

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 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

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

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor (entered meeting at 7:05 p.m.); Jesse Fish, Water Superintendent (entered meeting at 7:07 pm.); Joe Patricke, Building Inspector (entered meeting at 7:30 p.m.); Martin D. Auffredou, Esq., attorney for the Town; Lydia Wheeler, Post Star Reporter; Town Residents: William & Maria Bollinger; Tom Clary; Don Monroe; Elizabeth Lanfear (entered meeting at 7:10 p.m.); Nicholas Smith (entered meeting at 7:13 p.m.); Village Resident: Andre Delvaux (entered meeting at 7:13 p.m.)

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or put on mute 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:

January 25th (2 Sets), January 27th, February 8th, February 14th and February 16th

MINUTES – JANUARY 25, 2011 – PUBLIC INFORMATIONAL MEETING RE: TANGLEWOOD DRIVE STREET LIGHTS

No comments or corrections.

MINUTES – JANUARY 25, 2011 – REGULAR TOWN BOARD MEETING

The Town Clerk stated that she thought the following wording in the minutes of January 25th needed to be corrected:

“Supervisor Jenkins noted that Liz Rovers from C.T. Male has applied to NYS DEC for a landfill monitoring reduction that would save the Town about \$2,400.00 a year. “

Supervisor Jenkins replied that the wording was correct, as that is what he said at that meeting. However, the \$2,400.00 is not what the Town would save rather it is the cost for Liz Rovers to apply to

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NYS DEC for a reduction in landfill monitoring that will save the Town more than \$2,400.00 in the long run. The board will be asked to make a motion to authorize Liz Rovers to submit this application under item number 15 on the agenda.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve both sets of minutes dated January 25th as prepared and with the above comment so noted.

Roll call vote resulted as follows:

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

MINUTES – JANUARY 27, 2011 – MONTH-END TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of January 27th as prepared.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes for the portion he attended
Councilman Cum	Yes
Supervisor Jenkins	Yes

MINUTES – FEBRUARY 8, 2011 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to approve the minutes of February 8th as prepared.

Roll call vote resulted as follows:

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

MINUTES – FEBRUARY 14, 2011 – INTERVIEW SESSION WITH ENGINEERS RE: PROPOSALS FOR NEW HIGHWAY GARAGE AND MUNICIPAL COMPLEX PROPOSED

No comments or corrections.

A motion was made by Councilman Cum and seconded by Councilwoman LeClair to approve the minutes of February 14th as prepared.

Roll call vote resulted as follows:

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

MINUTES – FEBRUARY 16, 2011 – INTERVIEW SESSION WITH ENGINEERS RE: PROPOSALS FOR NEW HIGHWAY GARAGE AND MUNICIPAL COMPLEX PROPOSED

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of February 16th as prepared.

Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED

March 3, 2011 at 7:00 p.m. the Town Board will attend a storm water training session in Town Hall presented by Garry Robinson.

15 MINUTE PUBLIC COMMENT PERIOD

Don Monroe who resides at 208 Potter Road thanked the board for conducting the town-wide revaluation of assessments that will benefit the entire Town. He said the Town now receives its fair share of taxes from the county and the state. He pushed for a reval to be done, because he was an assessor for nine years and knew a little about this process and what was wrong in this Town. When he moved into Town and received his first tax bill he realized that there were problems with the assessments in the Town. A total reval was needed so everybody would be treated fairly. He then responded to statements made recently by two former Town supervisors by asking why the former two supervisors didn't do a reval over the past 28 years and he stated that maybe it was because they both own a lot of property in the Town. He also stated that if the assessments are erroneous, as stated by the former supervisor, then why didn't more people grieve their assessments. In his opinion the work that GAR did was as accurate as it can be in light of the fact that a reval wasn't done in over 28 years. He also questioned how much the Town lost in taxes because of the under-assessments and he thought it was in the millions.

There were no other comments from the public.

RECREATION DEPARTMENT REQUESTS

The following quotes were obtained by the recreation director for (4) LED lights to be installed outside the bath house, near the ice pond, in the recreation park.

These quotes were discussed at the last regular meeting of the Town Board and table.

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Hour Electric Co., Inc.	\$1,855.00
Brownell Electric Corp.	\$1,130.00
Colvin Electric	\$1,305.98

The recreation director recommends purchasing the lights from Brownell Electric Corp. in the amount of \$1,130.00 out of account HP7198F.2 that has a balance of \$6,332.01 from the lighting grant.

A transfer is needed before this purchase can be approved, so the transfer of funds under item number 19 on the agenda was acted upon first.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the following transfer of funds:

\$5,511.63 from HP7180.4 – Recreation Capital Projects – Administration – Contractual into HP7198F.2 – Recreation Capital Projects – Lighting Grant – Lighting Equipment

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to accept the proposal from Brownell Electric Corp. to supply and install four (4) LED lights to light the ice rink area in the recreation park at a cost not to exceed \$1,130.00.

Councilman Kusnierz stated that he had two different quote sheets and asked what the difference was between the two. He didn't see any difference.

Supervisor Jenkins said that at the last meeting they talked about what account it would come out of and Councilman Kusnierz brought up the fact that there wasn't any money in the account. Supervisor Jenkins said there was money available, but it wasn't in the account it needed to be in.

The Town Clerk advised that the new quote sheet listed the account code that it was coming out of and the previous quote sheet didn't include that.

Roll call vote resulted as follows:

Councilwoman LeClair	No
Councilman Kusnierz	Yes
Councilman Cumm	Yes

Councilman Prendergast	Yes
Supervisor Jenkins	Yes

APPROVAL TO HIRE SCOTT WINANS AT RECREATION PARK

Scott Winans is currently working as a wing person for the highway department on an on-call basis and has successfully completed his pre-employment physical. Approval was being requested to utilize him in the recreation department on an on-call basis.

Councilman Kusnierz asked if the position was advertised and Supervisor Jenkins replied no.

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Supervisor Jenkins stated that it is a part-time, on-call, position and to advertise would be a waste of taxpayer's money and it doesn't make any sense. He is a current employee that we are trying to utilize between departments.

Councilman Kusnierz stated that it is disingenuous to the Town's equal opportunity employment policy. He further stated that this individual was hired by the highway superintendent as a wing person and said that a pattern is developing whereby a person is hired in a department of the Town that doesn't require Town Board approval (i.e., the highway department) and gets slid over into another department. He stated that all of our community's residents should have an equal opportunity to apply for these jobs, whether they are part-time or full-time positions.

Councilman Cumm made the motion to hire Scott Winans to work in the recreation department at \$8.50 per hour on an on-call, part-time basis, as needed.

Councilman Kusnierz asked why current part-time employees can't be utilized in the recreation department.

Councilman Cumm replied that we "lost" two part-time employees.

Councilman Kusnierz asked where they went and Councilman Cumm replied that they just aren't working.

Councilman Kusnierz asked if they are on the payroll or not.

Supervisor Jenkins replied that they are still on payroll, but not currently working. They are part-time employees and they are called in on an as needed basis.

Councilman Kusnierz's concern was that if we keep hiring part-time employees and they don't work then they can go out on unemployment. We should be utilizing current part-time employees. He also stated that we should interview for positions anywhere in the Town, whether it was a part-time position or full-time.

Roll call vote resulted as follows:

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

CLEAN UP DAY AT THE RECREATION PARK

The date of April 23rd has been established for cleanup day at the rec. park and it was on the agenda for the board's approval.

Councilwoman LeClair said there was some confusion over the date, and she thought she may have created the confusion. She inquired of the recreation commission about holding it later and the recreation commission agreed, but Steve Gram was out of work at that time, and when he returned he recommended that clean up day be held April 23rd. It was his opinion that if it was held later there would be too much activity in the park.

Discussion followed between the board and Elizabeth Lanfear on the date for cleanup day.

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It was the consensus of the board that clean up day at the park would be April 23rd.

HIGHWAY DEPARTMENT REQUESTS

The highway superintendent requested permission to purchase air, oil and fuel filters in bulk from Weller's Auto Parts in the sum of \$1,600.00 for trucks and equipment in the highway department. Weller's is running a special promotion that is 45% off list price. By taking advantage of this promotion the highway department will save about \$2,500.00. The order must be placed by March 1st. This purchase would be made out of account DB5130.492 that had a balance of \$44,640.00 as of 2/1/11.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the bulk purchase of air, oil and fuel filters from Weller's Auto Parts at a cost not to exceed \$1,600.00 for the highway department.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to purchase rock salt from American Rock Salt under county contract #10-PWS-10R in the amount of \$25,000.00 out of account DB5142.490 that had a balance of \$58,000.00 as of 2/10/11.

A motion was made Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of rock salt from American Rock Salt under county contract #10-PWS-10R in an amount not to exceed \$25,000.00.

Councilman Kusnierz asked Paul Joseph if he was out of rock salt and Paul Joseph replied that he has one-half of a bin.

Supervisor Jenkins stated that the highway department used 38 tons in the last ten days.

Councilman Kusnierz asked Paul Joseph if he was aware of the memo that went out to the department heads about having requests in by noon on the Friday before the meeting.

Paul Joseph said yes and he would have called the board, but he just wrote up the request tonight in order to get it ready for the meeting. If he didn't submit it at this meeting he would have had to call the board members in the morning to request this purchase.

Discussion followed between Paul Joseph and Councilman Kusnierz about the policy of getting information to the board that was going to be on the agenda.

Councilman Cumm stated that from January 11th through February 3rd we spent \$68,025.00 on salt. At the last meeting a request was made to purchase \$50,000.00 worth of salt and at the request of Councilman Kusnierz it was cut back to \$25,000.00. If it had been kept at \$50,000.00 we wouldn't be here arguing about \$25,000.00 and the request coming in today. This time of year when we are using this much salt and when we spent \$68,025.00 in 23 days, \$25,000.00 worth of salt is a drop in the bucket.

Councilman Kusnierz replied that he takes his fiduciary responsibilities very seriously, that he swore an oath to do. It takes three votes on this board to do anything, so he didn't do it.

Roll call vote resulted as follows:

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

Supervisor Jenkins advised Paul Joseph that he was aware that he was on vacation and just returned, but the board wants the requests on schedule.

Paul Joseph reported that Joe Ritchey, the director of the Saratoga County Department of Public Works, faxed him information on road striping. Last year the cost to stripe roads went over budget by \$1,500.00. If he stripes the same amount of roadways in 2011 as he did in 2010, the cost will be over budget by \$1,878.13 or he will have to cut roads, per the new formula from Saratoga County.

Supervisor Jenkins asked Paul Joseph to put this information together and present it to the board.

Paul Joseph advised that he has to put in his request to the county by next Friday.

Supervisor Jenkins advised that the board could do a transfer from contingency to cover that shortage when they have to do it, but they don't have to do it right now.

Councilman Kusnierz asked Paul Joseph if he had prepared the report yet on what has been spent year-to-date on Hatchery Road.

Paul Joseph replied that he put that information in the board's mailboxes on February 16th.

Councilman Kusnierz stated he didn't receive it.

Councilman Cumm stated the total with labor is \$45,656.00 and Paul Joseph said that was correct.

Councilman Kusnierz asked for a copy. He said the last memo he got was dated January 4th and at that time the amount was \$39,282.00.

CLARIFICATION OF OVERTIME BETWEEN DEPARTMENTS (i.e., wing person and flag person)

Supervisor Jenkins stated that there is an issue over a decision that the Town Board made last year that was as follows:

"If a full-time employee works as a flag person on his normal work day then that employee would get paid his normal hourly rate. If an employee works as a flag person on their day off or after their normal working hours then they would get paid \$10.00 per hour and if they go above 40 hours per week then they would get paid time and a half or \$15.00 per hour."

Supervisor Jenkins stated that we have two employees that are doing that and one was getting time and a half at his regular rate and the other was getting time and a half at the \$10.00 an hour, on his off day.

Councilman Kusnierz reiterated as he did on September 8, 2009, that we should extend a flat rate to someone on-call. We shouldn't be paying overtime for someone to flag. We just hired part-time at the rec.

Discussion followed.

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Councilman Prendergast stated that if an employee works in another department on his regular work day then that employee should be paid their regular hourly rate and anything beyond that, if they work as wing person they get paid the time and a half rate for wing person.

Supervisor Jenkins asked the board if they were going to take this position with any employee. Councilman Prendergast said that is where he is at.

Councilman Kusnierz stated that we shouldn't pay overtime unless absolutely necessary.

WATER DEPARTMENT

Jesse Fish, Water Superintendent, submitted the following quotes to the board for the purchase of a backhoe:

Nortrax	2010 John Deere 310J loader/backhoe with zero hours	\$60,775.00
	Less: Trade Allowance 1995 Ford 555D	\$10,000.00
	Total	\$50,775.00
Nortrax	2011 John Deere 310J loader/backhoe with zero hours	\$62,590.00
	Less: Trade Allowance 1995 Ford 555D	\$10,000.00
	Total	\$52,590.00
Milton Cat	2011 Caterpillar 416E loader/backhoe	
	State contract PC62734	\$61,071.00
	Less: Trade Allowance 1995 Ford 555D	\$ 5,000.00
	Total	\$56,071.00

Jesse Fish noted that Nortrax is willing to take an additional \$1,800.00 off the price of the 2010 John Deere if it is purchased by 2/25/11.

Councilman Kusnierz stated he checked state contract and we can purchase a New Holland that has 8 hp more, with the same trade allowance, for \$49,000.00.

Jesse Fish stated that you get what you pay for. The caterpillar and John Deere are commercial grade. Parts may not be readily available for other makes and models.

Councilman Kusnierz disagreed with this. He stated that the taxpayer's don't care what brand the Town buys.

Jesse Fish stated that for \$1,000.00 more than the New Holland price the Town can purchase a top of the line commercial loader/backhoe. The resale value on Cats and John Deere are a lot more also.

Councilman Kusnierz thought they needed to send out specifications and let other vendors have a chance to submit quotes.

Councilman Cumm made the motion and it was seconded by Councilwoman LeClair to purchase the 2010 John Deere 310J loader/backhoe with zero hours at an amount not to exceed \$50,775.00.

Councilman Prendergast asked Jesse Fish what he needed one for.

Jesse Fish replied that the 1995 Ford that we have shouldn't be operated as it is unsafe. The steering is bad. If you turn the steering wheel all the way around once the tires haven't even turned. There is no beacon. The backhoe opened up on Earl Ruff once all by itself. It is worn out. It was purchased from Hudson Falls used.

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Councilman Kusnierz asked why they had to act on it at this meeting. Only two vendors submitted quotes. He stated that the taxpayers would be better served if specifications were sent out and all vendors were given a chance to quote. He also noted that as of the end of January there was only \$51,014.00 in the account that this piece of equipment would be purchased out of. He also noted that some water accounts are financially tight. He didn't understand why they weren't doing their due diligence.

Councilman Prendergast concurred with Councilman Kusnierz.

Jesse Fish noted that the Cat is on state contract, but it takes four months to get one.

Discussion followed.

Councilman Cumm stated he relies on department heads and that is why he made the motion to purchase one.

Councilman Prendergast stated that this purchase will drain the water district accounts.

Councilwoman LeClair suggested that if other departments use it then the water districts should be reimbursed.

Councilman Kusnierz stated that the Town has a policy that three quotes will be obtained and only two quotes were obtained.

Roll call vote resulted as follows:

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

BUILDING DEPARTMENT REQUEST(S)

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing, David Smith, Assistant Building Inspector/Code Enforcement Officer, to attend a waste water design training class on March 30th and 31st at the Fort William Henry Conference Center in Lake George at a cost of \$50.00.

Roll call vote resulted as follows:

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

TOWN CLERK'S REQUEST

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Town Clerk, Jeanne Fleury, to attend a New York State Town Clerk's Association meeting on March 7, 2011 at the Fort William Henry Conference Center in Lake George at a cost of \$30.00, which includes lunch.

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Roll call vote resulted as follows:

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

STANDARD WORK DAY FOR DOG CONTROL OFFICER

Supervisor Jenkins stated that he obtained some more information on the topic of a standard work day for the dog control officer. He explained how the NYS Retirement System calculated a standard work day for retirement purposes. He said that setting a standard work day is for NYS Retirement purposes only and has nothing to do with compensation level. He said the board has to adopt a “minimum of 6 hours and a maximum of 7 days” for the dog control officer.

A motion was made by Councilwoman LeClair.

The Town Clerk asked if the board was setting the standard work day for the dog control officer at 6, 7 or 8 hours.

Supervisor Jenkins replied, 6 hours for pension purposes, it doesn't mean the dog control officer will work 6 hours a day. He said the county does the same thing. They show him as having a standard work day of 6 hours and he has never spent 6 hours a day at the county. That is how the pension system operates.

Councilman Cumm seconded the motion.

Councilman Kusnierz asked the Town Clerk to read back the resolution and the Town Clerk read the following:

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm establishing a standard work day for the dog control officer of the Town of Moreau at 6 hours.

Councilman Kusnierz asked if they were going to set a not to exceed number of hours.

The Town Clerk stated that she didn't think they could. This was for pension purposes. She reminded the board of the resolution they adopted previously that listed the board members as having a standard work day of 6 hours.

Councilman Kusnierz asked if this would create another labor case against the Town.

Attorney Auffredou said this is for pension purposes only.

Supervisor Jenkins replied that it is for pension purposes only and has nothing to do with compensation.

Councilman Kusnierz stated that the motion and second should be amended to clarify this.

Councilwoman LeClair amended her motion to read as follows and it was seconded by Councilman Cumm:

Establishing a 6 hour standard work day for the dog control officer of the Town of Moreau for purposes of the dog control officer's participation in the New York State Retirement System only.

Roll call vote resulted as follows:

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

RESOLUTION – STANDARDIZE EXISTING WATER & SEWER TELMETRY SYSTEM

Supervisor Jenkins stated that Tim Burley recommended that the board standardize their telemetry system in order to make sure that all future telemetry equipment that is to be tied into the existing Aqualogics telemetry system is compatible.

Attorney Auffredou advised that General Municipal Law 103(5) allows a municipality to do these types of things when it is deemed efficient and economical to do so.

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

WHEREAS, the Town of Moreau has installed Aqualogics System, Inc. Telemetry System for the Water District #6 project and recent upgrades to the telemetry radios for use with the sewage collection system, and

WHEREAS, the Town of Moreau has expended thousands of dollars on the telemetry system, and

WHEREAS, the Town Board of the Town of Moreau is desirous of standardizing their telemetry software programming, and

NOW, THEREFORE, BE IT RESOLVED, that any future telemetry equipment meant to be tied-in to the existing Aqualogics Telemetry System shall be compatible with the existing Aqualogics system, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau has maintained Aqualogics System as their standard for providing programming upgrades and improvements to the existing Aqualogics telemetry control panels.

Roll call vote resulted as follows:

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

TOPO SURVEYS

The following quotes were received for topographical survey services in relation to the proposed new highway garage complex:

W. J. Rourke Associates	\$3,600.00
Van Dusen & Steves	\$9,600.00
Bolster & Associates (Russell Howard)	\$6,500.00

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A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the proposal for topographical survey services from W. J. Rourke Associates in the amount of \$3,600.00 for the new proposed highway garage complex.

Attorney Auffredou asked if the board wanted to include in the motion and second what account that this would be paid out of and that the supervisor is authorized to sign a contract with W. J. Rourke Associates that will be prepared by counsel.

Councilman Prendergast amended his motion to include this wording.

Councilman Cumm seconded the amended motion.

Councilman Kusnierz asked if the proposal includes auto cad format and is it tied into the USGS survey. Joe Patricke replied yes, according to what W. J. Rourke said.

Attorney Auffredou said he would make sure that was specified in the contract.

Roll call vote resulted as follows:

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

The following quotes were received for topographical survey services in relation to the proposed new municipal complex:

Bolster & Associates Land Surveyors	\$3,900.00
W. J. Rourke Associates	\$3,500.00
Van Dusen & Steves	\$7,000.0

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to accept the proposal for topographical survey services from W. J. Rourke Associates in the amount of \$3,500.00 for the new proposed municipal complex, to be paid out of the capital reserve fund and authorizing the supervisor to enter into a contract with W. J. Rourke Associates, to be prepared by counsel.

Roll call vote resulted as follows:

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

DISCUSS/AWARD ENGINEERING CONTRACT FOR MUNICIPAL COMPLEX AND HIGHWAY GARAGE

The following quotes were received from engineering firms to provide engineering services in relation to the proposed new highway garage complex:

WSP-Sells	\$117,900.00
Environmental Design Partnership	\$38,500.00
Richard E. Jones Associate	\$98,400.00

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Garry Robinson, P.E.	\$91,500.00
C.T. Male Associates, P.E.	\$144,600.00

Supervisor Jenkins advised that the lowest quote is from Environmental Design Partnership. They designed a very similar building over in Greenfield Center recently, so they have a lot of design work done so their quote is a lot lower.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the quote from Environmental Design Partnership in the amount of \$38,500.00 to provide engineering services in relation to the proposed new highway garage complex and to pay for these services out of the capital

reserve fund and authorizing the supervisor to sign a contract with Environmental Design Partnership, to be prepared by counsel.

Councilman Kusnierz stated that it troubled him that when the board interviewed the engineering firms he asked each of them what the square footage cost would be and they couldn't answer and this surprised him.

Discussion followed.

Roll call vote resulted as follows:

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

The following quotes were received from engineering firms to provide engineering services in relation to the proposed new municipal complex:

Environmental Design Partnership	\$10,000.00
The LA Group	\$16,400.00
Richard E. Jones Associate	\$3,900.00 plus reimbursables
Leal Construction Management	\$14,400.00 plus reimbursable

Supervisor Jenkins stated that Richard E. Jones Associates in the interview process indicated it would take 500 hours and this equates to \$8.00 per hour, and this wasn't acceptable to him.

Supervisor Jenkins stated that when Environmental Design Partnership came in for the interview with the board, Jim Mitchell did not attend. He sent an architect that didn't present the information the board needed.

Supervisor Jenkins stated that the LA Group gave a good presentation, but there was a question as to whether or not the group of people who gave the presentation would be the group of people who would be doing the actual engineering.

He preferred Leal Construction. The people who gave the presentation are the people who will be doing the actual work.

Councilman Cumm agreed that Leal Construction was the best choice. He has seen the work done by Leal Construction on the school district's Excel program. It was done on time and within budget.

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm stated that he questioned the 500 hours at \$8.00 per hour that was presented by Richard Jones. It was too cheap for engineering services, so he discounted them.

Councilman Cumm stated that with EDP they wouldn't be getting the people they needed.

Councilman Cumm stated that with Leal Construction, the people who gave the presentation are the people who will be doing the work.

Councilwoman LeClair agreed. None of the firms, except Richard Jones, quoted estimates of more than 190 hours that would be spent on the project and then for Richard Jones to come in with 500 hours @ \$8.00 an hour made her wonder if he was shooting from the hip or how he came up with that estimate. It made her nervous. She didn't think he came in prepared for what he had to do.

Councilman Kusnierz stated that engineering drawings have to be stamped. We can draw the contract up so we have oversight on the way we want it and award the contract based on price and then they would have to deliver based on what the contract says. He noted that the board is considering the second highest quote.

Supervisor Jenkins replied that he did the best job of describing what we need done. We aren't talking about construction drawings. We are talking about a rough estimate of what we need for square footage and some type of design and an estimated cost. We can then send that information out to bidders. He said there is no way he would accept the proposal from the low bidder. As for EDP, Jim Mitchell has done an outstanding job on projects for the Town, but he may not be the one to do the job. The only person, who showed up to give a presentation, on his firm's behalf, was an architect. He questioned who was going to do the cost analysis, who would be meeting with our people? Leal Construction was here with the engineer and architect. Keith Leal does the cost/construction management portion. The work that Leal Construction did for Town of Milton and the South Glens Falls School District was acceptable.

Councilman Kusnierz stated that there is a \$10,400.00 difference between the lowest quote and the one being considered. He said he can't support it.

Councilwoman LeClair stated that we are spending a lot of money on this project and she wants to make sure we get off the ground in the best possible way and she doesn't feel the two firms who submitted the two lowest quotes can accomplish that.

Councilman Cumm asked Attorney Auffredou what the Brooks Act is all about.

Attorney Auffredou replied that he wasn't familiar with the Brooks Act. He stated that when it comes to proposals for professional services the board is not required to accept the lowest quote. The board can take into account experience, reputation and references. Cost expense is always a predominant factor, but it is not the sole or driving factor when it comes to RFP's and responses to RFP's for professional services.

Supervisor Jenkins stated that he gets the last vote on the board and any of the three quotes other than the lowest quote would probably be ~~okay~~ **okay** with him. But in his opinion, Leal Construction gave the best presentation and talked about exactly what we need to send out to bidders. The LA Group and Leal Construction were both close in their approaches to this project and he had the feeling that the "Mitchell Group" may not have been as interested in the project as the rest. **[Amended 3/2/11 jf]**

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the proposal from Leal Construction Management at a cost of \$14,400.00 to do an interim study of our proposed municipal office complex, with funding to come from the capital reserve fund, and authorizing the supervisor to execute a contract with Leal Construction Management to be prepared by counsel.

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast stated that the school district gave a good reference for Leal Construction and when we are talking about services vs. equipment it plays a big part.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes	
Councilman Kusnierz	No	
Councilman Cum	Yes	
Councilman Prendergast		Yes
Supervisor Jenkins	Yes	

C.T. MALE – APPLICATION TO NYS DEC FOR REDUCTION IN LANDFILL MONITORING

A motion was made by Councilman Prendergast and seconded by Councilman Cum authorizing C. T. Male to submit an application to NYS DEC for reduction in landfill monitoring at a cost not to exceed \$2,400.00 that will be paid out of the landfill reserve account.

Roll call vote resulted as follows:

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

ENVIRONMENTAL DESIGN PARTNERSHIP – LIGHTING GRANT

A motion was made by Councilman Prendergast and seconded by Councilman Cum authorizing an additional payment to Environmental Design Partnership in the amount of \$133.75 for additional services rendered in relation to the lighting grant for the rec. park.

Roll call vote resulted as follows:

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

MARATHON DANCE PROCLAMATION

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adopt the following proclamation:

WHEREAS, for the 34th consecutive year the South Glens Falls High School is hosting the annual South High Marathon Dance to raise funds to benefit local charities, organizations and individuals in the community and tri-county area; and

WHEREAS, the first South High Marathon Dance was held in 1978 with about fifty dancers participating and has grown to an astounding 700 plus dance participants, and

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, the first marathon dance raised \$1,500 and this amount has increased to \$283,000 the amount raised in 2010 for a grand total over the years of over \$2.42 million, and

WHEREAS, over the past 33 years the funds raised by the marathon dance have been distributed to over 160 beneficiaries, and

WHEREAS, the recipients chosen to benefit from the proceeds raised by this year's dance are as follows; Josephina Hernandez, Rosemary Moore, Nolan Jacox, Sherene Fedor, Piper C. Prouty, Therese Filkins, Kaitlin Bowman, Bryan Watkins, Caitlin Whitman, Ida "Billie" Donovan, Izabell Durkee, Patrick Kelly, Keely Milligan, Matthew Sorano, Bob Witherell, Austin Williams, Nick Heald, Abbey Monroe, Brave Will Foundation, Prospect Child and Family Center, Camp Erin, REO Memorial, Rebuilding Together, Suicide Hike for Hope Cody's Climb, and

WHEREAS, the dance marathon has become a tradition which brings the whole community together in an emotional, exciting and gratifying experience that will stay with those involved for the rest of their lives, and

WHEREAS, the Town Board of the Town of Moreau, extends their sincere gratitude to all those involved and especially to the students who devote their time and effort to making the Marathon Dance a success, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby proclaims March 4th and 5th, "Dance Marathon Weekend" as a tribute to our community.

Roll call vote resulted as follows:

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

PASSIVE RECREATION PARK – DISCUSS AND AWARD

Councilwoman LeClair stated that the board has had information for a while now on proposals submitted by four firms regarding the Hudson River Access Park that the Town received a grant on. There were interviews held back in December and the proposals were narrowed down to two firms. At the request of Andy LaBruzzo from the Department of State, she contacted several municipalities that worked with the top two firms and both firms were well spoken of. There were rave reviews about the LA Group. The committee, that the state required us to form, to help us with the interview process, except for one member, were in agreement that the LA Group is who we should select.

Supervisor Jenkins stated that the LA Group was leaps and bounds above everyone else during the presentation process. Jim Martin gave a great presentation and had some great ideas and seemed excited to work on the project. The other firms did a good job with their presentations, but the LA Group was heads above the others.

Councilwoman LeClair said their main role will be to involve the public and she agreed that they were heads and shoulders above the rest.

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Elizabeth Lanfear asked a question about access to the site and Supervisor Jenkins replied and Councilwoman LeClair described the area of the proposed project.

Councilman Kusnierz asked if a committee would be put together later on that would involve residents of the community.

Councilwoman LeClair replied absolutely, that is a requirement of the Department of State. The committee would consist of seven to nine community members who have diverse ideas and interests. We would solicit members for the committee and probably run an ad? She hoped the news reporter would run an article about this committee.

Councilman Kusnierz asked what the amount of the grant was.

Councilwoman LeClair replied, \$29,975.00. It is a matching 50/50 grant and can be matched with in-kind services.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to accept the proposal from the LA Group in the amount of \$37,227.00 to provide professional services to explore possibilities for a passive Moreau Hudson River access in the Moreau Industrial Park and authorize the supervisor to enter into a contract with the LA Group per State of New York grant documents.

Councilman Prendergast asked if it is possible that we may not receive the grant funding.

Councilman Kusnierz noted that the New York State Environmental Protection Fund was cut \$78 million last year. In other programs they went back 6 years and cut the reappropriations. It is a very real risk.

Roll call vote resulted as follows:

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

Councilwoman LeClair asked the board if they want to run an ad seeking people interested in serving on a committee for this project, to work with the LA Group and the Town Board. There will be probably three or four meetings. The committee should include seven to nine people.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the placement of an ad in the Post Star seeking people interested in serving on this committee.

Roll call vote resulted as follows:

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

Attorney Auffredou asked if the board wanted to take action on Local Law No. 1 of 2011.

The Town Clerk advised that due to an oversight, the local law adoption didn't make the agenda.

Supervisor Jenkins said he was willing to act on the local law at this meeting. But if the board preferred, they could wait two weeks to act on it.

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast stated that he was willing to act on it at this meeting. He was sure the public wouldn't have a problem with it. If we were talking about changing the zoning law he might feel differently.

Supervisor Jenkins stated that they were proposing simple changes to the language in the existing dog law. It was an oversight that it didn't make the agenda.

Attorney Auffredou said all the paperwork was dated for this meeting.

Councilman Kusnierz stated they shouldn't be enacting local laws that aren't on the agenda. He asked for it to be tabled until the next regular meeting of the Town Board.

Councilman Cumm and Councilwoman LeClair said they were willing to act on the local law at this meeting.

Attorney Auffredou stated that he prepared a short EAF under SEQRA, and given the nature of the extent of this local law, which is an amendment to Chapter 59, he took the liberty to answer the questions in the EAF to the negative, and in his opinion there is no need for the board to go through the EAF. It is his recommendation that the board authorize the supervisor to sign the short form EAF on behalf of the Town.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the supervisor to sign the short form EAF under SEQRA for Local Law No. 1 of 2011.

Councilman Kusnierz stated he would be voting no on this in the interest of transparency. There were five draft agendas and he didn't see this on any one of the drafts and the board is doing a disservice to the public by enacting a local law that wasn't on the agenda or any drafts of the agenda.

Supervisor Jenkins said he would agree if they were making a major change, but they were patching something that wasn't right a month ago.

Councilman Kusnierz said it is a local law and Supervisor Jenkins said he understood that.

Councilman Prendergast agreed that if this was the first night it was discussed and if it had never been discussed at a previous meeting or workshop, but that isn't the case.

Councilman Kusnierz said he wasn't trying to make the point that it wasn't discussed, but rather the public wasn't made aware that it would be voted on tonight.

Councilman Prendergast said he wasn't disagreeing, but he will go home tonight knowing he didn't hurt the public at all.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to issue a negative declaration under SEQRA for Local Law No. 1 of 2011.

Roll call vote resulted as follows:

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

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

WHEREAS, by Local Law No. 3 of 2010, adopted on November 9, 2010, The Town Board of the Town of Moreau ("Town Board") enacted comprehensive changes to Chapter 59 regarding the regulation of dogs within the Town of Moreau consistent with Article 7, Chapter 59, Part T of the New York State Agriculture and Markets Law; and

WHEREAS, the Town Clerk of the Town of Moreau has requested that the Town Board consider revisions to Local Law No. 3 of 2010 as adopted; and

WHEREAS, Local Law No. 1 of 2011, as proposed, revises the length of issuance of a dog license from two years to one year and amends the license fee provisions of Section 59-6; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 1 of 2011 was duly advertised, noticed and thereafter conducted on February 22, 2011 at the Town Hall; and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 1 of 2011; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 1 of 2011 is in the best interest of the Town of Moreau and is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

WHEREAS, the attorney for the Town of Moreau has prepared the necessary documents for filing the Local Law with the Secretary of State including the text of the Local Law itself;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Local Law No. 1 of 2011 annexed hereto; and

BE IT FURTHER RESOLVED, that Local Law No. 1 of 2011 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the Local Law documents as they deem necessary and, thereafter, are directed to execute and file said documents as required by law and to take all the necessary actions for the promulgation thereof.

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Elizabeth Lanfear thanked the board for the Marathon Dance Proclamation that they adopted.

Elizabeth Lanfear asked how much a help wanted ad costs and she was told well over \$100.00.

Elizabeth Lanfear asked what the status was of the bulk e-mail list service on the Town's website.

Supervisor Jenkins replied that Mannix Marketing is supposed to be providing information on this and he hoped to receive the information soon and for this service to be up and running soon.

Elizabeth Lanfear stated for the record, that she is not an employee of the Town, and to be scolded by a councilman at a public meeting was unwarranted, and she wanted an apology.

Councilman Cumm said he wouldn't apologize. In regards to the cleanup day at the rec. park, he didn't get the same story that Ms. Lanfear gave at this meeting.

Elizabeth Lanfear stated that it is unfair under the Open Meetings Law to allow one person more time to speak than another. She added that Councilman Cumm made comments that were inaccurate.

Lydia Wheeler, reporter for the Post Star, asked what date the board settled on for the cleanup day and the answer she was given was April 23rd.

Lydia Wheeler then asked for clarification on the prices for the back hoe and she was given the prices.

She also asked for the names of the firms that submitted proposals for the municipal complex and the highway garage complex and she was given this information.

Councilman Kusnierz stated that at the last two or three meetings he asked if the appointment to fill a vacancy on the recreation commission was going to be on the agenda and it hasn't been and still isn't.

Supervisor Jenkins stated that he wanted to discuss it in executive session and the board may vote on an appointment after the executive session.

COMMITTEE REPORTS

Councilwoman LeClair reported that the ice has melted on the ice rink in the rec. park and Royce Pixley is suggesting shorter hours during the week for the park.

Councilman Kusnierz asked why they hired personnel for the rec. park if they were contemplating shortening the hours down there.

Councilwoman LeClair also noted that it was suggested that the hours of the park be lengthened a little on Friday and Saturday nights to accommodate sledding.

Supervisor Jenkins stated that this should be up to the recreation director.

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Councilwoman LeClair reported that Saratoga County in the past has funded activities for children in the park in the amount of \$2,000.00 and this money was used for children's activities during Moreau Fun Days and Steve Gram heard that the county was going to cut this funding. She asked if this happens, does the board want to sponsor children's activities during Moreau Fun Days.

Supervisor Jenkins said he would check on this at the county level, he wasn't sure they were going to cut that funding.

Discussion followed on the recreation park capital reserve fund that was established back in 1999. Clarification is needed on how the money was allocated that went into that reserve fund. The Town Clerk was asked to search the minutes.

Attorney Auffredou reported that previously Councilman Kusnierz asked him to look into the Town's authority to establish a capital reserve fund whereby the funding mechanism would be a budgetary appropriation for a specific purpose, such as, sewer infrastructure, broadly defined as economic development.

He reviewed Article 6c of the General Municipal Law and all the provisions on capital reserve accounts and a pamphlet issued by the state comptroller and he spoke with Ellen McDonald, Associate Counsel, with the state comptroller's office. He asked Ms. McDonald if a Town could establish a broad based fund through budgetary appropriations for such things as, sewer infrastructure not in any particular location, but to have the fund available for development down the road or to attract development down the road. Her answer was probably not, because you have to specify a particular area and the concern would be that you may be using town-wide monies, with a budgetary appropriation, that is only benefitting a certain tax base or area of the Town.

Supervisor Jenkins stated that there are certain things that the Town is allowed to do under the economic development category with general fund money, which could benefit a small area of the Town. Why is this different than establishing a capital reserve?

Attorney Auffredou replied that when you start calling it a capital reserve fund then it is for something specific. Authority is required to establish a capital reserve account and there are only limited areas of capital reserve accounts that can be established under Article 6 of the General Municipal Law.

SUPERVISOR'S ITEMS

Councilman Cumm asked Supervisor Jenkins if he was going to read the determination letter received from the Ethics Advisory Council.

Councilman Kusnierz stated that the determination can't be read in open session. The Ethics Law does not allow third parties to be disclosed.

Attorney Auffredou was given the letter to read. He said he wasn't concerned about the letter being read in public. It was his opinion that "it" was publicly referred to the committee and the letter reads what they did and what the outcome was.

Councilman Kusnierz stated that nobody would let him discuss what the allegation was, about a public document, and it had to go in executive session and he asked what that was all about.

Attorney Auffredou replied that was because it had to do with a particular employee at the time. He asked Councilman Kusnierz if he wanted to go into executive session to discuss it.

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz replied he didn't care either way, but they can't have it both ways. Either everything is out in the open or it isn't.

Attorney Auffredou said his recollection was that, although it was discussed in executive session, there was quite a bit of discussion about it in open session as well.

Councilman Cumm stated it even made the press. It was very open.

Attorney Auffredou stated that he didn't have a problem with the letter being read.

Supervisor Jenkins said that when they went into executive session, the only purpose was that he wanted legal advice on what they should do. He said that Councilman Kusnierz contended that it was a public record.

Councilman Kusnierz replied it was, it was a publicly released document, but he didn't discuss it in open session.

Attorney Auffredou stated that in open session it was referred to the committee.

Councilman Kusnierz said they could go ahead and read the letter, but he had a follow up to it and he noted that there were two documents attached to the letter.

Supervisor Jenkins read the following letter:

February 21, 2011

Supervisor Preston Jenkins
Town Board Members
Town of Moreau
P.O. Box 1349
South Glens Falls, NY 12803

Dear Supervisor Jenkins and Town Board Members:

Per the request of the Town Board, the Ethics Advisory Council met Wednesday, February 16, 2011. After a brief discussion and review of Peggy Jenkins Disclosure Statement, we decided that we needed to talk with Peggy before we could come to any conclusions as to whether or not a violation of the Ethics Code occurred.

On Friday, February 18, 2010, Art Boucher, Charlene Endal on speakerphone and I met to interview Peggy Jenkins. Peggy presented us with a written statement (attached) and denied all allegations of impropriety. The council agrees and believes that there wasn't any exchange of "16 bottles of wine" from GAR to Peggy Jenkins. The council concluded that there was no violation of the Ethics Code in this matter and that if there is a mention of this incident, we believe it should be purged from Peggy's personnel file.

The Ethics Advisory Council believes that GAR Associates acted inappropriately, unprofessionally and showed poor judgment.

To insure that this type of incident is avoided in the future, the council recommends that any employee who receives any correspondence, verbal or written, that could be misconstrued as unethical, should report it to their supervisor immediately.

Sincerely,

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Catherine Knapp, Chairperson
Ethics Advisory Council

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 9:40 p.m. to discuss a situation with the NYS Department of Labor involving an unnamed former employee, discuss the employment history or performance of a particular unnamed employee(s) and activities of two unnamed members of the recreation commission, possible eminent domain proceeding involving Hatchery Road, CSEA negotiations and Crawford Article 7 proceeding.

Supervisor Jenkins said he drafted a letter to the recreation commission that he wanted to send on behalf of the Town Board and he wanted to discuss the letter with the board in executive session. He didn't feel it was a public document at this point in time.

Attorney Auffredou said he hasn't read the letter yet so he wasn't sure if it qualified for executive session or not. Attorney Auffredou then read the letter. Attorney Auffredou opined that if the board is comfortable with the letter then it could be read aloud.

Supervisor Jenkins read the letter as follows:

February 23, 2011

TO: Recreation Commission
FROM: Town Board

The Town Board does not participate in micro-management. The Department Heads control their departments unless an issue creates the involvement of the Committee for that department.

The purpose of the Recreation Commission is to provide plans for the future and not be involved in the daily operation. If the Commission becomes aware of any problems, they should be presented to the Rec. Committee Town Board Representative or to the Supervisor. If anyone on the Recreation Commission chooses not to serve under these conditions, we would accept his/her resignation from the Commission.

The purpose of this memo is to clarify the policy regarding the duties of the commission. As a Board, we thank the members for serving and look forward to working together with you for the benefit of the community.

Roll call vote to go into executive session resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on February 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 11:13 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes	
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.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the regular meeting at 11:14 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk