

A regular meeting of the Town Board of the Town of Moreau was held on January 26, 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
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Rudy Klick, Special Projects Aide; Paul Joseph, Highway Superintendent; Peggy Jenkins, Assessor; Martin D. Auffredou, Attorney for the Town; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:22 p.m.); Town Resident: Nate Jenkins, John Telisky, Tom Hutchins, Rich Morris (owner of Toadflax Nursery); Village Resident: Dave Bennett, Brigid Martin; Nick Reisman, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins began the meeting by welcoming everyone and stating that there is a slight change in the format of the meeting in that agenda item #2 will be the approval of bills as audited. It should be a short process.

ESTABLISH POLICY PROHIBITING USE OF PERSONAL COMMUNICATION DEVICES USED DURING TOWN BOARD MEETINGS

Supervisor Jenkins stated that after reviewing other meetings he attends he basically feels we should ban use of cellular phones and other communication devices during our public meetings and the best way to do that is establish a policy and announce it at the beginning of each meeting.

Councilwoman LeClair read the following proposed policy:

The use of personal wireless communication devices such as cellular telephones during public meetings of the Town Board (defined as and including open meetings and executive session meetings of the Town Board), can be distracting to the public in attendance and distracting to the Town Board, and can disrupt the proper functioning of public meetings. Accordingly, it is the policy of the Town Board to prohibit the use of all personal wireless communication devices during public meetings of the Town Board. If a person in attendance at a public meeting needs to use their personal wireless communication device, they must leave the Town Board meeting room. Anyone who violates this policy shall, at the discretion of the Supervisor or Deputy Supervisor, be subject to immediate removal from the public meeting.

Supervisor Jenkins asked for a motion to adopt this policy.

Councilman Kusnierz asked to discuss this proposed policy and stated that is what we usually do when we have a policy.

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Supervisor Jenkins said it is just as easy to discuss it after the motion, but if he preferred to discuss it before they could.

Councilman Kusnierz stated that before they vote on any policy they should hold a discussion on it.

Councilman Kusnierz said that at the last Town Board Meeting Councilman Cummm was very concerned over a taxpayer in the community who had a cow that was in the road and in that particular instance it caused the highway department to be called out and he thought the cost for the highway to be called out was excessive and he said it was due to negligence. Councilman Kusnierz said that as a Town Board Member he is in a part-time position as an elected official and asked how he would be contacted if his cow got out tonight.

Supervisor Jenkins said if that was a concern for him he wouldn't object to him having his cell phone on vibrate or other silent method so he could be alerted to any calls coming in and then he could leave the room to take the call.

Councilman Kusnierz said he agreed that, that is the way it should be handled and he agreed that it could be disruptive. There have been department heads that have had their phones ring and it is amusing to hear the different ring tones, but it can be distracting to some he guesses. In today's technology there are communication devices that can be used to take notes and he asked if the public would be prohibited from taking notes via their cell phone.

Councilwoman LeClair stated that taking notes is less distracting than the constant buzzing of phones. She asked how the rest of the Board felt.

Councilman Kusnierz asked who put the policy forward and Councilwoman LeClair replied she did. Councilman Kusnierz said he was directing this question to her then. He stated that if somebody has a personal communication device and they were using it to take notes as he reads the proposed policy it would be banned. He asked if this was correct.

Councilwoman LeClair stated that the Town Clerk takes notes and they are available on line.

Councilman Kusnierz asked Councilwoman LeClair to answer the question. Under this policy if somebody is taking notes on their Smart Phone would they be banned?

Councilwoman LeClair said she would think so.

Councilman Kusnierz asked if it would make more sense to announce at the beginning of each meeting or post a notice outside the meeting room that asks people to refrain from using personal communication devices while the Town Board Meeting is in process or leave it on vibrate so it isn't disruptive.

Councilwoman LeClair asked him how he would feel if each person here got one to three messages a meeting on vibrate.

Councilman Kusnierz said he wouldn't have a problem with that. He is required to be accessible in his full-time capacity in the Legislature. He has to be able to receive messages and he does receive messages.

Councilwoman LeClair replied she knows he does.

Councilman Kusnierz asked if the policy was directed specifically at him.

Councilwoman LeClair replied no, it is directed at anyone who uses their cell phone during the meeting.

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Councilman Kusnierz asked if that means he can't have his cell phone on vibrate.

Councilwoman LeClair said that Supervisor Jenkins just said he would be okay with that.

Councilman Kusnierz asked why they couldn't make a policy that simply read "please put your personal communication device on vibrate".

Supervisor Jenkins said he thought the policy was okay the way it was written. It shouldn't be an issue. He was at three meetings in Saratoga Springs yesterday and at each one they reminded everyone to shut off their cell phones. He didn't see a problem with the policy, it isn't abusive. We are giving people an opportunity to make or take a call they just have to leave the room.

Councilman Kusnierz said he has never seen anyone receiving a call and talking on the phone during a public meeting. He doesn't talk on the phone during the public meeting. He has to see who is calling and he can listen to a voice message if he chooses.

Councilman LeClair said that is his prerogative and this is her opinion.

Councilman Kusnierz said it is his prerogative and it is going to be his policy whether the Town Board institutes this policy or not. He asked if he is going to be escorted out if he looks to see who is calling him.

Supervisor Jenkins said not if he just listens to a voice mail and limits it, but he shouldn't talk on it.

Councilman Kusnierz agreed nobody should have a conversation while a meeting is going on. He has a major problem with excluding the public from the ability to communicate with their families and who have other responsibilities and want to attend our public board meetings and now we are telling them they can't have the device on.

Supervisor Jenkins started to say that he just told him different and Councilman Kusnierz interjected by saying that is not what the policy says.

Attorney Auffredou said the way he reads the proposed policy if a person gets a call they can leave the room and take it.

Councilman Cumm said it is no different than going to church on Sunday where they expect you to turn off your cell phones. He doesn't know how many times he has sat next to somebody and their ringers go off or buzzer goes off.

Councilman Kusnierz read "It is the policy of the Town Board to prohibit the use of all personal communication devices." That means you can't use them in this room

Attorney Auffredou said the way he understands it, it is just like any other meeting he goes to where these policies are common place if you are on vibrate and get a call you get up and leave the room. You are not supposed to be communicating while you are in the meeting.

Councilman Kusnierz said he has no problem with the actual call being made outside this room, but that is not what this policy says.

Attorney Auffredou said he could read it however he wanted, but that is the intention.

Councilman Kusnierz asked why we would give another Board Member unilateral authority to make a decision when the Supervisor already has the authority under this proposal.

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Supervisor Jenkins stated that Councilwoman LeClair drafted part of the policy and Attorney Auffredou reviewed it and he was involved in the concept and technically according to law as Town Supervisor he is in charge of operating the meeting and he assumes he doesn't even need this policy, but he thought they should discuss it.

Councilman Kusnierz read the following "either the Supervisor or Deputy Supervisor, be subject to immediate removal from the public meeting".

Attorney Auffredou stated they could add "in the Supervisor's absence". That is the intent.

Councilman Kusnierz said that would be fine, but that is not the way it is worded.

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

The use of Personal wireless communication devices such as cellular telephones during public meetings of the Town Board (defined as and including open meetings and executive session meetings of the Town Board), can be distracting to the public in attendance and distracting to the Town Board, and can disrupt the proper functioning of public meetings. Accordingly, it is the policy of the Town Board to prohibit the use of all personal wireless communication devices during public meetings of the Town Board. If a person in attendance at a public meeting needs to use their personal wireless communication device, they must leave the Town Board meeting room. Anyone who violates this policy shall, at the discretion of the Supervisor or Deputy Supervisor if Supervisor is not present, be subject to immediate removal from the public meeting.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked if he was clear on this and that is that he can accept a call on vibrate and everybody else in the audience can receive a call on vibrate.

Supervisor Jenkins replied certainly. It reads that if they have to use it they can leave the room. We realize there are emergency calls, but we don't want people talking in the room.

APPROVE PAYMENT OF BILLS AS AUDITED

Supervisor Jenkins advised that there was a voucher in for audit from High Peaks Tree Service in the amount of \$9,685.00 for tree cutting. The Town Board approved \$8,185.00. The contract was based more on price and we designated what trees could be cut. They fulfilled the contract and our estimate was a little low. He would recommend that they authorize the additional \$1,345.00.

Councilman Cumm stated that the measurements of the trees done by the highway department were different than High Peaks measured.

Paul Joseph said there were three trees and two stumps added. He said there was a little discrepancy in the bid specifications in that the diameter of trees was listed as 5" to 12" and 12" to 18" rather than

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5" to 12" and 13" to 18". This will be fixed for the next time. He went around and measured a lot of the trees afterwards. The original bill was in the amount of \$10,145.00 and it was adjusted down to the \$9,685.00.

Councilman Prendergast asked if we measured the trees and we gave them the measurements and they gave us the price.

Paul Joseph replied that this was done before he became highway superintendent. This was done back in May.

Councilman Cumm stated that they went out and did their own measurements and came in with a price that was higher so they went over the list again and came up with a different number.

Councilman Kusnierz asked if anybody from the highway department provided any oversight on the job.

Paul Joseph replied either he or Mike Montgomery were on-site to make sure the work was done, but he didn't know anything about the price at that time.

Supervisor Jenkins said the bid document only showed the price according to the size of the trees.

Paul Joseph stated that Maureen told him there was \$11,000.00 in the fund for this and not to go over that amount. That was what he was keeping an eye on.

Councilman Prendergast stated that what was more important was that it didn't go over what we approved and Maureen needs to understand that.

Councilman Kusnierz said it is even more important that we don't circumvent the competitive bidding process. Somebody could have submitted a lower bid and now we are \$1,400.00 over what we approved.

Supervisor Jenkins replied the bids were based on price per tree and we based it on a rough estimate. There may have been a spreadsheet done that showed the totals.

Councilman Kusnierz stated that either way it is important for the department to show fiduciary responsibility.

Supervisor Jenkins asked for a motion to approve this. They did the job and we verified that they did the job.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the bill from High Peaks Tree Service.

Councilman Prendergast said he has a problem with the fact that we went out to bid and got a price and now the bidder comes back and says we owe them more than what they bid. He said this isn't the first time we ever heard this. They agreed to a price.

Councilman Cumm said there was additional work done.

Councilman Kusnierz asked who authorized the work.

Paul Joseph noted that there was an emergency tree removal on Clark Road that was hit by lightning.

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Roll call vote resulted as follows:

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

Supervisor Jenkins advised that there was a voucher in for audit from Northern Graphics for t-shirts for a rec. program in the amount of \$853.20 and the board approved \$800.00. Additional shirts needed to be ordered.

Councilman Kusnierz asked Steve Gram if he came to the board and notified them that he would have to order the additional shirts.

Steve Gram said he didn't know. People sign up every day.

Councilman Kusnierz said that he knew what the amount was that was approved by the board and he should have known when he was approaching that threshold.

Steve Gram said when three people signed up late each day he didn't realize it would add up to that.

Councilman Kusnierz said it is \$53.00 over what the Town Board approved.

Steve Gram said that is only about 12 shirts.

Councilman Kusnierz said he didn't care how many shirts it was. It was more than what the Town Board approved. One of the many reasons they are up here is to provide checks and balances for the taxpayer's money that goes through this board. We lose control if limits are exceeded and he asked Steve Gram if he agreed.

Steve Gram replied that it was out of his control. He just had four more people sign up yesterday.

Councilman Kusnierz said this is the first he has heard of it.

Supervisor Jenkins advised Steve Gram that in the future if he is going to go over he is to call the board members and get approval first. It is only \$53.20, but it is a policy we have to stick to, because it is taxpayer's money.

Councilman Prendergast asked Steve if money taken in from registrations is used to pay for the t-shirts and Steve Gram replied yes.

Councilman Prendergast said he knows the board has said before and he agrees that they want the kids to have the opportunity to play and he doesn't want to stop that end of it. Maybe we should plan to order ½ dozen more shirts at the start next time.

Steve Gram replied they did and there were even more sign ups.

Councilwoman LeClair said there were 150 late sign ups for soccer.

Councilman Cumm asked Steve Gram to send the board a memo on how many extra shirts he had to order

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A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to authorize the additional \$53.20 and pay the bill from Northwind Graphics in the amount of \$853.20.

Roll call vote resulted as follows:

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

Supervisor Jenkins advised that a check in the amount of \$39,000.00 has been received that hasn't been deposited yet for the Moreau Emergency Squad EMS program. He would like to wait until after the board's meeting with the Moreau Emergency Squad tomorrow to see how they are going to approach the issue. He asked for authorization to sign the voucher and get two board members to sign it and hold the payment pending approval of the contract issue with the Moreau Emergency Squad.

Councilman Kusnierz stated that we are working partially off last year's contract, which said no later than February 1st, and we are doing it on a monthly basis by Town Board resolution.

Attorney Auffredou said what he did was per the directive of the Town Board he presented a contract for the month of January to their attorney a couple of weeks ago and he hasn't heard back from them on that. While we can take the position that we are going under the 2009 agreement, they haven't agreed to that. His recommendation is that depending on the outcome of tomorrow night's meeting the payment for services should be made upon a signed contract including insurance and indemnification provisions.

Councilman Kusnierz said that essentially we are currently without a contract with the Moreau Emergency Squad and Attorney Auffredou replied that was right.

Councilman Kusnierz said they are doing it out of the goodness of their heart then?

Attorney Auffredou said they have a contract per Town Board directive for the month of January that could be extended thereafter.

Councilman Cumm asked if this amount is one twelfth of the contract or insurance money and Supervisor Jenkins replied it is the insurance money.

Supervisor Jenkins said he saw no reason to hold it assuming the board agrees, because it is money for services they provided.

Councilman Kusnierz said that is his point. The month is almost over and they provided services and now we are saying we may or may not release the check.

Attorney Auffredou said there isn't any question that the Town Board will release the check.

Councilman Kusnierz said he was confused and asked Supervisor Jenkins what he was asking for?

Supervisor Jenkins replied he was looking for permission to have everything signed and ready to go and he wants to hold it until the Town Board authorizes it to be released, which they can do tomorrow night. As soon as they sign the contract we can release it.

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Supervisor Jenkins said we just got done talking about taxpayer money and one of the problems we have with the Moreau Emergency Squad is that they won't give us any information on how they are spending the taxpayer money that we give them that is meaningful. We want more information. We may ask for invoices and audit them. They purchased a vehicle last year and they should have bid it, taxpayer funds are paying for that vehicle. They need to come to the table and resolve the issues.

Councilman Kusnierz said it isn't all taxpayer's money.

Supervisor Jenkins said it is for the vehicle.

Councilman Kusnierz said maybe for the vehicle, but not for the operation of the squad.

Supervisor Jenkins said almost all the paramedic money went to wages. He stated that they did raise some volunteer monies. The funds we provide pay for most of their base operations, which includes a vehicle, fuel and those kinds of things.

Councilwoman LeClair stated that we just chewed out Steve Gram over \$53.00. Emergency vehicles are a lot more money than that.

Supervisor Jenkins said we need to resolve the issues.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to hold the Moreau Emergency Squad paramedic program insurance payment pending approval of the contract issue with the Moreau Emergency Squad.

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he voted no, because he will not vote to withhold payment for services rendered.

Supervisor Jenkins asked Rudy Klick to explain the Trust & Agency vouchers that are being withheld from payment.

Rudy Klick stated that there are four vouchers from Bartlett, Pontiff, Stewart & Rhodes for Woodscape II project, one from EDP for the Thousand Oaks project and one from Garry Robinson for the Schermerhorn project. We are waiting for funds to come into the Trust & Agency Account from developers to pay these vouchers.

Joe Patricke stated that he contacted all of them and he thinks it will all be resolved.

Councilman Kusnierz stated that Vouchers #24, 29, 32 had incorrect dates where the department head signed. These were corrected at the meeting.

Councilman Kusnierz referred to Voucher 57 where the claimant was Ed Tracy, former Town Justice, and it was for a health insurance option refund.

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Supervisor Jenkins said it is something the Town Board agreed to in 2007.

Councilman Kusnierz asked if this is something all elected officials can get.

Supervisor Jenkins said it was an agreement made at the time of his retirement.

Councilman Kusnierz asked if an elected official can negotiate their health insurance when they are no longer in office.

Rudy Klick stated that it was negotiated at the time of his retirement.

Councilman Kusnierz said he was surprised. There is a difference between an employee who retires and an elected official who is no longer in office. He doesn't think it is a benefit extended to other elected officials.

Supervisor Jenkins stated he wasn't sure, he didn't know where it came from. It was in December of 2007 when it was worked out.

Councilman Kusnierz stated it is \$50.00 a month and over twelve months it adds up.

Councilman Prendergast stated it was agreed upon back then so the only question now is should it continue.

Rudy Klick asked if wasn't this the opt out?

Supervisor Jenkins said he didn't know if it was in-lieu of his Medicare reimbursement or what. He said he would have to go back and see what it was.

Councilman Prendergast said again the only question now is does it continue.

Supervisor Jenkins said they could hold the voucher for a couple of weeks and pull the details on the decision, but we will probably get a complaint.

Councilman Kusnierz said the taxpayer's won't complain. It was his opinion that they should hold the voucher out of the audit for now.

Councilman Cumm asked the Town Clerk to check the minutes from December 2007 for this information.

A motion was made by Councilman Kusnierz to hold the voucher from audit. The motion didn't receive a second.

There were no objections raised to holding the voucher from audit.

Councilman Kusnierz asked why they were buying bottled water at the court when they have public water. The voucher was in the amount of \$63.00.

Rudy Klick explained that the \$63.00 was for water for Town Hall, Court and the Highway Garage. The court portion was \$16.00.

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

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\$500.00 from A1440.4 – General Fund – Engineer – Contractual into A1430.4 – General Fund – Personnel – Contractual to complete payment for voucher from 2009.

\$600.00 from A9030.8 – General Fund – Employee Benefits – Social Security into A9045.8 – General Fund – Employee Benefits – Health Insurance Option to complete payment for vouchers from 2009.

\$2,000.00 from A5010.1 – General – Superintendent of Highways – Personnel into A5010.406 – General – Superintendent of Highways – Advertising to complete payment for vouchers from 2009.

\$10,000.00 from B3620.2 – Town Outside Village – Safety Inspection – Equipment into B3620.4 – Town Outside Village – Safety Inspection – Contractual to complete payment for vouchers in 2009.

\$3,000.00 from DB5130.2 – Highway – Machinery – Equipment into DB5130.431 – Highway – Machinery – Small Tools to complete payment for vouchers from 2009.

\$15,000.00 from HP7180.2 – Recreation Capital Projects – Administration – Equipment into HP7180.4 – Recreation Capital Projects – Administration – Contractual to complete payment for vouchers from 2009.

\$155.00 from VI8310.1 – Water District 6 – Administrative – Personnel
\$164.62 from VI8310.2 – Water District 6 – Administrative – Equipment
\$12,905.79 from VI8340.4 – Water District 6 – Transmission/Distribution – Contractual
\$784.48 from VI9010.8 – Water District 6 – Employment Benefits – State Retirement
\$5,274.42 from VI9060.8 – Water District 6 – Employment Benefits – Hospital/Medical Insurance
\$4,296.00 from VI9730.0 – Water District 6 – Debt Service – Principal BAN
For a total of \$23,580.31 transferred into VI8310.4 – Water District 6 – Administration – Contractual

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to pay bills as audited.

Roll call vote resulted as follows:

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

AUDITED CLAIMS

General Fund – A Account:

Claim nos. 3-4, 6-9, 13-57, 127, 132-133, 161-164, 179, 183-189, 200-205, 209-210	\$196,917.14
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Town Outside Fund – B Account:

Claim nos. 10, 58-79, 165-168, 190-191, 206 \$ 8,878.54

Highway Fund – DB Account:

Claim nos. 137-160, 192-193, 211 \$123,541.57

Sewer District 1 Fund – GI Account:

Claim nos. 80-82, 130, 136 \$ 570.85

Recreation Capital Project Fund – HP Account:

Claim nos. 83-85 \$ 12,717.94

Water District 1 Fund – I Account:

Claim nos. 86-88, 169 \$ 41.59

Water District 2 Fund – II Account:

Claim nos. 11, 89-94, 128, 134-135, 170-171, 194 \$ 18,260.78

Water District 3 Fund – SW Account:

Claim nos. 95-97, 172 \$ 4,128.80

Water District 4 Fund – IV Account:

Claim nos. 98-101, 174-175, 195, 197 \$ 15,187.31

Landfill Reserve Fund – LF Account:

Claim nos. 106-107, 207 \$ 6,305.30

Water District 5 Fund – V Account:

Claim nos. 102-105, 177 \$ 1,762.23

Water District 6 Fund – VI Account:

Claim nos. 5, 176, 178, 180-182 \$ 14,711.12

Trust & Agency Fund – TA Account:

Claim nos. 1-2, 108-120 \$ 10,189.34

Transfer Station Fund – TS Account:

Claim nos. 12, 121-126, 131, 198-208 \$ 10,249.59

Info Fund Skipped Numbers 129, 135, 173, 196, 199

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Councilman Kusnierz said prior to the last board meeting he received anonymously the voucher signing responsibility for 2010 and he asked if anybody knew anything about it.

Councilman Cumm said it is the same sheet she put out the last two years.

Councilman Kusnierz asked who put it out and Councilman Cumm said Terry did.

Councilman Kusnierz stated it didn't have a name on it. He then stated that his feelings haven't changed on this and he wanted to reiterate them for the record this evening. He stated "we all have a fiduciary responsibility to be checking vouchers. It doesn't mean we have to sign them all, but we should be reviewing them and to have two board members assigned per month kind of shirks that responsibility number one. Number two if you are counting on me to sign every single voucher it's never going to happen. I won't sign a voucher that I voted against a resolution on, I won't sign a voucher if it isn't factually correct, I won't sign a voucher that doesn't have a department head signature on it. So if you are going to rely solely on me for the second signature it isn't going to happen. "

Councilwoman LeClair said actually they didn't she came in today as did Councilman Cumm and audited vouchers.

Supervisor Jenkins started to say that he thinks in the past...and Councilman Kusnierz interjected saying "I wanted to point out that if you expected me to abide by the schedule it's not going to happen".

Supervisor Jenkins stated we have been doing this for the past two years and usually when we have some that need a signature then Rudy goes through them and manages to contact Board Members and gets the signatures.

Rudy Klick asked Councilman Kusnierz to put a sticky note on any voucher he had a question on or found a problem with and he would get it corrected or get him the answer.

Supervisor Jenkins told Councilman Kusnierz that he understood what he was saying.

Councilman Kusnierz said he didn't want any surprises out there.

MINUTES

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

January 12, 2010 (2 Sets) and January 21, 2010

MINUTES – JANUARY 12, 2010 – TOWN BOARD WORKSHOP RE: PROPOSED OUTDOOR HYDRONIC HEATER LAW 6:30 P.M.

No comments or corrections.

MINUTES – JANUARY 12, 2010 – REGULAR TOWN BOARD MEETING

Corrections:

Page 32 – 5th paragraph from bottom of page – 2nd line – delete the word "real" in between the words "owns" and "property"

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Page 44 – The time the executive session was adjourned and the regular meeting re-opened should read 9:32 p.m. not 9:34 p.m. and the time the regular meeting was adjourned should read 9:34 p.m. not 9:32 p.m.

MINUTES – JANUARY 21, 2010 – TOWN BOARD MEETING WITH THE MOREAU COMMUNITY CENTER

No comments or corrections.

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

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that at the last meeting Councilwoman LeClair said she would talk with Fran about his suggestion to allow employees to carry over unused vacation time and he asked Councilwoman LeClair if she had a chance to do this.

Councilwoman LeClair apologized and said she forgot to do that.

Supervisor Jenkins said he talked with Fran a little about this and they are always concerned about record keeping. It was his opinion that the 30 day maximum cap was a little too much with the size of the staff we have. We don't have any position that is really easy to fill.

FUTURE MEETINGS/WORKSHOPS SCHEDULED

Assessor, Peggy Jenkins, advised that GAR Associates is not able to meet with the Town Board on February 25th and she gave the Town Board Members alternate dates. She said it is important for all the board members to be present.

A tentative public informational meeting with GAR Associates regarding the revaluation was scheduled for February 18th at 7:00 p.m. in the Town's building on Route 197.

Councilman Kusnierz said he would know by tomorrow if he would be available to attend that meeting or not. He asked if this meeting was going to be advertised and Peggy Jenkins replied that they would have to advertise.

Councilman Kusnierz stated for the record that there is a meeting scheduled with Moreau Emergency Squad tomorrow night at 5:30 p.m. and he indicated via e-mail that he would not be able to attend that meeting and it was not a good time for him. He really cannot attend any meeting before 7:00 p.m. especially this time of year when the budget process is going on in Albany.

Supervisor Jenkins stated that they understood that situation, but they had to line up two boards. What he could do was call him Thursday and update him on what occurred at the meeting or e-mail him.

A regular meeting of the Town Board of the Town of Moreau was held on January 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

15 MINUTE PUBLIC COMMENT PERIOD

John Telisky asked if the board members had given any thought to using a telecommunications system whereby they could talk to a board member(s) who were not present. There are intercoms out there where you can talk to numerous board members at one time who are not present during a meeting.

Supervisor Jenkins said about 1 ½ years ago they looked at putting a system in here without that feature and it was very pricey. Prices may have changed and perhaps it would be worthwhile looking into again.

John Telisky asked if anybody on the board knew how many pedophiles we have in motels on the Route 9 corridor. He said we have four motels housing pedophiles and an extensive number of pedophiles in these motels on Route 9.

Councilman Kusnierz and Supervisor Jenkins verbally said they were aware of this. Supervisor Jenkins stated that there was a big drug enforcement effort at one of the motels two days ago.

John Telisky suggested that the motel owners be made to apply for a special use permit and pay a large fee of \$2,500.00 to \$5,000.00 per year like in Colonie to allow them to house them there. It may deter it. There is going to be a catastrophic event when you house all these people within a two mile corridor. He mentioned the Budget Inn, Graylyn and Clearview. He said there is a bus stop about "500 yards" from the Clearview Motel.

Supervisor Jenkins said the Clearview Motel is in the Village of South Glens Falls and they have a Village Police Department and they are probably there once or twice a week dealing with issues like drugs or whatever. He said the Town's biggest problem with controlling this is that we don't have our own police force. Our coverage is by the State Police or Sheriff's Department and they use a point system for enforcement and a warrant has to be issued or they don't have the ability to track them.

Brigid Martin asked if aren't there zoning laws prohibiting a motel from being used as an apartment complex. Shouldn't they be short term and not a permanent residence?

Supervisor Jenkins replied that is one thing they were looking at in the re-zoning process. Our code talks about motels and how the people there should be transient rather than a domicile, but our code doesn't define clearly enough what transient or domicile is and we are trying to correct that in changes we are working on now. It is going to be difficult, because this Town has been allowing this for over 30 years. The Town & Country Motel has been doing this for that long and yet they were billed as a motel and not apartments. If they went before the Zoning Board right now they wouldn't get approval to use it as an apartment.

John Telisky asked if the Town Board was willing to pass a resolution or policy that requires the owners of the motels to come to the Town Board and state that they are going from a motel to a pedophile domicile or whatever they want to call it. He stated he is intricately involved in the prison system and they are dumping these guys on the street and they have paroled 204 from December 15th to January 10th. When they get notice that there isn't any police department he dares say that this attracts them to the area, because there isn't any oversight. As a parent and taxpayer if action isn't taken and it is allowed to fester then the Route 9 corridor that you want to develop is going to be nothing more than a pedophile domicile. One motel was purchased under the auspices of a motel and then all of a sudden they are under contract with the county or the state to house pedophiles.

Supervisor Jenkins said there was one in the Graylyn that was removed, because they were too close to a nursery school. He would have to defer to Attorney Auffredou on what they could do.

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Councilman Prendergast said if there is some action they could take he would support it and he suggested they have Attorney Auffredou look into this.

Councilman Kusnierz asked Joe Patricke if doesn't our code "speak" to the limitations of how long someone can stay in a motel.

Joe Patricke stated that the language isn't clear enough to define what the time period is.

Councilman Kusnierz thought this would be the first place to start and from a legislative standpoint they could take a look at that part of the code, working with Attorney Auffredou, and come up with language that distinguishes between a person who stays at a motel overnight or a week and one who stays there 30 days or more.

Supervisor Jenkins stated that we have the terms, but we don't define them enough. We don't spell out what a transient is. A transient could be a construction worker who stays at a motel for six to eight weeks and goes home on weekends. We need to define that.

Councilman Cumm stated that he was all for going forward with this, but one of his concerns is how many families are residing in these places and what happens to them.

Supervisor Jenkins said most of these people are put there by social services and could probably be placed in an apartment cheaper. It is a quick solution for social services to send them there.

Councilwoman LeClair stated that it is good to do this, but we also have to have a monitoring device. If we tell the motel owners that they can't allow these people in and we never check then we have a law with no teeth.

Attorney Auffredou said it is like any other law you need a mechanism to enforce it.

Councilman Kusnierz said one of the most important significant roles of a board member is public safety. It only takes one catastrophic event as the result of these people residing here.

Councilwoman LeClair stated that she agrees. She has a family member who was affected by a catastrophic event and she is aware of the effects on the entire family for an entire lifetime. She supports anything we can do, but we need to make sure when we do it that we can enforce it and follow through with it.

Jesse Fish asked if isn't the agency that places these people in these motels responsible to notify the authorities as to where they are going to be housed and if that is the case and they are housed in the community then isn't it the communities responsibility to get the information out to the schools.

Supervisor Jenkins said it is in the paper everyday how these people don't report and get arrested again.

John Telisky stated that if you get a report from the county you can track it easy, because they tell you where they are living. He gets information from the school district on sex offenders in the area. You talk about the development of Route 9 and you have four or five motels within a two mile area and they are full of pedophiles then what are developers going to say about your community.

Brigid Martin stated that it was mentioned about people staying in the area on business for an extended period and how maybe they could get a permit.

Supervisor Jenkins thanked everyone for their comments. We know we have serious problems. Attorney

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Auffredou and Joe Patricke will take a look at the code and start working on rewording it.

HIGHWAY REQUESTS

The highway superintendent submitted a request to purchase a set of cutting edges for the front plow for truck #18 the 2003 Freightliner out of DB5130.492 that had a balance of \$40,000.00 as of 1/1/10. The following quotes were received:

Arrowhead Equipment	\$1,306.08
Chemung Supply	\$1,002.20
Northern Supply	\$ 989.60

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the purchase of a set of cutting edges for the front plow for truck #18 the 2003 Freightliner from Northern Supply at a cost not to exceed \$989.60.

Roll call vote resulted as follows:

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

The highway superintendent purchased on an emergency basis a conveyor chain for truck #18 the 2003 Freightliner from Arrowhead Equipment in the amount of \$724.00 out of DB5130.492 that had a balance of \$40,000.00 as of 1/1/10. He contacted the following for quotes:

Arrowhead Equipment	\$724.00 in Stock
Adirondack Highway	1-2 week delivery none in stock
Telco	1-2 week delivery none in stock

The purchase was under \$1,000.00 the limit for emergency purchases so board approval was not needed. However, he wanted to advise the board of his action taken.

RECREATION DEPARTMENT REQUEST(S)

The recreation director didn't have any requests.

The recreation director reported to the board that he and Councilwoman LeClair met with the Moreau Community Center to discuss combining efforts on some programs. They are going to contact Dr. McCarthy, Superintendent of Schools, about using the Moreau Elementary School. It was a good meeting and had merit.

JEREMY TRIPP USE OF PERSONAL TIME

Supervisor Jenkins advised that what happened was that Jeremy Tripp had four personal days and one floater, but in our recordkeeping process he never got credit for the floater and he would have been required to use it by the end of December. He also didn't get a chance to use all of his personal days. Due to the holidays and poor weather it was difficult for him to take all his personal days before the end of December. Terry McGuire asked if the board would allow him to carry over the floater and unused personal days and use them in 2010.

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Steve Gram stated that Jeremy Tripp just became full-time in November so he didn't get credit for the four personal days until then. He used one personal day to extend a holiday. He said it was unfortunate that he got credit for these days so late.

Supervisor Jenkins asked for a motion to approve this and asked Councilman Kusnierz if he could prepare a proposal for the next meeting to address the suggestion he previously made about being allowed to carry over unused time.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to allow Jeremy Tripp to carry over and use his unused personal days and one floater from 2009.

Roll call vote resulted as follows:

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

PLANNING BOARD INTERVIEWS

The Town Board will meet on February 8, 2010 starting at 7:00 p.m. to interview one person for the Zoning Board and two for the Planning Board.

ZONING/PLANNING CONFERENCE

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing Town officials to attend a Zoning and Planning Conference at a cost of \$55.00 each for a total cost of \$440.00.

Roll call vote resulted as follows:

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

SHERWOOD FOREST – RECHARGE BASIN – FENCE REMOVAL

Joe Patricke explained that there are two basins in Sherwood Forest that are Town owned and fenced in that have never had standing water in them. The new mower can't get inside the fenced in area, the gates are too narrow. We need either bigger gates or he said we have been told by the neighbors that they never liked the looks of the fencing and they would prefer that the fencing be expanded across the back from property line to property line to help stop ATV's from cutting through there.

Councilman Prendergast asked if they wanted to reconfigure the existing fencing and Joe Patricke replied yes.

Paul Joseph showed the board pictures he took of the area and said even after all the rain the other day there isn't any water in the basins. He said the fence is a hindrance when they mow. It is going to cost about \$500.00 to widen the gates.

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Joe Patricke said they would like to remove the front section of the fence so they can drive right in and mow.

Attorney Auffredou stated that the idea behind the fencing was liability. It doesn't appear that there is a risk at these particular storm water retention ponds of any nature. However, he is a cautious soul and he suggested the Town reach out to its insurance company and ask if they have any problems with what is being recommended. Just because there isn't any water in the basins now doesn't mean there won't ever be any. If the fence is taken down he recommended that the property owners in the development be told that the Town reserves the right to put the fence back up if the Town so chooses.

Councilman Kusnierz asked why we wouldn't just change the gate so we can get in. That would remove the liability risk.

Supervisor Jenkins said he would talk with the Town's insurance company and report back to the board.

REMEDICATION OF OLD HIGHWAY GARAGE ON WILLIAM STREET

Supervisor Jenkins reported that the board received information from Liz Rovers of C.T. Male. The minimum cost is \$15,658.77 and the maximum cost would be \$18,469.70 for the remediation of the old highway garage property on William Street. The difference would be the element of hazardous material removed and the estimated cost is \$2,810.92. Once we do this the property would be cleaned. This includes everything DEC has requested.

Councilman Cumm asked if C.T. Male would register the gas tanks that would be removed and Supervisor Jenkins replied yes, that is included in the price.

Councilman Kusnierz asked if we contacted any other firms to do this and Supervisor Jenkins replied no.

Councilman Kusnierz asked if we would.

Supervisor Jenkins recalled that what Liz Rovers did was they got prices from three entities for the removal work.

Councilman Kusnierz said that C. T. Male wasn't going to do the work then and another firm was going to do it?

Supervisor Jenkins replied no. C.T. Male is going to do the engineering work and they send out the lab tests to somebody else and another company will come in and remove the material and haul it away.

Attorney Auffredou said he looked at this information for the first time this evening and wanted to point out that there are terms and conditions in the sub-contractors proposal contract that he can't recommend that the Town agree to, so it has to be made crystal clear to C.T. Male that they are taking full responsibility for the sub-contractors work.

Supervisor Jenkins said perhaps we need a written clarification of that, but he understands that they will be engaging a sub-contractor not us.

Councilman Kusnierz asked Attorney Auffredou to review and comment on it.

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15 MINUTE PUBLIC COMMENT PERIOD

Dave Bennett said he came in a couple months ago and asked some questions in regards to Moreau Emergency Squad's contract and wondered if anybody could answer his questions. He said his questions are in the minutes of that meeting.

Supervisor Jenkins said we are on a contract basis with them. They are a not-for-profit corporation and they have a board of directors. We have the 2008 audit, 2009 is not done yet. We have some questions also. What information we are entitled to have not been resolved. They have a paid and non-paid group. The payroll costs for the paid group are covered by the insurance funds that are earned by the paid group. The insurance check comes to the Town and the Town returns it back to the squad. Town funds are primarily used for maintenance of the facility, vehicles, supplies and operations and maintenance of their building. We are having a meeting with the squad tomorrow night, because we aren't totally pleased and we need more information on how our money is being spent.

Dave Bennett said as a taxpayer, as all these people are here, you pay taxes and you would like to know where their tax money is going.

Supervisor Jenkins said one of the things he wants to do is audit their expenses monthly. How they spend the money the Town gives them is what is critical.

Dave Bennett asked how do we separate the paid and unpaid portion of the squad and Supervisor Jenkins replied we don't, they do and that is part of the problem. We have no say over those issues. Our concern is how the taxpayer's money is spent.

Dave Bennett stated that Saratoga Springs and other communities to the south of us are considering dissolving their volunteer service and making it a paid service. What they would recoup in billings is for expenditures and they would pay the City of Saratoga Springs. He asked if this would be an option here.

Supervisor Jenkins said they weren't clear on that yet. We don't know what control we have over the funds from the insurance. Some entities claim they don't pass it all through.

Attorney Auffredou said what we do know is that those fees are the property of the Town and earned by the squad. They come to the Town and they get passed back to the squad per the contract.

Councilman Cumm said that one of the questions he has is that we have no idea if the \$39,000.00 that we are passing through to them with the check just received is accurate or not. We can't see their records and see what they are billing the insurance.

John Telisky stated that the Town can ask for their 990.

Supervisor Jenkins said he has seen their 990 for last year.

John Telisky said on the 2nd page of the 990 it shows if they have officers and what they are paid.

Supervisor Jenkins replied that there isn't any disclosure of salaries on the 990. Any key employees that make over \$100,000.00 have to be disclosed. Their officers are the volunteers.

Adele Kurtz asked what the amount of money is that is given to the Moreau Community Center and Attorney Auffredou replied \$228,000.00 for the calendar year of 2010.

Adele Kurtz said that taxpayer money is going to fund these services and she asked if there is a checks and balance that is going to be required of the Moreau Community Center.

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Supervisor Jenkins said the Moreau Community Center provides a monthly report showing all checks written, all expenditures and revenues. We don't get a monthly report from the Fire Company, but they don't have any paid employees and they have an annual audit by a CPA firm. Our concern is that we have received numerous complaints against the Moreau Emergency Squad from people who have said that the people who work for the squad make an awful lot of money yet the amount has been undisclosed.

Councilman Kusnierz stated the salary issue shouldn't be the threshold of why we are looking for accountability. It should be even across the board for all not-for-profits that we expend taxpayer money for. It makes it sound like we are on a witch hunt for salaries and that is not what he is looking for.

Supervisor Jenkins said he isn't either, but that is one of the issues that the public has constantly raised. It is just one of the issues. Why did the salaries go up 37%, the revenues related to salaries only went up 23% and they operated at a deficit? That concerns him.

Supervisor Jenkins stated that Northumberland is thinking about withdrawing from their arrangement with the squad and that creates another problem for us in the future, because Northumberland pays about \$70,000.00 a year to the squad for their service.

John Telisky asked why we aren't entitled to know what the salaries are. He suggested we ask for their W2's. He asked if he can't attend the meeting tomorrow night could he e-mail any questions he may have.

Supervisor Jenkins replied he could e-mail questions to him and he would bring them to the meeting.

In other business, Councilman Prendergast stated for the record that he attended a wake a few nights ago for Jim Boucher. He said that Jim Boucher was a member of the South Glens Falls Fire Company for 50 years. The whole Town owes him a debt of gratitude.

Supervisor Jenkins stated that he was going to bring this up under Supervisor's items and said he would like the board to consider passing a proclamation. He asked the Town Clerk to write one for the next meeting.

COMMITTEE REPORTS

Councilwoman LeClair reported that Assemblywoman Sayward's office contacted the Town and said that we can't do safety lighting with the lighting grant. The grant was very specific and we have to light a sports field and any changes from that intent would result in the loss of the grant. There has been some discussion on this and the suggestion now is to use the grant money to light a portion of the bowl so it could be used for sliding at night and/or the skating area. It gets dark at 4:00 in the winter and lighting those areas would allow them to be used after 4:00 in the winter months. Also, we if we lighted a playing field it would cost \$40.00 an hour and it would be cost prohibitive to the sports organizations and if we lighted a field for a specific group then another group will question why we didn't light it for them.

Steve Gram stated they talked about lighting the area by the bathhouse, along the quad and parking lot area and then maybe they could be used for dual purpose. We could turn them so they are directed to the parking lot and then in the winter turn the lights so they face and light up the bowl and skating area.

Councilman Prendergast said he would like to take a look at the areas they were talking about lighting first before they make a decision.

Steve Gram noted that the project has to be completed by June of 2010 or we lose the grant.

Councilwoman LeClair said we have to let Teresa Sayward's office know what our intent is and if we need to change the grant.

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Councilman Prendergast said he would go down to the park tomorrow to take a look at it.

Supervisor Jenkins asked Councilman Prendergast to let him know what he thinks.

No objections were raised from the other board members about lighting a portion of the bowl area and skating area.

Councilman Cumm stated that there is some confusion over what rec. employees are paid when they work for the highway department. He said we made a decision at a previous meeting that if they worked at the highway department during their normal rec. department working hours they would get paid their rec. hourly rate. If they worked as a flag person on their day off or after their normal working hours then they would get paid \$10.00 per hour and time and half if they worked over 40 hours.

Councilman Kusnierz asked why we wouldn't allow another individual to be employed part-time for the Town to plow.

Councilman Cumm said we don't have anyone to do that.

Supervisor Jenkins said it depends on who is needed. If Paul has them available that is one thing.

Councilman Kusnierz said we shouldn't pay them any less than what they are earning in any other department of the Town especially when they exceed 40 hours so you are already looking at time and a half if they get called in. We should be looking for another individual.

Councilman Cumm said he didn't have a problem with that, but he wanted to get it clarified.

Supervisor Jenkins said if we want to leave it the way it sets then we have to clarify by saying that if they work over 50 hours then they get time and a half of his normal pay rate. That is state law. If we want to say between 40 and 50 they only get time and half at the \$10.00 rate that is okay. He then added "over 48 hours".

Councilman Kusnierz asked Steve Gram for clarification on what the situation is right now.

Steve Gram said it is a full-time employee who was called out to snow plow while he was still on the clock for rec. and he got paid \$10.00 an hour at an overtime rate.

Supervisor Jenkins said what the board approved previously is very clear. If he did it during his normal time he would get \$12.00 per hour. What the board said was if he worked overtime or on his day off then he would get the highway rate and his overtime would be at the highway rate. That is the decision that was made. It doesn't mean we couldn't change it. State law says that if he works over 48 hours then he would get paid time and half his regular rate of pay which would be the \$12.00 per hour.

Councilman Kusnierz asked Paul Joseph how the union feels about this.

Paul Joseph replied that as a part-timer who doesn't operate equipment there isn't a problem. What he has been told in the past is that if we used somebody from rec. they got paid their rec. rate even in overtime.

Councilman Kusnierz asked if doesn't the potential exist that if they are working at highway they could exceed the flat rate of the highway laborers?

Paul Joseph replied that most of the time they would be into overtime also when plowing.

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Councilwoman LeClair said one question she and Steve Gram raised is if he starts working on Monday and works for highway on Monday and Steve Gram still needs him for 40 hours he wouldn't be on overtime at the beginning of the week. He is going to be on overtime with Steve. What department pays the overtime? Does highway pay the overtime, because they are using him over the 40 hours that Steve Gram needs him or does Steve Gram have to pay him overtime, because he helped us out and worked for another department?

Councilman Kusnierz said he doesn't have a problem with him working for another department as long as it doesn't exceed his regular hours in his regular department. If he is going to be earning overtime in addition to what he gets in his normal department then we should be looking to hire another employee if that is the case.

Councilman Prendergast said plus we only budgeted so much money.

Councilwoman LeClair said it would be great to get another part-time employee, but in the meantime we still have this issue and how do we want to handle it.

Councilman Cumm said we haven't gotten a pool of people who want to come in for \$10.00 per hour to work as wing person.

Councilman Kusnierz said out of all the applications we received nobody would come in for \$10.00 per hour.

Paul Joseph said not at \$10.00 per hour part-time, on-call.

Councilman Kusnierz said he was shocked especially with the unemployment rate exceeding 9% this year.

Councilwoman LeClair said for a person who gets the maximum unemployment they would make less working for Paul then if they stayed home and collected unemployment. Why would they want to get up and come in at 2:00 in the morning and work for six hours and then have to pay social security tax on what they make in the highway department and the \$100.00 a day unemployment puts them 7% ahead of what Paul is going to pay them right off the top. If they get called in only for six hours he has paid them \$60.00 and they have lost \$100 worth of unemployment and then on that \$60.00 they lose an additional 7% because they pay social security as an employee that they do not pay on the unemployment. That is why he is having a problem getting anyone.

Supervisor Jenkins said he wanted to get back to policy. If he is only going to work forty hours than that should be our position. If there isn't anybody else who can help then we already have a policy that reads if he is over forty hours he is going to get time and half at the highway rate. He didn't see a problem with that, but we would prefer that Paul find somebody else.

Councilman Kusnierz asked if we have any Town employees on unemployment right now.

Councilwoman LeClair said yes, we had a conversation with the unemployment board about that employee.

Councilman Cumm said we have one who is collecting unemployment since last summer.

Councilman Kusnierz asked why we don't call that person in.

Councilman Cumm said he refused to come in.

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Councilman Prendergast said the reason he won't come in is because we don't pay the capital district rate so he can refuse to come in.

Councilwoman LeClair said she, Fran Thibodeau and Steve Gram were on the phone an hour and half today about this and it has been put off another month, because the judge had another case.

Supervisor Jenkins reiterated that we prefer not to use the rec. employee unless we have to, but if we do then he will get paid the highway rate of \$10.00 per hour and time and half if he goes over 40 hours a week. He asked if anybody had a problem with this.

Councilman Cumm said he probably won't work then. He should be paid his rec. department rate and time and half his rec. department rate if he exceeds 40 hours.

Councilman Kusnierz asked Steve Gram if he really needed him if he exceeds 40 hours.

Steve Gram stated that it is usually after hours. They call him in at highway usually in early morning hours.

Councilman Kusnierz asked why we just don't allow him to work in the rec. department for the number of hours he works for highway.

Steve Gram stated that he is short people at rec. as it is. He is down ½ a person now. The rec. employees now work weekends when in the past he had part-timers who worked weekends.

Councilman Kusnierz asked if aren't we staffed at the highest level we have ever been staffed in the rec. department.

Steve Gram said there are three of them, including himself. He explained that they all cover weekends. One works Saturday and one works Sunday so if there is a storm during the middle of the week he usually has to call Royce Pixley in, because there is only one employee there.

Councilman Kusnierz asked if the wing person position was put on the Town's website and Paul Joseph replied no. Councilman Kusnierz suggested he do this.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing a rec. employee to work for the highway department as needed at the rec. hourly rate until the highway superintendent can find someone to hire and for the position to be posted on the website.

Councilman Cumm said he seconded the motion, but he asked Paul Joseph how many times he was called in and the answer was twice. He asked how often we used him for overtime and Steve Gram replied not very often.

Councilman Cumm stated that at least we have the option now to use him in the highway department if we need to.

Roll call vote resulted as follows:

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

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Supervisor Jenkins stated they needed to do something about storm water management. In September Garry Robinson gave them a list of what we need to do to comply and gave an estimated price. He filed last year's report and we were the first municipality in Saratoga County to go through it and it passed. He will prepare a report, education cycle, train our people, prepare an operations and maintenance agreement, inventory and it is supposed to be completed by March 9, 2010. It may not be done by then. He recommended that the board authorize the hiring of Garry Robinson to do this work.

Councilman Kusnierz asked Supervisor Jenkins to get a formal written estimate/report from Garry Robinson of what he will be charging the Town.

Supervisor Jenkins said he would do this.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn to executive session at 9:20 p.m. to discuss real property contract negotiations with an unnamed party and discuss an unnamed committee person.

Vote resulted in all Ayes and zero Noes.

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

A motion was made by Councilman Cumm and seconded by Supervisor Jenkins to adjourn the executive session and re-open the regular meeting.

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 Kusnierz and seconded by Councilman Cumm to adjourn the regular meeting.

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

A regular meeting of the Town Board of the Town of Moreau was held on January 26, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.