

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Deputy Supervisor LeClair called the meeting to order at 7:05 p.m.

The Town Clerk called the roll.

Town Board Members Present

Tom Cumm	Councilman
Todd Kusnierz	Councilman
Gina LeClair	Councilwoman & Deputy Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
Preston Jenkins	Supervisor

Also Present: Steve Gram, Recreation Director; Nick Mattison, Recreation Department Laborer; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Martin D. Auffredou, Attorney for the Town; David Taube, Post Star Reporter; Joe Patricke, Building Inspector/Code Enforcement Officer (entered meeting at approximately 7:20 p.m.); Town Residents: John Telisky, Elizabeth Lanfear, and Adele Kurtz; and Village Resident: Megan Willis

Deputy Supervisor LeClair led the Pledge of Allegiance.

MINUTES

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

April 28th, May 17th, May 24th (2 Sets), May 26th, June 6th and June 7th

MINUTES – MAY 26, 2011 – BID OPENING – LOADER/BACKHOE

Received and filed.

MINUTES – JUNE 6, 2011 – BID OPENING – PROPOSED NEW HIGHWAY GARAGE – CONTRACTS 2, 3, 4 & 5

Received and filed.

Deputy Supervisor LeClair advised that there were three items on the agenda that wouldn't be dealt with until the next meeting when hopefully a full board will be present. These items were number 6 regarding the survey for stake out of the proposed highway garage site, number 7 regarding the contracts 1, 2, 3, 4 & 5 for the proposed new highway garage building, and number 9 regarding the backhoe/loader bids for the water department.

The approval of the minutes dated April 28th, May 17th, May 24th (Both Sets) and June 7th was tabled until the next meeting.

FUTURE MEETINGS/WORKSHOPS SCHEDULED

Deputy Supervisor LeClair reminded everyone that the Month-End Audit Meeting would be held at 6:30 p.m. on June 28, 2011.

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

15 MINUTE PUBLIC COMMENT PERIOD

Megan Willis who resides at 221 Main Street, South Glens Falls, was present to ask the board why the structure of the recreation soccer program was changed.

Councilman Kusnierz asked what the changes were.

Megan Willis explained that in the past children from Tanglewood Elementary School were assigned to teams together and children from Harrison Avenue Elementary School were assigned to teams together, and so on. This year a lottery system is planned to be utilized to assign children to teams. This means that parents can't be assured that the children will play with the same children they played with last year or that they will even be able to play with children from their own school.

Councilman Kusnierz asked Steve Gram where the change came from.

Steve Gram replied that it was by recommendation from the recreation commission and a couple of meetings ago Elizabeth Lanfear presented this to the Town Board. He said that he doesn't necessarily agree with it.

Councilman Kusnierz clarified that it was not Elizabeth Lanfear's recommendation, but rather the recreation commission's recommendation. He then asked if the Town Board acted upon this.

Deputy Supervisor LeClair replied that the Town Board has not. She attended a recreation commission meeting and it was brought up. Elizabeth Lanfear made the comment that it was better long term.

Deputy Supervisor LeClair stated that parents don't care if it is long term if it works for them this year. If the parents are happy and the kids are happy then what difference does it make?

Councilman Kusnierz stated that a member of the recreation commission would be attending the meeting shortly and they could ask these questions of that individual.

Deputy Supervisor LeClair stated that someone mentioned to her that if a person brings a neighbor's child to the soccer game then it would be nice if the children played together on the same field or close together, because the parent may not want their child playing on a field unsupervised.

Elizabeth Lanfear entered the meeting at 7:14 p.m. and Councilman Kusnierz recapped for her the comment made by Megan Millis and asked her to explain how this change came about.

Elizabeth Lanfear explained her opinion on the lottery system. She stated that it was a decision made as the result of a lot of conversation that involved the recreation director. It seemed to be the best solution for a whole lot of problems that have been going on.

Megan Willis stated that her husband coaches two of the teams and he had an autistic child on his team and the first year the child would not go out on the field. His mother wasn't going to sign him up again, but her husband said to put him on his team and the child thrived on the field, he did an amazing job. His mother said she wouldn't sign him up unless she was sure he would be on the Harrison Avenue Elementary School team. She asked why they wanted to try to fix something that has worked so well. She hasn't signed her boys up yet and her husband hasn't signed up to coach yet, because they have so many questions. She has talked to many other parents who haven't signed their children up yet.

Elizabeth Lanfear stated that they decided not to set a sign up date so parents wouldn't have to leave the park during a baseball game to come to Town Hall during a two hour slot to sign their children up. Rather they opted to have an open sign up until July 1st.

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked Elizabeth Lanfear if she had a recommendation or suggestion on how she could accommodate a situation which was just explained.

Elizabeth Lanfear stated that there is a section on the registration form that asks if the child has any special needs or accommodations that can be made in order for the child to play. She wholeheartedly suggested that the parent write in that the child is autistic and what coach he or she had before and request that he or she be put on the same team again.

Deputy Supervisor LeClair asked Steve Gram if he had complaints in the past about the way the enrollment was run.

Steve Gram replied only over late sign ups.

Deputy Supervisor LeClair asked Steve Gram if he has received complaints this year about the way the enrollment is being run.

Steve Gram replied every day.

Megan Willis asked if the lottery is a done deal.

Elizabeth Lanfear stated that is the way it was put out there and the way the recreation commission and recreation director decided.

Councilman Kusnierz asked Elizabeth Lanfear what the opinion of the recreation commission is.

Elizabeth Lanfear said there wasn't a quorum at the last recreation commission meeting. She was the one who suggested possibly transitioning it.

Councilman Kusnierz asked if at any time they had a quorum when they came up with the lottery system and Elizabeth Lanfear replied yes. A majority of the recreation commission on numerous occasions were in agreement with this.

Councilman Cumm asked Steve Gram where he was on this. He asked if he wanted to go back to the other system and a sign up date and time.

Deputy Supervisor LeClair stated that she has been approached by a parent in Hannaford who asked her why there wasn't a sign up date.

Councilman Cumm asked Steve Gram if he was having a sign up on Saturday and Steve Gram replied yes, this Saturday from 9:00 a.m. until 12 noon.

Councilman Cumm asked Steve Gram when he puts the teams together and Steve Gram replied that he normally starts now, but if they all wait until July 1st then there won't be uniforms ordered until the middle of August.

Elizabeth Lanfear stated for the record that the July 1st date was given to the recreation commission by the recreation director.

Deputy Supervisor LeClair stated that the benefit of holding a sign up day is that it allows Steve to meet with the parents face to face and ask them if they would be willing to coach.

Megan Willis stated that she appreciated the comments, but she was concerned about the logistics from a parent standpoint.

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Deputy Supervisor LeClair asked if it works then why fix it.

Elizabeth Lanfear stated that Steve Gram told them that there were problems with it. That is why the recreation commission discussed it.

Nick Mattison stated that the problems Steve Gram was referring to was with late sign ups. That is the only problem we have. If it works why change it. Programs have to have something unique and different about them in order to be special and that is what makes our program special, it isn't like the other programs.

Megan Willis stated that we are the only area that does it like we do. That is the reason we have 700 kids to play in the fall soccer program. It has been working as it is. It is known throughout the area how good our fall soccer program is.

Deputy Supervisor LeClair stated that the board needs to think about this, because there is a sign up this weekend. She thought they could decide at the next meeting on June 28th. She asked Steve Gram to report to the board on how the sign up on Saturday goes.

RECREATION DEPARTMENT REQUESTS

The recreation director submitted the following names at the following hourly rates for hiring on a seasonal, part-time basis:

Employee's Name	2010 Hourly Rate	2011 Hourly Rate	Title of Position	Pre- Employment Physical Needed Yes or No
Lindsey Baker	\$8.50	\$8.67	Lifeguard	No
Faryl Hewlett	\$9.05	\$9.05	Lifeguard	No
Johanna Williams (New)		\$8.50	Lifeguard	Yes
Ray Hoag	\$12.50	\$12.75	Evening Soccer Sports Specialist	No
Thomas Zauner	\$10.60	\$10.82	Evening Soccer Sports Specialist	No
Cameron LaBarge (New)		\$10.00	Sports Specialist	No
Nicole Brodt (New)		\$10.00	Head Arts & Crafts Specialist	No
Hannah Sharples (New)		\$8.25	Assistant Arts & Crafts Specialist	No

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to hire the above listed people for employment in the recreation department on a seasonal, part-time basis at the hourly rates listed and the hiring of Johanna Williams is subject to her successful completion of a pre-employment physical.

Roll call vote resulted as follows:

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

Councilman Kusnierz noted that the hourly rate for Faryl Hewlett is the same from 2010 to 2011.

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Steve Gram stated that she isn't the head lifeguard any longer. As a head lifeguard she would have gotten an increase in pay and since she isn't head lifeguard any longer than her hourly rate stays the same.

NICK MATTISON – RECREATION SUMMER SOCCER LEAGUE

Nick Mattison proposed a self-governing men's soccer league. In the past basketball and volleyball has been self governing. There will be a referee. He will be there to play so he won't be paid. If the Town Board wants him there as an employee he can be, but then he would be paid, and he wouldn't play. He prefers to play and not be paid. All participants will sign a liability waiver. The anticipated revenue is \$800.00 minimum and the maximum cost \$560.00. If he is to work as an employee then the cost would be \$682.00. There are thirty people waiting to sign up already so the program will be successful.

Councilman Kusnierz asked Steve Gram if he has worked out the field use and Steve Gram replied yes.

Councilman Kusnierz asked if the recreation commission is on board with it.

Elizabeth Lanfear stated that there were only three members in attendance at the recreation commission meeting last time, but all three were in favor of it.

Elizabeth Lanfear asked where does the liability fall if Nick Mattison is playing and in charge of it, but not being paid as an employee and he gets hurt.

Attorney Auffredou stated that if Nick Mattison is otherwise employed by the Town, and he is participating in the soccer league, and he gets hurt, if the Town is negligent then the liability falls on the Town. He said they shouldn't assume that if someone gets hurt then the Town is automatically responsible. If the Town Board authorizes the program and Nick holds himself out as the program coordinator and something goes wrong and Nick is involved then the question would be was Nick acting negligently or acting with some willfulness then perhaps the Town could be responsible. It doesn't mean that just because he is the program sponsor or coordinator then the Town is responsible. The Town can always be sued, but it doesn't mean the Town is responsible. He doesn't see any more risk here than with any other program.

A motion was made by Councilman Cumm to approve the summer soccer league as proposed by Nick Mattison.

Councilman Kusnierz asked if this was a Town of Moreau program, and Nick Mattison replied yes.

Councilman Kusnierz asked what the registration fee is.

Nick Mattison replied \$20.00 per person for Town Residents and \$25.00 for Non-Residents.

Councilman Kusnierz asked who established the fees and Nick Mattison said he did. He went through revenues and expenses and came up with fees that would result in more revenues than expenses.

Councilman Kusnierz asked if the fees would be retained by the Town and Nick Mattison replied yes.

Councilman Kusnierz asked if the fee was comparable with other leagues around the area and Nick Mattison replied yes.

Deputy Supervisor LeClair seconded the motion.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast	Absent
Supervisor Jenkins	Absent
Deputy Supervisor LeClair	Yes

Councilman Kusnierz asked if they were going to put together a women's league and the answer was they could and Steve Gram said he could advertise for both.

Councilman Kusnierz asked if the board needed a resolution to advertise for the soccer program.

Steve Gram and Nick Mattison said they planned to put it in the newspaper in a spot that is free.

Councilman Kusnierz stated that the press is here at the meeting and he asked the reporter if he was planning on mentioning this in his story and David Taube replied that he was going to mention it.

Nick Mattison asked if he could give stacks of flyers to local businesses and people that he knows and the board said that was okay.

HIGHWAY DEPARTMENT REQUESTS

The highway superintendent submitted the following quotes for pump out of the oil/water separator tank at the highway garage:

Crystal Clean	\$1,424.22
MC Environmental Services	\$1,480.80 to \$1,590.80
Safety-Kleen Systems, Inc.	\$1,740.60
Albany Tank	\$1,806.75

This cost would come out of account A5132.489 that had a balance of \$7,000.00 as of 5/3/11.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to accept the quote from Crystal Clean in the amount not to exceed of \$1,424.22 to pump out the oil/water separator tank at the highway garage.

Roll call vote resulted as follows:

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

The highway superintendent submitted a request to contract with Jointa Galusha, Peckham Materials, Palette Stone, and/or Pompa Bros. for the purchase of asphalt concrete in the amount of \$203,000.00 to be used on Michael Road, Jon Kay Road and Old West Road from Route 9 to Washburn Road. These suppliers are under Saratoga County Contract #11-PWAC-3R. This cost will come out of account DB5112.493.4 that had a balance of \$421,516.00.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz authorizing the purchase of asphalt concrete at an amount not to exceed \$203,000.00 from either Jointa Galusha, Peckham Materials, Palette Stone and/or Pompa Bros., all under Saratoga County Contract #11-PWAC-3R.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
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A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Cumm	Yes
Councilman Prendergast	Absent
Supervisor Jenkins	Absent
Deputy Supervisor LeClair	Yes

The highway superintendent submitted a memo to the Town Board indicating that back in July 2010 it was brought to the Town Board's attention that "No Parking" signs were needed in the area of North Road/Hudson Drive. The Town would have to change its town local law in order to do this. He has received several complaints from residents in the area indicating that people are parking along the side of the road to go down to the river. Garbage is being strewn all over and there is squealing of tires. He was requesting the Town Board to take the necessary action to schedule and hold a public hearing on amendment to the local law.

Councilman Cumm asked if they needed to go to the state or county with this and Attorney Auffredou replied no, in this case it is solely a local determination.

Councilman Kusnierz asked if that was the only part of Town where there is an issue.

Paul Joseph replied that right now yes.

Councilman Kusnierz asked if Tanglewood Drive was posted and the answer was yes, but not the whole length.

Councilman Cumm advised that there are about 10 to 12 cars parked along Tanglewood Drive every day during school south of the playing fields.

Councilman Kusnierz said that if they were going to amend the town's local law then perhaps we should include Tanglewood Drive.

Councilman Cumm asked if they would restrict parking along Tanglewood Drive from the playing fields down to Pinevalley Drive and Joe Patricke replied that was what they proposed before.

Attorney Auffredou said he normally asks the highway superintendent to come up with a recommendation for an identifiable starting and ending point.

Councilman Kusnierz suggested that the highway superintendent prepare this information for the board and it would be put on the agenda for the next meeting.

WATER DEPARTMENT REQUESTS

Jesse Fish reported that a fire hydrant was hit behind the highway garage. The license plate of the vehicle that hit the hydrant was not observed, but it was reported to the police. Board members were contacted and it was the consensus of the board that he should go ahead and have the hydrant repaired. The verbal approval needs to be ratified by resolution at this meeting.

A motion was made by Councilman Kusnierz and seconded by Councilman Cumm authorizing the repair to the fire hydrant in an amount not to exceed \$600.00 and for this expense to be paid out of account number VI8310.4.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Absent
Deputy Supervisor LeClair	Yes

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz	Yes
Supervisor Jenkins	Absent

Jesse Fish stated that a resident who lives in Water District 4 on Myron Road asked if they could use their well water for outside usage only. The answer was no, as per the Record of Decision rendered by the court in the GE/Moreau case. Myron Road is in the contaminated area. Joe Patricke added that it is in the Rules & Regulations for Water District 4 and Attorney Auffredou read briefly from the Rules & Regulations. In the Rules & Regulations there is defined an Area 1 and Area 2. Myron Road is within Area 1 and it unlawful for anyone to use any groundwater for any purpose whatsoever. There are some prohibitions for use of groundwater in Area 2 as well.

BUILDING DEPARTMENT REQUESTS

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz authorizing David Smith, Assistant Building Inspector/Code Enforcement Officer, to attend a NYS Code Enforcement Training Class, June 21-23 and July 26-28, and for all expenses involved with mileage and meals to be a proper town charge.

Roll call vote resulted as follows:

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

APPROVAL OF HOURLY RATE FOR JUDGE & DUFFY ARTICLE 7

A voucher is in for audit on June 28th from Judge & Duffy Law Firm for legal services in connection with an Article 7 proceeding. On October 28, 2010 the Town Board approved an hourly rate for Monica Duffy and an hourly rate for clerical. This voucher includes an hourly rate for an associate with the initials "SLC" at \$100.00 per hour. According to Rudy Klick this hourly rate needs to be approved by the Town Board.

After some discussion on this it was agreed to have Peggy Jenkins, Assessor, contact Judge & Duffy and ask for an explanation on the charges and report back to the board.

TKC ADDITIONAL LANDFILL MAINTENANCE REPAIR ITEMS

Liz Rovers from C. T. Male submitted a letter requesting permission for TKC to perform additional landfill repairs on two areas of the landfill that have been disturbed as the result of all the significant rain that occurred during the week of May 23, 2011. The additional work will cost \$6,893.00.

Paul Joseph commented that TKC was working on the landfill two week ago.

Councilman Kusnierz asked who authorized them to work and if there had been any discussion with any board members first.

Following discussion it was decided to table this until more information could be obtained.

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

NYS PUBLIC SERVICE COMMISSION – APPROVAL TO HOLD HEARING RE: TRANSMISSION IN TOWN BUILDING

The NYS Public Service Commission requested approval to utilize a town building on one of the following dates between the hours of 2:00 p.m. to 4:00 p.m. and 5:00 p.m. to 7:00 p.m. for the purpose of conducting a public hearing on transmission:

July 13, 14, 19, 20 or 21

No objections were raised by the board members and any one of these dates would be okay.

NEW YORK FIRE & SIGNAL – FIRE EXTINGUISHER INSPECTIONS

A request for a quote on servicing the fire extinguishers in town buildings was mailed to Tri City Fire Extinguisher, American Safety Products, and New York Fire & Signal. Only one quote was obtained and that was from New York Fire & Signal.

Councilman Kusnierz suggested that Rudy Klick be asked to compare the prices obtained with last year's prices and report back to the board.

The rest of the board members didn't object to this.

15 MINUTE PUBLIC COMMENT PERIOD

Elizabeth Lanfear asked when Hatchery Road was going to be re-opened.

Paul Joseph replied that if all goes right, a week from tomorrow. The highway department is putting down the base coat on the road.

Elizabeth Lanfear asked what the total cost was to-date on the Hatchery Road culvert project.

Deputy Supervisor LeClair stated that information was not available at this meeting, but she would have Supervisor Jenkins get that information for her.

Elizabeth Lanfear asked what the status was on the franchise agreement with Time Warner.

Councilman Cumm stated that they don't seem to want to talk and that they have a monopoly in the town. There hasn't been an agreement since November 2006. The Public Service Commission keeps saying that the town needs to do something, but Time Warner doesn't seem to want to.

Attorney Auffredou stated that all the Public Service Commission will do, is continue to grant temporary extensions of their franchise agreement. He was not aware of any mediation process through the Public Service Commission.

Councilman Kusnierz stated that the state legislature is aware of the issue and the legislative committee on rural resources is very interested in the issue and there may be legislation forthcoming.

Elizabeth Lanfear stated she got a call about a man who collapsed at the park and the question was asked why we don't have an AED (Automated External Defibrillator) on site. She stated we used to have one, but it was given back to the school. Steve Gram was supposed to contact the Moreau Emergency Squad to inquire about the cost to purchase one. She asked if the Town Board would be in support of purchasing one for the park. The recreation commission discussed this last year and Andy Laing said at the time that he would have the signs made up for it.

Councilman Kusnierz and Councilman Cumm stated they would support this.

A regular meeting of the Town Board of the Town of Moreau was held on June 14, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked if this was something that we would have to maintain certification on and Elizabeth Lanfear stated no, anybody can use it.

Councilman Kusnierz said he was talking about the machine itself.

Steve Gram said yes, it has to be periodically charged and tested.

Councilman Cumm asked Steve Gram to get the price to purchase one by the next meeting.

Paul Joseph reported that half of a 38" to 40" tree fell across Mott Road on Sunday. The sheriff's department took the call and Town of Northumberland responded and removed the tree from the roadway. Paul said he then contacted the tree service that we contracted with last year to come and remove the rest of the tree as it was very dangerous. The contract from last year is still valid until August 1, 2011. He wanted the board to be aware of this, because a bill will be coming for this service.

A motion was made by Councilman Cumm and seconded by Councilman Kusnierz to adjourn the meeting at 8:20 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk