

A regular meeting of the Town Board of the Town of Moreau was held on April 27, 2010 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
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman (arrived at 7:35 p.m.)
Preston Jenkins	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Nancy Ryan, Transfer Station Clerk; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Joe Patricke, Building Inspector and Code Enforcement Officer (arrived at 7:35 p.m.); Martin D. Auffredou, Attorney for the Town; Nick Reisman, Post Star Reporter; Town of Moreau Residents: John Blanchard, Matt Manning, Vince Sporrer, Reed Antis, Rustin and Niki Baker, Huguette Delvaux, Gordon Hadsell, Ed Loftus, Elizabeth Lanfear, Adele Kurtz, Ed Tracy (arrived at 7:42 p.m.), John Telisky (arrived at 7:45 pm.); Village of South Glens Falls Residents: Harry G. Gutheil, Jr., Amy Tracy, Garth Baker; and Michael Fogel, Attorney from the Law Firm of Gilberti, Stinziano, Heintz & Smith, P.C. representing Cranesville Aggregate; Glen Delk from Hudson Falls; Dave Barnett, representing GAR Associates

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked that everyone turn off or put on vibrate all electronic devices.

MINUTES

The following minutes were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval:

April 13, 2010 (2 Sets)

MINUTES – APRIL 13, 2010 – PUBLIC HEARING – LOCAL LAW NO. 2 OF 2010 – MINING

No comments or corrections.

MINUTES – APRIL 13, 2010 – REGULAR TOWN BOARD MEETING

Correction:

Page 220 – 4th paragraph – 1st line – delete the word “one” and add the words “a cell phone”

Page 220 – 4th paragraph - last line – delete the word “them” and add the words “our radios”

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve both sets of minutes from April 13th as corrected.

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Roll call vote resulted as follows:

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

MEETINGS/WORKSHOPS SCHEDULED

None

15 MINUTE PUBLIC COMMENT PERIOD

John Blanchard of 61 Potter Road stated that he did some research on-line and a person cannot call for any ambulance service they want by calling 911. He asked the Board Members what they intended to do if a contract with Moreau Emergency Squad was not signed.

Supervisor Jenkins stated that at the last meeting that Mr. Blanchard attended the Board Members said they would send out RFP's if they couldn't reach an agreement.

Mr. Blanchard stated that the Town would need to apply for a Certificate of Need (CON) if they wanted to go with another ambulance service. He asked why the Board Members approached agencies down south rather than Queensbury or Fort Edward. He found that there are two different regions REMO and Mountain Lake and each one has significantly different requirements. He asked if the Town is really ready to let go of Moreau when they got top honors from REMO.

Supervisor Jenkins stated that wasn't their "purpose". Their purpose is to account for the funds that they give to the organization.

Mr. Blanchard asked why this wasn't brought up two years ago if it was such a big deal.

Supervisor Jenkins said the Board Members have been trying to get information for the past year. A year ago February a citizen came forward and gave the Board information and the Board Members thought they should look into it.

Mr. Blanchard stated they were rumors and they needed facts to move on it.

Supervisor Jenkins replied that they were trying to get the facts from the Moreau Emergency Squad .

Mr. Blanchard stated that if someone comes to the Board with fact then the Board should look into it, but if it is a rumor then they shouldn't look into it since it would be at taxpayer expense.

Supervisor Jenkins replied that their responsibility was the accountability of funds.

Mr. Blanchard stated this was a witch hunt.

Councilman Cumm said that was Mr. Blanchard's opinion and the Board's opinion was different.

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Councilman Cumm stated that Mr. Blanchard asked what would happen if we lost services with Moreau Emergency Squad and what would happen is that the County would step in and find an ambulance service to serve the Town temporarily.

Mr. Blanchard stated again that the Town would have to apply for a Certificate of Need for Empire to service the Town of Moreau.

Councilman Cumm stated that Mohawk Ambulance has a Certificate of Need.

Mr. Blanchard asked Councilman Cumm if he really thought that Mohawk would come up to the Town of Moreau.

Councilman Cumm said they don't know that, they haven't explored it yet.

Niki Baker from 220 Redmond Road and former Councilwoman stated that she sat on the Board when they set up the advanced life support for Moreau Emergency Squad. Currently there are two organizations that hold a CON for the Town of Moreau and they are the Moreau Emergency Squad and Mohawk. She spoke with Mohawk today and the last time they did an RFP was last summer for Saratoga and the cost was \$500,000.00 for one ambulance. They don't have a sub-station anywhere near the Town of Moreau. Moreau Emergency Squad has three ambulances, two fly cars and full-time paramedics. The Town would have to apply for a CON if they went with another service and she asked if they were thinking of doing that.

Councilwoman LeClair replied that they didn't want to have to do that.

Niki Baker asked the Board Members if they understood that if they did go that route then every taxpayer in the Town of Moreau would be liable for patient care, according to information she got from the DOH.

Councilwoman LeClair stated that she and Attorney Auffredou spoke with Dana Jonas with DOH back in November and he was adamant that the Town should continue to pursue the avenue we have and that is obtaining information on funds and he was very persistent that we continue to pursue the squad for full accountability of the funds.

Councilwoman LeClair asked Attorney Auffredou if she recalled correctly in that when this was set up we obtained an opinion from the State Comptroller and that the Comptroller can give opinion, but he can't "make law".

Attorney Auffredou asked if the opinion was in regards to the third party billing and Councilwoman LeClair replied yes and Attorney Auffredou concurred that we did get an opinion from the Comptroller.

Niki Baker stated that the Town Board at the time was very conservative and so they went with the idea that we would run the third party billing through the Town.

Attorney Auffredou said those funds were clearly property of the Town, but we felt the less expensive way to do it for the Town and the squad was the way it was set up.

Niki Baker recalled at the time that Attorney Auffredou said that we needed to make sure everybody was clear that Moreau EMS was not an arm of the Town, didn't represent the Town and in the contract we made sure it was clear that they were a private not-for-profit inc. separate from the Town of Moreau and we even put in the contract that they would hold the Town completely harmless and we would require a bond from them in order to make sure it was clear that they were a separate entity from the Town.

Attorney Auffredou recalled that the provision about the bond came out of the contract. As for insurance the contract does require them to provide an insurance certificate to the Town, but we haven't seen a

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certificate of insurance for a couple of years and this may be a possible breach. He did write their attorney and advise him of this. He is concerned about the Town not being adequately protected. The contract does require them to provide the certificate of insurance and they have failed to provide it for whatever reason, he doesn't know. As far as them being an independent contractor, yes the contract does say that and he usually recommends that the Town put that provision in the contract. There is case law and he believes comptroller opinion that reads when an emergency squad is supplying essential services and acting in the capacity that they are and receiving public funding they are subject to certain legal requirements under the law. He wouldn't suggest for a minute that they are an agency or department of the Town, but he would suggest that they are subject to the terms of the Freedom of Information Law and he has so noted.

Niki Baker stated that she believes that Attorney Auffredou is quoting an ambulance district.

Attorney Auffredou replied that it is a distinction without a difference, because here you have an emergency squad that is getting almost all, if not all, of its funding through public funds and in the contract they acknowledge that the approximately \$230,000.00 in the contract is certainly public dollars and they also agree that the third party payments are also public dollars. In his view they ought to supply the information and he agrees with the Board, he can't for the life of him figure out why they won't supply the information and if they would simply supply the information that the Board is suggesting then they could move on with the contract.

Niki Baker didn't recall the Board ever considering the money earned by the Moreau Emergency Squad as Town money.

Attorney Auffredou replied the contract says otherwise. It specifies that they are the property of the Town.

Niki Baker stated that not all of the third party billing money comes from residents in the Town of Moreau and some of it is from Northumberland.

Niki Baker stated she has done some research and West Sand Lake, Wilton, Schuylerville, Saratoga Community, Malta, John Aherne, Valatia, Western Turnpeg all do third party billing, but they don't run their money through the Town that they contract with and none have had an issue with the comptroller. When this was set up we were looking for advance life support services in the Town and she didn't recall ever considering it Town money and rather we were being conservative by going with the opinion of the Comptroller and she never saw it as Town funds to use or tell the squad how to use them.

Attorney Auffredou recalled that we were told by the Comptroller that they are funds of the Town and it is our fiduciary responsibility to protect them. We painstakingly deliberated on the process over multiple meetings on how to best serve the Town by protecting those funds and how to expeditiously get those funds to the squad.

Niki Baker stated that other agencies that do not have a CON cannot cross borders into our Town except for mutual aid. The Board needs to be careful. The Board can send out RFP's to only two agencies Mohawk and Moreau EMS unless the Town decides to get a CON for the Town, which will make the taxpayers directly liable.

Councilwoman LeClair said that isn't what we want. We want to work with Moreau Emergency Squad. Their care is the best available. They know what we are asking of them and she doesn't know why it is such a big issue.

Niki Baker replied that there are two attorneys with two different opinions.

Attorney Auffredou stated that there may be different opinions, but he doesn't understand how anyone could argue that the Town's position isn't the morally and ethically right position.

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Councilman Cumm stated, as he has in the past, that we have a contract with the Moreau Community Center and they supply all the information up front and we don't even have to ask.

Niki Baker stated that they have people whose job it is to put that information together once a month and that is their choice. Here is an agency that is a private, separate entity from the Town and wish to remain that, who provide a service to the Town and wish to continue to provide that service, but they feel there is certain information, as an employer, that they don't feel is appropriate to be given out to everybody.

Attorney Auffredou stated that we never suggested that the information be handed out to everybody. We gave the squad some very, very reasonable approaches on how that information would be shared and we never got a response from the squad as to whether or not they would even entertain those reasonable approaches or have any discussions about them. It was never intended that the information would be talked about at a Town Board Meeting.

Niki Baker said given the years of service to the Town by the EMS she hoped the Board would continue to work with them to try and provide the ultimate service this community wants.

Supervisor Jenkins stated that he was totally in support of the Moreau Emergency Squad and as he has said in the past they probably saved his life. He stated it is a great organization. What we are talking about is accountability of taxpayer funds the way we do at every meeting and most of the decisions are based on a lot less than \$223,000.00 of taxpayer money. The Board feels that accountability is critical. Any decisions that are made in regards to compensation levels are decisions for the squad to make and not the Town Board. Our decision is whether or not the \$223,000.00 is used properly. We don't want to change to a different ambulance service, but we do want to reach a contract that is workable.

Niki Baker stated that she understood that the Moreau Emergency Squad was more than willing to set up a separate account for the \$223,000.00 and that Supervisor Jenkins is now saying that is all he was looking for accountability for.

Supervisor Jenkins replied not really. He said if she went back to the minutes when the Town Board decided to allow a paid service they hoped that it would allow the Town Board to lower the costs. Those statements were made in the minutes. That was the objective. Do we have to give \$223,000.00 or could we give less. We haven't received any information that would allow us to make that decision.

Supervisor Jenkins said this concluded the first public comment period. If anybody wanted to bring up this subject again they could do so during the next public comment period near the end of the meeting.

RECREATION REQUESTS

Quotes were received by the recreation director for the purchase of fertilizer for the fields in the recreation park as follows:

John Deere Landscapes	\$865.00
Agrium Advanced Technologies	\$770.00
Turf Links	\$843.00
Turf Management Co., Inc.	\$877.50

Supervisor Jenkins stated that the Board Members verbally approved this purchase and now they needed to finalize it by way of a motion.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of fertilizer from Agrium Advanced Technologies at a cost not to exceed \$770.00.

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Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to increase revenues by \$950.00 in A2680 General Fund – Insurance Recoveries and increase expenditures by \$950.00 in A8810.4 General Fund – Cemeteries – Contractual.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the hiring of the following people for part-time, seasonal employment in the recreation department:

<u>Employee's Name</u>	<u>2009 Rate/2010 Rate</u>	<u>Title of Position</u>	<u>Pre-Employment Physical Needed</u>
Ryan Kobor	9.60 hr./9.90 hr.	Seasonal Laborer	No
Chris Leege	9.30 hr./9.60 hr.	Seasonal Laborer	No
Andre Thibodeau	8.55 hr./8.85 hr.	Seasonal Laborer	No
Zack Howe	8.55 hr./8.85 hr.	Seasonal Laborer	No
Faryl Hewitt	8.55 hr./9.05 hr.	Head Lifeguard	No
Kevin Donahue	8.50 hr./8.80 hr.	Lifeguard	No
Rebecca Auffredou	8.50 hr./8.80 hr.	Lifeguard	No
David Gorrie	10.00 hr./10.30 hr.	Sports Specialist	No
Nicholas Sgorrano	8.50 hr.	Seasonal Laborer/Security	Yes
Steve Briere	8.50 hr.	Seasonal Laborer/Security	Yes
Jordan Greene	8.50 hr.	Lifeguard	Yes
Lindsey Baker	8.50 hr.	Lifeguard	Yes
Kelly Styczynski	8.50 Hr.	Lifeguard	Yes

Roll call vote resulted as follows:

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

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Quotes were received for repair of the fence in front of the Rice Cemetery as follows:

Motive Power & Paint, LLC	\$1,500.00
Tri-County Fence	\$ 950.00
Afsco Fence	Did Not Respond to Request for Quote

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from Tri-County Fence at a cost not to exceed \$950.00.

Roll call vote resulted as follows:

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

Quotes were received to install two risers on the septic system in the recreation park by the little league field. The septic system is under the pavement and the risers will allow them to pump out the septic system without digging up the pavement.

The quotes were as follows:

Stone Industries	\$1,182.00
IBS	\$1,032.68

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to accept the quote from IBS at a cost not to exceed \$1,032.68 to install two risers on the septic system in the recreation park.

Roll call vote resulted as follows:

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

Discussion followed on the lighting grant, vehicles speeding in the park and dogs running loose in the park in violation of Town Code.

HIGHWAY DEPARTMENT REQUESTS

Three quotes were received as follows for a service contract on three standby generators (two for the water department and one for the highway department):

Cummins Northeast, Inc.	\$1,119.81
Kingsley Power Systems	\$1,464.00
Power Professionals	Quote Not Submitted

This request was tabled from the previous meeting, because a transfer of funds was needed in the highway budget.

Supervisor Jenkins said a portion of the service contract for the generator in the highway department could be paid for out of A5132.480 Garage Account, Miscellaneous. Therefore, no transfer is needed.

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A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to accept the quote from Cummins Northeast, Inc. at a cost not to exceed \$1,119.81 for a service contract on two standby generators in the water department and one standby generator in the highway department.

Roll call vote resulted as follows:

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

The following quotes were received by the highway superintendent for a four inch trash pump:

Just Water Pumps	\$2,999.99
Tri-State Pump	\$3,010.00
Fastenal	\$3,884.07
Wallace Supply	\$3,186.00

This will be paid for out of account DB5132.2 that had a balance of \$5,721.00 as of 3/31/10.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of a four inch trash pump from Just Water Pumps at a cost not to exceed \$2,999.99.

Roll call vote resulted as follows:

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

The following engineering quotes were received for the Hatchery Road culvert replacement:

Garry Robinson	\$9,621.00
C. T. Male	\$5,700.00
The Chazen Companies	\$9,300.00
EDP	\$7,000.00 to \$10,000.00 estimated fee

Councilman Kusnierz asked why the highway department couldn't do the job.

Paul Joseph replied it is 14 to 16 feet down.

Councilman Kusnierz asked if the Town rented equipment to the job could the highway department do it.

Paul Joseph replied it would take four weeks to train employees for confined space and with a collapsed culvert and the current situation he didn't think it was feasible.

Councilman Kusnierz said he was looking at it from a dollars and cents point of view.

Paul Joseph stated he would also have to close the road and post it legally and the cost of signs will be a couple thousand dollars. It would have to be closed for at least a week.

Councilman Kusnierz stated that if we save tens of thousands of dollars wouldn't it be worth it.

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Paul Joseph said it would be worth it, but it would be better if he had employees that were trained already for confined space. He is looking into training now so they have this option in the future.

Paul Joseph added that he could barricade the road and close it in case of a blow out. He stated that tonight before he left work the water was at zero inches and just before he came to meeting the water was at three inches.

Councilman Kusnierz stated that renting the equipment and signage isn't an issue.

Paul Joseph added that we would have to get a permit from DEC and Councilman Kusnierz replied that a contractor would have to get a permit too and it would take the same amount of time regardless of who applies for the permit.

Councilman Cumm stated that engineering work would have to be done regardless of who does the work.

Councilman Kusnierz was of the opinion that if we did the work ourselves we wouldn't have to hire an engineer. That is \$5,000.00 right out of the gate.

Councilman Cumm asked Joe Patricke if we would have to get a sign-off from DEC and Joe Patricke replied yes.

Councilman Cumm asked Joe Patricke if DEC would require an engineering study to determine if we are installing it properly.

Joe Patricke replied that we would either have to have an engineering study to determine the flow through the pipe and size or there is another method whereby you would fill in the blocks, which would require a larger pipe. It is 1.25 times the size of the stream and you would probably need a 48 inch pipe rather than a 36 inch pipe.

Supervisor Jenkins stated that we are in danger of losing the road if we don't resolve the issue. We probably could keep pumping out water until we get it fixed, but we should close it for safety. It is really a mess.

Councilman Kusnierz agreed with this, but stated that the highway budget is tight. We do have contingency funds, but if we could save \$40,000.00 to \$50,000.00 by doing the work in-house to him it is a "no brainer". He would like to know all the options. He would like to know how long it will take to get employees trained for confined space, the cost to rent an excavator, cost of materials and have that information ready so if we do move forward with an engineering study and we send out RFP's and receive quotes then we would have something to compare it to. He finds it hard to believe that we could get it done cheaper by a contractor rather than having our highway department do the job. Highway departments replace culverts all the time, especially the size of this one.

Councilwoman LeClair asked if there are any adjacent communities that have employees trained for confined space and if so could we swap employees for the time it takes to replace the culvert.

Attorney Auffredou said this was possible.

Harry Gutheil suggested they contact Joe Ritchey, Commissioner of Public Works for Saratoga County.

Councilman Kusnierz said he thought they were all in agreement that the work needs to be done, but he wants to do it in the most cost effective manner.

Supervisor Jenkins stated he would contact Joe Ritchey tomorrow and ask him if he can help us out. He then asked Paul Joseph to get the information on how long it would take to get employees trained for confined space and report back to the Town Board.

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Supervisor Jenkins asked Paul Joseph if he thought the road needed to be closed.

Paul Joseph replied that there has been a little more sand that has leached through from the other side, but nothing major. If he can keep the hydraulic pressure of the water table pumped down we should be alright.

Paul Joseph reported that there is a class sponsored by D.A. Collins on April 28th from 7:30 a.m. until 3:30 p.m. in Wilton that the Federal Government requires for sub-contractors to enter mining property. Due to the hours the class is held and travel time some of the highway department employees will incur some overtime.

He also reported that on April 29th the highway employees will be attending a one hour "Operation Lifesaver" training class sponsored by the NYS Department of Rail Safety at the Gansevoort Fire House. This class will cover railroad crossing safety.

TRANSFER STATION

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing maintenance of the compactor by Artran at a cost of \$226.00 out of TS8160.2.

Councilman Cumm noted that there is a slight leak in the compressor unit for the hydraulics so there may be an additional expense to fix the leak.

Roll call vote resulted as follows:

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

Nancy Ryan asked if the Board Members were working on a plan to get rid of the brush that is deposited in the Transfer Station after brush pickup by the highway department.

Supervisor Jenkins said they were working ahead and hopefully will have something in place by then.

Councilman Cumm stated that we could contact the same vendors as last year and take it from there. We have about \$5,000.00 in our budget right now for brush removal.

LOCAL LAW NO. 2 OF 2010 – MINING

Supervisor Jenkins suggested the Board schedule a workshop to discuss some basic changes in the proposed mining law. He recommended the workshop be held before the next regular meeting of the Town Board.

Councilman Kusnierz asked what changes they were making.

Attorney Auffredou replied that he reviewed the meeting minutes from the Public Hearing, the comment letter and he talked with Joe Patricke and they are working on a re-draft for the Town Board's discussion at the workshop and he should be able to deliver it to the Town Board within the next few days. The current draft reads they could continue the current operation with a valid permit and the revision would allow mining in the M1, M1A and M2 districts and a new permit could be applied for in those zones. It is a very rough draft and something for the Board to consider whether they want to allow it or not.

Councilman Kusnierz asked if this revision was something a Board Member(s) wanted.

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Attorney Auffredou said he didn't know. It was something that he and Joe Patricke talked about given the comments made at the Public Hearing.

Supervisor Jenkins said he discussed with Joe Patricke what we have left in M1, M1A and M2 and the only site left in that area is Lehigh Cement and they also discussed the 50% expansion option.

Councilman Kusnierz asked if there is a 50% provision.

Attorney Auffredou replied that there is nothing in the State Law that he is aware of. In the Town's Zoning Law there is a provision that reads that non-conforming uses are allowed a one-time 50% expansion. The draft that was the subject of the Public Hearing before the last meeting reads that notwithstanding anything in that provision mining operations are not to be expanded. The current draft reads that the 50% expansion rule wouldn't apply.

Councilman Cumm referred to a letter that was received this date from Gilberti, Stinziano, Heintz & Smith, P.C. legal counsel representing Cranesville Aggregate Company, Inc. In particular he referred to a sentence in paragraph 2 of the letter that reads: "As Cranesville has previously indicated to the Town, existing Chapter 113 is superseded by the State Mined Land Reclamation Law and Cranesville will not apply for an illegal permit." He asked Attorney Auffredou if they were referring to the Town of Moreau permit and Attorney Auffredou replied this was correct.

Councilman Cumm stated that in every NYS DEC Mining Permit he has read that has been issued to mining operations in the Town they read "The permittee is responsible for obtaining any other permits, approvals, land easements and rights of ways that may be required to carry out the activities that are authorized by this permit". It seems to him that these two are not in sync with each other. Who is right and who is wrong?

Attorney Michael Fogel from the law firm of Gilberti, Stinziano, Heintz & Smith, P.C. said he would be happy to answer this. He stated that Article 27 of the DEC Mining Law reads that DEC has sole control over mining in the State. Towns can decide whether or not to allow mining in their Town and if they do allow mining they can require a special use permit, but that use permit is limited to four narrow areas. What DEC is referring to is that if a Town has a legal local permit then a mining operation may need to apply for it. The requirements in the Town's current code Chapter 113 are superseded by the mining law, because they run afoul of DEC's control over mining. DEC's mining permits are very specific. They address dust control, reclamation, noise, and in some instances blasting. Town laws can't have any restrictions that contradict the terms in the DEC mining permit or add new requirements. They aren't saying that local approval can never be required rather local approvals that run afoul of the State mining law aren't. When DEC makes that reference they assume local approvals are legit or legal.

Attorney Auffredou said we call it a special permit and then there are annual renewable permits that the Town issues and those four areas that this gentleman mentioned are the areas that we inquire about. There may be more that are in the special use permit section of the law, but we don't ask that the Zoning Board or Town Board inquire about any other additional information other than what they are authorized to inquire about under the DEC law. His concern with Cranesville all along has been that they don't have a permit and they refuse to get a permit even though our current requirements are consistent with DEC law. As far as the zoning goes he believes that as long as it is consistent with the Town Comprehensive Plan, which he believes the current draft is, the Board could take the position that there will be no new mining and no expansions of existing mining operations. He knows that Cranesville is of the opinion that it constitutes a taking and he disagrees with that. The current draft is not a taking. The current draft is consistent with the Comprehensive Plan in that you can mine all you want within the existing facility, but you won't be allowed to expand. The Town Board may move in a different direction so that it becomes a mute point. We have to take a careful look at the Comprehensive Plan to make sure that expansions of existing facilities is consistent with the Comprehensive Plan and at this point he isn't sure that it is.

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Supervisor Jenkins addressed Attorney Fogel and told him that the first paragraph of his letter irritated him and asked why he would write that, when he was trying to get the Board to agree with him and listen to him.

Attorney Fogel said it wasn't his intention to irritate. What he was trying to do was reiterate Cranesville's objections to the law. They thought they had a proposal that would satisfy everybody.

Councilman Cumm said it has been a thorn in his side that Cranesville won't apply for a permit from the Town and Cranesville is the only one who doesn't apply for a permit in the Town and asked Joe Patricke if this was correct and Joe Patricke replied no.

Councilman Cumm asked the Town Clerk if every other mining operation in the Town applies for a permit and the Town Clerk replied that the ones she is aware of do.

Councilman Kusnierz stated that it is evident that Cranesville has legal standing under State statute otherwise the Town would indeed challenge them and we have not.

A workshop on the draft mining law was scheduled for May 25th at 6:30 pm. in Town Hall.

Councilman Kusnierz asked the Town Clerk to research the minutes and copy the Town Board on information that is found on how this law came about.

CAPITAL RESERVE FUNDS

Supervisor Jenkins stated that at the last meeting the Board Members received a copy of a resolution establishing a capital reserve fund for financing the cost of construction of a new municipal complex and highway garage.

He stated that what he was asking for was the establishment of a capital reserve fund and the resolution depicts an amount that could be expended sometime in the future. There will be no transfer of funds at this point. It is a plan for the future whenever that may be. He went on to explain why these buildings were needed.

The Town Clerk read the following resolution:

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the establishment of a Capital Reserve Fund for the purposes of financing the construction of a new municipal government office complex in the Town of Moreau, and

WHEREAS, a Capital Reserve Fund for a specific capital improvement such as a municipal government office complex is authorized under Section 6-c of the General Municipal Law of the State of New York, and

WHEREAS, the Town Board has deliberated upon the establishment of such a reserve fund, and

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law there is hereby established a Capital Reserve Fund to be known as the "Town of Moreau Municipal Government Office Complex Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate monies to finance the cost of a specific capital improvement - namely the construction of a new municipal government office complex for the Town of Moreau and all necessary buildings thereon and equipment and furnishings therein. The estimated maximum cost of the new municipal government office complex including necessary buildings, and equipment and furnishings therein is Two Million Six Hundred Thousand and 00/100 Dollars (\$2,600,000.00), and

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BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to deposit and secure the monies of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor may invest the monies in the reserve fund in the manner provided in Section 11 of the General Municipal Law and consistent with the investment policy of the Town of Moreau. Any interest earned or capital gains realized on the monies so deposited or so invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the Reserve Fund, interest earned by the Reserve Fund, capital gains or losses resulting from the sale or investments of the Reserve Fund, the amount and date of each withdrawal from the Reserve Fund and the total assets of the Reserve Fund showing the cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund, and

BE IT FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law, and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Subdivision 4 of Section 6-c of the General Municipal Law.

Attorney Auffredou stated that the adoption of this resolution would be published in the Post Star and on the Town bulletin board and a period of thirty days would run from that date and should there be a permissive referendum petition filed within that 30-day period then you would have to put it to the vote of the electors. Should there not be a permissive referendum petition filed within that 30-day period then you are free to fund that reserve fund pursuant to law.

Councilwoman LeClair stated "free to, but not required to".

Attorney Auffredou replied "authorized to, but under no obligation to".

Councilwoman LeClair asked if a decision would have to be made again to move the money into the reserve fund.

Attorney Auffredou replied that the resolution to fund the reserve fund is not subject to a permissive referendum.

The Town Clerk read the following statement into the record from Councilman Prendergast:

"Because of my work schedule I am unable to attend tonight's meeting but I wanted to make my thoughts known on this important issue. After taking a long hard look at what use or purpose the excess funds in the Landfill Betterment Reserve Fund can be used for, I support, as recommended by our Attorney, the establishment of a Solid Waste Management Facility Reserve Fund. However, after careful consideration and taking into consideration the comments from the public and Board members, I have concluded that I cannot support the dedication of these funds for the construction of a new Town Hall, Town Court or addition to our Highway Garage. Unlike State Government, I believe that overall our taxpayers believe that we represent their interest. Clearly, they are disappointed and concerned that we would earmark millions for buildings when they see other uses that could improve our town and address their needs. I believe we should take time to initiate discussions with our elected officials at the State level in the hopes of changing the legislation governing these monies. I believe we owe that to our taxpayers."

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Councilman Kusnierz stated that there is no question that we would like new facilities and he has no doubt that the employees would love to work in an environment that is brand new, larger, more space and where people aren't stepping over each other. What we are doing tonight is a very slippery slope. It is the first step in creating a mechanism where we have the potential to take funds from a dedicated reserve fund that Town Board Members a long time ago created so that taxpayers could be assured that they would never have to foot the cost for a catastrophic wash out of the landfill or if we had another emergency need whereby we would have access to this money that is set aside. Legal counsel is correct in that eventually if this money was to be spent it would be subject to a permissive referendum. However, we as a Board can create this fund and monies can be raided from that other fund to go into this account and that wasn't the intention of the previous Board for those monies to be used for expansion of Town facilities. Most importantly he hasn't received one single phone call or one single e-mail from anyone in the community that wants this to occur. He has to respectfully represent the interests of the majority of our community and he doesn't see the interest is there. He said it is the wrong time to do this in these hard economic times especially coming off the heels of a reveal that is going to significantly change the tax structure and real property tax liabilities for many members of our community. He further stated that over the years we have been forced to defend our tax assessments on our specialty properties and we have always had the potential where we as a Town could be on the hook for millions of dollars in refunds and where was that money going to come from. We had a reserve account that if the Board was in agreement we could have accessed those funds so that taxpayers would not be subjected to huge increases in real property taxes. If we go ahead and set up this dedicated fund for a new municipal complex the money has to come from somewhere and right now the only place where there is money is in the landfill reserve fund. It is a cushion that protects our Town and future Boards going forward in the event that we have a catastrophic failure at our landfill or we are forced to pay refunds to the hydro facilities after the five year stipulation of settlement.

Supervisor Jenkins stated that $\frac{3}{4}$ of a million dollars that is in that fund was in that account 21 years ago and it has done very little for this community other than accumulate more money in that account. The interest rate is locked in. We loaned money to the industrial park, but we can't loan money to the general fund unless we pay interest on the amount loaned and pay the loan back by the end of the year. The whole reason for 6 (c) is so that money cannot be put away for a certain purpose and then used for something else. He is looking for a plan for the future. In regards to the comment made by Councilman Prendergast about a law change, it took us two years to get a home rule law passed so he doubted that the legislature would amend 6 (c) for one community when it would affect every municipality in the State of New York. Right now he was asking for a decision that moves us forward into the future and makes us aggressive and still gives us the ability to do things.

Rusty Baker asked where the \$2.6 million figure came from for the Town complexes? Was an engineering study done?

Supervisor Jenkins stated it was a projected figure and when we get an engineering study done we will have real numbers and then we will have to work within those numbers.

Rusty Baker asked again who came up with the \$2.6 million figure and Supervisor Jenkins replied that it is a simple number \$200.00 per square feet.

Rusty Baker asked if somebody already came up with the square footage needed and Supervisor Jenkins replied no, it is just an estimate.

Harry Gutheil stated that he didn't support this. It is not the time to talk about spending this kind of money. The money has been sitting there and drawing interest. It is security for the Town. He knows government and if there is money available they spend it. He has seen this administration heading in that direction. He wonders what the real intent is. There are five hydros in the Town and a multi-year stipulation that will retire in the next few years. The energy companies keep coming back biting at the apple. We would be naïve not to think that they won't challenge the new assessments. The Town may

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need that money someday for a more useful purpose than what is being proposed. If we ever decide to buy the hydros we will need money in the bank and the more financial standing the better the bond rates will be. People are making do with what they have and the Town Board should take the stance that they will do with what they have.

Adele Kurtz stated it was important for the public to know that the only reason the Board is able to access that money is because the purpose for the Landfill Betterment Reserve Fund has been completed. She thought the comptroller said that we could take those monies and create a new reserve fund and use it, but once you put those monies into the new account then you have very specific use for those monies and you cannot use those monies for anything else. At the last meeting she heard that they were going to find out what the monies could be used for and she asked if they got this information and whether or not it could be used for a sewer district.

Supervisor Jenkins replied that the funds can only be used for a town-wide purpose. A sewer district would be a special district, because we wouldn't be providing it to the entire Town. The landfill is considered a completed project. In 2001 the State established Section 6 (o) that allows the transfer of funds from a capital project fund into a special account for maintenance of landfills and it could be used for the operating expenses in the landfill. Operating expenses are disallowed under capital law. Capital reserves could not be spent on operating expenses and this was the reason why 6(o) was created. The projects have to be capital projects and something town-wide. Any other use of the funds would be a violation of the laws of the State of New York.

Councilman Kusnierz stated that with that argument wouldn't a tax stabilization reserve account that benefits the whole Town fall within that criteria.

Attorney Auffredou replied no. The law is clear that the monies could not go into a tax stabilization reserve fund nor can they go into a tax certiorari reserve fund. It is because of the way the fund was created. The monies can't be transferred into such a fund even by permissive referendum and there is comptroller opinion right on point that he cited in his memo on that. He recalled that the Town got an estimate of between \$600,000.00 to \$800,000.00 that the Town should keep on hand for the maintenance of the landfill. The Town doesn't have any choice in the matter except to establish a 6 (o) fund and to put funds in a 6 (o) fund. He stated that right now under 6 (c) he wasn't convinced that the Town has authority to maintain the landfill. So we have no choice, but to create a 6 (o) fund for purposes of putting whatever the Board deems to be an appropriate amount of money into for landfill maintenance.

Councilman Kusnierz asked what other types of funds we could create that would benefit the Town other than a capital reserve fund for construction of a new building.

Attorney Auffredou replied whatever 6 (c) capital reserve funds are out there that are available for a town-wide basis such as, recreational, parks, things of that nature and possibly highway improvements. Generally speaking it is town-wide improvements that are based upon the same tax base as the landfill fund, which is the entire base.

Councilman Kusnierz asked if they could create an economic development capital reserve fund.

Attorney Auffredou replied that he would have to verify this, but he thought they could.

Councilwoman LeClair asked would it allow them broader use of the funds later if they chose to transfer them.

Attorney Auffredou said they would have to define what the economic development reserve fund would be used for. The Board would have to have specific projects in mind.

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Councilman Cumm asked if funds are put into this account for a municipal center could they be transferred out for another purpose if the building project never moved forward.

Attorney Auffredou replied yes as long as the funds go towards another 6 (c) project. The original project would have to be abandoned.

Elizabeth Lanfear and Harry Gutheil asked questions that they received answers to.

Councilman Kusnierz asked if a vote of 2/3 of the Board was needed to set up this account and Attorney Auffredou replied no.

Councilman Cumm stated that after listening to all the comments from the public and reviewing the Comptroller's Local Government School of Accountability information and the comments from Attorney Auffredou he would make a motion to establish a capital reserve fund for financing the cost of construction a new Town of Moreau Municipal Government Office and adopt the resolution previously read by the Town Clerk.

Councilwoman LeClair stated that she was okay with setting up these accounts, but didn't see herself in the near future voting yes to move forward with a new Town municipal center or new highway building. She would like to look at possibilities for the court house. She is aware that we pay \$30,000.00 a year in rent for the court building. She is in no means ready to transfer funds into that account now or in the foreseeable future.

Councilwoman LeClair seconded the motion.

Councilman Kusnierz stated he would vote no on the resolution. He can't in good conscience subject the taxpayers of our Town to the risk of exposure to difficult economic times down the road. There is a time and place for everything and this is not the time to be establishing an account that could raid another account that could provide significant assistance to our taxpayers if we ever found ourselves in a difficult situation down the road.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that the next resolution was for the establishment of a capital reserve fund for financing the cost of construction of a new Town of Moreau Highway Garage Building. He stated again that this is for the future. We leave our equipment out in the winter and don't have a bay for washing trucks and equipment.

Elizabeth Lanfear asked how old the building was and Supervisor Jenkins replied 23 years old.

Adele Kurtz asked if anyone looked into shared services and how the village washes their trucks and equipment.

Supervisor Jenkins replied that the village doesn't have any excess space.

Adele Kurtz asked why we couldn't get into an inter-municipal agreement whereby we could use another Town's facility to wash our vehicles.

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Supervisor Jenkins said possibly we could, but the closest may be Greenfield Center.

Elizabeth asked what we would do with the current building and Supervisor Jenkins replied that the Water Superintendent would have an office in there and a couple of the bays to store his equipment. We would probably try to sell the old highway garage on William Street. None of these issues have been decided.

Councilwoman LeClair reiterated what she said for the previous resolution. She is not ready to move funds into the account if it is established.

Councilman Kusnierz said he was in support of constructing additional covered space down there, but he didn't think this was the right way to go about it. The Town should pay as it goes. At budget time we should set aside funds to take care of it within the funds available and do it as long as it doesn't have a significant impact on the taxpayers of the community. The way we are going about it here is we are dedicating funds in a reserve fund and it ties the hands of the Town Board to some degrees vs. addressing it at budget time. He would be voting no.

The Town Clerk read the resolution.

Harry Gutheil said the earlier discussion centered around it had to be a benefit to the whole Town. He said the village supports their own highway department with their own budget and taxes and even the comptroller's office couldn't explain to him why some of the Town's highway department expenses are paid out of the general fund. The village residents get very little from the Town's highway department. It is a stretch to say that the whole Town would benefit from this new highway building.

Harry Gutheil asked if there are new regulations for washing vehicles and Supervisor Jenkins replied they are DEC requirements.

Harry Gutheil asked if the school has to follow the same regulations and if so maybe it is something we could do jointly.

Ed Tracy stated that if we set this money aside now to build these new buildings it won't cost the taxpayers any more in taxes, but if we decide five or eight years from now to build then the taxpayers will have to pay for them in taxes.

Councilman Kusnierz disagreed with Mr. Tracy and said he can't make that statement, because we don't know what the tax base will be then and what kind of money will be coming in then.

Harry Gutheil stated that if Fort Edward Express went out of business or decided to sell the property and we had to find another place for the court offices the money would be locked into a reserve fund and then we would have to go to another permissive referendum to get the money out of there.

A motion was made by Councilman Cummm and seconded by Councilwoman LeClair to adopt the following resolution:

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the establishment of a Capital Reserve Fund for the purposes of financing the construction of a new highway garage building in the Town of Moreau, and

WHEREAS, a Capital Reserve Fund for a specific capital improvement such as a highway garage building is authorized under Section 6-c of the General Municipal Law of the State of New York, and

WHEREAS, the Town Board has deliberated upon the establishment of such a reserve fund, and

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NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law there is hereby established a Capital Reserve Fund to be known as the "Town of Moreau Highway Building Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate monies to finance the cost of a specific capital improvement - namely the construction of a new highway garage building for the Town of Moreau and all necessary buildings thereon and equipment and furnishings therein. The estimated maximum cost of the new highway garage building including necessary buildings, and equipment and furnishings therein is One Million Four Hundred Thousand and 00/100 Dollars (\$1,400,000.00), and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to deposit and secure the monies of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Town Supervisor may invest the monies in the reserve fund in the manner provided in Section 11 of the General Municipal Law and consistent with the investment policy of the Town of Moreau. Any interest earned or capital gains realized on the monies so deposited or so invested shall accrue to and become part of the Reserve Fund. The Town Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the Reserve Fund, interest earned by the Reserve Fund, capital gains or losses resulting from the sale or investments of the Reserve Fund, the amount and date of each withdrawal from the Reserve Fund and the total assets of the Reserve Fund showing the cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund, and

BE IT FURTHER RESOLVED, that except as otherwise provided by law, expenditures from the Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from the Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law, and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum pursuant to Subdivision 4 of Section 6-c of the General Municipal Law.

Councilwoman LeClair stated that the cost is a concern. She used the example of the lighting grant. When Niki Baker was on the Town Board we were going to get a lot more in lighting for \$80,000.00 than we are now.

Roll call vote resulted as follows:

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

LEWIS & GREER LEGAL COUNSEL RATE INCREASE

A rate of \$170.00 per hour was adopted at the Organizational Meeting in January for Lewis & Greer the Town's special legal counsel and they did some work for the Town recently and the bill came in at \$185.00 per hour.

Following discussion on this it was the consensus of the Board that Supervisor Jenkins should contact Lou Lewis at Lewis & Greer and ask him to hold his rate of \$170.00 per hour until the end of the year.

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BOARD OF ELECTIONS – USE OF TOWN’S BUILDING ON ROUTE 197

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Board of Elections to utilize the Town’s building on Route 197 to conduct a training class for election inspectors on June 8th.

Councilman Kusnierz stated that the Board should come up with a policy on the use of the building.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Harry Gutheil asked if anybody has the answers to the questions he raised at the last meeting.

Councilman Kusnierz advised that at the last meeting he asked that his questions be answered and the Board be copied. He asked Peggy Jenkins why this didn’t occur.

Peggy Jenkins replied that she submitted the answers to the Town Board and didn’t realize that she was supposed answer Mr. Gutheil directly.

Councilman Kusnierz told Peggy Jenkins that the Town Clerk did a memo indicating that answers were to be given to Mr. Gutheil and the Town Board copied.

Dave Barnett from GAR Associates was present to answer questions. He stated that one of the questions Mr. Gutheil asked was in regards to USPAP Standards. GAR Associates did adhere to USPAP Standards and specifically Standard 6 involving mass appraisals.

Harry Gutheil asked if the contract between GAR and the Town specifically mentioned Standard 6. He didn’t think it did.

Dave Barnett wasn’t sure about that, but as a company it is something GAR adheres to along with any rules and regulations through NYS Real Property Tax Law and NYS Office of Real Property Tax Services, the governing agency that oversees assessments across the State. GAR holds regular status meetings with ORPS and minutes are taken. Minutes are available upon request by the Town Board. May 1st is the date the tentative tax roll has to be filed. Any change notices from the informal hearing process were mailed out yesterday.

Elizabeth Lanfear asked when notices are supposed to be mailed out and Dave Barnett replied that by law they have to be mailed out ten days before Grievance Day, which is the 4th Tuesday in May.

Vince Sporrer asked if the notices state why the challenge was rejected.

Dave Barnett replied no, they aren’t required by law to do that. The assessor will be available to answer questions and he will be available. The notice is generated by V4 of the ORPS system and there aren’t very many ways to alter the form, it is a template.

Vince Sporrer asked if summary data will be provided to the public. He then asked if there is a shift between the commercial and residential. Did the commercial go down and the residential go up?

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Dave Barnett replied that there was a less than 1% shift according to the preliminary numbers in the tentative roll.

Vince Sporrer asked if he will have a bigger portion of the pie to pay.

Dave Barnett replied that is something they could supply to the Board.

Vince Sporrer was of the opinion that there was probably a huge shift towards vacant land.

Dave Barnett replied that there was probably a shift from previous assessments on vacant land.

Vince Sporrer said he would like to know more about some of the data that was compiled. In the workshop meeting with GAR he asked what the percentage of change was and he was told that data would come out, but he has seen nothing.

Dave Barnett replied that they could present that data. When they had the workshop with the Town Board they knew there would be a lot of things that would transpire and a series of reviews and reductions and they wanted to wait for the tentative roll to come out before they gave out information and figures so they would be accurate. That is why they were careful about what numbers they gave out for the shifts, they knew there would be a series of events that would change those numbers greatly.

Vince Sporrer asked how many challenges there were and Dave Barnett replied less than 10% and that was just review changes.

Elizabeth Lanfear discussed with Dave Barnett her property and how she went from 47 acres of residential land that was assessed at \$2,000.00 an acre to 47 acres of wetland, floodplains and wasteland that is assessed at \$500.00 an acre. She asked how they overlooked the wetlands when the maps are available.

Dave Barnett said they referred to the wetlands maps and they sent out a survey and if the property owner had wetlands they should have indicated this on the survey and Elizabeth replied that she did.

Dave Barnett further stated that they held an informal process to involve the public and gain a little more knowledge on what somebody had for property. They went with the information they had. It is not an infallible process.

Councilman Kusnierz stated that at the last meeting the question was asked whether or not the Town Board was going to look into a homestead or non-homestead rate and he noticed that in the response to the questions from Mr. Gutheil, that was just placed in his mailbox today so he isn't well versed in it because he just picked up the information tonight, that GAR Associates does not recommend a homestead and non-homestead rate and he asked Dave Barnett to elaborate on why they aren't in favor of them.

Dave Barnett replied that it is clearly the Town Board's decision. The combination of a utility property that was on a PILOT that expired that added a significant amount to your tax base along with the exemption amounts that are higher than anticipated. A lot of times with homestead vs. non-homestead it is a way of taking the financial burden off the taxpayers and in this case it doesn't appear that the shift is going to be as great. This is GAR's opinion. To promote commercial growth and growth in general going to homestead and non-homestead is not advantageous for a municipality in their experience.

Councilman Kusnierz asked when the Town Board would have to make that determination.

Dave Barnett replied that it might be a school determination. He would have to get a definitive answer.

Councilman Kusnierz asked Dave Barnett to provide to the Town Board, based on where they are today and all the information accumulated, a breakdown of the numbers showing the shifts between the

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different classes. That way he and the other Board Members could make an intelligent decision on whether or not it is something they should be considering.

Dave Barnett replied that, that would be something that was part of their final report that they will be presenting the Town Board with.

Councilman Kusnierz stated that he realized it would be part of the final report, but he asked if it would allow the Board enough time if they choose to pursue the homestead or non-homestead.

Dave Barnett said he would have to research that and he would do it sooner than later.

Garth Baker asked if the Town claims the money from the third party billing for the Moreau Emergency Squad is revenue and Supervisor Jenkins replied yes, we show it as revenue and expenditure.

Harry Gutheil stated the numbers on the shifts should have been available and discussed with the Board long before tonight. He went on to explain about information he had from a spreadsheet.

Dave Barnett responded and reiterated what he said earlier in the meeting about the preliminary roll vs. the tentative roll.

Rusty Baker asked what the status was of the traffic light installation at Route 9 and Fawn Road.

Supervisor Jenkins advised that the State was originally going out to bid the 1st of April and now they are going out to bid April 29th and they hope to have construction completed in late November and early December. The only money that NYS DOT is receiving from the State due to budget issues is money for maintenance. There are contractors that are owed money on projects they worked on for the State and it was the concern of NYS DOT that if they went out to bid earlier they may not receive any bids due to this fact.

Supervisor Jenkins spoke about the plans for NYS DOT to realign the intersection of Route 9 and Feeder Dam Road in 2012. The proposal is to change the lights and create turning lanes to make it a safer intersection.

Discussion followed among Harry Gutheil, GAR and Supervisor Jenkins regarding homestead and non-homestead.

Harry Gutheil referred to the answers that were given to his questions. He had questioned two properties and the response read that these properties were pointed out to him. He wanted the record to show that he is the one who found the two properties on-line and they were pointed out to him. He further stated that when you see how one was reduced 80% and the other by 8.5 million you don't have to look too far if you are looking for the big one.

Supervisor Jenkins stated that this concluded the 15 minute public comment period.

Elizabeth Lanfear started to speak and Supervisor Jenkins advised her that the public comment period was over.

Elizabeth Lanfear stated that she had an advisory opinion that reads the Town doesn't have to allow public comment, but if the Town does allow public comment then they can't allow one person to speak for an extended period of time and exclude other people from speaking at all.

Supervisor Jenkins advised her that she already had her five minutes.

Elizabeth Lanfear told Supervisor Jenkins that he doesn't allow five minutes and that he allowed other people to speak for an extended period of time.

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Supervisor Jenkins said he was sorry, but the public comment period was over.

He also told her that if she had any questions she could ask him after the meeting.

COMMITTEE REPORTS

Councilman Cumm reported that two representatives from the YMCA would like to present to the Town Board a power point presentation about their new building on Route 9.

It was decided to put them on the agenda for the May 25th meeting.

Councilwoman LeClair spoke with Linda Gifford about a Farmer's Market and she will speak to some of the members of the local Farmer's Market and get back to her. Steve Gram gave her some times and dates that would work for them to set up in the rec. park. She also recalled that Attorney Auffredou had said that it wouldn't be a Town sponsored event and Attorney Auffredou concurred with this.

Councilwoman LeClair mentioned the proposed park along the Hudson River. According to Andy LaBruzzo the State is not sending out grant contracts at this time. It could be months before they hand down contracts for grants. He will look at our RFP and our proposal, but at this point he doesn't advise that we expend any dollars until a contract is signed.

Councilman Cumm reported on a letter from Lance Ingmire, President of the Friends of Ulysses S. Grant Cottage, in which they request financial support.

Councilman Kusnierz recalled providing them with financial support in the past.

It was decided that they would look at the budget and determine if they could help them.

Councilwoman LeClair said she would like them to give the Town of Moreau recognition over the fact that they are in the Town of Moreau.

Councilman Kusnierz stated that last time the Town helped them financially it was a requirement that they give the Town of Moreau recognition.

It was also decided that they would be asked to come to a Town Board Meeting and give a presentation on what they are doing, what they need and why.

Supervisor Jenkins said he would put them on the agenda for May 25th.

Councilwoman LeClair said she would contact them and request that they attend the May 25th Town Board Meeting.

Councilman Cumm said he would call the YMCA and invite them to the May 25th Town Board Meeting also.

Councilman Kusnierz requested that the social security numbers on employment applications be blocked out before they are distributed to the Town Board.

Steve Gram reported on clean up day at the rec. park. There were 60 plus children and adults who participated. He publicly thanked the South Glens Falls/Town of Moreau Chamber of Commerce for their donation of \$100.00 that was used to buy pizza and drinks for the volunteers.

Councilwoman LeClair asked Steve Gram to send the Chamber a thank you letter.

A regular meeting of the Town Board of the Town of Moreau was held on April 27, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

SUPERVISOR'S ITEMS

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing any Town Board Member who wants to, to attend the SEDC dinner at \$75.00 each.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 9:45 p.m. to discuss an Article 7 Tax Certiorari involving Midtown and negotiations with a landowner that if discussed in open session could compromise the sale/purchase price and litigation that has been commenced against the Town by the Moreau Emergency Squad.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the executive session and re-open the regular meeting at 10:35 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the preparation and signing of a grant application to be filed with Saratoga County for acquisition of real estate within the Town of Moreau and authorizing the Town's legal counsel to prepare a real estate contract for this purchase subject to approval of the Board.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on April 27, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cummm and seconded by Councilman Kusnierz to adjourn the regular meeting at 10:37 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk