

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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

The Town Clerk called the roll.

Town Board Members Present

Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
Robert J. Vittengl, Jr.	Councilman

Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Peggy Jenkins, Assessor; Ben Marcantonio, Assistant Building Inspector/Code Enforcement Officer; Jesse Fish, Water Superintendent (entered meeting at 7:55 p.m.); Paul Joseph, Highway Superintendent; Christina Scanlon, Post Star Reporter; Reed Antis, Planning Board Member and Town Resident; Town Residents: Sandi and Thomas Speziale, Terry Clark, Mark Stewart, Cecelia Gookin; Village Resident: Peter Lemery

Supervisor Jenkins led the Pledge of Allegiance.

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

APPROVAL OF MINUTES

The minutes of June 26th and July 8th were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval.

Approval was tabled on both sets of minutes.

Councilman Kusnierz was not present at the Regular Town Board Meeting held on July 8th, but he read in the minutes where the Board Members present at that meeting voted to increase the hourly pay rates for two Recreation Department Staff Members and he recalled that at the previous Town Board Meeting the request to increase the hourly pay rates for these same two people was voted down. He asked what changed.

Supervisor Jenkins said a range in hourly rates was created for the two positions during budget time last fall and it was discussed at budget time that the new recreation director would judge who got increases.

Councilwoman LeClair added that they were started out at a lower rate until it was known how they worked out.

Supervisor Jenkins stated also that the personnel hours in the Recreation Department are down, but they are getting more work done than in the past.

15 MINUTE PUBLIC COMMENT PERIOD

Terry Clark said he got a letter in the mail from the Town Clerk's Office and said that the Town hooked him up to the Town's public water supply, but never billed him for the water used and he said "can you imagine that, the Town made another mistake". He said the letter was dated June 26th and there was a certified letter mailed to him after that which he hasn't claimed, because "it is a waste of taxpayer's money". He read the letter aloud.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Board Members said they didn't have knowledge of this letter.

Terry Clark asked what date it was installed and how will they back bill him and how will the water bill be figured.

Supervisor Jenkins said it is metered and he said the rate for Water District 6 is \$4.00 per 1,000 gallons based on the usage. He said it would take some creativity, because there is a minimum charge for each billing period and that district is billed every four months.

Terry Clark asked if they are sure he has water in the house, because the Town doesn't want to admit that the water line blew. He said nobody is helping him out with that situation. He said again that it is a waste of money to send letters by certified mail, return receipt requested.

Supervisor Jenkins said they would have to talk to Jesse Fish, Water Superintendent, because there was a loss of water.

Terry Clark said the line blew before the water meter so he isn't concerned about that. He said he isn't a dishonest guy.

Terry Clark said the problem is that the Town doesn't want to own the fact that the water line blew yet he has water there. He is lost for words.

Terry Clark said that it is a touchy subject, because of the situation with the contractor that installed the water line that blew and yet two years later the Town realizes they haven't billed him. He asked what kind of numbers will be agreed upon.

Supervisor Jenkins said he wasn't even sure why he wasn't billed and what transpired with this so he asked the Town Clerk if she could answer the question.

Jeanne Fleury, Town Clerk, stated that as soon as they could verify that the meter number that they think is on his water meter is correct then they could load the water meter information into the handheld remote radio reader and drive by the house and get the reading off the meter and that is what he will be billed on. That will be the reading used to calculate a bill for water used from the time he was hooked up.

Terry Clark asked if the rate is \$4.00 per 1,000.

Jeanne Fleury replied that there is a minimum charge of \$40.00 for 0 to 10,000 gallons she thinks for that district and then \$4.00 per 1,000 gallons over the 10,000 gallons per billing period and there are three billing periods in that district.

Supervisor Jenkins said they need to look at the totals and there may be a period where he used less than the minimum rather than charging for an accumulated amount.

Terry Clark said to just call him. He said there is no need to send a certified letter. That is where government gets too big.

Jeanne Fleury told Terry Clark that the certified letter was sent because he didn't respond to the first letter and they wanted to make sure he got it.

Terry Clark said again to call him. His number is on his vehicle and it is right here and he pointed to his shirt.

Jeanne Fleury said they do have a meter number and a reading, but they want to make sure it is in fact the right meter and it matches up with the meter in Terry Clark's basement rather than finding out several years from now that it isn't and he has been billed wrong.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman Kusnierz said they need to get the facts and get Jesse involved and work with the Town Clerk's Office and then that information can be brought back to the Town Board.

Terry Clark said again for somebody call him. They don't need to send him a letter.

Supervisor Jenkins told Terry Clark that he should get in touch with Jesse Fish, because Jesse has been to his house when there was the leak.

Councilman Kusnierz asked if it has been read at all and Terry Clark said he didn't think so. Councilman Kusnierz said the first thing that should be done is for Terry Clark to allow the Town to read the meter

Jeanne Fleury said they have a meter number and a reading, but we want to make sure it is the right reading, because the handheld radio reader will pick up surrounding houses too.

Councilman Kusnierz asked Terry Clark if he had a problem with letting the water superintendent into his house to get the number and verify the reading.

Terry Clark hesitated and said "I don't know".

The Town Clerk said that is why they sent the letter. They thought he could call in the number and that way nobody has to go into his house.

Terry Clark said he doesn't have a problem calling it in, but...he didn't finish the sentence.

Councilman Kusnierz told Terry Clark that they would take his word for it if he would give them the information.

Terry Clark asked whose responsibility it was to turn it in and Jeanne Fleury replied the contractor or his field inspector. In all the water districts the contractor or field inspector would turn in the meter numbers as the meters were hooked up. She said this isn't the first time this has happened. It has happened in other water districts and with different contractors.

Supervisor Jenkins asked if anyone else wished to be heard.

Gardner Congdon said he asked a number of questions at the previous meeting. One was about the buy in figure. He read the notes from a meeting of the Water Committee and it talked about the buy in and a potential future river crossing. He said what wasn't mentioned was the new tie-in with the county water supply, which would make the Town's water supply redundant and it raises the question of the need for all the money being collected for potential problems 20 to 30 years down the road. He said the county water supply puts the Town in a good position water wise and it once again raises the question of why the report doesn't show the potential of water from the county. He said it was quite an omission. He asked if they found any information on who authorized the \$400 hookup fee that the Michael's Group paid. He said there had to have been some action from the Town Board to allow this fee to be paid. He said there was nothing in the copy of the agreement that he was given that Harry Gutheil signed that mentioned anything about the \$400 fee or any future "takeaways from the Town coffers". He asked if it was done in executive session, was it authorized in an agreement or what was it. There aren't any minutes that authorize the \$400 hookup fee. He would like a sufficient answer as to how this occurred. He also said that the Town Board authorized Joe Patricke to hire an engineer and he was required to pay \$900 and he wants to know what the engineer did for the \$900 other than it took 6 ½ hours to review his four lot subdivision. He said this fee was excessive. He wants to know what he did for 6 ½ hours. He hasn't gotten a break down.

Supervisor Jenkins said the decision to hire the engineer was made by the Planning Board and not Joe Patricke.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Gardner Congdon said the question stills remains, what did he do for 6 ½ hours? He asked the Town Board if they recalled the sand deal and the bills that got paid years ago without any question. He said these are the kind of things that happen and he questions “the liability” of the \$900 bill he got.

Councilman Kusnierz said there is no reason why the engineer can’t provide an explanation. When the Town pays for professional services we get a break down and explanation.

Gardner Congdon recalled a time when the Town Board raised the dickens over a bill from Falls Farm and Garden for a part they thought was too high and how they raised a question over the cost for labor to change a tire. Yet this bill goes right through, because somebody else is paying it.

Councilman Kusnierz said there was a time when all vouchers had to be signed by at least three Board Members as a matter of policy and then there was change in administration and then on a split vote it was changed to require two signatures. Payment of vouchers can be authorized by only two Board Members signing them even though all Board Members have access to them and can sign them.

Gardner Congdon said the Town Board authorized a Town agency to hire outside help to be billed to a taxpayer with no supervision as to why or what the necessity was. He had three different engineers that he hired approve it.

Supervisor Jenkins said he would get him the information from Garry Robinson. He will ask him for details from his time records.

Mark Stewart said Gardner Congdon was here at the last meeting and asked the exact same questions and he was told that it would be looked into and still no answers. Mark Stewart said he was here two weeks ago and he still doesn’t have answers either. Taxpayers are getting upset that they come here week after week and they don’t get any answers.

Mark Stewart asked where the approval is for the \$400. Who approved the fee?

Supervisor Jenkins said he has no idea what happened in 2006.

Gardner Congdon said it was not 2006 it was 2010 when the rate was established.

Supervisor Jenkins said the \$400 wasn’t approved in 2010.

Supervisor Jenkins asked Councilman Kusnierz if he recalled why the \$400 was charged and Councilman Kusnierz replied yes, but he doesn’t think there is a record of the \$400.

Councilman Kusnierz asked Attorney Buettner to reach out to the engineer as to what transpired back then.

Councilman Kusnierz asked Gardner Congdon to give the Board Members a list of what he is looking for and Gardner Congdon replied that he has already done that.

This concluded the first 15 minute public comment period.

ED BARTHOLOMEW – REGIONAL RISK ASSESSMENT GRANT

Ed Bartholomew, President of the Warren County Economic Development Corporation was present to explain to the Town Board about a regional grant that the City of Glens Falls applied for and received for the city and other communities along the Hudson River. The City of Glens Falls is the lead agent and administrator of the grant and is looking to work with the Town of Moreau, Village of South Glens Falls, Corinth, Hadley, Chester and others. The grant is 100% federally funded with no local share required from the city or other participating municipalities.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The following information was provided in the handout provided by Mr. Bartholomew:

The grant will permit up to an estimated 34 to 38 Phase I assessments, six (6) Phase II site investigations, and prepare an expected eight (8) Phase II reuse plans and cleanup alternatives for sites with potential hazardous substances that are targeted for redevelopment. This funding will also support lead-based paint and/or asbestos testing at between 15 and 20 brownfield sites that are assessed under this program (including sites that may have petroleum contamination that are assessed under the separate Petroleum Assessment budget).

Phase I and II site assessments and remedial and reuse feasibility plans will provide developers and property owners with valuable technical information about their sites and the steps needed to reuse and recycle those properties. This provides a “pre-development” benefit for reuse of the properties.

The grant will permit EPA Assessment funding and leveraged resources to facilitate an estimated 10 to 12 Phase I assessments and one (1) Phase II assessment and the potential cleanup and reuse of four (4) properties with potential petroleum contamination. Phase I and II site assessments and remedial and reuse feasibility plans will provide developers and property owners with valuable technical information about their sites and the steps needed to reuse and recycle those properties. Again this grant provides a “pre-development” benefit for developers, many of whom would rather walk away from a potentially contaminated site than pay tens of thousands of dollars for necessary site investigation or clean-up work.

Phase I environmental site assessments for an estimated 10 to 12 brownfield properties as prioritized and selected by the coalition based on specific criteria, and Phase II site investigations of one (1) petroleum site including cleanup recommendations and alternatives based on the site’s current problems and redevelopment potential, and Phase III remedial alternative and end-use plans for an estimated four (4) sites that have undergone at least a Phase I assessment or other appropriate sites believed to be contaminated by petroleum and approved by the EPA based on the recommendations of the coalition. Remedial planning may include additional sampling if recommended by the Phase II assessment as well as a risk characterization to identify the need for specific cleanup measures. Corrective action plans will be completed if the Phase II assessment determines that the site poses a public health or safety risk, and this analysis will include consideration of possible cleanup alternatives and potential costs for short and long-term corrective actions.

All Phase I and II site assessment work will comply with the most recent EPA regulations and procedures for such activities as well as the appropriate ASTM industry standards.

The initial step is for the city to authorize contracts with two consultants based on interviews and consultation with group.

Step 2 is for each community to adopt a resolution.

Step 3 is to work with the consultant to identify potential sites in each community to submit to the EPA.

Step 4 is to undertake field work and reports.

TOM AND SANDY SPEZIALE – REQUEST FOR ZONING CHANGE TO ALLOW CHICKENS IN R-2 ZONE

Mr. and Mrs. Thomas Speziale were present to request a change in zoning in the R2 zone to allow chickens. They have chickens on their property located at 18 Amy Drive that is zoned R2. They got the chickens not realizing that they are not allowed in an R2 zone. They moved here from Beacon, New York, where they were allowed to have chickens on a 50’ x 100’ lot. They provided the Town Clerk with copies of regulations regarding chickens from surrounding Towns. They also presented pictures of their chickens and the chicken coop. They said their neighbors don’t have a problem with them having the chickens and

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

a lot of the neighbors didn't even know they had them. They also requested that they be allowed to keep the chickens until there is a decision on the re-zoning request.

Supervisor Jenkins said the Town Board should hold a workshop, but that it would be difficult to schedule one at this meeting since only three members of the Board are present. He said when the workshop is held the public is welcome to attend. If the Board chose to, the Attorney for the Town could draft an amendment to the Zoning Law and a Public Hearing could be held on the draft amendment. He wasn't sure if the Board could allow Mr. and Mrs. Speziale to keep the chickens, in the meantime, if they are in violation of the law.

Councilman Kusnierz asked about a moratorium.

Attorney Buettner stated that the moratorium would have to be on the entire R2 zoning district. She stated that Mr. and Mrs. Speziale could talk with the Building Inspector about an extension. The only other recourse is a use variance before the Zoning Board of Appeals, but she advised that there is a very high standard that has to be met before the Zoning Board of Appeals can grant a use variance.

Mr. and Mrs. Speziale said they were granted an extension and allowed to keep the chickens until this Friday and they would like to keep the chickens until this matter is resolved and they don't want to get rid of them in the event the zoning is changed and the chickens are allowed to be kept.

Attorney Buettner said that it will be a minimum of 30 days to change the zoning if that is what the Board decides to do.

A workshop was scheduled for August 6th at 6:00 p.m. in the municipal building.

BEN DICKERSON OF APEX SOLAR

Supervisor Jenkins said that Mr. Dickerson was not present.

HIGHWAY DEPARTMENT REQUESTS

Paul Joseph, Highway Superintendent, submitted a request to purchase a 2015 Johnston VT651 Sweeper Catch Vacuum truck from Cyncon Equipment in Rush, New York in the amount of \$237,980.50. Cyncon Equipment is the only dealer for this make and model which is listed on the Round 11 of the Water Quality Improvement Project Grant. He noted that if we deviate from this, the grant will be forfeited. The purchase price is covered under the HGAC Buy Program. This is a 2014 budgeted item in account DB5130.2 that had a balance of \$232,444.72 as of 7/2/14. The balance does not include the \$20,050 that should have been carried over from the 2013 budget to cover the purchase price of a 2002 Freightliner Bucket Truck.

Supervisor Jenkins stated that a purchase order was issued in December 2013 for the purchase of a Bucket Truck, but the truck was sold before we could purchase it. The purchase order was cancelled and the money was not carried over into 2014. A transfer of \$11,000 is required in order to purchase the Bucket Truck.

Councilman Kusnierz asked Paul Joseph if we are sure we are going to get the grant.

Paul Joseph said the grant hasn't been awarded yet.

Councilman Kusnierz asked when the Division of Budget will release the funds and Paul Joseph replied October. He said we are number three on the list out of 22.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing a transfer of \$11,000 out of account DB1990.4 Highway Fund – Special Items – Contingent into account DB5130.2 Highway Fund – Machinery – Equipment.

[Note from Principle Account Clerk: A transfer is necessary because the Town Board approved the purchase of a Bucket Truck on December 30, 2013. When the Highway Superintendent went to purchase this truck, it had been sold. He went back to the Board on January 28, 2014 for approval again for a bucket truck for a similar model. Had the bucket truck been ordered in 2013, it would have been a 2013 expense. Since it was ordered in 2014 then the truck was paid with 2014 funds which now leaves the Highway Equipment budget short for the 2014 adopted budget which included the purchase of a Sweeper Catch Vacuum Truck. This truck has been approved for a grant up to possibly 70% reimbursement, however, the Town may not see the reimbursement until after the November election. Therefore, the transfer is necessary to avoid a negative balance.]

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of a 2015 Johnston VT651 Sweeper Catch Vac Truck at a cost not to exceed \$237,980.50 from Cyncon Equipment out of account DB5130.2.

Roll call vote resulted as follows:

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

Paul Joseph requested permission to set aside \$5,000 for the purchase of crushed stone to be used on various Town projects. Crushed stone is covered under Saratoga County contract #14-PWCS-5R. There are funds allocated for this expense in account DB5110.493 that had a balance of \$14,011.52 as of 7/1/14. The availability and cost will determine which supplier the material is purchased from.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of \$5,000 worth of crushed stone to be used on various Town projects under Saratoga County contract #14-PWCS-5R out of account DB5110.493.

Roll call vote resulted as follows:

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

Paul Joseph submitted a memo to the Town Board on July 8th that was accompanied by a quote from Garry Robinson, P.E. to assist in the engineering work that is required for the Pavement Preservation Grant for Reservoir Road and Feeder Dam Road. Without the engineering work we will lose the grant funding. Garry Robinson, P.E. has worked with other municipalities and is very familiar with what is

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

required. He requested that the Town Board approve a contract with Garry Robinson to provide this service. He also noted that the funding from the grant will be available in 2015 and will be part of our matching funds.

The quote from Garry Robinson was in the amount of \$14,000.

In brief discussion that followed, Paul Joseph stated that he was asking for these professional services to be part of the 2015 Town Budget.

Supervisor Jenkins said the Town Board needs an estimate for the budget then.

WATER DEPARTMENT REQUESTS

Jesse Fish, Water Superintendent, requested permission to purchase one pallet of water meters (420 water meters) to complete the Water District 2 meter change out project. He obtained the following quote:

Master Meter/Vellano Bros. \$187.00 each for a total of \$78,540

A transfer of funds would be required from Water District 2 Fund Balance into II8310.2.

Jesse Fish stated that there are 750 customers in Water District 2 and there are 330 water meters left to change out.

Councilman Kusnierz stated that the \$78,540 is almost 10% of the fund balance in Water District 2. He said this is a big purchase and something that should be addressed at budget time. He would only support the request if at this meeting the Town Board authorizes a decrease in water rates by 10% in Water District 2, because the fund balance is so high.

Supervisor Jenkins said they wouldn't act on this request at this meeting then. He added that Water District 2 is almost 50 years old and it is likely to face a major problem in the not too distant future.

BUILDING INSPECTOR'S REQUEST

The Building Department requested the purchase of a wide format scanner and printer. The following quotes were obtained:

National Direct Dataflow	Canon iPF765 MFP M40	\$6,795
EME Corporation	Canon iPF760 MFP M40	\$7,995
Ricoh USA	MPCW 2200SP	\$7,242.34

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the purchase of a wide format scanner printer at a cost not to exceed \$6,795 from National Direct Dataflow out of B3620.2.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

MOREAU ELEMENTARY HOME SCHOOL ASSOCIATION REQUEST TO USE CONCESSION STAND AT REC. PARK

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz granting a request from the Moreau Elementary Home School Association to use the concession stand in the Harry J. Betar Jr. Recreational Park September 6th through October 25th.

Roll call vote resulted as follows:

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

TRANSFER OF FUNDS

At the July 8th Town Board Meeting the Town Board authorized the purchase of a 2014 Club Car for the Recreation Department at a cost of \$13,678.20, but the Board did not transfer funds to make this purchase. The transfer of funds would be from HP7180.4 into HP7180.2 Recreation Capital Project Fund from contractual into equipment.

Councilman Kusnierz asked if it was legal to purchase equipment with funds from the Recreation Capital Project fund. He thought it had to be for permanent things like playground equipment.

Attorney Buettner said she did not have the answer to this question and would have to research it.

Councilman Kusnierz said he was not comfortable acting on this transfer then at this meeting.

The transfer was tabled.

AUTHORIZATION PRE-PAYMENT OF WATER BILL TO QUEENSBURY

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the prepayment of the water bill to the Town of Queensbury that is due by August 1st in the amount of \$26,262.75.

Roll call vote resulted as follows:

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

AUTHORIZE DEAN KOHANEK AS ASSISTANT TO BOB BOGDAN FOR BASEBALL CAMP PENDING EMPLOYEE PAPERWORK AT RATE OF \$8.60 HOUR

Supervisor Jenkins stated the rate was \$8.75 per hour. He said Bob Bogdan volunteers his service to the baseball camp, but normally has an assistant who gets paid. He asked for authorization.

The Town Clerk noted that the agenda reads \$8.60 per hour and asked if that rate has changed and Supervisor Jenkins replied yes, the rate is \$8.75 per hour and that rate was given to him by Fran Thibodeau today.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing Dean Kohanek to assist Bob Bogdan with the Baseball Camp at \$8.75 per hour pending completion of the necessary employment forms and paperwork.

Roll call vote resulted as follows:

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

KELLEN WOLFE – LIFEGUARD – PENDING PAPERWORK – PRE-EMPLOYMENT PHYSICAL & CERTIFICATION AT \$8.75 PER HOUR

Councilman Kusnierz asked if Kellen Wolfe was a Town Resident.

Councilwoman LeClair replied no.

Supervisor Jenkins stated that we can't find lifeguards.

Councilman Kusnierz asked how we found this person.

The Town Clerk replied that he submitted an application for employment back in April.

Councilwoman LeClair said that Sandy Mahoney interviewed him and he has gone through the sex offender background check.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to hire Kellen Wolfe as part-time, seasonal, lifeguard at \$8.50 per hour subject to certification, successful completion of a pre-employment physical, sex offender background check and the filing of all necessary employment forms and paperwork.

[Town Clerk's Note: The \$8.50 is the rate that the Board set for this position even though the agenda reads \$8.75 per hour.]

Roll call vote resulted as follows:

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

UPDATED EMERGENCY PLAN FOR SAND BAR BEACH

A motion was made by Councilwoman LeClair to adopt the updated Emergency Plan for the Sand Bar Beach that was compiled by Sandy Mahoney and authorizing the submission of the plan to the NYS DOH.

Councilwoman LeClair noted that Sandy Mahoney did an excellent job with this plan and NYS DOH made a site visit to the beach and liked what they saw and liked the plan.

Roll call vote resulted as follows:

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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

15 MINUTE PUBLIC COMMENT PERIOD

Cecilia Gookin stated that she volunteered to take on a very large plot in the Moreau Community Garden in order to make an exhibit on the functional uses of plants for fabric dyes. She said she has several hundreds of dollars invested in plants, research, display boxes and flyers and she has contacted a lot of people to come see her exhibit. Then she got an e-mail that there was going to be a ‘giant’ scarecrow planted within inches of her plot. She asked that the scarecrow not be placed so that it blocks her exhibit. In July the “giant” scarecrow was planted within inches of the most historical part of her exhibit and people can’t get to her exhibit and even she has trouble getting to it. She asked that the scarecrow be removed and she was told “it was absolutely out of the question”. She was told that she was asking too much and she was selfish and unreasonable.

Councilwoman LeClair stated that there is about an 18” space between the scarecrow and her bed and the bed is accessible. She mentioned something about six foot wide path also.

Councilman Kusnierz said he couldn’t make a decision on this without seeing it first. It doesn’t sound obtrusive though.

Councilwoman LeClair and Councilman Kusnierz discussed this and Councilwoman LeClair tried to explain the layout of the garden plots and where the scarecrow was and how Cecilia Gookin’s plot could be accessed.

Cecilia Gookin showed pictures to Councilman Kusnierz and Councilwoman LeClair from her laptop computer. She said the scarecrow could have been put anyplace. It could have been put at the entrance to the garden with a sign welcome to the Moreau Community Garden.

Councilwoman LeClair said that Cecilia Gookin’s plot could be accessed from a six foot wide path. The other side of the path is between raised beds and is four feet wide. They thought a six foot wide path with wood chips on it is better for walking through the garden.

Supervisor Jenkins said he would take a look at it tomorrow and give her his opinion.

Reed Antis asked if they were going to court over the Hillman Building.

Attorney Buettner stated that a hearing was held mid-June. The Attorney retained by the Town’s insurance company is of the same opinion as the Town and that is non-liability on the part of the Town.

Reed Antis asked about the old Town Hall. He said no bids were submitted for the building so he wondered what the Town Board was going to do with it.

Supervisor Jenkins stated that the Moreau Community Center has expressed some interest in the building, but it hasn’t been discussed as a Town Board.

Reed Antis asked if it was going to be an agenda item and Supervisor Jenkins said yes when the time comes.

Reed Antis asked about the roof on the new highway garage building.

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Jenkins said they would be discussing it in executive session at the end of the meeting, but no action would be taken tonight.

Reed Antis asked if there was going to be a closing on the sale of the old highway garage on William Street.

Attorney Buettner stated that the time frame for the permissive referendum just ended about a week and half ago and she is working with the purchaser's attorney to draft the documents and get the title search done.

Reed Antis asked if it would be closed on this year and the answer was yes.

Reed Antis asked about the Library Trustee vacancy. The representative from the Town of Moreau resigned. Has there been any discussion about a replacement? Will it be put up for election this fall?

Supervisor Jenkins said he assumes they will approach the Town Board with a couple of names and he assumes it will be on the ballot in the General Election in November.

Councilman Kusnierz said the Town Board doesn't have the authority to appoint. He has a call in to Kathy Naftaly the Director trying to get some information and when he does get the information he will share it with the Town Board.

Reed Antis said regarding the water issue he asked why the Water Committee wouldn't look into this rather than paying attorneys and engineers for the Town to look into this. He doesn't think the Town Board utilizes the committee form of government the way they should be nor does the council people get together and solve and finalize the issues. People keep coming back to meetings and they don't get any answers. Mr. Bartholomew said the Board would have to come up with a short list of properties and he asked if the Board was going to come up with this list.

Supervisor Jenkins stated that some of the council people have full-time jobs.

Reed Antis said that maybe they shouldn't have run for election then.

Reed Antis noted that Councilman Prendergast doesn't even use e-mail to communicate.

Councilman Kusnierz stated that guests who are on the agenda sometimes provide information to the Board when they make their presentation.

Cecilia Gookin spoke about the community garden coach and said that she thinks the entire garden is hers. She accused the garden coach of being rude, condescending and controlling. She asked if shouldn't this be fun and it isn't fun for her anymore.

Councilwoman LeClair stated that gardeners were asked to not plant invasive species. Cecilia Gookin asked Natalie Walsh if she could plant nettles and Natalie told her no and she planted them anyway. Any unused beds go to Natalie Walsh. She said that Cecilia Gookin is the first person who has had any problem with Natalie.

Cecilia Gookin said she is not the only one who feels this way and Councilwoman LeClair asked Cecilia Gookin to tell them to come talk to her then. As far as she knows everyone is pleased.

Discussion followed between Councilman Kusnierz and Paul Joseph about water run-off from a private road onto private property. Paul Joseph is going to clean the ditch out again this week.

Councilman Kusnierz reported on a homeowner in a PUD who is running a dog grooming business and who is frustrated over not being able to get a decision from the Zoning Board of Appeals due to a lack of a

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quorum of Zoning Board Members. The appeal has been postponed until August. He asked if perhaps a special meeting of the Zoning Board could be held.

Attorney Buettner said a public hearing was held. The Zoning Board of Appeals tabled the appeal, but kept the public hearing open. She spoke with the applicant's legal counsel and indicated the Zoning Board's willingness to meet with them, but if they want a full Board then let them know. They asked for it to be tabled. There is no way to hold a special meeting with the Zoning Board Member's schedules.

COMMITTEE REPORTS

Councilwoman LeClair reported speaking with NYS DEC about disposal of hazardous waste and they gave her information on how to dispose of items.

Councilwoman LeClair reported that Sandy Mahoney has reported that the NYS DOH inspected the sand bar beach and we passed the inspection. They are requiring a buoy every 25 feet however, so we have to buy more buoys. The arts and crafts program has been well attended. There have been from 28 to 40 children. Sandy Mahoney paid for the materials and they cost \$132 and she would like to be reimbursed. She got t-shirts donated. She would like to do a science week and hold swim lessons once a week for 5 and 6 year old children. She told Sandy to let the Board know how it goes.

Councilwoman LeClair asked Ted Monsour to instruct the county employee who works in the recycling center to not allow people in with brush and grass clippings when the transfer station is closed.

SUPERVISOR'S ITEMS

Supervisor Jenkins reported that Ron Quinn, Sr. asked if there was any chance he could get public water to his home in Strawberry Acres. Supervisor Jenkins told him that the people in that area could petition the Town Board for water, but that it would be very difficult to secure funding for it.

Supervisor Jenkins reported on an e-mail from the Town Clerk about Cranesville not wanting to fill out a Town of Moreau Mining Permit Application. They have a valid NYS DEC Mining Permit and they feel that is all they need, but they are willing to pay the \$100.00 permit fee. He asked what the Town Board wanted to do with this request.

Attorney Buettner stated she looked into the Mine, Land and Reclamation Act and it appears that NYS DEC does have all the permitting for mines. We can regulate by zoning, but we can't regulate by activity. She wants to look into it further, but thinks Cranesville is right on with this and we need to take a look at our law.

Supervisor Jenkins asked the Town Board to take a look at the draft local law that Attorney Buettner prepared regarding using the best value award methodology for purchase and public works contracts.

Attorney Buettner stated that thanks to wi fi she was able to research the question on-line about whether or not the Recreation Capital Project Fund can be used to purchase equipment and she found that per GML 6c equipment can be purchased with money from this fund.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz authorizing the transfer of \$13,678.20 from HP7180.4 Recreation Capital Project – Administration – Contractual into HP7180.2 Recreation Capital Project – Administration – Equipment for the purchase of a 2014 Club Car that was approved for purchase for the Recreation Department on July 8, 2014.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes

A regular meeting of the Town Board of the Town of Moreau was held on July 22, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Councilman Prendergast	Absent
Councilman Vittengl	Absent
Supervisor Jenkins	Yes

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the meeting to executive session at 9:15 p.m. to discuss a contract issue regarding the roof on the new highway garage, to discuss the Moreau Emergency Squad and to discuss the employment history/performance of an unnamed employee(s).

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 10:00 p.m.

Roll call vote resulted as follows:

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

No action was taken in the executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the Attorney for the Town to contact and move forward with the bonding company with respect to damages to the highway garage.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the regular meeting at 10:04 p.m.

Roll call vote resulted as follows:

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

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Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk