

A regular meeting of the Town of Moreau Town Board was held on August 23, 2011 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.

Town Board Members Present

Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Preston Jenkins	Supervisor

Town Board Members Absent

Tom Cumm	Councilman
Todd Kusnierz	Councilman

Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Joe Patricke, Building Inspector/Code Enforcement Officer; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Martin D. Auffredou, Attorney for the Town; Town Residents: Vince Sporrer, Elizabeth Lanfear (arrived at 7:06 p.m.), Reed Antis (arrived at 7:10 p.m.), Ron Quinn, Jr., Howe Stanton; Village Residents: Andre Delvaux, Brittany Creel, Kady Creel, Matt Stanton; and Steven M. VanGuilder, President and CEO of the Moreau Emergency Squad

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or put on vibrate all electronic communication 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:

August 9, 2011

MINUTES – AUGUST 9, 2011 – REGULAR TOWN BOARD MEETING

Approval tabled.

MEETINGS/WORKSHOPS SCHEDULED

Supervisor Jenkins asked for a Public Hearing to be scheduled on amendments to the Town's Dog Control Law. He recommended it be held on September 13th at 6:30 p.m. in Town Hall.

Attorney Auffredou said it would be Local Law No. 5 of 2011.

The Town Clerk asked if it was a workshop and Supervisor Jenkins said no it was a Public Hearing.

Attorney Auffredou said it was a Public Hearing on Local Law No. 5 of 2011, amendments to the Town of Moreau Dog Control Law.

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The Town Clerk asked Attorney Auffredou if there were amendments and Attorney Auffredou said he was preparing them.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to schedule a Public Hearing on Local Law No. 5 of 2011 for September 13, 2011 at 6:30 p.m. If adopted Local Law No. 5 of 2011 would amend the Dog Control Law for the Town of Moreau.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Vince Sporrer asked if the Town was going to incorporate the proposed municipal building in with the existing building the Town owns off Route 197.

Supervisor Jenkins said no. A new building would be built behind the existing building. It is undetermined yet what the existing building will be used for.

Brittany Creel entered the meeting just after the Public Hearing was set on the amendments to the Dog Law and she asked if the Town Board was going to schedule a Public Hearing on the Dog Law.

Supervisor Jenkins advised Ms. Creel that the Town Board just set a Public Hearing on amendments to the Dog Law.

Supervisor Jenkins stated some of the changes to the Dog Law that he wanted to see were as follows:

It shall be unlawful for any owner of a dog to: Harbor or keep a dog which has attacked a person.

He would like to add that the dog will be delivered to the county shelter for a ten day period.

Not allow his or her dog to defecate on public lands, streets, highways or other public places without removing such defecation and if they fail to do this they will be subject to a penalty.

Not allow a dog to be treated in a cruel or inhumane manner.

Supervisor Jenkins stated that at the Public Hearing the Town Board will accept public comment and then hopefully enact the amendments to the law at the meeting on September 27th.

Brittany Creel asked about adding a provision for licensing of dogs or is that more of a procedure that the Dog Control Officer will have to follow by checking licenses.

Supervisor Jenkins replied that the Dog Control Officer is checking them now, but it won't be in the law. He just gave notice to two people that they have 14 days to license their dogs.

Brittany Creel stated that the Town is losing revenue from dogs that are unlicensed in the Town.

Supervisor Jenkins said the Town Board could discuss doing a census of dogs in the Town of Moreau.

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Councilwoman LeClair asked if we could give Ms. Creel a copy of the proposed Local Law No. 5 of 2011 and she asked if the Town Clerk could do this and the Town Clerk replied yes.

Attorney Auffredou stated that by law it has to be to the Town Board Members at least seven days in advance of the Public Hearing, so the local law documents should be available to the Town Board by the 5th or 6th of September.

HIGHWAY DEPARTMENT REQUESTS

A request was received from the highway superintendent to allow him to contract with Gorman Bros. for nova chipping of Barrington Drive & Wallingford Court in the amount of \$54,528.00. These two roads were put in the budget for 2011. Gorman Bros. is listed on the Saratoga County Contract #10-PWPA-30R. There is money allocated for this in account DB5112.493.4 that had a balance of \$257,583.00 as of 8/1/11.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the highway superintendent to enter into a contract with Gorman Bros. for nova chipping of Barrington Drive and Wallingford Court at a cost not to exceed \$54,528.00 under Saratoga County Contract #10-PWPA-30R.

Roll call vote resulted as follows:

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

The highway superintendent had to repair a rear spring on truck #12 on an emergency basis, because they needed the truck to haul asphalt. The Town Board Members were contacted and it was the consensus of the board to allow the truck to be repaired. This repair needs to be ratified by a vote of the Town Board at this meeting.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the replacement of a rear spring on truck #12 by Watkins Spring Co. at a cost not to exceed \$773.92.

Roll call vote resulted as follows:

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

The highway superintendent had to repair a rear spring on truck #6 on an emergency basis. The Town Board Members were contacted and it was the consensus of the board to allow the truck to be repaired. This repair needs to be ratified by a vote of the Town Board at this meeting.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the replacement of a rear spring on truck #6, including hangers & hardware, by Watkins Spring Co. at a cost not to exceed \$889.89.

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

A request was received from the highway superintendent to purchase 70 stop signs out of account A3310.498 that had a balance of \$9,897.50 as of 8/1/11. The following quotes were received:

Adirondack Highway Materials	\$2,730.00
Access Safety Products	\$2,800.00
J.C. Smith	\$2,975.00

The new signs are needed to comply with a new federal law. By 2014 all stop signs and all highway signs have to be replaced to meet new standards. The new signs are high intensity prismatic.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of 70 stop signs from Adirondack Highway Materials at a cost not to exceed \$2,730.00.

Roll call vote resulted as follows:

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

A request was received from the highway superintendent for the Town Board to approve a purchase order in the amount of \$641.37 made out to Hiram Hollow Transfer Station for the disposal of 8.31 tons of construction debris from the new highway garage site. This cost would be paid out of account HH1620.2.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase order in the amount of \$641.37 made out to Hiram Hollow Transfer Station for the disposal of 8.31 tons of construction debris from the site of the new highway garage.

Roll call vote resulted as follows:

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

A request was received from the highway superintendent to order crushed stone from Peckham under Saratoga County Contract #11-PWCS-5R at a cost of \$4,285.44 for a base, for the new floor, for the new highway garage. The Town Board Members were called and polled on this purchase and a majority of the Board Members authorized the purchase of this crushed stone. This purchase needs to be ratified by a vote of the Town Board at this meeting.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of crushed stone from Peckham at a cost not to exceed \$4,285.44.

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Roll call vote resulted as follows:

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

A request was received from the highway superintendent for the purchase of a pipe cleaning nozzle for a sewer jet. The following quotes were obtained:

Wm. H. Clark Municipal Equipment, Inc.	\$1,299.00
Cyncon	\$1,488.00
www.ultimatewasher.com	\$1,614.00

This purchase would be made out of account DB5130.2 that had a balance of \$7,399.53 as of 8/1/11.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of a pipe cleaning nozzle for a sewer jet at a cost not to exceed \$1,299.00 from Wm. H. Clark Municipal Equipment, Inc.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

The Whitney Hill Cystic Fibrosis Foundation wants to hold a softball tournament in the Town's recreational park. There will be about 50 spectators. The recreation director wants to know if the board wants to charge for use of the fields. It was the consensus of the board not to charge as it is a not-for-profit organization.

The soccer club wants to try and recruit youths that participate in the Town of Moreau soccer program to play at the soccer dome in Queensbury. The recreation director wants to know if the board has a problem with the soccer club circulating information to the youths that participate in the Town's soccer program. The board members didn't have a problem with this.

WATER DEPARTMENT REQUEST

The water superintendent submitted a purchase order in the amount of \$1,160.17 made out to Vellano Bros. for the parts necessary to repair a fire hydrant that was hit by a motor vehicle. The costs associated with the repair of the fire hydrant will be submitted to the insurance company of the driver of the motor vehicle that hit the hydrant and reimbursement will be made to the Town.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase order in the amount of \$1,160.17 made out to Vellano Bros. for parts to repair the fire hydrant.

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

REAPPOINT GARTH BAKER TO RECREATION COMMISSION

Garth Baker's term on the Town's recreation commission expired 5/31/11. A letter was received on August 22, 2011 from Garth Baker seeking reappointment.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair reappointing Garth Baker to the Town of Moreau Recreation Commission for a seven year term that will expire 5/31/2018.

Roll call vote resulted as follows:

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

EAGLE SCOUT PROJECT

Joseph A. Stewart received approval from the Town Board on June 28, 2011 to assemble and install two benches in the Town's recreation park as an Eagle Scout Project. The Town Board at that meeting agreed to match 50/50 funds raised by Mr. Stewart for his project. Mr. Stewart submitted to the Town Board a budget and a letter indicating that he raised \$690.00 towards this project and he needs another \$240.00 to complete the project. He was asking for the Town Board to authorize the \$240.00 that would allow him to complete the project, which is the assembly and installation of two benches in the Town's recreation park.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the payment of \$240.00 towards assembly and installation of two benches in the Town's recreation park by Joseph A. Stewart as an Eagle Scout Project.

Roll call vote resulted as follows:

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

STATE GRANT PROCESS

~~Councilwoman LeClair reported that State of New York is changing the way they hand down money for grants. The grant money is going to go through one council and the State is broken up into different economic groups. Grant money is going to be awarded according to a list of priorities. Councilwoman LeClair stated that in regards to the riverfront project, Jim Martin from the LA Group, recommends that the Town make a strong showing at the meetings held on the riverfront project. He recommends that~~

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~~members of the Planning Board, Zoning Board and Town Board attend. As well as, the Building Inspector and anybody else that is interested in the project.~~

~~There are going to be meetings throughout the region on August 31, September 6, and September 7 on the new grant process.~~

Councilwoman LeClair reported that State of New York is changing the way they hand down money for grants. Instead of having a parks grant process and a sewer grant process, everything will go through one council. The state is broken into different economic groups. If you want to read more, she said, that there is a website and a manual and a guide. It was Jim Martin's recommendation that when they hold their public hearings that the Town make a strong showing. We should invite our Zoning Board, Planning Board, Building Inspector, anybody who wants to come, because in the future monies will be granted according to a list of priorities and if we are not on that list of priorities then we will have less opportunity to get some of this grant. Preston is going to check with SEDC about this process. There are going to be meetings throughout the region on August 31, September 6, and September 7 on the new grant process. She thought the board should be thinking about this. Jim Martin said we should show a strong voice for the Town of Moreau if we want to be well positioned for grants later. [Amended 9/27/11 jf]

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked the board where they were at with a policy on cemeteries. He noted that the Town Clerk, Jeanne Fleury, drafted a set of rules and regulations a while back.

Supervisor Jenkins stated that he hasn't heard anything from the cemetery committee.

Reed Antis asked Councilman Prendergast who is on the cemetery committee if he had anything to say about this.

Councilman Prendergast replied that he and Councilman Cumm, the other member on the cemetery committee, had not met on this topic.

Councilwoman LeClair offered to meet with Reed Antis on this topic and to help any way she could.

Reed Antis stated again that the Town Clerk has drafted a set of rules and regulations and it is only a matter of the Town Board reviewing them and adopting them.

Councilman Prendergast said he would get in contact with Councilman Cumm on this topic.

Reed Antis asked what the board was going to do once Attorney Auffredou leaves his service with the Town and the law firm of Bartlett, Pontiff, Stewart & Rhodes. He asked if the Town was going to utilize the services of another attorney from that law firm and would the Town put the position out to bid for 2012.

Supervisor Jenkins replied that the board would discuss this in executive session. He assumed for the short term that the Town would utilize an attorney from that law firm.

Vince Sporrer asked how the Moreau Community Center, the Moreau Emergency Squad, the South Glens Falls Fire Company and the Crandall Public Library communicate with the Town of Moreau.

Supervisor Jenkins advised that the Moreau Community Center provides the Town Board with a complete monthly report on their financial status and a report in general about activities at the center. The Moreau Emergency Squad provides the Town Board with financial information. The Fire Company provides

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financial information to the Town Board, but not monthly. The library e-mails monthly statements to the Town Board. He noted that the library has a Public Hearing coming up on their budget on August 31st at 4:00 p.m. at the library.

Vince Sporrer suggested that an annual or semi-annual meeting between the Town Board and these organizations, that the public could participate, in might be beneficial.

Reed Antis stated that the other communities that have use of the library should contribute financially towards the library.

Supervisor Jenkins advised that library district legislation would have to be amended.

Attorney Auffredou advised that a legislator would have to sponsor a bill to amend the legislation.

Elizabeth Lanfear asked the board if they ever intend to fill the vacancy on the Recreation Commission and stated that there is an alternate that could serve as a permanent member.

Supervisor Jenkins said he didn't know how the other board member felt about this, but they could look into it, and he could put it on the agenda for a future meeting.

COMMITTEE REPORTS

Councilwoman LeClair stated that the Conservation Committee was going to meet on September 14th and they would be discussing the concept of a community garden. Donna Nichols and Andrea at the Moreau Community Center are interested in participating in the creation of a community garden. If the Town Board is okay with them moving forward with this concept then they would like for the Town Board, the Conservation Committee and the Moreau Community Center to meet to share ideas on October 5th at ~~5:00~~ **4:00** p.m. at the Moreau Community Center. **[Amended 9/27/11 jf]**

Supervisor Jenkins noted that if more than two board members were to attend that meeting then it would have to be billed as a Town Board Meeting and advertised. He stated that the Town Board could think about it and decide later.

Councilman Prendergast mentioned that the Town Board met the other night to discuss the plans for the proposed new municipal building and they are going back to the drawing board to make some changes.

Supervisor Jenkins stated that a comment was made at that meeting about the exterior doors in the offices and that they were there so the staff could hide from the public. He didn't know where the architect came up with that thought, because that has never been an issue here with people trying to hide from the public.

Supervisor Jenkins reported that the contracts have been awarded for the new highway garage and construction will start sometime next week. It is going to be a fabricated steel building. The building materials should arrive on September 23rd.

Vince Sporrer asked what the energy features were going to be.

Joe Patricke replied that he did not have that information available at this meeting, but he has plans in his office and told Mr. Sporrer that he could come in and look at them.

SUPERVISOR'S ITEMS

A request was received from Joe Patricke for his assistant, David Smith, to attend a New York State Code Enforcement Training Class, "Inspection Procedures for Existing Buildings", on September 6th through

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the 8th at the Fire House on Old Loudon Road in Latham, New York. Credits will be earned towards his certification. The only costs will be mileage and lunches.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing David Smith, Assistant Building Inspector/Code Enforcement Officer, to attend a New York State Code Enforcement Training Class on September 6th through the 8th in Latham, New York, and for mileage and meals to be a proper town charge.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported receiving a contract amendment for the contract between Burley & Guminiak, Engineers, and the Town. They had to add information regarding minorities. The EFC is waiting for it. It is actually a reduction of the original contract from \$664,000.00 to \$651,633.49.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the supervisor to sign the amendment to the engineering contract between Burley & Guminiak and the Town of Moreau.

Roll call vote resulted as follows:

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

Supervisor Jenkins reminded everyone that there is a Public Hearing scheduled on Local Law No. 4 of 2011, "No Parking", on August 30th at 6:30 p.m. in Town Hall.

Councilman Prendergast asked Attorney Auffredou if this was his last meeting and Attorney Auffredou replied no, his last meeting will be September 13th.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 7:53 p.m. with the Attorney for the Town for the purpose of discussing the position of the Attorney for the Town and for discussion of attorney-client privileged information.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular session at 8:18 p.m.

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Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 8:19 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk