

A regular meeting of the Town Board of the Town of Moreau was held on July 24, 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
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

#### **Town Board Members Absent**

Bob Prendergast	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Steve Gram, Recreation Director; Jesse Fish, Water Superintendent; John Wright, Attorney for the Town; Ethan Hall, Architect; Jim Mitchell, Engineer from Environmental Design Partnership (EDP); David Canfield, Post Star Reporter; Reed Antis, Alternate Planning Board Member and Town Resident; Richard Kubis, Zoning Board Member and Town Resident; Town Residents: Angela Wadsworth, Annette Minnick, Midge Duxbury

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked everyone to turn off or put on vibrate all electronic communication devices.

#### **MINUTES**

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

July 2<sup>nd</sup> and July 10<sup>th</sup>

#### **MINUTES – JULY 2, 2012 – SPECIAL TOWN BOARD MEETING – SHELTER PLANNING**

No comments or corrections.

#### **MINUTES – JULY 10, 2012 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the minutes of July 2<sup>nd</sup> as prepared.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to approve the minutes of July 10<sup>th</sup> as prepared.

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Roll call vote resulted as follows:

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

#### **FUTURE MEETINGS/WORKSHOPS SCHEDULED**

None

The Town Clerk asked if Councilwoman LeClair and Councilman Vittengl were going to be present for the Month-End Audit Meeting on July 31<sup>st</sup>, because Supervisor Jenkins and Councilman Kusnierz were not going to be able to attend. Both council people acknowledged that they could attend. Councilman Prendergast would be contacted to make sure he could attend so that there would be a quorum of the board. If not then the meeting would have to be cancelled and held on a different date.

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

Reed Antis commented on cemeteries in Moreau. He contacted the Town of Wilton and they have several cemeteries that they received due to abandonment and that they take care of. Nobody gets interred in these cemeteries, because there are no deeds or plots. They have two cemeteries that are governed by an association and there are deeds, so burials are allowed if a deed to the plot is shown. In the Town of Moreau there is no association for the three major cemeteries that are under the care of the Town, namely, Griswold, Rice and Reynolds Cemeteries and there are no deeds or maps. He said that there are some lines to Rice Cemetery. Griswold on the old side, the north side, there are some lines. The south side where people are still being interred it is kind of "helter skelter and a U shaped thing and there are plots". He asked the board if they have ever contacted the Division of Cemeteries at the State level to find out if the Town can inter people in these cemeteries. He said that taxes are paid on the maintenance of the grounds. He said that he knows that Councilwoman LeClair has been down to Griswold. He asked if any other board member has been down to Griswold Cemetery. Has any board member contacted the Cemetery Division to find out what the Town's responsibilities are if interments are being allowed? He said that the way the Town is regulating the cemeteries, a person could be buried on William Street by the old highway garage, taxes could be paid on the land, and turn in a burial permit to the Town Clerk after the fact. Taxes are paid on the maintenance of the grounds, but there is a significant difference between a plot of land and other cemeteries that are municipally run or non-profit. People have a piece of paper and have paid a fee of some type for that land. We have been "winging it" and we need to step up to the plate and understand what is going on and move forward in a more "government way". The way it works now is that the funeral home goes to the grave digger and the grave digger files the paperwork with the Town Clerk after the fact. However, the rules and regulations adopted by the Town Board read that a burial must be approved before it takes place.

Supervisor Jenkins stated that the only interments that have taken place in recent years have been in Griswold Cemetery.

Reed Antis said that there was a burial in the 1990's in Trumbull Cemetery and one or two in the last ten years in Reynolds Cemetery.

Councilman Kusnierz stated that he has been to all but two cemeteries out of the 17 or 19 cemeteries. He has not contacted the Department of State and he does not have to contact the Department of State, because he knows what the State law is. We have to provide a minimal level of maintenance, which is spelled out in statute and he thinks it is two or three times a year for an abandoned cemetery.

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Reed Antis said that is for abandoned cemeteries. Griswold is an active cemetery.

Councilman Kusnierz said he isn't for larger government, he is for smaller government. He doesn't think the Town should be involved in the cemetery business.

Reed Antis said he agrees.

Councilman Kusnierz stated that as far as the fee is concerned, the amount of money to be raised by one or two burials is not going to cover the cost of the maintenance that the Town has to do as mandated by State Law. To institute a fee that is going to cover that cost, it isn't going to happen in his opinion. Regardless of whether we institute a fee or not we are mandated to maintain the cemeteries. So the Town will have to budget money and raise the money through taxes and we have been doing that for a long time.

Reed Antis stated that there is a difference between an abandoned cemetery and an active cemetery. The Town has been allowing interments in this cemetery, so it is an active cemetery and not an abandoned cemetery. There is a difference.

Councilman Kusnierz replied, not according to the law. He believes that abandoned means that nobody is responsible for the cemetery, so it becomes the Town's responsibility for maintenance.

Reed Antis replied that the Town is running a cemetery by allowing interments.

Councilman Kusnierz replied that we don't have a law that prohibits it.

Reed Antis said the Town is supposed to map the cemeteries according to the law. He asked Councilman Kusnierz if he was aware of this.

Councilman Kusnierz asked if he meant abandoned cemeteries and Reed Antis replied yes, if you are using it and maintaining it. He thought it was section 291 of the State law.

Councilman Kusnierz said he wasn't sure about that.

Reed Antis said that legal counsel should give the Town Board a good definition. An abandoned cemetery is one that nobody is using and it has been left in a state of disrepair and nobody is taking care of it and it becomes the Town's responsibility. This cemetery is being used for interments so the Town has a different set of responsibilities.

Supervisor Jenkins said that he thought they should conclude the discussion on this for now and the board can set a workshop in August.

Annette Minnick and Midge Duxbury were present to ask what is going on with the burned out house at 15 Woodlawn Avenue. The house burned one year and seven months ago. She gave pictures of the house to the board members and said this is what they have to look at.

Supervisor Jenkins said they were trying to find out who the legal owner is. According to the State the person who perished in the fire left one heir, a daughter. There have been no transfers that have taken place. There is a mortgage company in Florida that is paying the taxes on the property. We cannot walk onto somebody's land and just take charge of it and we don't know who to deal with. The Town is very concerned for health and safety reasons. He said that the Consolidated Board of Health for the Town of Moreau and Village of South Glens Falls may be able to take some action and get some temporary fencing up around the pool and some other areas of the property. Our goal is to remove the building and bill the responsible party and if they don't pay the bill then it will be relieved onto the taxes. At this point, the Town has been told that we have no legal right to enter the property.

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Councilman Kusnierz asked Attorney Wright if doesn't municipalities have emergency powers once something is condemned by the municipality and have authority to knock the building down for public safety reasons.

Attorney Wright replied that he didn't think knocking the building would fall under those auspices without being able to notify the owner.

Supervisor Jenkins said he thought the Board of Health may be able to, but they would be taking on a substantial liability, because they would be judged based on what the law says.

Attorney Wright stated that there may be other measures that the Board of Health may be able to take short of knocking it down that may address some of the concerns and it is something the board could look into.

Supervisor Jenkins stated that the Town is trying to take care of the problem, but the law is the law. It is possible that the Board of Health may take a position that we can have it removed, but it would take the risk of putting the Town in the position of being sued by somebody and we don't know who that somebody is at this point, because we don't know who holds the title at this point.

Richard Kubis was present to address the Town Board about an e-mail he sent them regarding ongoing issues he has had over the water project dating back to when the water line was run down Fortsville Road. He has had a "nightmare" dealing with Burley and Guminiak. Tim Burley is aware of his issues as they have exchanged e-mails back and forth numerous times. His has two issues. One is regarding his mailbox. It hasn't been reset correctly and it occasionally falls down, because it was set in sand. The other issue is his yard. They made a couple of "pitiful" attempts to repair his yard. He was told the yard would be restored in April and they didn't get to his yard until mid-June. At that point the lack of rain solidified the ground and the grass had no opportunity to grow in. The mess that they left is going to require extensive work. When he had a well put in, he did extensive work on his lawn and put a lot of money into it and that has all been destroyed. Unless someone comes in with a backhoe and turns it all, grades it, rakes it and puts topsoil down, it isn't going to be able to be restored.

Supervisor Jenkins said he had about 54 other similar cases and he is familiar with the e-mail from Mr. Kubis. He asked if he has been hooked up inside and Mr. Kubis replied yes.

Supervisor Jenkins stated that there have been a lot of problems with the contractor. The Town is holding a substantial retainage fund. The contractor has been notified of all of the problems. We are trying to get a response from them. He said that more than likely the Town is going to deal with the significant issues and get the problems fixed and it will be paid for out of the retainage. He doesn't know the time frame for this. He said the contractor hasn't done a very good job. It has been challenging for the Town.

Councilman Kusnierz asked Mr. Kubis if his mailbox is up now.

Mr. Kubis replied that currently it is vertical, but when the snow flies it will be gone. He said the contractor backfilled the hole with sand.

Councilman Kusnierz asked if it was filled with concrete before and Mr. Kubis replied yes. He said the contractor also cut 8 inches off of the post and reset it into the ground 6 inches lower than it originally was.

Mr. Kubis stated that he could dig a hole and set it in concrete, but it has become the point of it now. If it gets near October and it isn't fixed then he will have to fix it himself.

Jesse Fish asked why he couldn't just go down and fix it and get it out of the way. He said he would be willing to do this.

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Councilwoman LeClair thanked Jesse Fish for offering to do this.

Angela Wadsworth from 504 Gansevoort Road said she has problems as the result of the water project also. When they installed the water line on her property they removed two court ordered survey pins that marked the front part of her property. They were told not to and they did anyway. They were replaced several months later. In February when they were installing the water line they tore down her split rail fence and broke it in half and put it by the side of her house. Her yard was left with nothing but sand and no grading. When they came around to hydro-seed she stopped them, because there was no grading done. Every time it rains the water runs into her side yard and she has pictures to prove this. She told Supervisor Jenkins that as he is aware there have been several people who have come onto her property to inspect the situation and noted that the grade is incorrect. She doesn't want to wait until September to get it fixed, because she is at the bottom of Route 32 and the water does run into her side yard. Her side yard has been wet from February until last night. They corrected the plumbing in her house. Her main issue now is the water and how it runs towards her property. When they resurfaced Route 32 they did a beautiful job, but now the water runs down into her driveway and now she is getting water on both ends of her property.

Supervisor Jenkins told Mrs. Wadsworth that as he told her previously the Town is getting three prices to fix the problems and she won't be seeing Casale again. He told her the Town would take care of the problem and the cost would be taken out of the retainage fund.

Mrs. Wadsworth noted that Supervisor Jenkins said that no Town Official could go onto a person's property and take matters into their own hands. She had a Code Enforcement Official on her property digging up her septic with a backhoe and they cut down her fence with a chain saw when she told them not to. She stated that the Town Board Members are "voted in members". She asked if the Code Enforcement Officer could be made a "voted in person".

Councilman Kusnierz asked Ms. Wadsworth if she said that the Code Enforcement Officer was operating a backhoe.

Mrs. Wadsworth approached the Town Board with pictures and said that 14 people came onto her yard with chainsaws and backhoes down her driveway. She asked them to please not do this and to let her handle it in court. She said she won in court and they appealed it and she won again. There is a house next door to her that is five feet from her property line. They don't maintain the house. Where are the offsets? If there aren't offsets can somebody get fined? Isn't there a policy if you don't have your setbacks or offsets you could be penalized or fined? This "guy" has no setbacks, no offsets and is five feet from his line. There is no fence and the visual that she is looking at, is making the appearance of her home go down. Her house is 54 years old and she is trying to clean it up and make it look good. As for the Town Official taking matters into his own hands, she thinks he should be voted in.

Councilman Kusnierz asked Mrs. Wadsworth what is going on with her neighbor.

Mrs. Wadsworth replied that she told them where her leach field was and do not build a house you aren't going to have enough room. They came right in unannounced, right down her driveway with chainsaws. She was told by the police do not go out there she would get arrested. She had to stand in her driveway. She has been a resident for over 22 years.

Supervisor Jenkins said there were two different surveys. "She went to Supreme Court and they didn't defend, so the final decision was....". He was interrupted by Mrs. Wadsworth when she said that a building was put there based off a surveyor's opinion, but that survey showed a litigation matter. Supervisor Jenkins said he was aware of that, but he was going back to what happened and he remembers very clearly what happened. The Building Inspector went through our attorney and was authorized to go ahead and do it.

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Mrs. Wadsworth said it showed litigation. It said they were going to take her driveway. She had a collector's car under her carport and they were going to come in with a tow truck and take her car that had been sitting there for 18 years. This was based off a surveyor's opinion that clearly showed a litigation Matter so they should have backed off and let the court decide, but the Code Enforcement Officer took away her rights and handled it. Now she has a house sitting there and it doesn't even look nice.

Supervisor Jenkins said he didn't want to get nasty, but her carport is illegally closer to the line than it should be. It is supposed to be 15 feet away from the property line and it isn't.

Mrs. Wadsworth thought it was supposed 17 feet and the garage was put up way before she bought the house.

Supervisor Jenkins said there are a lot of issues and he told Mrs. Wadsworth that he understood she won the case.

Mrs. Wadsworth replied that the Town didn't think she was going to win the case. Now she is being pressured and bullied out of her own house. She is close to putting her house up for sale. She has raised her children here and put them through school here. As a Town of Moreau resident she is being pressured to sell her home. She had to put up surveillance cameras on her residence. A person stomped on her shut off valve that the Water Department put in and they excused it. She called the police and he was too busy doing an inventory of her home rather than taking her complaint. She got it on surveillance.

Supervisor Jenkins said we checked the shut off valve and it is fine, it is designed to go down. We didn't authorize this person. We had a serious conversation with this person and the police talked to him

Mrs. Wadsworth asked what she is supposed to do with a bent valve.

Councilman Kusnierz asked if the contractor did this and Jesse Fish and Supervisor Jenkins replied no, it was a person from Spier Falls Road who was upset and checking things out and picked Angela's house to do this.

Mrs. Wadsworth said that she put up surveillance cameras, because nobody would believe her before.

Councilman Kusnierz asked Mrs. Wadsworth what she was looking for from the Town.

Mrs. Wadsworth said she wanted to know if they could make the Code Enforcement Officer a voted in job.

Councilman Kusnierz said he thought that could only be done with the Assessor's position.

Attorney Wright said yes, if this was something the board wanted to do he could look into it.

Mrs. Wadsworth said she doesn't want this to happen to any other resident, because somebody took things into his own hands. This has been devastating and has been for the last four years of her life. It happened on one side of her house and now the Town comes in and puts in a water line on the other side. She no sooner cleans up one side of her yard and now she has damage on the other that she has been waiting to get fixed since February.

Councilman Kusnierz asked Attorney Wright to look into her question about making the Code Enforcement Officer an elected position and he told Mrs. Wadsworth that they would get her an answer.

Councilwoman LeClair stated that she and Supervisor Jenkins met with Tim Burley a little over a week ago and he had been to, she believes, every home and he had with him over two hundred pictures that they reviewed. Some had grass put in and it grew well. Other homeowners aren't in a good situation and he was going to post them with a GPS location and make them available to Casale and let them know that these are the things that need to be addressed.

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### **SEWER HYDRAULIC MODEL OF PRESSURE PROPOSALS**

Supervisor Jenkins stated that back a few weeks ago they were looking at a hydraulic model of pressure for the sewer system and we had two prices that were tremendously far apart and they decided that they should take another look at them to make sure we would get what we wanted. One quote was EDP in the amount of \$2,300.00 and another price from Garry Robinson in the amount of \$12,750.00. At the time they were hesitant and thought there might be a difference in opinion as to what the job was. Jim Mitchell from EDP has assured us he can do the project for the price quoted and he has an understanding of everything we want. He would like a motion authorizing EDP to conduct a hydraulic model of pressure sewer system and develop it for us at a cost of \$2,300.00.

Councilman Kusnierz asked if this is for Route 9 or what specifically would it cover.

Jim Mitchell replied it is because we are putting in several pump stations.

Supervisor Jenkins said the major developers could be held up to pump, whereas if they were on a grinder pump they would be free to pump whatever they wanted to. He said there is one at Schermerhorn's apartments, one in the industrial park and one will be on Sisson Road when that project goes in.

Councilman Kusnierz asked if it would take into account Route 9.

Jim Mitchell replied yes. It is a computer simulation so they can see how the pump stations are going to work together and what changes might have to be on some pump stations to make them compatible.

Councilwoman LeClair made a motion and it was seconded by Councilman Kusnierz authorizing EDP to develop a hydraulic model of the pressure sewer system serving the Town of Moreau at a cost not to exceed \$2,300.00.

Roll call vote resulted as follows:

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

### **JIM MITCHELL AND ETHAN HALL PRESENTATION – AUTHORIZATION TO GO TO BID FOR NEW MUNICIPAL COMPLEX**

Ethan Hall presented a new design of the proposed municipal complex. He stated that he measured all the storage areas in the current Town Hall, the Route 197 building and the Town Court building and he came up with just over 800 square feet.

The Town Clerk advised that she came up with 1,200 square feet.

Ethan Hall said he didn't think they missed any areas. He said in total the basement will be 2,200 square feet with 9 foot walls. He said if they go over 3,000 square feet then the code requires an elevator to be installed. On the first set of plans there was 909 square feet of space designated for records storage. There was another 395 square feet on the other side of the mechanical room that was not assigned for anything in particular and he said that it would be easy enough to make the 909 square feet larger for a total of 1,304 square feet of records storage. He showed how this could be done on the plans. There was an alternative and that was to make the basement larger by adding an area that would line up with the corridor wall on the main floor and this would make the basement area another 760

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square feet bigger. This would come at an additional cost of about \$45,000.00. There would have to be a floor system on the main floor and another support line.

Supervisor Jenkins said it could be an alternate.

Councilman Kusnierz asked what the difference is between the amounts of storage space that is contained on the drawing board versus what our needs are today.

Ethan Hall replied that based on the numbers the Town Clerk came up with, she came up with 1,285 square feet and they show 1,300 square feet.

Councilman Kusnierz asked if there would be 100 square feet more based on the overall space what we have around the Town for storage and what we will have available.

Ethan Hall said no, it will be around 30 to 40 square feet more. He stated that each area around the Town that is utilized for storage has circulation space for walking and when you consolidate all those, the circulation space takes up less space.

Supervisor Jenkins said the other option is to acquire some new electronic equipment so we won't have to save as much paper. We will still need a secure area, but we could cut down the volume we need by electronically filing the documents. The microfilm reader we have doesn't work well enough to read the documents.

Councilman Kusnierz stated that he didn't realize we were doing a slab for a majority of the project.

Ethan Hall replied that has been part of the plan for two years.

Councilman Kusnierz asked how much an elevator would cost.

Jim Mitchell said it isn't only the cost of the elevator, but the cost of a full basement

Ethan Hall stated that this is the most cost efficient way to build this structure.

Councilman Kusnierz said his goal is that we are building a structure for the future and not just today's needs. We have to take into consideration our needs down the road. That is why he asked how much space is provided for now versus what we have around the Town and an increase of 100 square feet to him is not much.

Ethan Hall stated that an elevator would cost close to \$100,000.00. A full basement is not within budget.

Jim Mitchell advised that their plans are based on a study done by the prior consultant.

Councilwoman LeClair stated that in the Queensbury Municipal Center they have a filing system that saves them an immense amount of space. The whole unit slides. It is called space saver. The system can be viewed on-line. Boxes or files can be stored on the shelves. He spoke to a gentleman in Albany and if we can give him the number of boxes then he would give us an estimate.

Ethan Hall said that type system would consolidate a lot of circulation space.

Councilwoman LeClair said the space in the Queensbury Municipal Center for records storage is not large and they rave about this system. She said that she could look into it. It could save us \$50,000.00 for a build out.

Councilwoman LeClair asked if they could bid it two ways and in the meantime she will look into this filing system.



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Ethan Hall said they would have to design it. It could be as an addendum.

Councilman Kusnierz asked what the square footage of the basement was including what was talked about tonight.

Ethan Hall replied 2,200 square feet.

Councilman Kusnierz asked if that included the 700 square foot and Ethan Hall replied no, with the 700 square feet added it would total 2,930 square feet.

Councilman Kusnierz said we should bid the 700 square feet as an alternate.

Supervisor Jenkins said that would be fine. That way they could see what the cost would be and make a decision.

Councilman Kusnierz asked if anybody has gotten a copy of the bid documents and Supervisor Jenkins said the board doesn't get copies of the bid documents. He said Joe Patricke has a copy.

Councilman Kusnierz asked if we have septic plans and he was told by Ethan Hall and Jim Mitchell that the septic isn't part of this bid.

Councilman Kusnierz said it is part of the overall cost of the project.

Jim Mitchell told Councilman Kusnierz that he has to understand what they are doing. He said we are getting a price to construct the Town Hall with the site work around the perimeter of the Town Hall to the curb. When they met with the board previously what they said was that they could get the Town Hall built with the site work around the Town Hall within budget assuming that a lot of the site work was going to be done with Town personnel. Therefore, the site work is not included in the bid packet. What he is thinking is that if we are as fortunate as we were with the highway garage we will have enough money to have outside forces do the site work, in which case we will bid the site work in another packet. If we can't do that then we will know how much money there is to put into the site work and then we can determine if the Town forces can do the site work for the money that is left over within the budget of \$2.6 million. If it can't be done then the project isn't going to move forward. After we get the bids in then we will make the decision where it is going to go.

Councilman Kusnierz said that this bid packet isn't the whole enchilada then.

Ethan Hall replied no, it is the whole building and the perimeter around the building.

Councilman Kusnierz said it isn't any good if you can't flush a toilet.

Ethan Hall and Jim Mitchell replied that won't be the case.

Supervisor Jenkins stated that they have already done a lot of site work and removed a lot of trees and we have received \$6,400.00 from the removal of trees and with that money we should be able to get the stumps removed.

Councilwoman LeClair said that Paul Joseph is away this week. When they met with Paul and discussed this they said that they would meet with Paul again before the bids come in and decide what work his staff could do and how much time he feels he has to do it and then he could give us a cost. Then when the bids come in we will know what Paul can commit to and then we would still go out with everything in the specs and get bids and see what Paul can do.

Councilman Kusnierz said he has no problem going out to bid, but he is very uncomfortable relying on our highway department over and above what the voters approved for the project and the timing on this will

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be coming into a time of year when our highway department could be out plowing snow. He asked if this was realistic.

Supervisor Jenkins said the preliminary site work won't take much time. It is the final paving and stuff that will take time and cost the most.

Councilwoman LeClair stated that Paul Joseph knows he can't do this out of the highway budget and he knows it has to come out of the project funds.

Supervisor Jenkins stated that Paul Joseph didn't have a problem with the first phase, which is clearing the area where the building will be and stockpiling the soil and some land moving.

Councilman Kusnierz said he assumed that it was going out as part of the whole project.

Jim Mitchell replied that was never his assumption.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the proposed new municipal complex to go out for bid.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

The highway superintendent requested permission to contract with Peckham Materials, Pallette Stone and/or Pompa Bros. for the purchase of asphalt concrete in the amount of \$285,505.00 to be used on Hatchery road (3,700'), Fawn Road (2,120'), Hobbs Lane (1,400'), Robert Rogers Avenue (800') and Old West Road (5,500'). These contractors are listed on Saratoga County Contract #12-PWAC-3R. This would be paid for out of account DB5112.493.4 that had a balance of \$360,505.00 as of 7/2/12.

Councilman Kusnierz asked how this request differs from what Paul Joseph was asking for in his memo about Old West Road.

Supervisor Jenkins stated this one is just a different account for rubble for some reason he wasn't sure.

Councilman Kusnierz asked if it was part of the road restoration for Old West Road

Supervisor Jenkins replied that he is just saying that he is going to use it on various road projects where needed. He recalled that Paul Joseph told him that asphalt concrete is something different than what has been used in the past and he has checked with people who have used it and it has held up and it is substantially less money, asphalt vs. asphalt concrete.

Councilman Kusnierz asked if it has the same longevity.

Supervisor Jenkins said that Paul has checked it out and he wouldn't use it if it didn't. He is a pretty conservative guy when it comes to dealing with those issues, because he knows it is a lot of work and it will be a long time before he gets money to do these roads again. He wished that Paul Joseph was present to answer these questions, but they are going to start paving pretty soon.

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His other request is for rubble, which he uses on an as needed basis.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the highway superintendent to contract with Peckham Materials, Pallette Stone and/or Pompa Bros. for the purchase of asphalt concrete in the amount of \$285,505.00 to be used on Hatchery road (3,700'), Fawn Road (2,120'), Hobbs Lane (1,400'), Robert Rogers Avenue (800') and Old West Road (5,500') und Saratoga County Contract #12-PWAC-3R and to be paid for out of account DB5112.493.4 that had a balance of \$360,505.00 as of 7/2/12.

Roll call vote resulted as follows:

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

Supervisor Jenkins said the other request from the highway superintendent was the purchase of road material #2 and #3 and rubble for various road projects under Saratoga County Contract #12-PWCS-5R at a cost not to exceed \$5,000.00 out of account DB5110.493 that had a balance of \$6,092.29 as of 7/2/12.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of road material #2 and #3 and rubble for various road projects under Saratoga County Contract #12-PWCS-5R at a cost not to exceed \$5,000.00 out of account DB5110.493 that had a balance of \$6,092.29 as of 7/2/12.

Roll call vote resulted as follows:

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

Supervisor Jenkins proceeded on to agenda item #6 when Councilman Kusnierz asked if wasn't there another request from the highway superintendent.

Councilman Kusnierz said this request was the one he was referring to when the board started to approve the purchase of asphalt concrete. He said that the highway superintendent wants to change the process he is going to use for Old West Road and another road.

Supervisor Jenkins said no, that is the one they approved.

#### **RENOVATIONS IN OLD HIGHWAY GARAGE FOR WATER DEPARTMENT SPACE**

Supervisor Jenkins said we are looking to put a partition across the garage and open up one bay for the water department so they can store their equipment and utilize one office. The cost would be for a partition and a change in the heating system to create a zone so we are only heating one section of the garage. We don't have the cost yet. He said he would like to send out RFP's for this work.

Councilman Kusnierz asked if we budgeted for this and Supervisor Jenkins replied no, we still have funds left in the capital project fund.

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A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing RFP's to be sent out to engineers as to the cost to do this.

Roll call vote resulted as follows:

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

### **TREE AND STUMP REMOVAL BIDS – AWARD BID**

Supervisor Jenkins stated that bids were received. He has reviewed them briefly. He said he doesn't want to act on these bids without Paul Joseph being present at the meeting.

### **RECREATION DEPARTMENT REQUESTS**

The recreation director was requesting to purchase 650 plus t-shirts for the Town of Moreau Recreation Youth Soccer Program. He obtained the following quotes:

Northwind Graphics	\$4.50 each
Riddell	\$5.45 each
Synergy Promotions	\$4.95 each

Steve Gram's recommendation was to accept the quote from Northwind Graphics in the amount of \$4.50 each. This purchase would be paid for out of account A7140.4.

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the purchase of 650 t-shirts at \$4.50 each from Northwind Graphics.

Roll call vote resulted as follows:

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

### **DISCUSS PLAYGROUND EQUIPMENT**

Councilman Vittengl stated that there is two pieces of equipment that we are trying to purchase. Part is through rec. and part of it is through a grant through the school. He and Councilman Kusnierz met and watched what went on in the playground and they found that kids like to be in one unit and then run to another unit and go back and forth. They tried to find playground equipment that was multi-use, climbing and swings, that was aesthetically pleasing and a couple of small pieces for very young children. What they found was five pieces of equipment of which two could go in the existing playground and three pieces would go over by the new softball field playground. Each one would have a youth element and each one would have a climbing tower. They would like Steve Gram to go out for bid on the five pieces and bring them back to the board to see if they are within our budget.

Councilwoman LeClair said that she saw a man about the size of the men on the Town Board and he was on a piece of equipment with his kids. She wanted to know if they could get something on the weight limit

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or if we end up with equipment that is designed for kids under 100 pounds, for example, can we put up some signs that says this.

Supervisor Jenkins asked how much money we have from the school and Steve Gram replied \$12,000.00 and the Town budgeted \$10,000.00.

Councilman Vittengl said we would use about \$5,000.00 of the \$10,000.00 or a total of about \$17,000.00 for the five pieces of equipment.

Councilman Kusnierz stated that we have been talking for a while now about areas of the park where we are in desperate need for something for younger children to do while their siblings are playing ball. After meeting with Councilman Vittengl they think it is a nice mix for different age children.

Supervisor Jenkins asked if they planned on fencing them in and Councilman Vittengl replied yes.

Supervisor Jenkins said it should be, because it is near a wooded area. The other area is where everybody is.

Councilman Vittengl stated that it is partially fenced in already.

Councilwoman LeClair asked Steve Gram if he found a code of conduct. She had a report that there was a parent/coach in LaCrosse that grabbed a child on two occasions. LaCrosse has decided to handle it from within and they are going to put out a code of conduct, but she doesn't believe the Town has a code of conduct that we put out and that we expect coaches to adhere to. Steve Gram was going to try and find out what other municipalities do.

Supervisor Jenkins said it would have to be pretty generic, because it could be different for different sports.

Councilman Kusnierz asked if they are Town sponsored activities or through the school.

Councilwoman LeClair said it is LaCrosse. She also heard that people from Little League have had to apologize to other communities that have come here to play, because of the behavior of parents at games. That is not why we have children playing in these games and on teams on the field.

Councilman Kusnierz said we can't legislate good parenting.

Councilwoman LeClair replied no, but there should be a level of expectation.

Supervisor Jenkins stated that usually the leagues have their own rules. The question is how are they enforced? We have the power, if somebody goes above and beyond what they should do, to tell them that they are not allowed back into the park. He said Steve Gram could look at other places and get copies of codes they have and see if any of them fit the general concept of what we are looking for.

**WATER DEPARTMENT REQUESTS (AUTO READ METERS SOFTWARE & AWWA CERTIFICATION CLASS – ASSISTANT WATER SUPERINTENDENT PERMISSION TO ATTEND)**

Supervisor Jenkins stated that as part of the contract on the current Water District 1 Extension 2 it is being proposed to purchase Master Meter Mobile Terminals to read water meters electronically. Tim Burley has provided us with information. There are two options. One is a hand held version that costs \$12,950.00 and there is a Vehicle Radio Reading System which is \$21,450.00. Jesse Fish, Water Superintendent, thinks the hand held version would work better for what we do.

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Councilman Kusnierz asked if both work equally well from within the vehicle and the answer he got was yes.

The cost would come out of the Water District 1 Extension 2 capital project account HI8320.2.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of Master Meter Mobile Terminal at a cost not to exceed \$12,950.00 out of account HI8320.2 from Vellano Bros.

Roll call vote resulted as follows:

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

Supervisor Jenkins said the other item was the telemetry monitoring for pumping stations. The information on this was obtained by Tim Burley about 1 ½ years ago and Supervisor Jenkins said he doesn't know why it wasn't acted upon. It is still the same price. The company is Aqua Logics. There would be a fund balance transfer required, he thought. He wasn't sure if money was budgeted or not for this. He said they should be able to place the order and he would get the breakdown later. Councilman Kusnierz said they couldn't do that without the money being in the account. He asked Supervisor Jenkins if the money was in the account. Supervisor Jenkins said the money is there, but he doesn't have the break down. It has to be allocated. He then looked in the budget and found that there is enough money. He said there is a fund balance of \$29,529.00 in the account. We have already paid the city this year. It will come out of GI8110.4. The cost is \$11,675.00 plus electrical installation, antennae and power supply for an additional cost of \$2,000.00 so if we authorized up to \$14,000.00 we should be okay.

Councilman Kusnierz asked what tower this was for.

Jesse Fish explained that it would take the signal from the tower in the industrial park and bounce a signal off each tower as they come on-line so the pumps don't run against each other. For example: The signal will tell the towers that the industrial park is running so Bluebird Village won't come on until the industrial park one is done and then Bluebird Village might kick on and the telemetry will relay it back and it can do it all the way down Route 9 or to wherever the stations are and it will let them run in sequence and not against each other.

Councilman Kusnierz asked if we would get this capital cost back as users come on-line.

Supervisor Jenkins said he would say that is part of what we put into that \$1,750.00 fee. It is for infrastructure.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the purchase of a telemetry monitoring system from Aqua Logics at a cost not to exceed \$14,000.00 out of account GI8110.4.

Roll call vote resulted as follows:

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

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### **TRANSFER STATION – COMPACTOR MAINTENANCE**

Supervisor Jenkins stated that there is a bunch of miscellaneous items that are rather insignificant. We don't have prices yet, so he would like to put this on hold. It may be that if the cost is minimal we can just get three prices and take care of it. If not then it will come back before the Town Board at another meeting.

### **PROCUREMENT POLICY**

Attorney Buettner has provided the board members with an updated copy of the proposed procurement policy. She has changed the two things that were requested. The rest seems to make sense to him, compared to other documents we had before with was our procurement policy. The only exception to that would be that in our Organizational Meeting Minutes we did override the basic language for highway and he doesn't know if we would have to do that again if we adopt this policy.

Councilman Kusnierz asked if this proposed policy overrides the one that we adopted, which one overrides which one?

Supervisor Jenkins said that they could wait and adopt this policy at the Organizational Meeting in January as far as he was concerned.

Councilman Kusnierz asked what the difference is.

Supervisor Jenkins replied that there isn't any significant difference it just puts it all in one document.

Councilman Kusnierz thought the threshold was different for highway.

Supervisor Jenkins said the only threshold may be for highway, we allowed them to go a little higher, because in the highway department even minor repairs can be expensive.

Councilman Kusnierz asked if it was in line with what we have in the minutes from our Organizational Meeting.

Supervisor Jenkins said this throws everybody under the same rule and we would have to reapprove that one for highway. Tim Burley requested a copy of our procurement policy that he needed to send to EFC and we had to send him a policy with about half a dozen notes of where we changed it several times. Most of this language is language that the State uses.

Councilman Kusnierz asked if the numbers are the same as what is in the Organizational Meeting Minutes and he was told yes.

Supervisor Jenkins said it is just a policy and we can adopt it by resolution. He asked if anyone wanted to make a motion to adopt it.

Councilwoman LeClair made a motion and it was seconded by Councilman Vittengl to adopt the following procurement policy.

Roll call vote resulted as follows:

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

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PROCUREMENT POLICIES AND PROCEDURES  
FOR  
THE TOWN OF MOREAU

WHEREAS, Article 5-A of the General Municipal Law ("GML") sets forth requirements regarding the policies and procedures of municipalities in procuring goods and services; and

WHEREAS, the Town Board (the "Town Board") of the Town of Moreau (the "Town"), County of Saratoga, State of New York, desires to adopt procurement policies and procedures in accordance with the requirements of Article 5-A of the GML; and

WHEREAS, comments concerning the Town's procurement policies and procedures have been solicited from the Officers of the Town.

IT IS HEREBY RESOLVED that the Town adopt the following procurement policies and procedures:

- I. CONTRACTS SUBJECT TO COMPETITIVE BIDDING AND EXCEPTIONS TO COMPETITIVE BIDDING
  - A. CONTRACTS SUBJECT TO COMPETITIVE BIDDING
    - 1. All contracts for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000.00) (GML § 103(1)); and
    - 2. All purchase contracts involving an expenditure of more than twenty thousand dollars (\$20,000.00) (GML § 103(1)).
  - B. EXCEPTIONS TO COMPETITIVE BIDDING
    - 1. Contracts for public work involving an expenditure of thirty-five thousand dollars (\$35,000.00) or less (GML § 103(1))
    - 2. Purchase contracts involving an expenditure of twenty thousand dollars (\$20,000.00) or less (GML § 103(1))
    - 3. Purchases through a County Contract (GML § 103(3))
      - a. The Town may make purchases, or may contract for services, when available, through Saratoga County or through any county within the state subject to the rules set forth in GML § 103(3) and County Law § 408-a(2).
    - 4. Purchases through the New York State Office of General Services (GML § 104)
      - a. The Town may make purchases of materials, equipment, food products, supplies or services through the New York State Office of General Services subject to the rules set forth in GML § 104, State Finance Law § 163 and State Finance Law § 167.
    - 5. Emergency Purchases (GML § 103(4))
      - a. Competitive bidding is not required in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants



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of the Town requires immediate action which cannot await public bidding.

6. Purchases of Surplus and Second Hand Supplies (GML § 103(6))
  - a. Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding from the federal government, the state of New York, or from any other political subdivision, district or public benefit corporation without competitive bidding.
7. Sole-Source Contracts
  - a. When there is only one possible source to procure goods and/or services, competitive bidding is not required.
8. Purchases or Leases of Real Estate
9. Professional Services
10. Leases of Equipment
11. Purchases of Articles Manufactured in a New York State Correctional Facility (GML § 104-b(2)(b); Correction Law § 186)

Purchases from Agencies for the Blind or Severely Handicapped (GML § 104-b(2)(b))

## II. POLICIES AND PROCEDURES FOR PURCHASES OF GOODS OR SERVICES THAT ARE NOT SUBJECT TO COMPETITIVE BIDDING REQUIREMENTS

### A. PURPOSES OF GML § 104-b

“Goods and services which are not required by law to be procured [by the Town] pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of [the Town], to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.” (GML § 104-b(1)).

### B. PROCUREMENT PROCEDURES

1. Determination Regarding Purchase (GML §104-b(2)(a))
  - a. Every prospective purchase of goods or services shall be evaluated by the Town Board to determine whether competitive bidding is required pursuant to Section I above.
  - b. In making this determination, the Town Board shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. (GML § 103(1)).
  - c. Purchases of commodities, services or technology shall not be artificially divided for the purpose of avoiding the competitive bidding threshold amount. (GML § 103(1)).
  - d. A change to or a renewal of a purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the

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competitive bidding threshold amount. (GML § 103(1)).

2. Documenting Basis for Determination (GML §104-b(2)(a))
  - a. If the Town Board determines that competitive bidding is not required, it shall document its basis for such determination. The Town Board shall document:
    - i. the dollar amount of the prospective purchase;
    - ii. when applicable, the dollar amounts for similar prior purchases;
    - iii. when items are not subject to competitive bidding for reasons other than the dollar amount, the relevant exception and the underlying facts justifying the exception's applicability; and
    - iv. Any other documentation that the Town Board deems relevant to its determination.
3. Securing Proposals when Competitive Bidding Requirements do not Apply (GML §104-b(2)(b))
  - a. General Policy and Statutory Exceptions from These Policies and Procedures
    - i. Except for procurements made pursuant to GML § 103(3) (through county contracts), GML § 104 (through state contracts), State Finance Law § 175-b (from agencies for the blind or severely handicapped) and Correction Law § 186 (for articles manufactured in correctional institutions), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of GML § 104-b, as set forth in Section II(A) above.
  - b. Methods of Procurement for Purchases Pursuant to this Section II(B) (GML §104-b(2)(c))
    - i. The methods of procurement set forth in this Section II (B)(3)(b) take into account the purposes of GML § 104-b and the cost-effectiveness of each method.
    - ii. Methods of procurement for contracts for public work involving an expenditure of thirty-five thousand dollars (\$35,000.00) or less
      - (1) Contracts between \$10,000.00 and \$35,000.00
        - (a) Written request for proposals ("RFP") with at least four (4) responding vendors
      - (2) Contracts between \$3,000.00 and \$9,999.99
        - (a) Written/faxed quotations from at least three (3) vendors
      - (3) Contracts between \$500.00 and \$2,999.99
        - (a) Verbal quotations from at least three (3) vendors
      - (4) Contracts between \$0.00 and \$499.99
        - (a) The Town Official, in its discretion, may use any procedures that further the purposes of GML § 104-b, as set forth in Section II(A) above.
    - iii. Methods of procurement for purchase contracts involving an expenditure of twenty thousand dollars (\$20,000.00) or less
      - (1) Contracts between \$10,000.00 and \$20,000
        - (a) Written request for proposals ("RFP") with at least four (4) responding vendors
      - (2) Contracts between \$3,000.00 and \$9,999.99

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- (a) Written/faxed quotations from at least three (3) vendors
    - (3) Contracts between \$500.00 and \$2,999.99
      - (a) Verbal quotations from at least three (3) vendors
    - (4) Contracts between \$0.00 and \$499.99
      - (a) The Town Official, in its discretion, may use any procedures that further the purposes of GML § 104-b, as set forth in Section II(A) above.
  - iv. A good faith effort shall be made to obtain the number of proposals or quotations required by this Section II(B)(3)(b). If the Town is unable to obtain the required number of proposals or quotations, the Town shall document its attempt to do so. An inability to obtain the required number of proposals or quotations shall not preclude procurement provided that the Town documents its good faith attempt to obtain such proposals or quotations.
- c. Adequate Documentation of Purchases Pursuant to this Section II(B) (GML §104-b(2)(d))
- i. When a purchase is made pursuant to this Section II(B), the following documents shall be maintained in a file with the purchase documents (i.e., final purchase contract, invoices, bills, etc.):
    - (1) A copy of the RFP and all responding proposals, if applicable;
    - (2) A copy of all written quotations, if applicable;
    - (3) Notes of any verbal quotations, if applicable;
    - (4) Any documentation indicating Town Board's furtherance of the purposes of GML § 104-b, as set forth in Section II(A) above; and
    - (5) Any other documentation that the Town Board deems relevant to the selection of a proposal
  - ii. If full compliance with Section II(B)(3)(c)(i) above is not practical, the file containing the purchase documents shall include a memorandum explaining why such documents were excluded.
- d. Contracts Awarded to anyone other than the Lowest Responsible Dollar Offeror (GML §104-b(2)(e))
- i. If the Town awards a contract pursuant to this Section II to anyone other than the lowest responsible dollar offeror, it shall document its justification for doing so, setting forth the reasons why such an award furthers the purposes of GML § 104-b, as set forth in Section II(A) above.
4. Individuals Responsible for Purchasing (GML §104-b(2)(f))
- a. The following individual(s) are responsible for purchasing (this list shall be updated biennially):
    - i. \_\_\_\_\_  
Name Title
    - ii. \_\_\_\_\_  
Name Title
    - iii. \_\_\_\_\_  
Name Title

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iv.	_____	_____
	Name	Title
v.	_____	_____
	Name	Title

5. Exceptions from Policies and Procedures in this Section II (GML §104-b(2)(g))

a. The procurement policies and procedures of this Section II are not necessary in the following circumstances, or for the following types of procurements, as the solicitation of alternative proposals or quotations for contracts in such circumstances, or for such types of procurements, are not in the best interest of the Town:

i. Emergencies

(1) The Town Supervisor will determine whether an emergency exists and will make a good faith effort to poll the Town Board in advance of a purchase. However, the entire Town Board shall be contacted immediately regarding the emergency. If the Town Supervisor is not available, then the Deputy Town Supervisor may make this determination.

ii. Procurements of sole source purchases

iii. Procurements of professional services

iv. Procurements for which solicitation would not be cost-effective

(1) When procuring contracts with an expenditure between \$0.00 and \$499.99, the Town need not comply with the policies and procedures of this Section II if doing so would not be cost-effective.

6. Comments from Officers (GML §104-b(3))

Comments concerning the Town's policies and procedures shall be solicited from officers of the Town involved in the procurement process prior to the enactment of the policies and procedures, and from time to time thereafter.

7. Annual Review (GML §104-b(4))

The Town Board shall annually review its policies and procedures.

8. Unintentional Failure to Comply (GML §104-b(5))

The unintentional failure to fully comply with the provisions of GML § 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town or any officer or employee thereof.

9. Intentional Failure to Comply

Town officers or employees who intentionally fail to fully comply with the provisions of GML §104-b or this policy shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, collective bargaining agreements, if applicable, and Town policy and procedures.

10. Legal Issues

The Town Board shall present any legal issues regarding the procurement policies and procedure set forth herein to the Town's Counsel.

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### **AWWA CERTIFICATION CLASS – ASSISTANT WATER SUPERINTENDENT**

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl authorizing the Assistant Water Superintendent, Earl Ruff, to attend an AWWA Certification Class and for the \$25.00 registration fee to be a proper town charge.

Roll call vote resulted as follows:

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

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

Angela Wadsworth introduced herself again and said again that she lives at 504 Gansevoort Road and she wants to know if there was ever going to be anything done with the house next door to her with the offsets. It doesn't have any setbacks for water, septic or the structure. Is there going to be anything done with that house.

Councilman Kusnierz said it had to have been approved.

Supervisor Jenkins stated that it all had to do with the 10 foot or 15 foot difference in the lot lines. It was approved by the Planning Board. He said he doubted anything could be done about it at this point.

Angela Wadsworth stated that her neighbor needed 175 feet of road frontage and he was granted a special permit for that and he was granted variances.

Supervisor Jenkins replied that would have been through Planning and Zoning Boards which the Town Board doesn't have much control over. The Zoning Board can make changes based on facts.

Angela Wadsworth stated that her neighbor only has 88 feet of road frontage and that isn't acceptable for even the variance that he was granted. He needs 175 feet and he never had it and the Town granted a variance. He only had 90 feet and she took 12 feet of that back.

Councilman Kusnierz asked what zone that was and asked if it was R2 and Angela Wadsworth said yes and she has read the code several times over the past four years.

Angela Wadsworth stated that it was two undersized lots that were combined to make one undersized lot and he only has 88 feet of road frontage. He has no setbacks for anything and they are not maintaining it.

Supervisor Jenkins and Councilman Kusnierz stated that something can be done about them not maintaining their property.

Angela Wadsworth said she was told by a Town Official that the people who were staying in the house were going to be given "hardship occupancy".

Supervisor Jenkins said that if the grass needs to be cut then we can go there and make them do that.

Angela Wadsworth asked what about the offsets.

Supervisor Jenkins replied that it went through the legal process and he doubts there is anything this Town Board can do legally.

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Angela Wadsworth stated that there were only three members of the Zoning Board that approved it. There was no lawyer there at the meeting that night. There should have been a Town lawyer there for her concerns. Joe left the meeting, then came back at the end of the meeting and never heard her concerns, but signed it off anyway. Out of five board members only three voted. There were others that should have stepped back and said we need to look at this matter before we approve it.

Supervisor Jenkins stated it was approved by a quorum, which they are allowed to do. Not everybody has to be there.

Angela Wadsworth stated that everybody was there except Joe and the Town Attorney.

Supervisor Jenkins stated that there isn't anything that the Town Board can do. "He" told her that she already has the approval to put the fence up if she wants to.

Angela Wadsworth stated that is another issue. They cut her fence down with a chain saw. He neighbor put up a temporary one. The Town gave them permission to put up a stockade fence that runs right into a split rail fence right through her property to the front of her house. She asked why she would buy another fence when they cut her fence down.

Supervisor Jenkins stated that she was talking about another civil issue that she went all the way to the Supreme Court with. There is nothing the Town Board can do.

Angela Wadsworth stated that she was told to go to the Zoning Board for a variance and she did so and she found out that she wasted \$50.00, she didn't need a variance. "She was extended from the back of her garage to the front of their windows so she could get her privacy back." Now she has to pay \$27.00 for a permit to cover up their bedroom windows that are facing her kitchen window and she has no privacy. That is why she hasn't spent money to put up a fence when hers was cut down. She is waiting for a contractor to do good somewhere in this mistake that has occurred by putting up a fence or buying hers back.

Supervisor Jenkins told Angela Wadsworth that she can get a building permit and she can put up a fence, but she needs a permit. If she comes in with her check they will issue a permit and he told her this two months ago.

Angela Wadsworth asked if there is any chance the voters can vote in a Code Enforcement Officer.

Councilman Kusnierz said that the board asked counsel to see if that is an option and when they get that information she will get it.

Angela Wadsworth stated that she doesn't want this to happen to another resident, because this mistake she has to live next to and she will have difficulty selling her home.

Mrs. Minnick stated that the board just told Angela Wadsworth that the Town could make her neighbor take care of their lawn, so why can't the Town take care of the burned out house on Woodlawn.

Supervisor Jenkins said that is because there is a capital project going on right now and we are the ones that messed up her lawn so we have to fix it and she wants us to come onto her property. She has invited me there several times in the past several weeks.

Councilman Kusnierz stated that Code Enforcement can cite the entity that holds the property, but the question in the case of the Woodlawn property is that we aren't sure who owns it.

Supervisor Jenkins said no we don't. There have been two or three financial companies who have held the paper on the property. Attorney Buettner checked the courts and the real estate records indicate that the

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property is still in the name of the deceased and he only has one daughter. If we can't get an answer soon then our Health Board may have to take action and they can discuss it with the Town Board to see if they want to take that risk. The Town Board knows it is a health hazard.

### **COMMITTEE REPORTS**

Councilwoman LeClair asked if signs could be put up in the playground area in the rec. park stating that dogs are not allowed on the playground. One of the employees at Rec. told her about a week ago that he witnessed a woman with a small dog and the dog was put on a piece of playground equipment and the dog bit a child. The employee went up to the woman and asked her to remove the dog from the playground equipment and the woman told him it was her grandchild. The employee asked the woman to please leave the playground. The employee also commented on how many times he has picked up dog droppings on the playground. Whether the dog is on a leash or running loose when children are running by is a dangerous situation.

Supervisor Jenkins stated that if the dog is running loose then that is a violation of our dog law.

Councilwoman LeClair said even on a leash. If a dog is on a leash and a child runs by and the dog grabs at the child it is a dangerous situation.

Supervisor Jenkins stated that we could put up signs that read "dogs are not allowed on the playground equipment", but what can we do beyond that. How can we enforce it?

Supervisor Jenkins said that the employees at rec. have already been told that if a person doesn't want to listen to them, then they are to dial 911. He doesn't want to put them in a position to use authority.

Councilwoman LeClair asked if they could put signage up at the outside edges of the playground that read no dogs on the playground.

Supervisor Jenkins said it is our park we can put up signs. He doesn't have a problem with that.

Councilman Kusnierz asked how they would delineate the boundaries of the playground area.

Councilwoman LeClair replied where the playground equipment is.

Supervisor Jenkins asked Councilman Vittengl, who is on the liaison from the Town Board for the Recreation Committee, if he could find some signage. Councilman Vittengl said yes.

Councilwoman LeClair asked if there could be signs put up that read "no garbage picking". She said there is a convicted child molester who rides around on a bike and picks from garbage cans and she would like to move him along out of the park. She said maybe the employees could urge people to stay out of the garbage cans.

Supervisor Jenkins said they could, but he doesn't want them to go beyond that. He referred to the Ed Tracy incident and said he doesn't want that to happen again. He went way beyond what he should have done. If a person doesn't cooperate they need to dial 911.

### **SUPERVISOR'S ITEMS**

A letter from the South Glens Falls Fire Company was received thanking the recreation staff for their assistance during the Fire Company Convention.

Contract negotiations are coming up for the Highway Department and Supervisor Jenkins said he planned to be on the negotiating team. He asked Councilman Kusnierz if he wanted to serve on the team.

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He told Councilman Kusnierz that they usually meet late in the day, because “they” have to work too. Councilman Kusnierz replied yes. He told Councilman Kusnierz that during the last negotiation session he was very helpful. He then asked other board members if they wanted to be included and both Councilman Vittengl and Councilwoman LeClair said yes. Supervisor Jenkins advised that only two members of the Town Board can meet at the same time. Councilman Kusnierz stated that the same two people should meet throughout the whole process.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the meeting to executive session at 8:50 p.m. to discuss a contractual matter with a potential developer.

Roll call vote resulted as follows:

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

Supervisor Jenkins asked Councilman Vittengl to leave the meeting room and wait in the hallway.

Councilman Vittengl left the meeting room to go wait in the hallway.

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the executive session at 9:08 p.m. and reopen the regular meeting.

Roll call vote resulted as follows:

Councilman Vittengl	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 Councilwoman LeClair to adjourn the regular meeting at 9:09 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury, Town Clerk



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