

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

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

**Town Board Members Present**

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

**Town Board Members Absent**

Bob Prendergast	Councilman
-----------------	------------

**Also Present:** Jeanne Fleury, Town Clerk; Rudy Klick, Special Projects Aide; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Steve Gram, Recreation Director; Martin D. Auffredou, Attorney for the Town (arrived at 7:55 p.m.); Garry Robinson, Engineer representing Hal Leonelli (arrived at 8:00 p.m.); Jeremy Tripp, Recreation Laborer; Town Residents: Kathie Spangler, Bruce Yarter, Colleen Maziejka, Nikki Willis, Elizabeth & Chris Lanfear, John Telisky, Reed Antis, Adele & Tom Kurtz; Nick Reisman, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance .

Supervisor Jenkins welcomed everyone to the meeting and asked that all cell phones be turned off or put on vibrate and for those present to refrain from using any recording devices, the audio of the meeting will be on the internet tomorrow.

Councilman Kusnierz asked when we no longer ~~about~~ **allowed** recordings. **[Amended 3/9/10 jf]**

Supervisor Jenkins said he thought it was part of the policy and Councilman Kusnierz said it wasn't and that we only have a cell phone policy.

The first order of business was auditing and approval of vouchers for payment.

Councilman Kusnierz questioned a charge on a voucher number 372 from Bartlett, Pontiff, Stewart & Rhodes for legal services rendered. There was an entry on the invoice attached to the voucher dated January 5<sup>th</sup> whereby the Town was billed 2.7 hours and the description read "attorney attended meeting at Town Hall with Supervisor Jenkins, Councilman Cumm and Mr. Patricke regarding the OHH law, the Mining Law and various matters." He asked what they were doing with the Mining Law. He didn't realize they were changing this law.

Supervisor Jenkins stated that there is an update to what they did a year ago. He suggested a workshop to discuss the amendments. He thought the Board Members got a copy of the changes. He said the meeting was originally between him, Joe Patricke and Attorney Auffredou and Councilman Cumm joined in.

Councilman Kusnierz said he noted on other vouchers that we were having Town Counsel review FOIL requests and asked why we were doing that.

Supervisor Jenkins said we received one regarding the contract for waste hauling from the Transfer Station and whether or not the hauler's employees were being paid prevailing wage rates or not. We needed clarification of what they were actually requesting and it involved a contract and how the Town Clerk should respond.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz stated we shouldn't have legal counsel review FOIL requests in general, because those documents are property of the taxpayers of the Town of Moreau and to pay for counsel's review of something the taxpayers already own isn't necessary.

Councilman Kusnierz noted that on January 22<sup>nd</sup> the Town was billed for 8 hours and the description of that billing was "prepare policy on meetings, opening statement and confer by telephone with Mrs. McGuire". What policy was discussed for that duration?

Supervisor Jenkins said the policy and opening statement referred to was about cell phone use during meetings. He wasn't sure why it took eight hours and we should ask for clarification on this from Attorney Auffredou when he arrives.

Councilman Kusnierz suggested they withhold the voucher until counsel could provide an explanation of the charges.

Rudy Klick stated that the correct voucher number that has the charge in question is 330 in the amount of \$2,025.00 billed to A1420.4. Voucher 372 was in the amount of \$52.00. The Bartlett, Pontiff, Stewart & Rhodes invoices are divided up and billed to different accounts.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair approving the following transfer:

\$500.00 from V8340.4 – Water 5 – Transmission/Distribution – Contractual into V8310.4 – Water 5 – Administrative – Contractual to complete payment for vouchers from 2009

Roll call vote resulted as follows:

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

This concluded the audit process until Attorney Auffredou arrived and could explain a charge on the invoice from his law firm.

## **MINUTES**

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

February 8, 2010 and two sets for February 9, 2010

### **MINUTES – FEBRUARY 8, 2010 – INTERVIEW CANDIDATES FOR VACANCY ON THE PLANNING BOARD AND ZONING BOARD OF APPEALS**

No comments or corrections.

### **FEBRUARY 9, 2010 – PUBLIC HEARING RE: LOCAL LAW NO. 1 OF 2010 – OUTDOOR HYDRONIC HEATERS**

No comments or corrections.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

## **FEBRUARY 9, 2010 – REGULAR TOWN BOARD MEETING**

Correction:

Page 115 – last paragraph – 4<sup>th</sup> line – delete the word “mine” and insert the word “me”

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve all three sets of minutes presented with the correction so noted.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes to approve both sets of minutes dated February 9 <sup>th</sup> and abstain from the approval of minutes for February 8 <sup>th</sup>
Supervisor Jenkins	Yes

## **FUTURE MEETINGS/WORKSHOPS SCHEDULED**

A workshop of the Town Board to discuss amendments to the Mining Law was scheduled for March 9<sup>th</sup> at 6:45 p.m. in Town Hall.

A workshop of the Town Board to discuss the building of a new court facility and municipal center on the Town's Route 197 site and to discuss the highway garage situation was scheduled for March 8<sup>th</sup> at 7:00 p.m. in Town Hall.

## **15 MINUTE PUBLIC COMMENT PERIOD**

John Telisky asked what the Town Board was doing to address the issue of pedophiles living in the Town of Moreau.

Supervisor Jenkins explained that there is new language being drafted to update our zoning code that will hopefully eliminate the situation. He advised that he has reviewed the copy of the Town of Colonie Code that John Telisky gave him and stated that the Town of Hadley is considering a similar law. The problem with that law is that it authorizes them to live in motel units and motel units aren't supposed to be used as apartments. He referred to the article in the Post Star this date about social services placing families with children in motels where pedophiles and sex offenders live and this is scary. We need to get motels back to being used for their original purpose. He further stated that he was aware of five pedophiles living in motel units in the Town and he also received notices of other sex offenders who are residing in Town, but not in motels.

John Telisky asked Supervisor Jenkins how the law from Colonie authorizes them to live in motels or invites them in, because if they are given a special use permit you aren't authorizing it, you are identifying the motel and then the whole public knows that they are there. He stated that we have four motels in the Town and one in the Village and four of the five house pedophiles. He mentioned the two Budget Inns and the Graylyn Motel.

Supervisor Jenkins said there shouldn't be any at the Graylyn, because the police removed them due to close proximity to a day care center. He then said he would follow up on this in the morning.

Nikki Willis, Vice-President from the Moreau Elementary Home School Association, spoke next about the Home School Association using the Little League Snack Bar facilities in the Harry J. Betar Jr. Recreational

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Park during the soccer season. She said this request was presented to the Recreation Commission on January 12<sup>th</sup> and she hasn't received a response.

Supervisor Jenkins replied that there has been some discussion on how to deal with it. There are other organizations that are using the funds from the sales from the concession stands to help fund their programs and there are also other Home School Associations that may want to do the same thing and they wondered if it would create a conflict. He stated that they asked Elizabeth Lanfear two weeks ago to get more information. There are questions that need to be answered such as, who is going to prepare the food and what kind of food will be served and do they need a permit from DOH.

Colleen Maziejka advised that John Farrell who runs the snack bar during softball and who serves on the Recreation Commission gave his approval and said it wouldn't interfere with the softball program. The facility is not being used. She has an eleven year old daughter who has been involved in rec. programs for a number of years and she has never seen anyone utilizing the Little League Snack Bar. She stated that Home School Association would be responsible for obtaining a Certificate of Operation.

Councilman Cumm asked if they had insurance.

Colleen Maziejka said the Moreau Home School Association does have insurance. They will get a rider if they need to.

Councilman Kusnierz stated that this is a different situation than that of softball and little league. The monies raised go back to benefit the community and the residents of the Town. It isn't a group that raises money to take care of a sports entity alone so from that standpoint he didn't know if the liability issue is the same as that which the Town is exposed to through girl's softball or little league.

Councilwoman LeClair stated that Attorney Auffredou had a concern, because if we typically have entities that are teams participating at rec. and if we open it up to the Home School Association do we need a policy in case we are approached by a church or another Home School Association and would be setting a precedent.

Colleen Maziejka replied that the precedent has already been set. There have been other groups such as a soccer club affiliated with a church group who used the snack bar for a fundraiser and it has been used in the past for the heart or cancer association. This is for a not-for-profit organization and the money goes back to the children in the school who utilize the rec. programs.

Elizabeth Lanfear stated that it is hard to compare softball and baseball to the Home School Association. The Home School Association is a not-for-profit and funds raised go back into the school.

Supervisor Jenkins stated that he would check with the Town's insurance agent regarding liability insurance. Serving food could have certain liability issues. He will put it on the agenda for the March 9<sup>th</sup> Meeting for a vote.

Councilman Cumm stated that liability insurance is a major issue. If somebody develops e-coli or salmonella poisoning who is responsible. All the other organizations that use the park have liability insurance that covers them on the fields as well as the concession stands. If the Home School Association can provide liability insurance and can name the Town as additional insured he wouldn't have a problem with it.

Councilman Kusnierz asked if they would be serving pre-packaged foods.

Colleen Maziejka said it would depend. They would probably serve popcorn, chips, juice.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz stated that if they are going to be serving pre-packaged foods then the liability issue is taken off the table, because it is contained and protected. What happens after it leaves the snack bar is somebody else's concern.

Steve Gram replied that this wasn't exactly correct. The NYS DOH requires liability insurance and a health permit whether you serve pre-packaged food or not.

Supervisor Jenkins stated again that he would put this on the agenda for March 9<sup>th</sup> for a vote. We will give the information to Councilman Prendergast who is not here tonight. If they have liability insurance then he wouldn't have a problem with it. Municipalities are a good target and we want to make sure we do the right thing.

Councilman Kusnierz stated that he would entertain an opinion from our insurance agent, but if a not-for-profit organization returns all the monies earned back to the community then the requirement for liability insurance is a mute point.

Kathy Spangler who lives on Merritt Road addressed the board next. She reported an abandoned house at 25 Merritt Road. It has been vacant for 2 ½ years. The neighbors take care of the yard. The owners rent a house on Butler Road, because the house is so full of junk they can't live in it. It is being used as a storage shed and it is an eyesore. She has a house for sale next door and believes it is hurting the sale of the house. Kathy asked if the Town has a rule about abandoned houses.

Councilman Kusnierz replied that under our code they are required to maintain their property.

Supervisor Jenkins said he would have code enforcement check into it tomorrow.

#### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent submitted four quotes for the purchase of diesel fuel additive as follows:

North Country Radiator	\$2,290.00	One 55 gal. drum –K100D w/ cetane One gal. will treat 1,000 gallons of diesel fuel
Farrell Oil Co.	\$1,636.99	One 55 gal. drum E Zoil Diesel Aid w/0 cetane One gal. will treat 1,000 gallons of diesel fuel
Monroe Tractor Construction Equip.	\$1,680.00	One 55 gal. drum diesel Kleen with cetane One gal. will treat 1,450 gallons of diesel fuel
D & W Diesel, Inc.	\$1,530.00	One 55 gal. drum Performance Formula Fuel Additive with cetane One gal. will treat 500 gallons of diesel fuel

The purchase will be made out of account DB5142.460 that had a balance of \$40,806.71 as of 2/1/10.

The highway superintendent recommended purchasing the diesel fuel additive from Monroe Tractor per their quote of \$1,680.00. He estimates that one drum will last them approximately two years if diesel consumption remains constant with what it is now.

Councilman Kusnierz asked if they can get it from the supplier of diesel fuel when the diesel fuel is delivered and Paul Joseph replied no, not with bulk delivery. They are currently buying it in five gallon pails and it is more costly that way. The cetane additive keeps the emissions cleaner so that they don't have to take the filters out of the new trucks and get them cleaned, which costs \$700.00 each.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of diesel fuel additive from Monroe Tractor at a cost not to exceed \$1,680.00 out of account DB5142.460.

Roll call vote resulted as follows:

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

The highway superintendent submitted the following three quotes for a motor and drive assembly installed on the overhead doors at the highway garage:

Adirondack Overhead Door	\$ 750.00
Overhead Door of Glens Falls	\$ 795.00
Winchip Overhead Door Co.	\$1,190.00

The purchase will be made out of DB5132.472 that had a balance of \$3,000.00 as of 2/4/10.

Supervisor Jenkins noted that Overhead Door of Glens Falls quoted only \$45.00 more than Adirondack Overhead Door and Overhead Door of Glens Falls has a place of business in South Glens Falls and pays taxes in the Town. He asked the board if they wanted to accept their quote over Adirondack Overhead Door.

A motion was made by Councilman Cumm and seconded by Councilwoman authorizing the purchase of a motor and drive assembly installed for the overhead door at the highway garage from Adirondack Overhead Door at a cost not to exceed \$750.00 out of account DB5132.472.

Roll call vote resulted as follows:

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

The highway superintendent requested permission to purchase air, oil and fuel filters in bulk quantity from Weller's Auto Parts at a cost of \$1,200.00 for trucks and equipment in the highway department. Weller's Auto Parts is running a special promotion on filters through the end of February and taking advantage of this promotion will save the highway department approximately \$650.00. This purchase will be made out of account DB5130.492 that had a balance of \$39,008.31 as of 2/1/10.

Councilman Kusnierz asked Paul Joseph how long these will last and Paul replied that there will be enough filters to service equipment for one year.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of air, oil and fuel filters from Weller's Auto Parts at a cost not to exceed \$1,200.00 out of account DB5130.492.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Supervisor Jenkins	Yes

Councilman Kusnierz stated he received a request from a horse owner on Clark Road for a horse crossing sign to show caution. There are a half dozen horse owners or farms on Clark Road. There was an incident about a week and a half ago between two people over the moving of horses on that road. He said that one of the horse farms on that road is probably one of the largest in Saratoga County and thought it would be a good idea for this sign to be erected. He asked Paul Joseph to take care of this.

#### **POLICY RE: CARRY OVER OF UNUSED VACATION TIME**

Supervisor Jenkins stated that the following policy has been suggested: "Each full-time employee shall be entitled to carry over unused accrued vacation time annually of up to 10 work days not to exceed a maximum of 30 days accrued vacation."

Councilman Kusnierz stated that he was the one who put it together and said it was something that came up in instances when a new employee was unable to take their vacation before the end of the year. This policy will provide more flexibility and more uniform staffing in Town Hall and other Town buildings.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to adopt the following policy:

"Each full-time employee shall be entitled to carry over unused accrued vacation time annually of up to 10 work days not to exceed a maximum of 30 days accrued vacation."

Roll call vote resulted as follows:

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

Supervisor Jenkins noted that he voted yes on this, but his staff is not happy with this policy because of the extra burden it will place on them in regards to the record keeping.

#### **RECREATION DEPARTMENT REQUEST**

The recreation director previously submitted a request for the purchase of a utility vehicle and he was asked to get additional quotes. He supplied the following additional quotes:

Bobcat of Saratoga	\$10,024.80
Salem Farm Supply	\$12,100.00
Falls Farm & Garden	\$10,950.00

Steve Gram stated that the 2007 Husqvarna Demo from Satch Sales as previously quoted is still the cheapest and comes with a two year warranty. It also has an aluminum body that will last longer.

Councilman Cumm asked about the tires and Councilman Kusnierz asked about the weight capacity and Jeremy Tripp answered the questions.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of a 2007 XRT 1550 4X4 Cub Car Diesel Utility Vehicle Demo from Satch Sales at a cost not to exceed \$8,595.00 with a two year warranty out of A7140.2.

Roll call vote resulted as follows:

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

Attorney Auffredou entered the meeting at 7:55 p.m. and reviewed the voucher from Bartlett, Pontiff, Stewart & Rhodes and the charge in question and stated that it had to be a typo.

Councilman Kusnierz referred to another entry on the invoice from Bartlett, Pontiff, Stewart & Rhodes that read "FOIL and Guest". He asked what "Guest" meant. Attorney Auffredou stated that it was a typo.

The entire voucher in the amount of \$2,556.00 was withheld from payment to allow Attorney Auffredou time to update the invoice and Supervisor Jenkins stated that he would present the voucher at the March 9<sup>th</sup> Town Board Meeting and request pre-payment for the March warrant.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the payment of vouchers as audited.

Roll call vote resulted as follows:

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

### **AUDITED CLAIMS**

#### General Fund – A Account

Claim nos. 212-213, 219, 222, 225-261, 324-329, 331-341, 373-382	\$147,094.70
--	--------------

#### Town Outside Fund – B Account

Claim nos. 214, 224, 262-274, 342-343, 355, 357-368, 383	\$ 4,363.47
--	-------------

#### Highway Fund – DB Account

Claim nos. 275-283, 289-298, 303, 344	\$ 43,647.20
---------------------------------------	--------------

#### Sewer District 1 Fund – GI Account

Claim nos. 308, 345, 347-348, 384	\$ 416.61
-----------------------------------	-----------

#### Water District 6 Capital Project Fund – HS Account

Claim nos. 215-216	\$ 62,627.34
--------------------	--------------



A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Water District 1 Fund – I Account

Claim nos. 309-310	\$ 41.04
--------------------	----------

Water District 2 Fund – II Account

Claim nos. 223, 311-312, 349-350, 369	\$ 1,150.99
---------------------------------------	-------------

Water District 4 Fund – IV Account

Claim nos. 314-315	\$ 110.96
--------------------	-----------

Landfill Reserve Fund – LF Account

Claim nos. 319	\$ 258.50
----------------	-----------

Water District 3 Fund – SW Account

Claim nos. 313	\$ 18.40
----------------	----------

Trust & Agency Fund – TA Account

Claim nos. 217-218, 320-322, 370-371, 385	\$ 17,674.80
---	--------------

Transfer Station Fund – TS Account

Claim nos. 220-221, 323, 351-354	\$ 7,214.24
----------------------------------	-------------

Water District 5 Fund – V Account

Claim nos. 316	\$ 11.04
----------------	----------

Water District 6 Fund – VI Account

Claim nos. 317-318	\$ 218.81
--------------------	-----------

Vouchers #330, 346, 356, 372 Voided

Voucher #284-288, 299-302, 304-307 Skipped by Info-Fund

**WATER DISTRICT 1 EXTENSION 1 WATER SUPPLY APPLICATION**

Garry Robinson, engineer representing Hal Leonelli, was present and explained that under the previous administration Water District 1 Extension 1 was established, but the water supply application was never signed by the Supervisor and filed with NYS DEC. He was requesting that the Town Board authorize Supervisor Jenkins to sign and file the water supply application for Water District 1 Extension 1.

Attorney Auffredou concurred with this synopsis and recommended that the board authorize the Supervisor to sign and file the water supply application for Water District 1 Extension 1 subject to Tim Burley's review and approval.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to sign the water supply application for Water District 1 Extension 1 subject to Tim Burley's review and approval and then file the application with NYS DEC.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

Councilman Kusnierz voted no, because he voted no on the original district extension.

### **WATER DISTRICT 1 EXTENSION 2 WATER SUPPLY APPLICATION**

Garry Robinson explained that the Water District 1 Extension 2 Water Supply Application was for a 144 unit apartment complex project proposed for Sisson Road that has received Planning Board approval. Hal Leonelli submitted information to DEC for their review and he is awaiting a response from them.

Garry Robinson explained that the Town asked Hal Leonelli to pick up some of the parcels along Sisson Road and down Harrison Avenue that have water service now and that are not in the district or the first 75 feet of the lots were included in the original Fenimore Water District 1 approval and the rest of the lots weren't and are to be included in this extension. Glens Falls National owns lots further down Harrison Avenue and they have requested that their lots be included in this extension. Garry Robinson had with him the final map that included all these parcels. It was forwarded to Tim Burley for review, but he hasn't had a chance to review it yet.

Supervisor Jenkins stated that he understood there was 1,800 feet of pipe that would be installed and hooked into the 12 inch pipe at Bluebird Road and Garry Robinson stated that was part of the Harrison Avenue project and a condition of approval. Fenimore is serviced with water from the Village of South Glens Falls and when Hal Leonelli went through the Planning Board process it was his intent to supply his apartment complex project with water from the Village of South Glens Falls. Garry said the Planning Board and Town Board at the time decided they wanted to "back feed" it so that area could get water supplied by the Town of Queensbury like the rest of the Town. So they agreed to put in the line so the water supply from the Village of South Glens Falls could be eliminated or it could be "valved off" and used as an emergency supply.

Garry Robinson stated they were requesting that the water supply application be authorized to be submitted early before approval of the district formation. It is a technical thing with DEC and wouldn't go through until the district is formed. It would be subject to Tim Burley and Attorney Auffredou's approval.

Attorney Auffredou stated that to keep the process moving they would like it done in this fashion. He didn't have a problem with this as long as Tim Burley approves it. It won't be deemed complete until Tim Burley approves it and he won't approve it until he looks at the map, plan and report. It essentially isn't worth the paper it is written on for Garry and Hal until the Town Board completes the public review process of the water district extension. Once this process is done they want their water supply application paperwork already on file with DEC so it can be approved at that point in time. He stated that he and Tim Burley will review the map, plan and report and assuming everything is in order he will prepare paperwork for the March 9<sup>th</sup> Town Board Meeting and the board can schedule a public hearing at that time for the second meeting in March or first meeting in April. A public hearing will be held and the board will go through the SEQR process. He further stated that typically the Town goes through an Article 12 process under Town Law where the property owner is the sole reason why the Town is creating the district or district extension. In this case the property owner came forward and said he wants this district extension and the Town said okay, but we want additional properties to be included in the district extension and this moves the process from an Article 12 to an Article 12A, which means anything the Town adopts will be subject to a permissive referendum. It will take a little longer to get through this process as a result. He said it is crucial that the notice of public hearing be sent to each and every property owner affected by the district extension. Hal Leonelli and Garry Robinson did hold a public

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

informational workshop session that was held in Town Hall and property owners were notified and nobody showed up. However, there are additional properties that are being included in the district extension that at that time were not so it is critical to give everybody notice of the district extension not just publication in the Post Star.

Councilman Kusnierz stated that historically the Town's attorney reviews it then Tim Burley reviews it and then the Town Board moves forward.

Attorney Auffredou said this was correct. The only difference here is that the developer is asking the Town Board to authorize the Supervisor to sign the water supply application beforehand so they can expedite the process once the district is formed.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the Supervisor to send the map, plan and report to Tim Burley for review and recommendation and authorizing the Supervisor to sign the water supply permit application for proposed Water District 1 Extension 2 based upon the recommendation from Tim Burley and counsel.

Roll call vote resulted as follows:

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

Councilman Kusnierz voted no for the reason that it is out of the ordinary procedure for water supply applications. There isn't any problem waiting for our engineer and counsel to review it and then move forward.

#### **PHOTO COPY CHARGES FOR PUBLIC RECEIVING INFORMATION RE: REVAL**

The board members discussed with Peggy Jenkins the Assessor whether or not to charge for photo copies of reval information and if so what would the charge be per page.

The Moreau Community Center will have a set of books on file for the public to review and they are agreeable to making a reasonable number of copies at no charge, per Peggy Jenkins the Assessor.

The question centered on what happens if a person requests a copy of the set of reval books.

Councilman Kusnierz asked why a set of books can't be available in Town Hall and Peggy Jenkins replied that GAR wants to take the responsibility away from the municipality. A copy of the books will be available on-line.

Councilman Kusnierz stated that there is money set aside for reval and wondered why that money couldn't be used to cover the cost of the copies. He didn't anticipate a huge demand for copies of the books in their entirety. If the books were available in Town Hall we could maintain control of them by letting people sign them out and review them in the meeting room of Town Hall during normal business hours.

Supervisor Jenkins suggested that Peggy order another set of books and place them in the Town Clerk's Office for the public to review and agreed with Councilman Kusnierz in that people could sign them out and review in the meeting room in Town Hall.

Councilman Cumm was concerned that if copies were free then there would be an abuse of the system. He suggested charging a nominal amount such as two or three cents per page.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz was of the opinion that this is a government business and the taxpayers paid for this information.

Councilwoman LeClair stated that the people pay taxes, but we have to pay maintenance on the copier and it is based on each copy made on the copier. She said we don't have to make a profit on this, but enough to cover the cost of the copies.

Supervisor Jenkins stated again that we need a set of books in Town Hall.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to charge three cents per page to print the books.

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

Supervisor Jenkins said he voted yes to get it done, but he doesn't necessarily disagree that the copies shouldn't be provided free.

#### **AUD REQUEST FOR PROPOSALS (RFP'S)**

Supervisor Jenkins stated that three proposals have been received to prepare the Annual Update Document (AUD), but said they weren't going to vote on the proposals to do the AUD at this meeting. He wanted to disclose that one quote is from a firm that he used to own part of, which he no longer has an interest in. However, he signed an Ethics Disclosure Statement stating that he does have an installment contract with them and receives monthly payments from them. He receives no benefit from this and under the law he could vote on this, but he will abstain from the vote on this in two weeks because he thinks the public perception would be he shouldn't so he won't.

He provided copies of the proposals to the board members.

Councilman Kusnierz asked if in the future the formal submissions could be stamped with the date received.

The Town Clerk advised that she does stamp the sealed envelope that it arrives in, but she would see to it that the enclosure was stamped also.

#### **LANDFILL MONITORING – 2010 SERVICES**

A proposal was received from C.T. Male to provide landfill monitoring services for 2010. This year is a little more expensive, because they have to do baseline perimeters so they have to do the entire slope all the way around the landfill. Their proposal was in the amount of \$10,950.00.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to accept the proposal from C. T. Male to provide landfill monitoring services for 2010 at an amount not to exceed \$10,950.00.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm	Yes
Councilman Prendergast	Absent
Supervisor Jenkins	Yes

### **LOST WATER IN VILLAGE**

Jesse Fish has requested that Rural Water Works come in and test for leaks at no charge to the Town for Water District 1 that is served with water from the Village of South Glens Falls. He has also requested that they test the transite pipe in Water District 2. Jesse Fish will report back to the board at the March 9<sup>th</sup> meeting of the Town Board.

### **15 MINUTE PUBLIC COMMENT PERIOD**

Adele Kurtz asked if the reval books will be available in Town Hall and Supervisor Jenkins replied yes.

Peggy Jenkins added that they won't be here tomorrow. They have to print another set.

Adele Kurtz asked if the books will be on file in another location that will be accessible after hours and on weekends and Peggy Jenkins replied that they were still looking into availability of a place. GAR was not inclined to file them in the Crandall Library since the library is not located in the Town of Moreau and people could walk off with them.

Supervisor Jenkins stated that he was sure the library could put some sort of security device on the books so they couldn't be removed from the building.

Councilman Kusnierz added that it doesn't matter if the library is located outside the Town of Moreau the Town of Moreau is part of the library district.

Peggy Jenkins said she would have GAR contact the library again.

Reed Antis asked if the Rec. Park was ready for the spring season. It seemed to him that back in April 2009 they were a little behind in getting the park ready and he mentioned something about the soda machines.

Supervisor Jenkins replied that the board was still waiting to hear back from Little League regarding the concession stand. As for the soda machines he would ask Steve Gram about them.

Reed Antis asked about the county water project. He asked what impact it has on the Town. Will it bring jobs to the Town?

Supervisor Jenkins said they are still hiring people. There are very few positions at the county water plant at this point.

Reed Antis asked about the water tower. He heard something about the bolts or plates being loose.

Councilman Cumm stated that the bolts were loose in the union stand pipe and it was fixed. It took five minutes to fix it.

Reed Antis stated he works in Saratoga Springs now and asked if there was any possibility of getting the CDTA to provide transportation from Moreau to the southern part of Saratoga County.

Supervisor Jenkins replied that there is a park and ride stop by the Village Police Station. The Glens Falls Adirondack Transportation Authority is trying to tie into the Capital District.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Reed Antis asked if there was anything being done at the county level with this and Supervisor Jenkins replied no. He sits on the Saratoga County Transportation Council and they are kind of dislocated right now. They are trying to work on a tie in. He would explore this and get back to Reed.

John Telisky asked how many properties are facing an increase with the reval.

Supervisor Jenkins advised him that he would probably receive some information in the mail tomorrow.

Councilman Kusnierz said that question was asked at the informational meeting last week and GAR said they could not release that information.

Peggy Jenkins said the information couldn't be released until the notices were mailed out.

### **COMMITTEE REPORTS**

None

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins stated that a key inventory sheet of all Town Buildings was distributed and the Court and Recreation Department have not reported back yet. He stated that they should report in.

Supervisor Jenkins stated that a company has expressed interest in a site in the Moreau Industrial Park via SEDC. They currently operate in the old Chase Bag Building in Fenimore. It is primarily a recycling operation. He wanted to know how the board felt about this. There is another company that has expressed interest in the industrial park, there name cannot be disclosed.

Councilman Kusnierz was of the opinion that it is a lateral move and there is no net gain in jobs.

Supervisor Jenkins said the problem was that he wouldn't want them to go on the lot that they are interested in. There isn't any great benefit to the Town.

No other comments from the board members.

Attorney Auffredou had submitted information to the board members on proposed amendments to the Zoning Law regarding motels.

A workshop of the Town Board to discuss the proposed zoning amendments was scheduled for March 8<sup>th</sup> following the workshop on capital projects that was scheduled for 7:00 p.m.

Councilman Kusnierz asked if there was a reason three department heads were not present at this meeting.

Councilman Cumm stated that Joe Patricke was at a School Board Meeting giving a presentation on behalf of the Town.

Councilman Kusnierz asked why Steve Gram left the meeting and nobody knew the answer to this question.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn to executive session at 9:00 p.m. to discuss an Article 7 involving Midtown Shopping Center.

A meeting of the Town Board of the Town of Moreau was held on February 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to adjourn the executive session and re-open the regular meeting at 9:37 p.m.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the regular meeting at 9:38 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