

A regular meeting of the Town Board of the Town of Moreau was held on February 28, 2012 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

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Steve Gram, Recreation Director; Peggy Jenkins, Assessor; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent (arrived at 7:12 p.m.); Clark Howe, Consultant with Ambit Energy; Town Residents: Virginia Livsey, Bruce Flayer, Adele Kurtz; and Reed Antis, Town Resident and Planning Board Alternate Member

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked that everyone turn off or silence all electronic devices.

MINUTES

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

February 14th and 21st

MINUTES – FEBRUARY 14, 2012 – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve the minutes of February 14, 2012 as prepared.

Roll call vote resulted as follows:

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

MINUTES – FEBRUARY 21, 2012 – BID OPENING – EXCAVATOR

Received and filed.

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FUTURE MEETINGS AND WORKSHOPS

None scheduled.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked the board if they planned on meeting to discuss the recreation department/commission. He said he has bantered back and forth with the board on this topic, but he hasn't seen it on an agenda yet.

Supervisor Jenkins said he didn't know where the other board members stood on the subject, but he may ask the board to schedule a workshop in March to discuss where they stood individually on the subject.

AMBIT ENERGY PRESENTATION

Clark Howe who resides on Jan Avenue in the Town of Moreau and who is an independent consultant for Ambit Energy a referral based marketing company gave a presentation to the board on Ambit Energy.

Ambit is based in Texas and has received an A Rating from the Better Business Bureau in Texas. Clark Howe explained how energy has been deregulated in New York State and how the people now have the right to choose which energy company they want to use for the supply side. He said there is no cost to switch to Ambit Energy and the benefits are: The Town will receive a 7% savings on their energy bill for the first two months. This savings is offered by National Grid not Ambit. There is also a guaranteed savings of at least 1% annually and for each account transferred over to Ambit they give a three day, two night vacation. Travel rewards points are also earned and for every 15 referrals to Ambit a rebate check is cut and sent to the customer monthly.

Councilman Prendergast asked if any other municipalities have signed up with Ambit.

Clark Howe replied no, Moreau would be his first municipality. He has signed up affiliates like fire companies and little leagues. He has had 1,500 customers take advantage of this service. The Town would not be locked into a long term contract. The Town at any time can transfer to another service by notifying Ambit 15 days before the end of the month.

Councilman Kusnierz asked if there would only be a benefit to the Town if the Town referred 15 new customers to Ambit.

Clark Howe replied no and explained the process.

Councilwoman LeClair asked Clark Howe to explain the rebate program again and he did.

Supervisor Jenkins said he had a concern over the gifts and rewards, because as public officials they can't accept them.

Clark Howe suggested that the Town donate the trips to organizations like the marathon dance. The rewards points could be used to send employees to conferences or they don't have to be redeemed.

This concluded his presentation.

HIGHWAY DEPARTMENT REQUESTS

Supervisor Jenkins stated that three bids were received for an excavator. Two were for new ones and one was for a used one. The used one was within our price range, but Paul Joseph has to go look at the vehicle

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and he isn't sure at this time if it is anything he wants to purchase so he isn't prepared to have the board act on this right now.

Paul Joseph, Highway Superintendent, requested permission to purchase air, oil and fuel filters in bulk from Weller's Auto Parts at a cost not to exceed \$1,100.00. These filters will be used in trucks and equipment at the highway department. Weller's Auto Parts is offering this special promotion at 55% off and is good through the month of February. This special will save the highway department approximately \$600.00. This purchase would be made out of account DB5130.492 that had a balance of \$38,147.95 as of 2/1/12.

Councilman Kusnierz asked Paul Joseph if this was a year's supply and Paul Joseph replied yes.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of air, oil and fuel filters in bulk from Weller's Auto Parts at a cost not to exceed \$1,100.00.

Roll call vote resulted as follows:

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

Paul Joseph gave an update on the construction of the new highway garage.

RECREATION DEPARTMENT REQUESTS

A request was made for Jeremy Tripp to attend a one day seminar on March 13th at the Saratoga City Center hosted by John Deere Landscapes. He will earn five recertification credits from six class sessions for his pesticide applicators license. The cost is \$60.00 and includes lunch.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing Jeremy Trip to attend a one day seminar on March 12th at the Saratoga City Center at a cost not to exceed \$60.00, which includes lunch.

Roll call vote resulted as follows:

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

WATER DEPARTMENT REQUESTS

None

Jesse Fish reported that water services are being installed in Water District 1 Extension 2. One hundred radio read water meters have been installed in Water District 1 and the land is being cleared for the new water tank.

Supervisor Jenkins reported that the Town has received preliminary approval from EFC to install water lines and connections into the homes on Sisson Road all the way to Fort Edward Road from Bluebird Road. He said we have the funds to do it.

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PLANNED UNIT DEVELOPMENT (PUD) PROCESS – BUCK CONSTRUCTION GROUP

Councilman Vittengl recused himself from discussion on this agenda item to avoid a conflict of interest and he went to sit in the audience.

Supervisor Jenkins stated that Joe Patricke is recommending that the Town Board engage the engineering services of Garry Robinson to review the proposed PUD by Buck Construction Group. His hourly rate is \$85.00 per hour and Garry is proposing a total of 49 hours to complete the review. This expense will be paid for by the developer.

Councilman Kusnierz stated that normally the board sends out Requests for Proposals (RFP's) and asked if any other engineering firms had been contacted.

Supervisor Jenkins replied that Garry Robinson is the engineer that the Town has used for other projects. He said that utilizing Tim Burley's engineering services would probably cost more due to his location.

Councilman Kusnierz said again that normally the board sends out RFP's and doesn't just take the recommendation of a department head.

Supervisor Jenkins stated that Buck Construction Group may want to appear before the Town Planning Board in April or May if the Town Board allows their proposal to move forward. We need a better concept of what they are planning. There are technical issues to be answered such as, water/sewer, engineering and legislation.

Councilman Kusnierz asked Supervisor Jenkins if the Town Board was going to allow the PUD to move forward.

Supervisor Jenkins replied that hasn't been decided yet.

Councilman Kusnierz asked if wasn't that the first step. He doesn't recall bringing an engineer on board prior to the Town Board agreeing to allow a project (PUD) to move forward. He would like to see more separation between developer and engineer.

Supervisor Jenkins stated that Garry Robinson is not the engineer for the developer.

Councilman Kusnierz said he thought he heard it said that the developer was on board with this engineering firm.

Supervisor Jenkins replied no, it was Joe Patricke's recommendation that we engage the services of Garry Robinson.

Supervisor Jenkins stated that it is Joe Patricke's position that we need a better preliminary review of the PUD. If the Town Board decides to send this project to the Planning Board then at that point the Planning Board will hire an engineer to assist them.

Councilwoman LeClair said she would like to discuss this with Joe Patricke as she just received the paperwork on this.

Supervisor Jenkins said this PUD is a little different than the last one and we did not do this for the last PUD. He said he was not prepared to move forward. More information is needed. He then said that he didn't think the developer was in a real hurry, they have a lot to do. Joe Patricke thought this was what should be done and he wasn't able to attend this meeting, because he is out on disability.

Supervisor Jenkins said they could table this for now.

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SAND BAR BEACH SEWER EVALUATION AND DESIGN

Supervisor Jenkins stated that again Joe Patricke was recommending that the Town Board engage the engineering services of Garry Robinson to evaluate the alternatives for sewage disposal at the beach. Garry Robinson proposes that this evaluation will take 45 hours at \$85.00 per hour.

Councilman Kusnierz said the beach is on property owned by the Village of South Glens Falls and asked if the Town has reached out to the village and asked them if they would be willing to split the cost.

Supervisor Jenkins replied that the village said we could bring the sewer line to the top of the hill to them. He also noted that this is a general fund item and the village residents pay into the general fund.

Councilman Kusnierz asked Steve Gram if he brought this up at budget time.

Steve Gram replied that back in July 2011 Joe Patricke was supposed to get prices. He then said he didn't think there was money budgeted for this.

Councilman Kusnierz said that obviously if this is a matter of public health then it has to be taken care of, but if we aren't being told that it has to be done right away then this is something the Town should budget for.

Supervisor Jenkins and Steve Gram stated that NYS DOH has said that the beach would not be able to open this season if the problem isn't fixed.

Councilman Vittengl stated that he thought there was money set aside for improvements to the beach area and Steve Gram confirmed this was correct.

Councilman Kusnierz stated that the village has sewer lines so they must know how much it would cost to fix the problem.

Jesse Fish stated that there is a pump station at the top of the hill that we could hook a sewer line into and one from the DPW building that we could tap into. He said that the Town could install the line and tap themselves. A grinder pump would cost about \$3,000.00. If the septic system fails then a new one has to be engineered and the cost would be anywhere from \$8,000.00 to \$10,000.00.

Councilman Vittengl asked if we could just do engineering for a grinder pump only.

Councilwoman LeClair asked if we put in a grinder pump and line, do we still have to have it engineered?

Councilman Kusnierz replied that there would have to be stamped plans.

Jesse Fish added that it would have to be approved by NYS DOH also.

Councilman Kusnierz asked if we are being told that the beach cannot open.

Steve Gram replied that NYS DOH has said that the problem was to be fixed in the fall.

Councilman Kusnierz stated that he wants three quotes for engineering. If the quotes come back more than the one from Garry Robinson then he won't have a problem accepting Garry's quote. He also said that portable toilets could be utilized at the beach temporarily so the beach can be opened for the season.

Supervisor Jenkins said RFP's could be mailed out.

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Councilman Prendergast wondered by Jim Mitchell didn't submit a quote. He said this job falls under the realm of the organizational minutes where we put two engineers under contract.

Supervisor Jenkins said an RFP could be mailed to Burley & Guminiak too.

Councilman Kusnierz said there was nothing to lose and everything to gain.

This topic was tabled for now.

SHELTER PLANNING AND DEVELOPMENT INC.

Supervisor Jenkins said he did not know why this topic was on the agenda. The board addressed this at the last meeting. He has not received any new proposals.

ZONING BOARD OF APPEALS

Supervisor Jenkins stated that Tracy Bovair could be removed from the Zoning Board of Appeals for lack of participation per the code.

Attorney Buettner advised that the Town Law and Town Code both require that Tracy Bovair be afforded the right to a public hearing. She opined that the Town should ask for her resignation or offer her a public hearing.

Supervisor Jenkins then said that Richard Kubis could not be moved up to permanent member until Tracy Bovair resigns.

TRANSFER STATION – COMPACTOR REPAIR

Waste Management estimated that it would cost \$1,500.00 to fix the compactor. It appears that the computer unit failed. The actual cost to fix it is not known.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing Waste Management to repair the compactor at the Transfer Station at a cost not to exceed \$1,800.00 and if the cost is to exceed this amount then the Town Board can amend the amount at the next meeting of the board.

Roll call vote resulted as follows:

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

TRANSFER OF FUNDS

Transfers of Funds were approved during the audit meeting that was held before this meeting.

MEMORANDUM OF UNDERSTANDING WITH THE VILLAGE OF SOUTH GLENS FALLS – MEMORIAL DAY PARADE

The Town of Moreau is contributing \$3,000.00 towards the Memorial Day Parade and the Village of South Glens Falls is contributing \$2,500.00 and the village has prepared a Memorandum of Understanding that they are requesting the Town sign regarding the parade.

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A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the supervisor to sign a Memorandum of Understanding with the Village of South Glens Falls regarding the Memorial Day Parade subject to legal counsel's review and approval.

Roll call vote resulted as follows:

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

SARATOGA COUNTY HAZARDOUS WASTE MITIGATION PLAN

A resolution was prepared by Saratoga County that the Town was being asked to adopt regarding a Hazardous Waste Mitigation Plan. Supervisor Jenkins said basically by adopting this resolution the Town of Moreau would be able to get financial aid from FEMA if needed.

The Town Clerk was asked to read the resolution, which she did as follows:

WHEREAS, the Town of Moreau, with the assistance from Saratoga County, has gathered information and prepared the Saratoga County Natural Hazard Mitigation Plan, and

WHEREAS, the Saratoga County Natural Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, the Town of Moreau is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Moreau has reviewed the Plan and affirms that the Plan will be updated no less than every five years, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Moreau adopts the Saratoga County Natural Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the plan.

After the resolution was read, Supervisor Jenkins stated that he realizes now that the resolution reads that citizens have been given an opportunity to comment and that the Town Board has reviewed the plan and this isn't the case, so he thinks a public hearing may be needed.

Councilman Prendergast said he assumes that this plan is something that Saratoga County has implemented and that Saratoga County has received public input and the plan was accepted at the county level.

Attorney Buettner said the resolution may need to be reworded. She would be happy to speak to the county about this.

This topic was tabled for now.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked why the issue with the septic system at the beach wasn't addressed five months ago. He said there are only two or three months left before the beach is scheduled to be opened and the issue is just now being addressed and RFP's are just now going out. The RFP process takes time.

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Supervisor Jenkins said he could give him a list of 25 more issues that need to be addressed. There are only so many hours in a day. However, he wasn't saying that Reed was wrong though.

COMMITTEE REPORTS

Councilwoman LeClair reported that she would be walking the riverfront property with Saratoga County Planning on Friday per the recommendation of NYS Dept. of State and anyone was welcome to join them.

SUPERVISOR'S ITEMS

Supervisor Jenkins reported that Dan Styczynski resigned yesterday from his position as Dog Control Officer for the Town.

Supervisor Jenkins stated that he contacted Glens Falls and Wilton about shared services and it doesn't look good. He suggested that an ad be run.

Following brief discussion the board agreed to run a help wanted ad.

Councilman Kusnierz suggested as much detail as possible be included in the ad so people realize what is involved with the job.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn to executive session at 8:12 p.m. to discuss proposals received from law firms in response to RFP's mailed out by the Town.

Supervisor Jenkins advised Attorney Buettner that she would not be sitting in on the executive session.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to close the executive session and reopen the regular meeting.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to engage the services of Bartlett, Pontiff, Stewart & Rhodes, P.C. to render legal services to the Town of Moreau for the remainder of the year through 12/31/12 per their proposal.

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Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the regular meeting.

Roll call vote resulted as follows:

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

Respectfully submitted,

Jeanne Fleury
Town Clerk