Councilman Cumm noted that Gavin Park has a similar policy.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair adopting the following resolution:

WHEREAS, the Town of Moreau ("Town") owns and operates the Harry J. Betar, Jr. Recreational Park in the Town; and

WHEREAS, the Town, by virtue of an agreement with the Village of South Glens Falls, occupies the Sand Bar Beach ("Town Beach") and makes the Town Beach available for recreational use by the public; and

WHEREAS, the Town has exclusive operation and maintenance rights to the Town Beach; and

WHEREAS, the Town of Moreau Town Board ("Town Board") believes that tobacco use including cigarette use in the proximity of children and adults engaging in or watching outdoor recreational activities at the Harry J. Betar, Jr. Recreational Park and Town Beach is detrimental to their health and can be offensive to those using such recreational facilities; and

WHEREAS, the Town Board desires to create and sustain an environment that supports a no-tobacco use standard through a tobacco-free policy at the Harry J. Betar, Jr. Recreational Park and Town Beach; and

WHEREAS, cigarettes and chew products, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the aforementioned recreational facilities and pose a risk to toddlers due to ingestion; and

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WHEREAS, the Town Board has determined that the prohibition of tobacco use at the Harry J. Betar, Jr. Recreational Park and Town Beach serves to protect the health, safety and welfare of the citizens of Moreau.

NOW, THEREFORE BE IT RESOLVED, by the Town Board, that the following tobacco-free policy for the Harry J. Betar, Jr. Recreational Park and Town Beach is adopted.

SECTION 1: TOBACCO USE PROHIBITED AT THE HARRY J. BETAR JR. RECREATIONAL PARK AND TOWN BEACH.

The Harry J. Betar, Jr. Recreational Park and the Town Beach are hereby designated as non-smoking properties. No person shall use any form of tobacco at the Harry J. Betar, Jr. Recreational Park and the Town Beach including any structures located in these recreational facilities.

SECTION 2: NOTIFICATION.

Appropriate signs shall be posted in the above specified areas.

The community, including facility users and Town staff, will be notified of this policy.

SECTION 3: COMPLIANCE.

All individuals are expected to comply with this policy.

SECTION 4: EFFECTIVE DATE.

This policy statement is effective immediately upon the date of adoption.

Roll call vote resulted as follows:

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

TREE REMOVAL – REYNOLDS CEMETERY

There is a very large tree in Reynolds Cemetery that is in danger of falling and if it does it would take out several headstones and it needs to be cut down. High Peaks Tree Service has a contract with the Town for removal of trees and stumps in town right-of-ways and they quoted \$500.00 to remove it.

Councilwoman LeClair suggested they call Richard Sears Tree Experts for a quote and Councilman Cumm added in that they should also call Adirondack Tree Surgeons and Hunts Tree Care for quotes.

Supervisor Jenkins stated that if the quote was \$499.00 he wouldn't have to get additional quotes. He suggested that they authorize this as an addendum to the contract with High Peaks.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing and addendum to the contract between High Peaks Tree Service and the Town of Moreau to remove this tree from Reynolds Cemetery at a cost not to exceed \$500.00.

Roll call vote resulted as follows:

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

EAGLE SCOUT PROCLAMATION

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair adopting the following proclamation:

WHEREAS, David Cass of Boy Scout Troop 9 has met all the qualifications set forth by the Boy Scouts of America to receive the distinction of Eagle Scout, the highest advancement rank in scouting, and

WHEREAS, the Eagle Scout Ranking is a performance-based achievement in which a Boy Scout must fulfill requirements and demonstrate proficiency in leadership, service and outdoor skills, advance through the ranks and earn 21 merit badges, and

WHEREAS, as part of his merit badge program and progression to the rank of Eagle Scout, David constructed and erected two signs for the Harry J. Betar Jr. Recreational Park outlining the locations of the athletic fields, concession stands, pavilions and all the amenities of the park, and

WHEREAS, these signs are a very useful aid to help guide visitors through our recreational park and the Town of Moreau greatly appreciates the fact that David chose a project that enhances our park and benefits anyone who uses our park, and

NOW, THEREFORE, BE IT RESOLVED, that in recognition of his achievements David was bestowed with the title of Eagle Scout on April 19, 2009 at the Moreau Community Center in South Glens Falls, New York, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau extends their heartiest congratulations to David for achieving his goal of Eagle Scout.

Roll call vote resulted as follows:

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

RESIGNATION – RON CAULIN – PLANNING BOARD MEMBER

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the resignation of Ron Caulin from the position of Planning Board Member.

Roll call vote resulted as follows:

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

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PLANNING BOARD APPOINTMENTS

Councilman Cumm stated that there are two openings now on the Planning Board. There are two candidates Keith Osborne and Erik Bergman. At the last meeting he and Councilman Prendergast said they couldn't make up their minds about which candidate to appoint and it was suggested that they both be interviewed again. Now that there are two openings he contacted Councilman Prendergast this morning and Councilman Prendergast is full heartedly in support of appointing both of them to the Planning Board.

Councilman Cumm made a motion to appoint Keith Osborne and Erik Bergman as members of the Planning Board. Councilwoman LeClair seconded the motion.

Supervisor Jenkins asked if anyone wished to be heard.

Adele Kurtz asked the Board if they interviewed the candidates at 6:30 p.m.

Councilwoman LeClair stated that they were going to hold interviews when we were going to pick one out of the two. When we discussed the two Councilman Cumm and Councilman Prendergast both talked about what excellent candidates both applicants were and what a difficult decision it was. We only have two applications and it is the recommendation of the Personnel Committee to appoint the two applicants and she was comfortable going with their recommendation. We chose not to interview again, because there are two openings now not one.

Adele Kurtz thought that re-advertising for the second position would be wise. You never know when people's circumstances may have changed and they may want the position now.

Supervisor Jenkins stated they contacted all members of the council and three of the four decided they wanted to go with the recommendation of the Personnel Committee so they canceled the interviews for 6:30 p.m. based on this.

Adele Kurtz asked who the three council members were.

Councilman Cumm stated that Councilman Kusnierz was the only one who wanted to interview them separately and all the rest of the board members thought both candidates were very well qualified and that they were very suitable for the Planning Board.

Adele Kurtz asked if it was the Board's policy to let the Personnel Committee make the final decision.

Supervisor Jenkins replied no, the Town Board was going to make the final decision tonight.

Adele Kurtz requested that the Board advertise for this new opening.

Councilman Cumm replied that the original position was advertised in the paper and was open for quite some time and we only got two applications. It was his feeling that we have two very well qualified candidates. One is an engineer and the other a planner for Town of Queensbury.

Adele Kurtz stated she wasn't questioning their qualifications. At the last meeting it was mentioned that whoever wasn't appointed would be offered the Zoning Board position. In light of that she stated that as the Board was aware she put in her application for the Zoning Board and if she isn't being considered for the Zoning Board then she would like to be considered for the Planning Board.

Supervisor Jenkins advised Ms. Kurtz that they haven't interviewed for the Zoning Board position yet.

Councilman Cumm advised Ms. Kurtz that she was still being considered for the Zoning Board.

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Supervisor Jenkins asked for a roll call vote on the appointments.

Roll call vote resulted as follows:

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

Supervisor Jenkins thanked Adele Kurtz for her comments.

RESIGNATION OF RUDY KLINK AND MARIA JENNINGS – WATER METER READERS

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to accept the resignations from Rudy Klick and Maria Jennings from the position of Water Meter Reader.

Roll call vote resulted as follows:

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

LIQUOR LICENSE RENEWAL APPLICATION – HUMBUGGS

The Town Clerk received on June 2, 2009 by certified mail return receipt requested a liquor license renewal application from Keith Champagne D/B/A Humbuggs Food & Spirits to sell alcoholic beverages at Humbuggs located at 569 Gansevoort Road in the Town of Moreau.

Article 5, Section 64-2(a) of the Liquor Law allows the Town Board an opportunity to express their opinion for or against the granting of this license by the State Liquor Authority and such opinion will be deemed part of the record.

No complaints have been filed with the Town against this establishment.

The Town Board did not voice any objections to the State Liquor Authority issuing a renewal.

The Town Clerk will notify the State Liquor Authority to this effect.

FUN DAYS DISCUSSION

Councilwoman LeClair stated she wasn't sure why this was on the agenda, but was willing to give an update on the event.

Some of the activities planned for Moreau Fun Days are:

Friday Night Car Hop hosted by the Adirondack Car Enthusiasts. They normally do two charitable events per year where they don't charge. They will cruise in with 65 classic hot rods. They hope for donations for the Adopt a Soldier Program through the Moreau Community Center.

Horse and wagon rides, Bounce House and more vendors are planned than last year for Saturday.

There is a meeting next week to further plan for Moreau Fun Days. A letter will be mailed to small businesses asking for donations of items for a basket that will be raffled off and the money will go toward

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Fun Day expenses. Larger businesses will also be approached for donations or sponsor the Bounce House for instance.

Adele Kurtz asked if money was budgeted for fireworks.

Supervisor Jenkins stated that there are funds in the budget to cover the event, but the goal is not to spend any of it for Moreau Fun Days.

Adele Kurtz asked if vendors have to pay a fee.

Councilwoman LeClair stated that craft style vendors will have to pay \$40.00 per booth, but they won't charge for non-profits such as, Rotary, churches, Girl Scouts. They do ask that there be no duplication of food. It is first come first serve to sign up for types of foods served.

Home Depot is going to be there and provide a wood crafting class for children. Children's museum awareness is going to be set up there and there will be a veteran's and military recognition.

NEWSLETTER UPDATE

Councilwoman LeClair reported that she and Terry McGuire met with Gloria at the Moreau Community Center who works on the newsletter for the community center and gathered some information and tips from her on how to put a newsletter together and mailing information. They should have a quote on the cost for a newsletter and mailing by the next meeting of the Town Board.

15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz asked if Councilman Cumm and Councilman Prendergast had met with candidates for the position of Zoning Board Member.

Councilman Cumm replied no. There are six candidates and they have to narrow the list down.

Adele Kurtz asked what the time line was and Councilman Cumm said there isn't one. Councilman Prendergast is working crazy hours right now.

Supervisor Jenkins commented on what Ms. Kurtz said earlier. He suspected that the six candidates would be interviewed and at that point if the Town Board wants to go beyond that they could. We had two very well qualified people interested in the Planning Board and they were interviewed and we went with them.

Adele Kurtz stated that Ron Caulin's resignation was just accepted about two minutes before the appointments were made. She would have liked to see the position advertised again.

Supervisor Jenkins stated the resignation was received about two weeks ago.

Steve Gram reported that on Thursday, August 6th, the movie "The Last of the Mohicans" will be shown at the village gazebo as part of the Quadri-Centennial.

Supervisor Jenkins stated the Town and Village each received a \$250.00 grant from Saratoga County and the Village is using their money to put the movie on with popcorn offered. We are applying for another \$750.00 grant towards our project and we are still trying to determine the sequence and some historical events.

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COMMITTEE REPORTS

Councilman Cumm reported that the compactor needs routine maintenance. ARTRAN is willing to service the compactor for under \$300.00.

Supervisor Jenkins stated that it is under \$500.00 so Board approval isn't needed.

No objections were raised to having the compactor maintained.

Councilman Cumm reported he and Councilman Prendergast and Steve Gram were all in agreement to interview Jeremy Tripp and John Hoey for the position of laborer for the Recreation Department. He asked the Town Clerk to schedule interviews for 6/23/09 at 6:30 p.m. in Town Hall.

Councilman Cumm reported that he reviewed the minutes and didn't find where the Board authorized A&B Mulch to grind the brush at the Transfer Station. He stated that there was discussion on what fund it would be paid out of and it has been determined that it would be the general fund.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing A&B Mulch to grind the brush at the Transfer Station.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to sign an agreement with A&B Mulch.

Roll call vote resulted as follows:

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

Councilwoman LeClair reported on the website. Terry McGuire's computer isn't operating properly so she is unable to update the website at the present time.

Councilwoman LeClair read off a list of items as follows that needed to be changed or added to the website and what has been done about these:

- Town Clerk and Tax Collector page – Info to be added – Done
- Misspelled word on Assessor's page – Corrected
- Saratoga County Website Link not working – It is now
- Legal Notices Page – Added
- Capability of forms being filled out on-line like the forms that are on the Assessor's Page – The forms on the Assessor's page are forms from the State and for us to provide this service it would cost hundreds of dollars.
- Zoning Board of Appeals Photos – Councilwoman LeClair has to take the photos
- Planning Board Minutes – Terry has to load the minutes onto the website and it takes time for her to convert them to pdf. This will be done.

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Councilman Cumm asked if the Recreation Commission Minutes were going to be added to the website and the answer was yes.

Adele Kurtz gave an update on the Re-Zoning Committee. The final meeting of the Re-Zoning Committee will be June 17th at 6:30 p.m. There have been quite a few proposed changes to the Zoning Law. They were accepting written changes or suggestions from committee members and they had to be in by the close of business yesterday. They are attempting to get a revised draft out to the committee this week.

Steve Gram reported on the last Recreation Commission Meeting. They discussed use of the subdivision rec. fees. They recommended the purchase of land. They also suggested that a concession stand for the Little League field be built and blacktop for around the quad.

Supervisor Jenkins said it appears they are on the same wave length of the Board. The land purchase is in negotiations. They will have to look into the cost of paving and if the highway department can help with this. As for the bathrooms and concession stand we would need a design and cost. The other question would be on the west side of the park the parking lot and if we are going to expand that and if so there is some drainage that we would need advice on. We should have funds to pave the handicapped area and the areas where stone exists.

[Councilman Kusnierz arrived at 8:05 p.m.]

Councilwoman LeClair stated that they talked about bathrooms between the soccer field and little league field. She also stated that Steve Gram should not be the general contractor on the job and Keith Kreppein offered to be general contractor.

Councilman Cumm stated they were trying to put the finishing touches on the Outdoor Wood Burning Furnace Law and he asked Adele Kurtz if she got any information to Joe Patricke and she replied no. He said that she was talking about putting some stuff together for that and he asked her if she planned on doing that. She replied yes, but she has been busy working on the Re-Zoning Committee. She thought it would be helpful to have a strike through and highlighting in the document so they know what has been stricken and what has been added. She stated that if they wanted to move ahead on it without her comments that would be fine. It was just that she was the only one there at the workshop. Joe Patricke didn't attend and legal counsel wasn't there so she took notes. If somebody wants to take them from the minutes that was fine. Councilman Cumm stated that we are moving along with the moratorium so we need to get something done.

Councilman Kusnierz asked what information we have to give to Joe.

Joe Patricke said she doesn't have to do anything. She was at the workshop and he wasn't and she offered to share her notes.

Adele Kurtz stated she should be able to get the information to Joe by next Wednesday.

Supervisor Jenkins stated that at the June 23rd meeting they should be able to schedule a workshop or public hearing.

SUPERVISOR'S ITEMS

Supervisor Jenkins stated that Terry McGuire is having problems with her computer and it ruined the Microsoft Front Page program that she uses to update the website. The computer purchased recently for Fran Thibodeau cost a little over \$700.00. He asked if the Board wanted to approve an amount up to \$800.00 for a new computer for Terry.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of a computer for the Supervisor's Office for Terry McGuire to use at a cost not to exceed \$800.00.

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Councilman Kusnierz asked how they were going to pay for this.

Supervisor Jenkins stated there is \$1,100.00 in A1220.2 (Supervisor's equipment account).

Roll call vote resulted as follows:

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

Attorney Auffredou stated that he and Joe Patricke needed to discuss the Pilot Travel Center with the Board. He said that as the Board is aware, Pilot has been before the Planning Board and at the last meeting the Planning Board asked Joe to contact Mr. Peter Faith a Traffic Engineering Consultant with TVGA to assist the Planning Board with their review of this project. TVGA submitted a proposal in the amount not to exceed \$9,500.00. The Planning Board has a scoping session coming up Monday, June 15th and it is important to get Peter Faith and TVGA on board so they can attend the Planning Board Meeting on June 15th. It would be paid out of Trust & Agency. He reviewed the proposal and he advised Joe Patricke that we should do a standard form contract with TVGA and have the Supervisor sign it. He apologized for not asking for this to be on the agenda. However, he was asking the Town Board to authorize the Supervisor to enter into an agreement with TVGA to assist the Planning Board with the engineering review of the Pilot Travel Center Project for a fee not to exceed \$9,500.00 with TVGA being paid out of Trust & Agency. This means that Pilot will put the funds up for these fees.

Councilman Kusnierz said that Attorney Auffredou doesn't need to apologize. It isn't his role to bring this to the Board.

Attorney Auffredou stated he felt he did, because he should have let the Supervisor's office know that he was going to be talking about this.

Councilman Kusneirz asked if we have anything in writing from the Planning Board that requests that the Town Board seek this out.

Attorney Auffredou said he didn't know how it works procedurally. He believed it was in the minutes that they wanted Joe to contact Peter Faith. It was his understanding of the law that the Planning Board Chair can enter into contracts on behalf of the Board.

Councilman Kusnierz said he was aware of the law, but was there a formal request?

Attorney Auffredou didn't think so. The Planning Board asked Joe to contact Mr. Faith. Mr. Faith submitted a proposal and that proposal was forwarded to him. He advised Joe based upon the proposal that we ought to have a contract between the Supervisor on behalf of the Town and TVGA.

Councilman Kusnierz thought that we usually seek out several quotes for professional services.

Attorney Auffredou replied yes, but this will be paid out of Trust & Agency and we have a track record with Mr. Faith.

Councilman Kusnierz thought it was unfair to the person who puts funds in Trust & Agency if we just sign a contract without seeking other proposals.

Attorney Auffredou said it may be, but his experience in representing developers in other Towns is that the Towns don't get proposals they go with whoever they want to go with and the developer has to pay.

Supervisor Jenkins stated isn't it a Planning Board decision anyway?

A regular meeting of the Town Board of the Town of Moreau was held on June 9, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Attorney Auffredou said technically under the law the Planning Board can bind the Town Board to whatever they want to bind the Town Board to, but he didn't want to get into that.

Councilman Cumm stated that he didn't believe that Pilot would object to this since their time line would be disrupted and they would have to wait longer to get this taken care of.

Attorney Auffredou said it was a fair statement that Councilman Kusnierz made, but everybody would like to get going on this June 15th and have the traffic engineer there to assist and identify the scope of the study. If we wait it will be July until we can have a scoping session.

Councilman Kusnierz said he has a serious problem being asked to spend just under \$10,000.00 whether it is taxpayer dollars or funds coming out of Trust & Agency when there isn't any dialogue between the Planning Board and Town Board other than the info placed in this box the first of June.

A motion was made by Councilman Cumm to engage the services of TVGA for a traffic study to be paid out of Trust & Agency for the Pilot Travel Center Project not to exceed \$9,500.00.

Joe Patricke stated it isn't a traffic study. They are going to review what their consultant is proposing.

Councilman Kusnierz asked why we wouldn't expend funds to have our own study done independently rather than have somebody review a study done on behalf of a client.

Attorney Auffredou said the Planning Board has the discretion to do that, but they aren't there yet. What they have traditionally done is hire a consultant to review the applicant's. If the Planning Board decides they want their own traffic study done they can commission that work to be done.

Councilman Kusnierz said if we move ahead with this we could also ask for an additional independent study to be done on behalf of the Town to be paid for out of the Trust & Agency Fund.

Attorney Auffredou said that would be up to the Planning Board to decide if they want that done or not.

Councilman Kusnierz said to expend funds it would need Town Board approval.

Attorney Auffredou said understood, but that is a foggy issue as to what the Planning Board can do and what the Town Board can do.

Supervisor Jenkins asked if the group doing the traffic study will be discussing with NYS DOT the planned projects for next year as part of the traffic study.

Joe Patricke replied yes. That is what the scoping session will be about. They are outlining what they want the applicant's traffic study to include.

Supervisor Jenkins stated he spoke with a NYS DOT representative about whether or not they would accept a traffic light at Pilot across from Valero and they indicated that they would wait for the outcome of the traffic study.

Councilman Kusnierz said a matter that will have a significant impact on the Route 9 corridor should have an independent traffic study done by the Town and paid by the Town that we would bill back to the Trust & Agency.

Councilwoman LeClair seconded the motion.

A regular meeting of the Town Board of the Town of Moreau was held on June 9, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilwoman LeClair recalled attending a county program meeting and discussion about county money that may be available for a traffic study. If an applicant pays for a study and the Town isn't comfortable with that study or wanted something done additionally there could be county funds available.

Joe Patricke didn't recall this and didn't think the county would pay for something like that.

Councilman Kusnierz asked which Trust & Agency account this would be paid from and how much money is going in.

Joe Patricke stated that an account isn't set up yet. We needed to know the amount before we could tell them how much to put up. They are aware of this proposal and they are willing to forward the money as soon as they are given the amount and the Board approves it.

Councilman Kusnierz asked if the Town could be on the hook for this expense if the applicant doesn't want to pay for it.

Attorney Auffredou said potentially yes, but the money is always in the account before we move forward with it.

Joe Patricke stated we will have the money prior to the signing of a contract.

Councilman Kusnierz asked why we wouldn't follow typical procedure and be sure the money is in the fund.

Attorney Auffredou replied, because the Supervisor isn't going to sign the contract until the funds are in the account.

Roll call vote on the motion and second resulted as follows:

Councilman Cumm	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman Prendergast	Absent
Supervisor Jenkins	Yes

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 8:25 p.m. to discuss an Article 7 involving Brookfield Power, real estate negotiation with an unnamed party and the employment history/performance of a particular unnamed employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 9:02 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
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A regular meeting of the Town Board of the Town of Moreau was held on June 9, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

No action was taken in or as the result of the executive session.

A motion was made by Councilwoman Leclair and seconded by Councilman Cumm to adjourn the regular meeting at 9:08 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk