

A regular meeting of the Town Board of the Town of Moreau was held on August 10, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 8:30 p.m.

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

Town Board Members Present

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

Town Board Members Absent

Tom Cumm	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Joe Patricke, Building Inspector/Code Enforcement Officer; Martin D. Auffredou, Attorney for the Town; Reed Antis, Town Resident; and Lydia Wheeler, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins asked everyone present to turn off or put on vibrate all electronic communication devices.

MINUTES

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

July 13th (2Sets), July 27th (2 Sets), July 28th, July 30th and August 3rd

The approval of the minutes of July 13th was tabled. Only two members of the Town Board were present who attended that meeting.

MINUTES – JULY 27, 2010 – PUBLIC HEARING - LOCAL LAW NO. 2 OF 2010 - MINING

Correction: Page 391 – 3rd paragraph – 6th line – change the word “project” to “protect”

MINUTES – JULY 27, 2010 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve both sets of minutes for July 27th with the correction above so noted.

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Roll call vote resulted as follows:

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

MINUTES – JULY 28, 2010 – MONTH-END AUDIT MEETING

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of July 28th as prepared.

Roll call vote resulted as follows:

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

MINUTES – JULY 30, 2010 – BID OPENING – SOCCER T-SHIRTS AND FLAG FOOTBALL JERSEYS

No comments or corrections.

These minutes were received and filed.

MINUTES – AUGUST 3, 2010 – BID OPENING – TREE AND STUMP REMOVAL

No comments or corrections.

These minutes were received and filed.

FUTURE MEETINGS/WORKSHOPS SCHEDULED

The month-end meeting of the Town Board was scheduled for August 26th at 4:30 p.m. in Town Hall.

A joint workshop between the Town Board and the Recreation Commission was scheduled for August 26th at 5:00 p.m. in Town Hall to discuss recreation fees and the Recreation Code that is in the Town Code Book.

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15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked what transpired with the brush that the Village was bringing into the Transfer Station.

Councilwoman LeClair replied and she and Councilman Cumm need to meet with Brian Abare the DPW Superintendent for the Village of South Glens Falls and try to work something out.

Councilman Kusnierz added that the board agreed to start charging for brush again and if the Village wants to chip the brush they can bring the chips into the Transfer Station for free.

WATER DISTRICT 1 EXTENSION 2

Attorney Auffredou advised that the board held their public hearing on Extension 2 of Water District 1 and the public hearing was closed. The Town Board can act on this tonight following SEQRA review or the Town Board can postpone proceeding with the creation of Extension 2 until another meeting. If the board wants to go forward with the funding application process a critical component of that is to complete the district formation process.

Supervisor Jenkins stated that there was some dissent during the public hearing, but he thought a majority of the people were supportive once it was clarified.

Councilman Kusnierz asked if from a time standpoint there was a big difference between acting on it now versus voting on it at the next regularly scheduled board meeting.

Attorney Auffredou said not from his perspective, but he would like input on this from Tim Burley.

Supervisor Jenkins said he would like to move on this tonight, because in the schedule that Tim Burley prepared it was the goal to let out a separate contract for the Fortsville Road area and complete that area by December.

Attorney Auffredou said we are about two weeks behind Tim's schedule. The point about taking action tonight versus two weeks from now, a resolution once adopted establishing Extension 2 of Water District 1 would be subject to permissive referendum. The permissive referendum period would run for a 30-day period from the date of publication of the resolution. If there is no petition filed within the 30-day period then the board at the next following meeting could adopt an order establishing the district and that order would then be filed in the County Clerk's Office and the district extension is created at that point. In his opinion, the sooner the board could start that 30-day permissive referendum period the better off they would be.

Supervisor Jenkins said the only difference it would make is that Fortsville Road wouldn't be done until spring.

Councilwoman LeClair recalled Tim Burley saying something to her about paperwork from DEC that hasn't been received that would prevent us from moving forward tonight.

Attorney Auffredou replied that Tim Burley sent out the SEQRA Lead Agency Notice on July 15, 2010. Technically SEQRA regulations provide that Lead Agency can't take action on SEQRA determination until either involved agencies, i.e., DEC or DOH notify the Town Board that they don't have a problem

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with them serving as Lead Agency or a 30-day period expires, whichever is sooner. A letter from DEC was received saying they don't have a problem with the Town Board serving as Lead Agency. A letter from DOH has not been received yet stating this. However, in his opinion there is no way that DOH is going to be Lead Agency for this project. So if the board decides to proceed with the SEQRA resolution tonight then the board should proceed with the following understanding; that you are completing SEQRA, but the SEQRA determination will not be filed and published in the Environmental News Bulletin until either the 30-day period expires or we hear from DOH. We are very close to the end of the 30-day period, which is Saturday, August 14, 2010. If DOH should object to this then we will halt the process. We have been through this process many times before and neither DEC or DOH have ever wanted to act as Lead Agency. DOH through EFC is the funding mechanism here and they will want the Town Board to serve as Lead Agency in this project.

He asked if the board members were comfortable proceeding with this understanding. The Town Board did not voice any objections.

Attorney Auffredou stated that the EAF was prepared by Tim Burley. Part I describes the project and it is a snap shot of all of the areas where the district extension is being proposed. It is a Type 1 action under SEQRA. Normally it would be an unlisted action under SEQRA, but because the project is being funded through the DWSRF it is a Type 1 action under SEQRA, which means that it gets a heightened review through SEQRA.

Attorney Auffredou stated that unlike most of the EAF's the board has received from him or others Tim Burley has completed Part II of the EAF with suggested answers. The board should go through Part II and make sure they agree with the suggested answers.

Attorney Auffredou asked if the board was comfortable with how they were going to proceed and how Tim prepared Part I. He said Tim Burley did an excellent job.

No objections were voiced.

Attorney Auffredou proceeded to Part II and reminded the board that there will no doubt be short term impacts during the construction phase of the extension to the water district. The board should consider long term impacts upon the environment when going through Part II.

Attorney Auffredou read questions 1 through 20 in Part II of the EAF.

The answers to questions 1 through 16 were "no".

Question 17 was answered "yes" with the small to moderate impact box checked and the following note: "Short term noise level increase due to construction equipment."

Question 18 was answered "yes" with the small to moderate impact box checked and the following note: "Project will supply safe drinking water and fire protection to area with poor aquifer."

Question 19 was answered "no".

Question 20 was answered "no" with the following note: "The project is supported by the NYS DOH."

The Town Board didn't object to any of these answers to the questions in the EAF.

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Attorney Auffredou stated that given the answers to the EAF he suggested a resolution be made declaring a negative declaration.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair declaring a Negative Declaration under SEQR and authorizing the Supervisor to sign the full EAF.

Roll call vote resulted as follows:

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

Attorney Auffredou said he would take care of publishing the Negative Declaration in the Environmental News Bulletin after the expiration of the 30-day period.

Attorney Auffredou said the next action the board could take if they so chose was the adoption of a resolution establishing Extension 2 of Water District 1 in the Town of Moreau that would be subject to a 30-day permissive referendum period as provided for in Section 209-e of the Town Law.

He also stated that by passing the resolution the board is making the following requisite findings as required in Section 209-e (1):

1. The Notice of Public Hearing was published and posted as required by law.
2. That all the property and property owners within the proposed district extension are benefitted by the establishment of Extension 2 of Water District 1.
3. That all property and property owners benefitted by the establishment of Extension 2 of Water District 1 are included within the limits and boundaries of Water District 1.
4. That the establishment of Extension 2 of Water District 1 is in the public interest.

Councilman Kusnierz asked if this evening's prior meeting was advertised as a Public Hearing and the Town Clerk replied yes. He asked this question, because when it was opened it wasn't characterized as a Public Hearing.

Attorney Auffredou added that it was published in the Post Star on July 30, 2010.

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

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the creation of Extension No. 2 of Water District No. 1 within the Town of Moreau as described in the Map, Plan and Report that has been prepared for Extension No. 2 of Water District No. 1; and

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WHEREAS, the Extension No. 2 of Water District No. 1 is generally located in the surrounding areas of Water District No. 1, including an extension along Fortsville Road, an extension from the English Village Housing Development along Spier Falls Road to Potter Road, and extensions along Route 32, from Reservoir Road to Bluebird Road and from Route 197 to Reservoir Road; and

WHEREAS, the Town Board conducted a public hearing on the creation of Extension No. 2 of Water District No. 1 on Tuesday, August 10, 2010 at 6:30 p.m. at the Moreau Town Hall; and

WHEREAS, notice of the public hearing was published and posted as required by law; and

WHEREAS, the Town Board finds pursuant to Town Law §209-e that all property and property owners within the proposed district extension are benefitted by the establishment of Extension No. 2 of Water District No. 1; and

WHEREAS, the Town Board finds that all the property and property owners benefitted by the establishment of Extension No. 2 of Water District No. 1 are included within limits and boundaries of Water District No. 1; and

WHEREAS, the Town Board finds that the establishment of Extension 2 of Water District No. 1 is in the public interest; and

WHEREAS, the Town Board serving as lead agency under the State Environmental Quality Review Act ("SEQRA") has issued a determination of non-significance under SEQRA; and

WHEREAS, the installation of the necessary infrastructure will be funded in large part through a \$4,995,000 thirty year interest free loan through the New York State Environmental Facilities Corporation and other funds the Town has on hand for this purpose; and

NOW, THEREFORE, the Town Board hereby establishes Extension No. 2 of Water District No. 1 in the Town of Moreau as more fully detailed and described in the Map, Plan and Report; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the construction of the necessary improvements for Extension No. 2 of Water District No. 1 as provided for in the Map, Plan and Report; and

BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as provided for in Section 209-e of the Town Law.

Councilman Kusnierz stated for the record that he would support the resolution, but usually when we have a public hearing right before the evening when we take action the Town Board spends time evaluating public comments. However, he is aware of the time constraints in the creation of this district. So he would be supporting this resolution, but that is because there is a mechanism for a 30-day permissive referendum period that affords those individuals impacted by this action an opportunity to get it on the ballot. Also, the Town Board has to take additional action in the form of a final order and he will support the resolution based on the fact that there will not be mandatory hook up requirements.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes

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Councilman Kusnierz	Yes
Councilman Cumm	Absent
Supervisor Jenkins	Yes

HIGHWAY DEPARTMENT REQUESTS

A memo was received by the Town Board from Paul Joseph, Highway Superintendent, indicating that he will be contracting with Jointa Galusha, Peckham Materials, Palette Stone, and/or Pompa Bros. for the purchase of asphalt concrete for use on ½ of Hatchery Road, Paris Road, Old Bend Road/Dyke Road and Sweet Road. These suppliers are on the Saratoga County Contract #10-PWAC-3R. There is a balance of \$276,116.90 in account DB5112.493.4. Purchase orders will be issued at the time of purchase.

Councilman Kusnierz asked Paul Joseph how much he expected to spend and Paul Joseph said most of it if not all.

Councilman Kusnierz asked if this would include repairs to Hatchery Road once the culvert is fixed and Paul Joseph replied yes.

Councilman Kusnierz asked Paul what the anticipated cost per road was.

Paul Joseph replied he didn't have a breakdown by road.

Supervisor Jenkins asked Paul if these are the same numbers that he used to prepare the budget and Paul replied yes.

Councilman Prendergast asked if these were the same roads and Paul Joseph replied yes.

Councilman Prendergast asked if the price had changed and Paul Joseph replied that the price has gone down and it has gone up and down again since budget time.

Councilwoman LeClair made the motion authorizing purchase orders to be issued totaling an amount not to exceed \$276,116.90 out of account DB5112.493.4 for the purchase of asphalt concrete from Jointa Galusha, Peckham Materials, Palette Stone and/or Pompa Bros. for use on ½ of Hatchery Road, Paris Road, Old Bend/Dyke Road and Sweet Road under Saratoga County Contract #10-PWAC-3R.

Councilman Kusnierz asked Paul if based on his expenditures to-date out of the highway budget did he think that we should spend all of this money or should we be cautious and re-evaluate spending all of it. It is a big chunk of the highway budget.

Paul Joseph stated that this is the top figure and it could come in lower. It is money set aside for these projects. He expected to start grinding roads by the end of next week or the following week.

Councilman Kusnierz rephrased his question by saying that he didn't mind spending this money, but he didn't want to be in the position whereby as a board they approve it and then find out that we have to go into fund balance or cut somewhere else to get the highway budget through to the end of the year.

Paul Joseph said the rest of the budget should be okay.

Supervisor Jenkins said there shouldn't be a problem. We got through the first half of the year without a lot of expense. Our payroll is in great shape. The only place we could have an issue would be with health insurance. That could be close. We did a budget amendment and added \$60,000.00.

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Councilman Prendergast asked if there are any issues associated with the State Budget just passed that could affect us before the end of the year.

Paul Joseph replied that the CHIPS money has been all approved.

Councilman Kusnierz said it may have been approved, but are we assured of receiving it.

Paul Joseph replied yes. Town of Wilton has already received ½ of their CHIPS funding. He is finishing up the paperwork to ~~receive ours~~. **receive the other ½. [Amended 8/24/10 jf]**

Councilman Prendergast seconded the motion.

Roll call vote resulted as follows:

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

A memo was received by the Town Board from the Highway Superintendent, Paul Joseph, informing the Town Board that upon inspecting the Hatchery Road culvert on August 2, 2010 he discovered that the dirt under the road is sinking. One sink hole is directly in the path of a vehicle's wheel. The hole is deep enough to put a shovel handle completely down in without hitting a solid surface. For safety reasons he was forced to close 480 feet of Hatchery Road around this culvert. This closure is 1,400 feet east of Fortsville Road and 5,296 feet west of Selfridge Road. He contacted the Sheriff's Department, New York State Police and all emergency agencies and the Post Office and the South Glens Falls School District.

Supervisor Jenkins said it was his understanding that we are about two weeks away from the engineers finishing up their survey work and then easements will be needed on two properties

Councilman Kusnierz asked what the delay was with the engineers.

Supervisor Jenkins replied that the Town Board just approved the survey work at the last meeting.

Paul Joseph stated that the engineers were supposed to be on-site today to survey, but he didn't get a call to go down.

Councilman Kusnierz asked if they should re-evaluate the roads that they planned to spend money on and use some of that money towards this project.

Paul Joseph stated that there are 25 roads in dier need of being paved.

Councilman Kusnierz said there is a difference between need and must and the culvert is a must.

Councilman Kusnierz asked if we have a projected cost for the culvert work and Paul Joseph replied that he hasn't received an estimate from C.T. Male yet. They did one survey and a rough draft. An e-mail was received the other day saying a permit wasn't going to be required for it.

Supervisor Jenkins stated that at budget time they were going to be facing an even bigger culvert project on Clark Road and it is going to be expensive.

The next request from the Highway Superintendent was to purchase \$10,000.00 worth of crushed stone out of account DB5110.493 from Peckham Materials and Jointa Galusha under Saratoga County

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Contract #10-PWCS-5R for use on the shoulders of roadways after paving. The DB5110.493 account had a balance of \$17,088.38 as of July 31st.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of crushed stone at an amount not to exceed \$10,000.00 from Peckham Materials and Jointa Galusha under Saratoga County Contract #10-PWCS-5R and out of account DB5110.493.

Councilman Kusnierz asked Paul Joseph if he could guarantee him that none of this crushed stone will be used for aprons on proposed developments as in the past.

Paul Joseph replied that it would be used strictly for shoulders.

Roll call vote resulted as follows:

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

A memo was received by the Town Board from the Highway Superintendent informing them that the main mower head bearings went on the 1986 Heston Mower. He contacted Montage Enterprises and they had the parts in stock with free shipping. The cost was \$915.48. He also contacted Alamo, but their price was well over \$1,000.00 plus shipping. He needed the mower to mow the retention ponds so he went ahead and ordered the parts on an emergency basis. He was now asking the Town Board to ratify the purchase.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz authorizing the purchase of main mower head bearings for the 1986 Heston Mower from Montage Enterprises at a cost not to exceed \$915.48.

Roll call vote resulted as follows:

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

The next request from the Highway Superintendent was for the purchase of a clutch assembly for the 1986 Heston Tractor from Capital Tractor at a cost of \$1,932.79. This is a dealer part only. The purchase would be made from account DB5130.492 that has a balance of \$23,993.64 as of July 31st.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a clutch assembly for the 1986 Heston Tractor from Capital Tractor at a cost not to exceed \$1,932.79 out of account DB5130.492.

Roll call vote resulted as follows:

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

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Another request from the Highway Superintendent was for the purchase of 125 gallons of bulk motor oil from Farrell Oil at a cost of \$1,285.00 out of account DB5142.460 that had a balance of \$19,920.10 as of August 2nd.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of 125 gallons of bulk motor oil from Farrell Oil at a cost not to exceed \$1,285.00 out of account DB5142.460.

Roll call vote resulted as follows:

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

A request was also received from the Highway Superintendent for the purchase of 125 gallons of bulk hydraulic oil from Farrell Oil at a cost of \$1,243.75 out of account DB5142.460 that had a balance of \$19,920.10 as of August 2nd.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of 125 gallons of bulk hydraulic oil from Farrell Oil at a cost not to exceed \$1,243.75 out of account DB5142.460.

Roll call vote resulted as follows:

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

TREE/STUMP REMOVAL PROPOSALS

A bid opening for tree and stump removal was held on August 3rd in Moreau Town Hall and the result of the bid opening was as follows:

Buddy's Tree Service	\$24,745.00
High Peaks Tree Service	\$12,785.00
Sears Tree Experts	\$10,180.00
Tree Care by Stan Hunt	\$10,890.00
Adirondack Tree Surgeons	\$10,486.00
Davey Tree Experts	\$36,088.00

Paul Joseph said he had a rough list of the trees. They haven't been around to measure them so this is an estimate. It was going by his rough estimates. There is \$12,000.00 in the account for this and he didn't expect to spend more than \$12,000.00 according to the list he has. Once they measure the trees he will measure them and make sure the measurements match up. Last year they ran into a problem and ran over what the bid amount was. He explained that today he noticed a tree that was more of a safety hazard so he put it on the list and removed one. If he could take them both without going over the bid price he would.

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Supervisor Jenkins said they could approve the bid from Richard Sears and come back with an amount to approve later.

Councilman Kusnierz questioned them approving a contract without an amount.

Supervisor Jenkins said Paul Joseph just told them that the numbers would change slightly.

Councilman Kusnierz suggested they approve an amount not to exceed the low bid amount from Sears Tree Experts.

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to accept the low bid from Sears Tree Experts at a cost not to exceed \$10,180.00 for removal of trees and stumps.

Roll call vote resulted as follows:

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

ORDER ON CONSENT – HATCHERY ROAD CULVERT - FINE

Supervisor Jenkins stated that originally DEC was going to fine the Town \$1,000.00 and they reduced it to \$500.00 based on four issues the Town was written up on. It was his understanding that C.T. Male was told by DEC that a permit wasn't needed for work on another culvert that involved a stream that was larger and was more likely to have trout in it versus the one they were working on that was smaller, spring fed and had less water in it.

Councilman Kusnierz asked if we had anything in writing to this effect and Paul Joseph replied no.

Paul Joseph explained that the fine wasn't for the work on the culvert, but rather for working in a wetlands area. He said he didn't know it was a wetlands area since he didn't have a wetlands map in his office. We can be in a wetlands area as long as we apply for a permit. He did it the same way it has been done for the past ten years that he has worked for the highway department and for the past twenty one years that Mike Montgomery has worked for the highway department. He has requested a set of wetlands maps for the Town of Moreau.

Councilman Prendergast asked Joe Patricke if he had wetlands maps in his office and Joe Patricke replied yes.

Councilman Kusnierz reminded Paul Joseph that at the April 27th Town Board Meeting he told the board that a permit was needed.

Paul Joseph replied that a permit would be needed for the new culvert, because it was going to be more than 100 feet in length. Anytime more than 100 feet of area is disturbed a permit is needed. However, DEC told C.T. Male they don't need one and it may be because it isn't in a wetlands area.

Supervisor Jenkins said he needed authorization to sign the Order on Consent.

Councilman Prendergast made the motion authorizing the Supervisor to sign the Order on Consent.

Councilman Prendergast asked if Attorney Auffredou was going to review the Order on Consent.

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Councilman Kusnierz asked Attorney Auffredou if he was involved in this and Attorney Auffredou replied no.

Councilman Kusnierz asked why an engineer was involved in this and not our legal counsel.

Joe Patricke replied that the meeting they had was a hearing and all they were given was the Order on Consent to bring back to the Town Board. They met with them under the assumption that they were reviewing the project and that they would tell us not to do it again. He didn't know that there was going to be an Order on Consent issued. He explained to them that it was taxpayer's dollars and they didn't care.

Attorney Auffredou stated he would like to have time to look over the Order on Consent more thoroughly. He referred to item #7 that indicates that the Town is acknowledging that it violated the ECL and he has always had a fundamental problem with municipalities acknowledging a violation. He would like an opportunity to speak with Christopher LaCombe, Regional Attorney for DEC Region 5 about, at a minimum, modifying this language.

Councilman Kusnierz made a motion to table this action.

Attorney Auffredou asked if this was going to hold us up.

Joe Patricke and Paul Joseph stated together that there is a deadline in the Order on Consent.

Supervisor Jenkins said he would like a motion to approve this subject to review by counsel.

Harry Gutheil stated that a motion to table ceases all discussion according to Robert's Rules of Order and Attorney Auffredou said this is correct if there is a second.

Councilman Prendergast asked Attorney Auffredou what he recommended.

Attorney Auffredou said he doesn't know where the August 18th deadline comes from. He read as follows: "Please have the Town Board approve this Order on Consent and have the appropriate Town Official execute the Order and return it to this department by August 18th." He further read "This remedial work will need to be completed by August 31, 2010."

Attorney Auffredou said there is still the motion to table and assuming we get beyond that he suggested a motion authorizing the Supervisor to sign an Order on Consent with payment of a civil penalty to DEC of up to \$500.00 subject to further negotiation by counsel for the Town.

Attorney Auffredou said he has a real fundamental problem with item #7 in the Order on Consent. He stated that we have had other Orders on Consent where we did not acknowledge a violation. He mentioned Riversedge.

Joe Patricke stated that they blamed an independent contractor in that case.

Attorney Auffredou replied that may be so, but they initially blamed the Town and through Joe's negotiations and his own they revised the Order on Consent and there was no longer an acknowledgment that the Town violated anything.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the Supervisor to sign an Order on Consent with payment of a civil penalty to DEC of up to \$500.00 subject to further negotiation by counsel for the Town.

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Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No*

*Councilman Kusnierz voted no, because he didn't think the taxpayer's of the Town of Moreau should single handedly be closing the State's deficit through their revenue schemes with excessive fines and when we have litigation we shouldn't be going in with an engineer when we have legal counsel.

Councilman Prendergast stated this was a problem that we needed an engineer for.

Councilman Kusnierz stated that legal counsel should have been included.

Attorney Auffredou stated for the record that he has a fundamental problem with DEC coming after municipalities with the finding of a violation and seeking a fine on top of it. It is offensive to him.

Joe Patricke stated that there were four violations.

Attorney Auffredou stated they were trying to correct a problem that was impacting the health, safety and welfare of the residents of the Town of Moreau and they weren't going in there to build a mall.

Roll call vote continued:

Councilman Cumm	Absent
Supervisor Jenkins	Yes

RECREATION DEPARTMENT REQUESTS

A request was received from the Recreation Director, Steve Gram, to hire Kevin Donahue as Swim Instructor at \$10.00 per hour with no pre-employment physical needed and retro-active from July 19, 2010.

Supervisor Jenkins stated that Kevin Donahue has been working as a lifeguard for the Recreation Department and has also been working as a Swim Instructor, but the Swim Instructor portion was not included in the Recreation Director's initial request to hire Kevin Donahue. He is being paid \$8.50 per hour as lifeguard and will get \$10.00 per hour as Swim Instructor.

Following discussion it was decided to talk to Steve Gram about this and get some clarification and it could be brought up again at the next meeting.

The following quotes were received to purchase jerseys for the Flag Football Youth Program:

Northwind Graphics	\$11.25 each for youth size and \$13.00 each for adult size
Synergy Promotions	\$10.24 each
Riddell	\$11.85 each
Landmark	\$17.50 each
Logodogz	\$15.25 each Tricot Mesh Jersey (If both bids for soccer & football awarded \$14.00 each)
	\$8.75 each for Heavy Weight Shimmer (If both bids awarded \$7.50 each)
Northeast Promotional Group	declined to bid

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A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the purchase of 150 Flag Football Jerseys from Synergy Promotions @ \$10.24 each for a total not to exceed \$1,536.00.

Roll call vote resulted as follows:

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

The following quotes were received for the purchase of Soccer T-Shirts for the Youth Soccer Program:

Northwind Graphics	\$3.85 each
Synergy Promotions	\$3.74 each
Riddell	\$5.60 each
Landmark	\$6.00 each
Logodogz	\$4.50 each (If awarded both Soccer & Flag Football \$4.25 each)
Northeast Promotional Group	declined to bid

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of 750 Soccer T-Shirts from Synergy Promotions @ \$3.74 each for a total not to exceed \$2,805.00.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

None

WATER METERS

Supervisor Jenkins said he discussed with Councilman Cumm, who is not present, and with Councilman Prendergast about putting the decision about purchasing radio read water meters for all the water districts on hold for now, but that we should go ahead and order them for the Schermerhorn project. He hoped that at the next meeting the Town Board would act on radio read water meters for all the districts.

Councilman Prendergast asked if the Village was still going to have to use our system for a short term while their system is shut ~~down~~ **down** and Jesse Fish replied that he hasn't heard from the Village about this. He understands that they opened up one of their other wells that supposedly they couldn't use and now their engineer says it is okay. In November when they have to shut down he assumes they will have to hook up to the Town, but he hasn't heard back from them formally. He explained to JR that they would have to put a new meter in the pit in order to get water from us.

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Joe Patricke asked the Supervisor if he was telling Jesse that he should buy the meters for Schermerhorn and Supervisor Jenkins replied that Schermerhorn is going to pay for them and yes he should order them.

Joe Patricke then asked Supervisor Jenkins if Jesse needs authorization to purchase the meters.

Supervisor Jenkins replied that authorization should probably be given.

Councilman Kusnierz asked if this expense would come out of the Trust & Agency Account.

Joe Patricke replied that there isn't any money in Trust & Agency for this. Schermerhorn paid \$92,000.00 for water hookups and that includes the cost of a meters.

Jesse Fish replied that Schermerhorn will be responsible for the additional cost between the standard meter and the radio read water meters.

Supervisor Jenkins said Jesse needs authorization, but we don't know what the cost will be.

Councilman Kusnierz suggested a letter be obtained from Schermerhorn saying that they are willing to pay the difference.

Joe Patricke said that Schermerhorn will write a check when we tell him the amount. It is not an issue for him.

Councilman Kusnierz stated that it may not be an issue for him, but in other areas we always look for accountability and a letter is one way to achieve that.

Joe Patricke said that Jesse could come back to the Town Board with a proposal and quote.

Jesse Fish noted that the Town Board also has to amend their standardization policy regarding water meters if we change manufacturers.

Supervisor Jenkins stated that is next on the agenda.

AMENDMENT OF WATER HOOK UP RATES

The following is a proposed schedule of water hookup fees that the Town Board was copied on to consider from the Water Committee:

Connection Fee — Tap required

❖ Single family dwelling Includes:

\$3,100.00/dwelling unit*

- Capacity and expansion fee
- Tap — Maximum of 1" diameter
- 3/4" x 5/8" meter with compatible radio read system
- Pipe, fittings and appurtenances necessary to complete an installation up to and including the curb stop.

A Professional Engineer shall design all water services larger than 1" diameter. All applications for a water service larger than 1" diameter must be submitted to the Water

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Superintendent for review and approval. The applicant for the water service shall be responsible for all additional costs incurred for an installation larger than 1".

❖ Two family dwelling \$4,800.00/building *
Includes:

- Capacity and expansion fee
- Tap — Maximum of 1" diameter
- 3/4" x 5/8" meter with compatible radio read system
- Pipe, fittings and appurtenances necessary to complete an installation up to and including the curb stop.

A Professional Engineer shall design all water services larger than 1" diameter. All applications for a water service larger than 1" diameter must be submitted to the Water Superintendent for review and approval. The applicant for the water service shall be responsible for all additional costs incurred for an installation larger than 1".

❖ Multi-family dwelling \$1,700.00/dwelling unit
\$1,400.00/building*

*Includes:

- Capacity and expansion fee
- Tap — Maximum of 1" diameter
- 3/4" x 5/8" meter with compatible radio read system
- Pipe, fittings and appurtenances necessary to complete an installation up to and including the curb stop.

A Professional Engineer shall design all water services larger than 1" diameter. All applications for a water service larger than 1" diameter must be submitted to the Water Superintendent for review and approval. The applicant for the water service shall be responsible for all additional costs incurred for an installation larger than 1" diameter.

❖ Commercial or manufacturing site \$3,100.00/site *
Includes:

- Capacity and expansion fee**
- Tap — Maximum of 1" diameter
- 3/4" x 5/8" meter with compatible radio read system
- Pipe, fittings and appurtenances necessary to complete an installation up to and including the curb stop.

A Professional Engineer shall design all water services larger than 1" diameter. All applications for a water service larger than 1" must be submitted to the Water Superintendent for review and approval. All commercial /industrial applicants must complete a tap application which will include additional information for purposes of determining any special need for a backflow prevention device. The applicant shall be responsible for all costs associated with installation of a backflow prevention device if it is determined that one is necessary. The applicant for the water service shall be responsible for all additional costs incurred for an installation larger than 1"diameter.

* If a tap is not required deduct \$1,400.00.

** The capacity and expansion fee listed above is based upon the estimated use of 200 gallons of water

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per day. Commercial and manufacturing sites shall be required to pay an additional one-time fee of \$8.50 per gallon for estimated use of water in excess of 200 gallons per day.

The anticipated use of water on the site shall be determined by a Professional Engineer for the applicant and reviewed by the Water Superintendent.

At the end of a one-year period of time (to be determined by the Water Superintendent) the actual use at the site shall be reconciled against the anticipated use. Any difference between the two shall be determined and, if so indicated, an additional payment by the owner shall be made to the Water Department based on the original amount of \$8.50 per gallon of use in excess of 200 gallons per day. If the actual use is less than the anticipated use a credit shall be calculated by the Water Department for the same \$8.50 per gallon for use less than 200 gallons per day. The credit shall be applied to the next billing period.

Councilman Kusnierz asked if input was received from Tim Burley on the proposed water hook up rates and the answer was yes, Tim participated in the development of this fee schedule along with Joe Patricke.

Councilman Kusnierz asked how this changes what we currently charge.

Joe Patricke replied that we currently have different rates depending on which side of the street you are on or what water district you are in.

Councilman Kusnierz asked for a range and Jesse Fish replied \$700.00 to \$900.00.

Councilman Kusnierz asked if what is being proposed is for all water districts and Jesse Fish replied yes.

Supervisor Jenkins stated that Tim Burley actually suggested fees higher than what was being proposed. The proposed fees are based on buy-in costs and replacement issues. All the expenses involved in a hook up were analyzed.

Jesse Fish Stated that the hook up is being proposed at \$1,400.00 and the buy-in, expansion and all the other things are \$1,700.00 for a total of \$3,100.00.

Supervisor Jenkins stated that if a tap is not required then it would be \$1,400.00.

Harry Gutheil asked if this would be for all districts and the answer was yes. He asked how this was fair for those who already paid for their storage tank and capacity and already put their laterals in.

Supervisor Jenkins replied that anybody who is coming in as part of our project is not going to pay this amount.

Harry Gutheil said he was talking about somebody in Water District 2 who was infilling lots. For example: On Oakwood Drive or Elmwood Drive if there is a lot and a house is built on it would they pay the \$3,100.00 fee to hook up to the water?

Supervisor Jenkins replied yes.

Harry Gutheil stated that wasn't fair. Those people already paid for a bond and paid for the water tank, etc. If it was a new water district then that would be different. We are no longer Moreau when you start adopting these kinds of policies. That is just to bring it to the curb box too right? The answer was yes. He then stated that the property owner would then have to pay someone to bring the service into the house. The answer to this was yes also.

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Councilman Prendergast stated that perhaps they should take another look at this fee schedule.

Harry Gutheil stated that these are already established districts. It isn't like proposed District 7 that would increase the flow or capacity.

Supervisor Jenkins stated that if it is a vacant lot then the property owner wouldn't have paid anything for that construction.

Harry Gutheil stated that they would have paid on a bond and Supervisor Jenkins said that is somewhat true for Water District 2 and Harry Gutheil added also District 1.

Action on this proposed fee schedule was tabled.

FY2010 REGIONAL PLANNING GRANT APPLICATION

Supervisor Jenkins recapped what this grant was for by saying that the Glens Falls Adirondack Transportation Council and local municipalities can participate in this grant program. The City of Glens Falls would do the monitoring work for the grant. He suggested that the Town of Moreau request \$25,000.00 that we could use towards job development in the industrial park and some signage and clean up of the industrial park. A 20% leverage of cash and/or in-kind services would be required by this "consortium". He stated that more than likely it would be in-kind services.

Supervisor Jenkins asked for authorization to sign the certification for the resolution to submit it with the grant to participate. It is anticipated to be little or no cash cost. They need a certain percentage of the transportation council and municipalities to participate.

Attorney Auffredou advised that the Village of Hudson Falls last evening approved the resolution authorizing the mayor to sign it. Ed Bartholomew was there on behalf of the City of Glens Falls and as he described it last night to the Village Board of Trustees, this grant is an initial grant only for planning purposes only and they were going for \$300,000.00 to \$400,000.00 and the idea is that with the assistance of ACC and in-kind services from the consortium communities, including Moreau, it will be data collection. They will need to know, as earlier as maybe Friday, a list of projects that Moreau wants to include. This is the key to future grants for other monies for specific projects. Moreau won't get any dollars for a specific project through this resolution. If Moreau is not part of the consortium and not a team player then Moreau won't be able to participate. The City of Glens Falls is the Lead Agency for purposes of the grant application only. This doesn't mean that the City of Glens Falls will dole out the funds for future grants or decide who gets what or who doesn't get what. Within 120 days from the adoption of this resolution there will be a consortium agreement that Moreau and the other communities will sign that will specifically set forth the obligations of the City and the obligations of the consortium. It will also specify who among you will serve on the consortium team. The Village of Hudson Falls enthusiastically endorsed the resolution. If Moreau isn't in it they won't lose anything, but Moreau has everything to gain by participating.

Supervisor Jenkins stated that we need to take a look at our industrial park. There is a potential sale there that isn't happening, because they lack funding. The LLC would be very interested in meeting with this Town Board to discuss how to restructure the park. We want to be able to sell the lots and put people to work there. A manufacturing company is not likely to happen at that site, because of transportation issues. We need to put a deadline on the current potential sale, because there are some issues with the contract, that we never signed, that transfers title to the one road. The potential buyer has \$10 million in loans, but they are lacking \$5 million in equity. They are looking for an equity partner. In today's banking industry he doesn't see that happening. We need to think about moving ahead in the park. The way the lots are laid out they could be restructured.

Councilman Kusnierz stated that maybe we could repackage the park and remarket it as the Moreau Technology Park.

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Attorney Auffredou stated that the grant application is due to be filed by August 23rd.

Harry Gutheil stated that the devil is in the details. When he was part of the Waterfront Revitalization Project it came to a point where they wanted local laws enacted and enforced and there were a lot of little details and some of them we didn't want to do so they backed off and found out that there were other ways to do it.

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

WHEREAS, the U.S. Department of Housing and Community Development (HUD) has issued a notice of funding availability (NOFA) under the HUD Sustainable Communities Regional Planning Grant Program; and

WHEREAS, the Program provides grant assistance to support metropolitan and multijurisdictional efforts that integrate housing, land use, economic and workforce development, transportation and infrastructure investments; and

WHEREAS, the Town of Moreau may use these funds to identify priorities in these planning items for the region; and

WHEREAS, the Town of Moreau has reviewed its community development problems and needs; and

WHEREAS, the geographic boundaries of the jurisdiction includes the same boundaries of the Adirondack / Glens Falls Transportation Council (AGFTC); and

WHEREAS, to be eligible to apply, a consortium is formed consisting of the City of Glens Falls, the AGFTC, a municipality representing 50% or more of the population in the Glens Falls SMSA, one or more non-profit organizations, and additional units of local government to ensure representation of at least 50% of the population in the region; and

WHEREAS, the grant, upon award, requires a 20% leverage of cash and/or in-kind services by this consortium; and

WHEREAS, the Town of Moreau is located in the geographic jurisdiction described above and desires to participate in the consortium; and

WHEREAS, the City of Glens Falls desires to be the lead applicant and **also** desires to administer the Program upon award; and

WHEREAS, the grant application deadline is August 23, 2010; and

NOW THEREFORE BE IT RESOLVED, that the Town of Moreau desires to become a member of the described consortium; and

BE IT FURTHER RESOLVED, that the consortium commits to a 20% participation in cash and/or in-kind services upon Program award; and

BE IT FURTHER RESOLVED, that the Town of Moreau authorizes the City of Glens Falls to be the lead applicant, submit the application on behalf of the consortium and to administer the grant upon award; and

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BE IT FURTHER RESOLVED, that a consortium agreement will be executed no later than 120 days after the effective start date of the grant agreement, and

BE IT FURTHER RESOLVED, that the Town of Moreau Supervisor is authorized to execute any required certifications and provide such other assurances and information as required for a complete application.

Roll call vote resulted as follows:

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

PROPOSITION WORDING APPROVAL FOR CAPITAL RESERVE FUNDS

The following is suggested wording for ballot propositions as drafted by Attorney Auffredou and before the Town Board for review and approval :

“Shall the Town Board of the Town of Moreau establish a capital reserve fund under Section 6-c of the General Municipal Law to accumulate monies and finance the cost of a specific capital improvement, namely, the construction of a government office complex for the Town of Moreau and all necessary buildings thereon and equipment and furnishings therein on a ____ +/- acre parcel owned by the Town of Moreau located at _____ with the maximum cost of the new government office complex including necessary buildings, equipment and furnishings therein being Two Million Six Hundred Thousand and 00/100 Dollars (\$2,600,000), all of which funding is presently on hand and in reserve in the Town of Moreau Landfill Betterment Fund.”

This same language would also apply to the ballot proposition for the Highway Garage .

Attorney Auffredou advised that this proposition should be forwarded to the Saratoga County Board of Elections the end of August or early in September. The language for the proposition should be as specific as possible for the public.

Councilman Kusnierz suggested that in the first line of the proposition the word “and expend” be added between the words “establish” and “a capital reserve fund”.

No objections were raised by the Town Board over the wording of these propositions.

15 MINUTE PUBLIC COMMENT PERIOD

Harry Gutheil asked if Schermerhorn paid a buy-in for sewer capacity.

Supervisor Jenkins replied that he paid \$805.00 per unit for sewer.

Harry Gutheil asked what account that money went into.

Supervisor Jenkins replied into the sewer district fund, but maybe it should be in a reserve fund for repairs, replacement, etc.

Harry Gutheil asked if it could go towards the debt on the infrastructure.

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Supervisor Jenkins replied the board could consider that.

Harry Gutheil stated that the general fund paid for the infrastructure and now it is going into other accounts.

Joe Patricke stated that when he was in the meeting with DEC the other day about the work on Hatchery Road he objected on the fact that they checked with surrounding Towns, Highway Departments and other Engineering Firms and nobody knew about this permitting requirement. They didn't seem to care. Originally they told us that they conducted a training class in Saratoga County and someone from Moreau had attended. At the meeting they admitted they never had one in Saratoga County. They had one in Warren and Washington County, but not Saratoga County. He stated that they were treated very poorly. He just wanted the Town Board to know this.

Reed Antis asked where the new government complex would be built on Route 197.

Supervisor Jenkins said the Town owns nine acres of land behind the South Glens Falls Fire Company on Route 197 and about 1.4 acres that the former Jehovah Witness building is situated on.

Reed Antis asked if the former Jehovah Witness building would be utilized or razed.

Supervisor Jenkins replied that hasn't been determined yet. The Town currently uses the building for different things. The site behind the Fire Company could be accessed without razing it.

Reed Antis asked if the new highway garage would be built on the site of the current highway garage.

Supervisor Jenkins replied yes. We would keep the existing building for additional storage and an office for the Water Superintendent.

COMMITTEE REPORTS

None

Councilman Kusnierz stated that at the last Town Board Meeting he asked for information on transitional assessments and the assessor was going to get the Board this information. He didn't receive this information.

Councilwoman LeClair and Supervisor Jenkins said it was put in their mailboxes this date.

Councilman Kusnierz said he didn't get a copy. He asked the Supervisor for a copy of it.

Supervisor Jenkins recapped the memo from the assessor as follows: The State Board would have had to approve the Town as an approved assessing unit prior to the Tentative Roll Year 2010. The Town didn't apply. The Town would have had to have applied to the State Board within 120 days prior to the filing of the Tentative Assessment Roll, which the revaluation or update would have been entered on. The local governing body would have had the option to adopt a local law under the Homestead Act, which normally would be just for that transitional time. No municipality in the region has done this to-date. It can only be done during a revaluation project. The assessor does not recommend adopting such a local law. The Town & County Taxes seldom seem to be an issue with taxpayers and the school district has the option to adopt a law and if the Town adopts a local law the school is not mandated to follow it.

Supervisor Jenkins stated that this was discussed with Monica Duffy the Attorney for the School District and she was not willing to address this unless the School District asked her for her opinion and she doubted she would ever approve it if they did.

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In other matters, Supervisor Jenkins stated we have had employees out on disability and they are getting their one day a month added for sick time even though they are on disability and we don't have a policy to address this. He stated that it doesn't seem right that an employee uses all their sick time and is on disability and yet we give them another sick day each month while they are out on disability.

Councilman Kusnierz suggested that the Personnel Committee look into this and bring a recommendation back to the Town Board.

Attorney Auffredou stated that if this is an employee-wide policy then the Town Board will have to negotiate this with the union, whether it is in the contract or not. If it is going to apply to non-union employees only then the Town Board can adopt a policy as long as there is a rational basis to do it. If it is going to be afforded to a union employee then the Town Board will have to negotiate it with the union whether it is in the contract or not.

Supervisor Jenkins reported receiving a letter of appreciation from Hunt's Hurricanes addressed to Steve Gram, Recreation Director. The letter thanked Steve Gram for another wonderful softball experience again this year. They thanked Steve for the polite, courteous way he treats everyone. Whatever they needed Steve and his staff provided cheerfully. The fields are always groomed magnificently and are the best in the area. The coaches, players, parents gave compliments on the fields and the complex.

Supervisor Jenkins stated it was nice to receive these types of compliments from time to time.

A request was received from John Kibling seeking a waiver of the insurance requirement in order for the Hudson Falls Police Benevolent Association to reserve a pavilion in the Town's recreational park. The Hudson Falls Police Benevolent Association does not carry liability insurance.

It was the consensus of the Town Board to approve this request for the insurance waiver.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 10:10 p.m. to discuss the pending litigation between the Moreau Emergency Squad and the Town of Moreau, the Joy Hendel Article 7 Proceeding and the employment history/performance of a particular unnamed employee(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Kusneirz and seconded by Councilwoman LeClair to adjourn the executive session at 10:51 p.m. and re-open the regular session.

Roll call vote resulted as follows:

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

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

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A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn the regular meeting at 10:51 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk