

A special meeting of the Town Board of the Town of Moreau was held on December 8, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of interviewing a firm interested in providing professional consulting services to develop a plan for a Hudson River Access and Passive Recreation Park and to discuss legal counsel for a Town employee.

Supervisor Jenkins opened the meeting at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Town Residents: Shelley Englert, Bob Vittengl, Mary Meade, Sue Tracy; Village Resident: Joe Orlow; and representatives from Behan Planning and Design

Supervisor Jenkins began the meeting by stating that the board had previously discussed whether or not they were going to cover legal fees to defend Ed Tracy a Town employee who was assaulted in the Town rec. park. The hourly rate is \$140.00 per hour and this information was provided to the board. It would be a maximum of \$900.00.

He asked for approval of the \$140.00 per hour up to \$900.00 maximum.

Councilman Kusnierz asked Supervisor Jenkins why they were voting on this tonight. This wasn't what he was told.

Supervisor Jenkins stated that it was discussed at a previous meeting, it was on the agenda for tonight and it was advertised as such and we need to move on it.

Councilman Kusnierz recalled that the Town's legal counsel advised that it should be acted on at a regular meeting of the Town Board and this isn't a regular meeting of the Town Board.

Supervisor Jenkins said there isn't any reason why they can't act on this at a special meeting and if it is wrong they will have to revote on it.

Councilman Kusnierz said he wasn't saying that it was wrong, but in the interest of transparency and upon legal counsel's advice we should follow what was recommended.

Supervisor Jenkins recalled at the last meeting the conversation was that once we got a rate and maximum price we would vote on it.

He asked for a motion.

Councilman Cumm made a motion to engage the services of William White Esq. up to a maximum of \$900.00.

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Councilwoman LeClair seconded the motion.

Councilman Kusnierz asked for discussion.

He stated that when Mr. Tracy was hired he was hired for the position of laborer. He asked if we advertised for that for that position.

There was no response from the board so the Town Clerk replied that she wasn't asked to advertise it.

Councilman Kusnierz said he could answer that question and said that he was hired without the position being advertised.

Councilman Kusnierz asked if he was subjected to a pre-employment physical and Supervisor Jenkins replied yes.

Councilman Kusnierz asked if it was for laborer and Supervisor Jenkins replied yes.

Councilman Kusnierz asked if anyone knew how much this individual earned year-to-date salary wise as a part-time employee.

Supervisor Jenkins replied that he didn't know.

Councilman Kusnierz replied that he has earned ~~\$1,400.36~~ **\$1,485.40. [Corrected 12/14/10jf]**

Councilman Kusnierz asked if they were going to spend taxpayer's dollars for a criminal attorney for an employee who admittedly was acting beyond his job description. He was hired as a laborer.

Supervisor Jenkins said he didn't admit to that.

Councilman Kusnierz replied that what he admitted to was reaching across and taking the keys out of the vehicle.

Councilman Kusnierz stated that is not within his job purview and as a former Deputy Sheriff and Town Justice he should know that isn't something that is legal. He asked if they were going to spend taxpayer's dollars on that.

Supervisor Jenkins said he was going to vote yes on it.

Councilman Kusnierz asked if we know for a fact that it isn't going to exceed \$900.00 and Supervisor Jenkins stated that is all they were approving.

Councilman Kusnierz asked what will happen when it goes past that and Supervisor Jenkins replied that he didn't believe it would.

Supervisor Jenkins asked for a roll call vote.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes

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Councilman Kusnierz	No
Supervisor Jenkins	Yes

Councilman Kusnierz told Supervisor Jenkins he was very disappointed in him for going back on his word.

Supervisor Jenkins told Councilman Kusnierz that he was notified of the meeting and the purpose of the meeting was in the notice.

Councilman Kusnierz said he wasn't saying that he wasn't notified. He reminded Supervisor Jenkins of a conversation they had and asked Supervisor Jenkins if he recalled that conversation. Supervisor Jenkins recalled the conversation and said that he didn't have the prices at that point.

Councilman Kusnierz recalled that Supervisor Jenkins did have the prices and that he had said they were going to discuss it, but they weren't going to act on it and Councilman Kusnierz said he was on board with that.

Supervisor Jenkins said if that was the case then he apologizes for that statement.

Councilman Kusnierz said that is unfortunate, because in their business integrity and your word is the coin of the realm and he told Supervisor Jenkins that he was failing in that.

Supervisor Jenkins said there is also the essence of fair play and what is right and what is wrong.

Councilman Kusnierz asked why it couldn't wait until next Tuesday.

Supervisor Jenkins told Councilman Kusnierz that at the last meeting he compared Ed Tracy to somebody who stole money from our Town and compared it as the same type of offense.

Councilman Kusnierz said he did not compare him to that. What he said was that this would be the same instance as the Town expending taxpayer's dollars for criminal charges for an individual who was Supervisor at the time that had a 42 count indictment against him.

Supervisor Jenkins said he didn't see how he could compare those two things that happened.

Councilman Kusnierz told Supervisor Jenkins that he was hiring a criminal attorney.

Supervisor Jenkins asked Mr. Behan if he was ready to give his presentation.

Councilwoman LeClair introduced those present in the audience to Behan Planning and Design.

Present from Behan Planning and Design were Cynthia Behan, Mike Welti, John Behan and Jennifer Frendenburg.

John Behan began the presentation and other members of his firm participated.

They used power point for their presentation.

Behan Planning and Design is based out of Saratoga Springs, New York and was founded in 1994. They specialize in green infrastructure, design and community involvement and their firm is comprised of senior planners, architects, landscape designers and an office manager.

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Their experience has been in the integration of planning and design. They have a history of planning statewide and have long-term community relationships. They have been involved in over 100 projects of this scale and have twenty plus years of working experience with NYS DOS Coastal Programs.

In their presentation they listed the awards that they have received.

Some of the projects they have worked on recently are: the Saratoga County Green Infrastructure Plan, and the Hudson River & Champlain Feeder Canal Regional Waterfront Plan. They have studied the Hudson River from Albany to Plattsburg.

In their presentation they showed one access point to the site being through the Moreau Industrial Park and they showed the existing conditions in the industrial park.

Their scope of service would be a site inventory and analysis, concept design and development, schematic design development and development of a master plan.

They showed the Erie Canal Master Plan for Pittsford, New York, that they worked on recently.

They are familiar with the Moreau site, have local knowledge and can bring experience from across the State.

Their presentation was opened up for questions.

Councilman Kusnierz asked if they were offered an opportunity to “present” last night.

The answer was that they weren’t available last night to give their presentation.

Councilman Kusnierz asked what the time frame was from start to finish.

Mike Welti replied that it largely depends on the Town, but he thought it would take six months or so.

Mary Meade asked them for their visions for the park.

John Behan said they preferred to know what the vision was for the park from the committee, board and community and then they would discuss these visions with them. He added that the river is a beautiful area.

Mary Meade asked them what they felt the people moving into the area were looking for.

John Behan replied “get me to the river”. He added that they like recreational activities such as fishing, having picnics, walking.

Mike Welti said depending on what the Town’s resources are they could start small.

Councilwoman LeClair asked how far their plan would take us.

John Behan replied that they didn’t want to miss any opportunities. They could develop a ten year plan, but focus on the short-term.

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Cynthia Behan stated the Erie Canal Park Project had elements that the Town of Moreau may not want yet, but may want down the road. She suggested a long-term plan that could be implemented incrementally.

Councilwoman LeClair asked about the workshops and how they would be conducted.

Mike Welti replied that they like to conduct the workshops by breaking up the attendees into small groups.

Bob Vittengl asked them how this park could be used to sell the industrial park to potential tenants.

Mike Welti stated that Luther Forest was designed with public pathways through it. Employees could take a walk at lunch along the river.

Mary Meade asked if with a park of this type the industrial park would lend itself more toward office buildings than industrial buildings.

John Behan stated that the industrial park was created with what the market called for at the time. They could look at the industrial park and reassess what it could be used for.

Councilman Cumm noted that their proposal called for hours significantly lower than the other proposals and asked what the difference was.

John Behan stated that he thought they could get quickly to a good vision and plan and do what they needed to do. A lot depends on the Town though.

Mike Welti stated their rates are competitive.

Councilman Kusnierz stated that the taxpayers will appreciate them coming in with the lowest cost.

Mike Welti stated that the new scope of services negotiated with the Department of State were different than what was originally proposed. He advised that the Town would want to make sure that they negotiated the proper scope of services with whomever they choose.

Councilwoman LeClair asked them if they would help the Town outline the scope of services with the State.

John Behan said he didn't see any big discrepancies in the scope of services. If they have to put in extra time they will.

Councilwoman LeClair asked who their main point of contact would be and the answer was that Cynthia Behan would be working primarily on the design, but the rest of the staff will be very present.

Councilwoman LeClair asked if they would provide presentation material to keep the public aware of what was going on and John Behan replied yes. They will provide what the Town needs. They could produce a flyer and a web link to their webpage to keep people informed.

Councilwoman LeClair asked if they would help the Town get grants and Mike Welti replied yes. They have a lot of grant writing experience through the coastal program.

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Councilwoman LeClair asked if they would hold a kick off meeting and John Behan replied that they would hold a scoping session to discuss the scope of services and then a small kick off meeting and then a public meeting.

Mike Welti said initially they would do a site assessment.

This concluded their presentation at 8:00 p.m.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the meeting at 8:00 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk