

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 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

Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

Tom Cumm	Councilman
----------	------------

Also Present: Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Steve Gram, Recreation Director; Peggy Jenkins, Assessor (arrived at 7:16 p.m.); Joe Patricke, Building Inspector/Code Enforcement Officer (arrived at 7:18 p.m.); Lydia Wheeler, Post Star Reporter; Village Residents: Ellen & Matt Congdon; Town Residents: Richard Hughes, Vince Sporrer and Adele Kurtz

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 presented to the Town Board in advance of the meeting for their review, comment, correction and approval:

March 3rd, 8th and 10th, 2011

MINUTES – MARCH 3, 2011 – TOWN BOARD WORKSHOP RE: STORM WATER MANAGEMENT

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of March 3rd as prepared.

Roll call vote resulted as follows:

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

MINUTES – MARCH 8, 2011 – REGULAR TOWN BOARD MEETING

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of March 8th as prepared.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

MINUTES – MARCH 10, 2011 – TOWN BOARD PUBLIC HEARING – ZONING AMENDMENT

Correction: Page 138 – roll call vote – Councilman Prendergast was absent – change “yes” to “absent”

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve the minutes of March 10, 2011 with the above correction so noted.

Roll call vote resulted as follows:

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

MEETINGS/WORKSHOPS SCHEDULED

The month-end audit meeting of the Town Board was scheduled to be held on March 30th at 7:00 p.m. in Town Hall.

15 MINUTE PUBLIC COMMENT PERIOD

Vince Sporrer asked what the fund balance was at the beginning of the year and Supervisor Jenkins replied that it was just under \$3.6 million.

Vince Sporrer stated that he thought when Supervisor Jenkins took office the fund balance was \$3.2 million.

Supervisor Jenkins replied that it was a little higher than that, but in 2008 it did go up about \$800,000.00.

Vince Sporrer asked if this was because the town didn't send money back to the county and Supervisor Jenkins replied no, it was because they under-estimated revenues and over-estimated expenditures. A lot of the expenditures were due to litigation issues that were carried forward and the litigation costs were around \$400,000.00.

Vince Sporrer asked if the Harry Betar fund and the recreation fund are one in the same.

Supervisor Jenkins replied that there is only one fund and he couldn't recall the exact name of the fund.

Vince Sporrer asked if the money in the fund was from builder's fees and Supervisor Jenkins replied, developers fees.

Vince Sporrer asked what the town planned to do with the 60 +/- acres that it acquired that abuts the recreation park.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins explained that it will be held for future expansion. It is possible that we could use some of the land that adjoins the park, in the area of the quads, for a picnic area and playground. It is also possible that the town might try to create some more trails. There are no immediate plans.

Matt and Ellen Congdon from 17 Second Street in the Village of South Glens Falls were present to ask the Town Board to help them correct the condition of their street.

Supervisor Jenkins advised Mr. & Mrs. Congdon that this was a village matter that should be brought before the Village Board of Trustees and Mayor.

No other public comment.

HIGHWAY DEPARTMENT REQUESTS

A request was received from the highway superintendent to purchase rock salt from American Rock Salt under county contract #10-PWS-10R at a cost of \$25,000.00 out of account DB5142.490 that had a balance of \$58,000.00 as of 2/1/11.

Verbal approval to purchase the rock salt was received from the Town Board. The verbal approval needs to be ratified by formal motion and second at this meeting.

Councilman Prendergast noted that he did not get a phone call on this purchase and recalled that at the last meeting the board approved \$25,000.00 worth of rock salt to be purchased. Paul Joseph stated that it wasn't the last meeting, but rather it was a couple meetings ago.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of rock salt under county contract #10-PWS-10R from American Rock Salt at a cost not to exceed \$25,000.00.

Roll call vote resulted as follows:

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

A request was received from the highway superintendent to purchase diesel fuel from Warex Terminals under state contract #PC-64673 in the amount of \$20,000.00 out of account DB5142.460 that had a balance of \$60,377.02 as of 2/1/11.

Councilman Kusnierz asked Paul Joseph if he reached out to other vendors for quotes to determine if the state contract price is indeed the lowest.

Paul Joseph replied that the state contract price is 22 cents per gallon lower.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of diesel fuel under state contract #PC-64673 from Warex Terminals at a cost not to exceed \$20,000.00.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cummm	Absent

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast	Yes
Supervisor Jenkins	Yes

The highway superintendent submitted a memo to the Town Board informing them of his intent to go out to bid for the purchase of a 4 x 4 tractor and a 20 foot mid-mount boom mower and he presented specifications for the board to review.

Councilman Kusnierz asked Paul Joseph how he arrived at the bid specifications and Paul Joseph explained that he drafted them around the tractor that the highway department has now and he talked to other towns about specifications they have used.

Councilman Kusnierz stated that the specifications were very detailed. So detailed in fact, that he was concerned that some vendors may be precluded from bidding, because they wouldn't be able to meet the specifications.

Councilman Kusnierz pointed out the following items in the specifications that he had a concern over and Paul Joseph responded as follows:

Item #32 – The minimum weight specified is 8,887 pounds.

Councilman Kusnierz stated that the weight of a tractor will fluctuate according to the manufacturer.

Paul Joseph replied that if a tractor is lighter weight and a 20 foot boom mower is attached then you are putting extra axle weight on the tractor and he was told by a lot of people that a heavier machine is better.

Councilman Kusnierz and Paul Joseph briefly discussed how to reword this.

Item #37 - Warranty – Specifications call for a two year warranty or 2,000 hours, whichever comes first.

Councilman Kusnierz asked if the warranty is the same across manufacturers.

Paul Joseph replied that there is one manufacturer that offers a one year warranty, so he was trying to keep them all at the two year standard.

Councilman Prendergast asked if they were replacing a tractor and Paul Joseph replied yes.

Item #14 - Transmission – Specifications call for a minimum 24 front and 24 rear power quad with six ranges and four power shiftable gears within each range.

Councilman Kusnierz asked what manufacturers could meet this specification.

Paul Joseph replied; Ford, John Deere and Case. He hasn't found one that wouldn't meet that specification. The New Holland they have now has that.

Item #16 - Fuel Capacity – Specifications call for a minimum of 43.6 gallon tank.

Councilman Kusnierz asked if they had to have a minimum of a 43.6 gallon tank.

Paul Joseph replied that there is one manufacturer that makes a 20 gallon tank and that would require too many trips to fuel up. When you are mowing you run at a high rpm and it goes through more fuel.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the highway superintendent to go out to bid for the purchase of a 4 x 4 tractor with boom mower.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Roll call vote resulted as follows:

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

EROSION AND SEDIMENT CONTROL & STORM WATER TRAINING COURSE

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing up to six employees of the Town to attend a four hour training course on erosion and sediment control and storm water, on April 12, 2011 from 12:00 p.m. to 4:00 p.m., at the Warren County Public Safety Building in Lake George, and for the non-refundable registration fee of \$75.00 per person (includes training, materials, coffee and pastries) to be a proper town charge.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUESTS

The recreation director did not have any requests.

RECREATION DEPARTMENT BROCHURE – PROGRAMMING

The Town Board members received a draft copy of a brochure for the recreation department.

Councilwoman LeClair stated that a lot of other communities utilize similar brochures. It would be in-lieu of flyers that are distributed to the schools. She noted that it is in draft form. She asked the board to review it and note any comments or corrections. Steve Gram is talking with the school district, the YMCA and the Moreau Community Center sharing in the cost to print and mail this brochure town-wide. She wondered about the historical society, they have a summer program for two weeks for children, and maybe they would like to participate in this. If the Town Board doesn't like the idea of this brochure, they were asked to speak up now, before anymore time is spent on the brochure. There is a lot of general information in the beginning of the brochure about the town. It was thought that maybe this information could be included in the brochure the first couple of issues, but maybe not include it in all issues. There may be a spring copy and a fall copy. They hoped to offer additional programming in the winter months. She mentioned programs such as, photography, guitar lessons, GPS and hopefully build on these. If anyone wanted to offer other programs the Town was willing to consider them.

Supervisor Jenkins stated that upon reading the brochure he found a lot of programs listed that are already shared programs, yet the brochure only mentions the Town of Moreau Recreation Department. He asked if it was because the programs are offered through the Town of Moreau Recreation Department even though they are affiliated with the school and the YMCA.

Steve Gram said it was similar to Tae Kwon Do. The program is offered through the Town of Moreau Recreation Department, but it is held at the Glens Falls Tae Kwon Do facility and they collect the registration fees. The programs listed in the brochure, such as, basket weaving and geo caching would be run the same way. The instructor would get a stipend.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilwoman LeClair stated right now it is just a proposal. If the Moreau Community Center, the YMCA and/or the school district decide they want to work with us on this, then we could come up with a different cover. The classes listed in the brochure are programs that Nick Mattison thought we could offer. They haven't been finalized.

Councilman Kusnierz stated that the brochure was a nice idea. He pointed out on page 5 of the brochure that there is mention of a \$5.00 processing fee for refunds and program transfer requests per participant, per program. He is not on board with any fee like this.

Councilwoman LeClair stated that Nick Mattison found this in another brochure and included it in this one. She noted that the Town Clerk also noticed that and pointed it out to her. It hasn't been fine tuned yet.

Councilman Kusnierz noticed in the brochure under the late pick up provision that it is mentioned that there is a \$5.00 additional fee if a parent is more than 30 minutes late picking up their child. He said that provision has to go.

Councilwoman LeClair stated again that this was something Nick Mattison found in another brochure from another community. She said the Town Clerk was going to look through it again and she had already made some comments. She asked again for the Town Board to look it over and give their comments and corrections, so they could move forward on this.

WATER DEPARTMENT REQUESTS

At the last meeting of the Town Board a repair to the spare submersible pump for the sewer district in the industrial park was authorized at a cost of \$5,867.74. Pump Service and Supply of Troy, Inc. failed to include the cost of \$599.51 for a 15 meter explosion proof seal probe. The revised estimate is in the amount of \$6,467.25. The additional cost of \$599.51 needs board approval.

Councilman Kusnierz stated that this was a big omission.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the additional charge of \$599.51 for repair to the sewer submersible pump by Pump Service and Supply of Troy, Inc.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman Cummm	Absent
Supervisor Jenkins	Yes

Councilman Kusnierz stated that he voted no, because when an estimate is given and approved by the board the vendor should adhere to their estimate. This omission by the vendor amounted to a 10% increase in the estimate.

ESTABLISH OUTDOOR HYDRONIC HEATER PERMIT FEE

A local law was adopted by the Town Board regulating outdoor hydronic heaters and a provision of that law requires a permit from the Town before one of these units can be installed in the Town of Moreau, and a permit fee charged as established by the Town Board.

This topic was on the agenda so the Town Board could establish this permit fee.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

It is the recommendation of the building inspector/code enforcement officer that a permit fee of \$25.00 be established by the Town Board, which is in line with the fees we currently charge for a similar type permit.

Councilman Kusnierz asked why a permit fee has to be established.

Attorney Auffredou explained that the local law outlines that an application is complete when it is submitted with the proscribed application fee.

Joe Patricke added that the State of New York requires a building permit to install one and we charge a fee for every other type of permit. \$25.00 is the lowest permit fee his office charges.

Councilman Kusnierz asked how many people this would affect in a year, how much revenue would the town derive from this fee, and how many have we approved historically every year for the past two years.

Joe Patricke replied that he hasn't issued any permits for outdoor hydronic heaters within the past two years. There are less than 20 in the town currently.

Councilwoman LeClair stated that we have a fee for regular wood stove installations and Joe Patricke acknowledged that this was correct.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair establishing a permit fee of \$25.00 for outdoor hydronic heaters.

Councilman Kusnierz stated he would vote no, because when the board adopted the local law to provide greater oversight and regulation in our community for these types of devices, the enabling legislation also required that more efficient, cleaner burning stoves be installed, which cost significantly more money. Therefore, he doesn't think it is necessary to charge a fee and he doesn't see the purpose behind it. If the local law says we must establish a fee, then he is fine with \$1.00, but not \$25.00.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman Cum	Absent
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

LOCAL LAW NO. 2 OF 2011

Attorney Auffredou stated that the board held a public hearing on March 10, 2011 on Local Law No. 2 of 2011 and the public hearing was closed. A referral was made to the Saratoga County Planning Board and it is their recommendation to approve Local Law No. 2 of 2011. A referral was made to the Town of Moreau Planning Board and it is their recommendation to approve Local Law No. 2 of 2011. Local Law No. 2 of 2011, if adopted, would provide for certain amendments to Section 149 of the Zoning Law of the Town of Moreau. While the current town code arguably deals with transients and transient guests in hotels/motels/inns etc. It was thought that some of the definitions in the Zoning Law could be strengthened by revising the definition of domicile and transient and a host of other definitions. The purpose behind this local law was to preclude motels/hotels/inns etc... from becoming permanent domiciles/apartments. The local law has a provision in it that reads that hotels/motels/inns etc... that may not be in compliance with this local law on the date of its' enactment, have a certain amount of time to come into compliance with this local law following notification of the local law. It is subject to SEQRA. It is a type 1 action, because it is a comprehensive change to the Zoning Law on a town-wide basis. He prepared Part 1 of a long form EAF for the Town Board. Part 1 is a snapshot of the town and the

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

information found in Part 1 was taken from information found in Part 1 of other long form EAF's provided by the town over the years. Part 2 of the long form EAF must be completed by the Town Board.

Attorney Auffredou then read questions 1 – 20 in Part 2 of the long form EAF and the questions were all answered "No" by the board.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the supervisor to sign the long form EAF on behalf of the Town of Moreau.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair declaring a negative declaration under SEQRA.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adopt the following resolution:

WHEREAS, the Town Board maintains that regulations pertaining to transient guests and the use of hotels and motels, and similar structures, as permanent domiciles or residences within the commercial zone of the Town will promote the health, safety and general welfare of the residents of the Town of Moreau; and

WHEREAS, the Town Board maintains that many of the current provisions relative to hotels, motels and similar structures are outdated and unnecessary and require repeal and revision; and

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering amending Chapter 149 "Zoning" of the Town of Moreau Code which will revise the Zoning Code to add the definitions of "domicile" and "transient"; revise the definitions of "dwelling", "hotel", "inn", "tourist cabin", "motel"; and "bed-and-breakfast establishments"; repeal the current definitions of "lodging house", "boarding house", "rooming house" and "tourist home"; add a new Section 149-52A "Special provisions for hotels, inns, tourist cabins and motels"; revise Section 149-67 "Penalties for offenses"; and revise Schedule of Regulations for C-1 Zone; and

WHEREAS, through the amendment of Chapter 149, it is the purpose and intent of the Town Board to provide regulations pertaining to transient guests and the use of hotels and motels as permanent domiciles or residences within the commercial zones of the Town, to bring the outdated regulations current, and to promote the health, safety and general welfare of the residents of the Town of Moreau through such regulations; and

WHEREAS, the amendments of Chapter 149, as proposed, would specifically define "domicile", "dwelling", and "transient" and further revise the definitions of "hotel", "inn", "tourist

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

cabin" and "motel" to specifically provide that such do not constitute a dwelling nor can the serve as a dwelling, except as may be occupied by the owner thereof and his/her immediate family members; and

WHEREAS, the amendments of Chapter 149, as proposed, would add Section 149-52A to the Code which will require any hotel, inn, tourist cabin or motel or similar structure which is not in compliance with the amendments set forth in the Local Law to come into compliance within six (6) months of the date of enactment of Local Law No. 2 of 2011; and

WHEREAS, the amendment of Chapter 149, as proposed, would repeal the definitions of "lodging house", "boarding house", "rooming house" and "tourist home" as such are outdated and unnecessary concepts for which the revised definitions contained in the proposed amendment will control; and

WHEREAS, the amendment of Chapter 149, as proposed, would revise the Schedule of Regulations for C-1 Zone by eliminating the reference to "lodge"; and

WHEREAS, the amendment of Chapter 149, as proposed, provides for penalties upon violation of the Chapter; and

WHEREAS, the Chapter, as proposed, is consistent with the Town's Comprehensive Master Plan; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law and Section 264 of the Town Law, a public hearing on the proposed adoption of Local Law No. 2 of 2011 was duly advertised, noticed and thereafter conducted on March 10, 2011 at 7:00 p.m. at the Town Hall; and

WHEREAS, pursuant to Section 149-86 of the Moreau Town Code, Local Law No. 2 of 2011 was referred to the Town of Moreau Planning Board for review and recommendation and the Town of Moreau Planning Board has recommended approval of Local Law No. 2 of 2011; and

WHEREAS, pursuant to GML § 239-m, Local Law No. 2 of 2011 was referred to and reviewed by the Saratoga County Planning Board which recommended approval; and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 2 of 2011; and

WHEREAS, the Town Board has determined that the adoption of Local Law No. 2 of 2011 is in the best interests of the Town of Moreau and is necessary to protect the health, safety and welfare of the Town of Moreau and the residents thereof; and

WHEREAS, the Attorney for the Town has prepared the documents necessary' for filing the local law with the Secretary of State including the text of the law itself;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board serving as Lead Agency for this Type I action has completed and reviewed a Full Environmental Assessment Form and authorizes the issuance and filing of a Negative Declaration under SEQRA; and

BE IT FURTHER RESOLVED that the Town Board hereby adopts Local Law No. 2 of 2011 annexed hereto; and

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

BE IT FURTHER RESOLVED, that Local Law No. 2 of 2011 shall become effective immediately and as provided by law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file said documents as required by law and to take all the necessary actions for the promulgation thereof.

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

Attorney Auffredou advised that the local law would be filed with the Secretary of State this week, at which time it becomes effective. That would trigger section 149-52A, which gives hotels/motels/inns/tourist cabins a six month period to come into compliance with the local law. He will draft a letter that Joe Patricke can mail out to these establishments. They will report to the board periodically on how they are doing.

Councilman Kusnierz thanked his fellow board members for agreeing to postpone adoption of this local law to this regularly scheduled board meeting.

RESOLUTION TO INCREASE APPROPRIATIONS

The following proposed increases in 2011 appropriations from re-appropriations of unspent funds in 2010, were before the board for approval:

\$5,000.00 to B8540.4 – Town Outside Village – Drainage – Contractual

Supervisor Jenkins explained that when the budget was prepared this was overlooked. We had \$23,000.00 in this account and since then, we have had an encumbrance issued for \$18,000.00, which they picked up as an encumbrance in the year-end reports. Therefore, we have a \$5,000.00 balance that was carried forward. There will be some upcoming expenses in that account.

\$28,000.00 to DB5110.497.1 – Highway – General Repairs – Hatchery Road Culvert

Supervisor Jenkins explained that this was money that was set aside in the 2010 budget to repair the culvert on Hatchery Road, which hasn't happened yet and there isn't any money yet in the 2011 budget to cover the contract that was awarded a few months ago, so he requests that the board carry that balance forward into the 2011 budget.

\$52,000.00 to DB5130.405 – Highway – Machinery – Equipment Repairs

Supervisor Jenkins explained that the \$52,000.00 was budgeted in 2010 for major repairs on two highway trucks. Repairs were made to one truck, but the frame on the other truck is shot, so it makes no sense to put the repairs into the truck. Therefore, there will be a request from the highway superintendent to purchase a Ford F250 that would be utilized for plowing small areas of the town. Right now we are using heavy equipment to do the plowing in these areas.

\$45,000.00 to DB5142.490 – Highway – Snow Removal – Road Salt

Supervisor Jenkins explained that our salt budget is almost shot for 2011 already, so he was requesting that the board authorize this money to be carried forward into the 2011 budget.

Councilman Kusnierz asked if it was necessary to carry forward the full \$45,000.00. He asked if it was anticipated that we would have to purchase that much salt from this time forward.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Paul Joseph replied that the \$25,000.00 that was just approved was for purchase of salt to use in the fall, and if Mother Nature cooperates we won't have to use it until then.

Supervisor Jenkins asked how much they used in November and December of 2010 and Paul Joseph replied none until the end of December.

Supervisor Jenkins stated that they made up for it in January and February of 2011. If this money isn't re-appropriated into the 2011 budget and we do have heavy snow in November and December than the board will have to do a budget transfer at that time. He didn't see what difference it makes whether it sits in fund balance or in this highway account. If it isn't spent then it will roll back into fund balance. We could face weather like we did in 2009 when we had heavy snow in December of 2009. It was his opinion that it would be the sensible thing to do.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing an increase in 2011 appropriations in the amount of \$5,000.00 in B8540.4 Town Outside Village – Drainage – Contractual, by re-appropriating 2010 unspent funds.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing an increase in 2011 appropriations in the amount of \$28,000.00 in DB5110.497.1 Highway – General Repairs – Hatchery Road Culvert, by re-appropriating 2010 unspent funds.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing an increase in 2011 appropriations in the amount of \$45,000.00 in DB5142.490 Highway – Snow Removal – Road Salt, by re-appropriating 2010 unspent funds.

Roll call vote resulted as follows:

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

The request to increase appropriations in DB5130.405 by \$52,000.00 was tabled.

Councilman Prendergast stated that this is the first time he had heard about the proposal to purchase a new truck. He needs to think about it.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz agreed and said that this type of purchase is something the board should decide on at budget time. There are highway department vehicles that are not operational right now, and they may require additional repairs, and we may have to use some of this money to repair those vehicles. We shouldn't be acting on a purchase for something that wasn't agreed upon to purchase at budget time.

Supervisor Jenkins said he would have Paul Joseph supply the board with information on the purchase of a new truck for the highway department and the board could review the information and discuss it at a future meeting.

ANNUAL UPDATE DOCUMENT (AUD)

A request for proposals to complete and file for the town an AUD with New York State for 2010 and prepare financial assurance documents for landfill closure for the year ended 2010, were sent to the following accounting firms:

Snow, Eicher, Farrar & Company
Whittemore, Downen & Kilburn, LLP
Lawrence Ringer, CPA
Loftus Ross, LLP
UHY, LLP
Jenkins, Beecher & Bethel, LLP

Two proposals were received as follows:

Jenkins, Beecher & Bethel, LLP offered to complete and file the AUD for the town with New York State at a quoted price of \$2,575.00. They did not quote on the preparation of financial assurance documents for landfill closure for the year ended 2010.

Whittemore, Downen & Ricciardelli, LLP offered to complete and file the AUD for the Town with New York State at a quoted price of \$2,785.00 and prepare the financial assurance documents for landfill closure for the year ended 2010 at a quoted price of \$650.00.

Supervisor Jenkins explained that Jenkins, Beecher & Bethel, LLP didn't quote on the preparation of financial assurance documents for landfill closure for the year ended 2010, because the ethics in the accounting profession preclude them giving an opinion when there is a lack of independence. In this case they lease a building from him, and they have a buy-out agreement with him that is included in his ethics form. Even though these things don't prevent him from voting on this, he wouldn't vote on it, because it gives the appearance of a lack of independence.

Councilman Kusnierz noted that Supervisor Jenkins' name was on the letterhead from Jenkins, Beecher & Bethel and he asked him if he derived any benefit from them.

Supervisor Jenkins replied that he would not derive any financial benefit from this, but he does receive payments from them, but they have no relationship to revenues. As far as government ethics, it has no impact, but he wouldn't vote on it anyway.

Councilman Kusnierz said he appreciates that. He stated that normally he would always go with the lowest quote. There is perception there and he wasn't sure he wanted to be involved in that perception.

Councilman Prendergast stated he was surprised that no one else quoted and Supervisor Jenkins advised that they didn't last year either. He said there is a good chance that DEC will require the town to do a full audit for 2010, because of landfill closure and the contractual arrangement. It is not final. He was trying to negotiate with them. There were some facts in their letter that were inaccurate. It could be very expensive. It could cost the town \$15,000.00 to \$20,000.00. Other than making DEC happy, the town does more auditing in this building than auditors do when they come.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing the supervisor to enter into an agreement to engage the services of Whittemore, Dowen & Ricciardelli, LLP for a fee not to exceed \$2,785.00 to complete and file the AUD for the Town with New York State and an additional fee not to exceed \$650.00 to prepare the financial assurance documents for landfill closure for the year ended 2010.

Roll call vote resulted as follows:

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

15 MINUTE PUBLIC COMMENT PERIOD

Vince Sporrer's brother owns property adjacent to the site of the proposed riverfront passive recreation area and he and his brother are requesting that the board restrict traffic on the roadway leading into the site. They have tried to restrict vehicles from entering the area by putting up barricades, without any success.

Supervisor Jenkins stated that the board will have to address this issue. He stated that there are other areas in that location, that people access, that the Town doesn't own.

Lydia Wheeler asked what the motivation was behind Local Law No. 2 of 2011.

Supervisor Jenkins stated that motels in town have tried to change the use of their property to something other than what a motel/hotel is defined as in the current code. They are using their motel units as apartments. Under the new law people will have to have a domicile somewhere else in order to stay in motels in the town. The local law will also disallow social services sending people to the Town of Moreau to reside in motels. If the owners of these motels went before the Town Planning Board and requested to use them as apartments they wouldn't be allowed, so this law will enforce that and eliminate that situation. The law will allow construction workers, etc... who have a domicile elsewhere to come into the town and stay at motels on a temporary basis. The building inspector will conduct inspections of these establishments to determine if people staying there have domiciles elsewhere.

Adele Kurtz asked if the enforcement would be periodic or upon complaints received.

Supervisor Jenkins stated that the building inspector's team will call on them.

Councilwoman LeClair asked if a letter will be sent to agencies and inform them of the new law and Supervisor Jenkins replied that this would be done.

Adele Kurtz mentioned the proposed recreation department brochure and asked if the town would reach out to people in the community to find out if anyone was interested in being instructors for programs such as, guitar lessons, photography, and tae kwon do.

Councilwoman LeClair replied that they would try to put the word out. Ads are expensive, so perhaps in the brochure it could be noted that the town is trying to build up the programming. We can start small and build on it. We won't start with all the programs in the draft brochure, because we don't have instructors for all of the programs.

Adele Kurtz stated that Steve Gram mentioned that a stipend would be paid to instructors and she asked if this was the board's intent.

Councilwoman LeClair replied that it will depend on whether or not we can get volunteer instructors. In other town's they charge a small fee to participants to cover the instructor's fees. This hasn't been decided yet.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

COMMITTEE REPORTS

None

SUPERVISOR'S ITEMS

Supervisor Jenkins reported that Mannix Marketing reported on the bulk e-mail option in the town's website. The town could contract with a third party vendor to provide this service and the cost would be \$15.00 for every 1,000 e-mails sent. There have been 147 e-mail addresses entered. He explained how Saratoga County has a "Reverse 911" program and they will be coming to the town to discuss how it works. The "Reverse 911" program could be utilized for emergency notifications, such as, in the event of a dam failure.

At the organizational meeting the hourly pay rate for Royce Pixley was set at \$11.00 per hour and we have been paying him \$11.04 per hour, which is the rate with the 2% increase that all employees received.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the \$11.04 per hour for Royce Pixley, retroactive back to 1/1/2011.

Roll call vote resulted as follows:

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

Supervisor Jenkins reported on a letter received from Saratoga County Sewer District #1, as a follow up to a letter he sent them. The letter indicated that there would not be any charge to any individual or entity within the Town of Moreau, unless they are using the service. There also will not be any ad valorem charges imposed on any property as a result of any expansion of the sewer district's boundaries. The underlying purpose of the proposed expansion is to look toward enabling growth and development to serve the future needs of the county's growing population. The letter was also accompanied by a map delineating the boundaries of the Saratoga County Sewer District #1.

Supervisor Jenkins said this would be nice if it were true. He wants to talk to them and see if he can get additional information, before the board acts on this.

Councilman Prendergast asked Supervisor Jenkins to ask them what would happen if the Town of Moreau says yes now and things change when the sewer pipes are installed and the Town of Moreau decides to opt out.

Supervisor Jenkins asked for a motion to go into executive session at 8:10 p.m. to discuss a potential eminent domain proceeding as it pertains to an easement for the Hatchery Road culvert project.

Attorney Auffredou asked the board to allow Joe Patricke and Paul Joseph to sit in on the executive session.

Councilman Prendergast stated that he didn't want the board to go into executive session to discuss this topic and then come out and vote. If the board is headed in that direction, then the board needs to lay out for the public what has been happening with this project and how we got to this point. He said that if the public heard what the board knows and what the board has been going through, he thought that most people would agree with the board.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins stated he didn't have a problem doing this, but they couldn't publicly disclose what the board offered as a settlement to the property owner and what the property owner wants or any contractual negotiations.

Supervisor Jenkins explained for the benefit of the public present, that there is a culvert on Hatchery Road that is totally collapsed and no water is going through it. The highway department has been pumping water since last March and the road has been closed since August. We are still pumping water, but not as much, because the water has made its way under the road and the road could collapse at any given time. There are two big gullies that meet before that crossing and a lot of water runs out of the gullies. If we lose the road it will be substantially more costly to fix. There are two property owners, one on each side of the road. One property owner has agreed to an easement, but they haven't signed it yet. The other property owner, after some discussion, came up with what he would accept for $\frac{1}{4}$ of an acre and the town counter-offered with what may be three to four times market value and we are still "ten miles part". Last week he went down to the site with Joe Patricke and the water was still being pumped. They shut off the pumps and there was still as much water coming out from underneath and there isn't any pipe there anymore. The water is wearing out the road base and eventually the road will collapse. The property owner isn't cooperating and he wants more than the town could ever settle for.

Attorney Auffredou stated that the town has an engineered design to fix the problem and the town has requested from the property owners on both sides of the road a temporary easement for construction and a much smaller area for a permanent easement where a portion of the culvert apparatus will be located. These are just easements. We are not asking to take fee areas these are just easement areas that the town requires in order to ensure that the water flows properly under the road.

Councilman Prendergast stated there is a reason for this. This is a public road. He asked how much the town has spent pumping water so far and Paul Joseph replied about \$48,000.00 and that doesn't include a pump they had to buy and some other items.

Supervisor Jenkins stated that none of the board members like eminent domain, but this is a very serious issue. It is a public safety issue. We are losing the west side of the road and it is going to break apart. Eminent domain, are nasty words for almost anybody and nobody likes it. What really gives eminent domain a bad name is when the Texas Rangers take a ranch and build a baseball field on it. It is not a good reason to be allowed to use eminent domain. In this case in Moreau, we aren't asking to take their property, we are only asking to work on it and then leave it in better shape afterwards. It is a serious problem and there has been little cooperation on the part of the landowner.

Adele Kurtz asked if the engineers said there is absolutely no way to accomplish this job without taking the land or getting an easement.

Supervisor Jenkins said there could be one alternative, but the cost would be about \$300,000.00 to \$400,000.00. It would require the building of a retainer wall and we would still need an easement.

Adele Kurtz asked how long eminent domain takes. If the town has already spent \$50,000.00 pumping water while waiting to get an easement and it is going to take another eight to ten months to get an eminent domain proceeding finalized, then perhaps the town should pay the property owner. She said she didn't know what the property owner was asking for, but used the price of \$100,000.00 for the $\frac{1}{4}$ acre, which she doesn't think is outrageous. She said if it was in that ballpark, perhaps it would be better if the town paid the property owner and cut its' losses and moved on.

Supervisor Jenkins didn't agree and asked her what the town should do about the other property owner across the road that has agreed to an easement, even though they haven't signed one yet. They may want the same amount.

Supervisor Jenkins stated that there was no question in his mind that the town could get an eminent domain from a judge. It is a public safety issue. Our school buses have to make loops around and it is inconvenient for the people who live on the road.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Vince Sporrer stated that it appears to be a money issue. He would still have use of the land, it is just an easement.

Supervisor Jenkins stated that the town has offered the property owner to be added as an additional insured on the town's insurance policy and we offered him a release from liability. We are trying to work with him. He also stated that he has received phone calls from people that live on the road that think the town should take down the barricade, and that it isn't a big deal.

Councilman Kusnierz stated for the record that the town's position from a majority of the board members has been very well articulated, but none of the discussions have portrayed the other side of the issue, which is that of the landowner, and it is a little unfair not to bring up some of his key issues. He is not happy about how the board approached him, which set the tone for some of the feelings he has about the issue. Councilman Kusnierz said he is staunchly against an eminent domain proceeding. Are we moving forward in this direction, because it is a money issue? He was told that there is an alternative, but it is more expensive and it wouldn't require an easement. He heard something to the contrary here tonight.

Attorney Auffredou stated that he has always understood that the alternative would require an easement, and he never heard anything different.

Councilman Kusnierz stated that he couldn't recall if he asked an engineer or who he asked, but he raised that question before and was told the alternative wouldn't require an easement.

Supervisor Jenkins said he didn't see how they could do construction work without entering someone's land.

Councilman Kusnierz stated that in regards to paying this landowner, and then having to pay the same to the other property owner, every individual is entitled to negotiate their own deal with the Town of Moreau. He said that obviously it would only be fair to offer the same deal, but each landowner has their own opinion of what their property is worth to them. The cost of the property is what the individual is willing to sell it for. If no one is willing to pay that price, then it won't sell. He stated that the town has spent thousands of dollars to pump the water from that area and we are going to have thousands of dollars in court proceedings going forward. He stated that he knows we aren't close to where this individual wants to be from a financial standpoint, but he thinks there can be a compromise between this individual and the Town Board without having to seek an eminent domain proceeding.

Councilman Prendergast stated that in reply to the question about it being a money issue, it has turned into a money issue. We have tried for so long to resolve this reasonably. We have tried to have different board members talk to the individual, the highway superintendent talk to the individual, and we had the attorney for the town talk to the individual. Meanwhile, we are still pumping water and it is costing the taxpayer's money. The reason it got to the point where it is a money issue, is because we didn't want to just knock on their door and say we are taking our land. We didn't want to do that then and we don't want to do that now. Now it has become a money issue, because we tried all these things and we tried to do it reasonably. The case is this; we don't want the gentleman's land. We just want to get on there to work so we can open up "your road". That is all we want.

Vince Sporrer asked Councilman Kusnierz what makes him think they can reach a compromise.

Councilman Prendergast stated if there is something new we will try it. In the meantime, we are still spending your money and still pumping water.

Councilman Kusnierz said he didn't know what it would take. He deals with compromises every day. They can occur.

Attorney Auffredou stated the situation isn't getting better physically.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz replied that it is the time of the year also. The water wouldn't be high if it wasn't for the spring melt. In the summertime it wouldn't be the same.

Councilman Kusnierz stated that he agreed to meet with the individual on behalf of the board and he spent time talking with him. The tone established according to him, was that a town official went down to his house with a draft easement agreement and knocked on his door and asked him if he would be willing to sign it. He was totally caught off guard by it and offended by it.

Supervisor Jenkins stated that wasn't what occurred. He was the official that knocked on his door with Joe Patricke. They gave him a sample of an easement agreement and discussed the issue with him.

Joe Patricke stated that the meeting was set up in advance and they told him what they were coming for and he was willing to meet with them. They took with them a draft easement agreement and a copy of the map.

Councilman Kusnierz stated that the property owner was caught off guard when he saw the easement ready to go, without him agreeing to anything. He interpreted it to mean that this was what we were going to do and please sign here and we will move along. He was not happy about that. He knows how much money has been spent by the highway department pumping water and that may be why he has a higher figure in mind than what the town is offering. That is why he thinks a compromise can be reached if we change our numbers a little bit.

Vince Sporrer asked Councilman Kusnierz how long they should wait.

Councilman Kusnierz asked the supervisor how many meetings have been held on this in the past two months.

Supervisor Jenkins replied his last discussion with the property owner was 2 ½ weeks ago. He offered what the town was willing to do and what the board discussed. The property owner's reply was that the town has already spent \$45,000.00 pumping water and the town used his tax money to do it, but the town doesn't want to pay what his property is worth. He told him that he would bring their conversation back to the board and discuss it.

Councilman Kusnierz stated that people here tonight have made a big issue over taxpayer's dollars being spent to pump water down there, but if you look at how much active effort has taken place up until recently, there hasn't been a lot of movement on trying to resolve that issue down there. To blame it on this individual is definitely unfair, in regards to costing the town money.

Councilman Prendergast stated there has been significant effort to resolve this.

Councilman Kusnierz replied "recently".

Councilman Prendergast replied that there has been significant effort, period.

Councilman Kusnierz asked Paul Joseph when he first spoke with this individual and Paul Joseph replied last August when he closed the road.

Councilman Kusnierz asked how long this has been an issue.

Paul Joseph said he brought it to the board's attention in January of 2010.

Supervisor Jenkins stated the original issue after the first meeting was that the property owner didn't think the town needed ¼ of an acre. It wasn't a money issue at first.

Councilman Kusnierz stated that this issue has been going on for over 1 ½ years. He heard it stated at this meeting and implied that this individual was costing the town well in excess of \$50,000.00. That is a misrepresentation. It hasn't been his fault why we got to that number.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Prendergast stated that he has played a part in it.

Councilman Kusnierz stated that he has rights as a landowner.

Councilman Prendergast replied yes he does. He stated again that he doesn't want to take his land. He wants it resolved. He told Councilman Kusnierz that if he could resolve the issue that would be great.

Councilman Kusnierz said he couldn't unilaterally do that. He could talk to the individual.

Supervisor Jenkins stated that an eminent domain proceeding in this case would be to try and get an easement and not to take ownership of his property, and that is not what the property owner wants, he wants to sell his property.

Councilman Kusnierz stated that was an option he brought back to the board and he asked the board if they were willing to buy his property.

Supervisor Jenkins replied that we made an offer to him.

Councilman Prendergast said they were back to what reasonableness is. He said again that if anybody has another way to resolve this other than by eminent domain, he would be all for it. But to let this continue and the costs to continue to rise is not fair to the public. It would not be fair to the public to pay what his asking price is for the property.

Councilman Kusnierz stated that when they go into executive session if the board wanted to give him a range.

Councilman Prendergast replied that he has already given a range.

Councilman Kusnierz said now he knows why he doesn't want to sign.

Councilman Prendergast stated it is more than what that little piece of property is worth.

Councilman Kusnierz stated that the property is worth what the landowner says it is worth.

Councilman Prendergast said if it is reasonable. He said that he could put a price of one million dollars on his own house.

Supervisor Jenkins stated that the town wants to spend two weeks during construction on the property and leave it in better condition than when we started.

Adele Kurtz asked if this would be on an agenda for a future meeting so the property owner could attend and speak out on his own behalf. Right now this is very one-sided.

Supervisor Jenkins stated that we are getting an appraisal on the value of the land. The question is; is the board willing to pay more than what was offered and the offer was three to four times the true value of the land. We don't want to buy it. We just want to use the land during construction.

Adele Kurtz stated the board knows this gentleman very well. He has sat in this room numerous times when the board tried to put a total ban on outdoor wood burning furnaces and he spoke up very loudly and strongly about how he objected to any government trying to stick their nose into his business. She thought that if the board put this on an agenda he may want to come and speak again and explain why he did what he did. It is only fair to him.

Councilwoman LeClair asked if they would be able to talk "dollars" with him.

Attorney Auffredou said anybody could come to any Town Board meeting they want and talk during a public comment period or as an agenda item. He is certainly entitled to do that. In his own view the board still has the opportunity to go forward tonight on whatever action the board was going to take or not.

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Councilman Kusnierz asked Attorney Auffredou where on the agenda it reads that the board was going to take action on an eminent domain proceeding.

Attorney Auffredou replied that the board was going to talk about it in executive session.

Councilman Kusnierz stated that was right, but he heard it said several times during this meeting that we are most likely going to take action after.

Attorney Auffredou stated that it doesn't mean it has to be on a written agenda.

Councilman Kusnierz asked him if he didn't think an eminent domain proceeding by a municipality has to be on an agenda. He said it would upset the landowners in this town to hear that.

Attorney Auffredou replied that there are many things that this board and every board takes action on at any given meeting that are not listed on an agenda. He told Councilman Kusnierz that it may be his position and he respects it.

Councilman Kusnierz said it was his opinion and it should be every other board members position.

Attorney Auffredou stated that the board has an opportunity tonight to take action if they choose. He wasn't telling the board what to do.

Councilman Kusnierz said that it is not the way to go about it. Just because it is legal it doesn't mean it is right.

Supervisor Jenkins asked for a motion to go into executive session.

Supervisor Jenkins then stated that he wasn't going to say if they would vote or not after the executive session. His feeling was that they would probably not vote tonight, because there is information that none of them have heard yet. He would ask that when they leave the executive session they have a plan in place and let him know what he is supposed to do over the next couple of days regarding this issue. He also stated that there should be a full board present before any vote is taken. He has mixed feelings on eminent domain. He said the eminent domain would only be to get an easement to do construction and we would add four feet of pipe on this person's property. There hasn't even been an easement for the pipe that is there now. Apparently, back when the road was built they didn't do it.

Councilman Kusnierz asked if the town owns 25 feet from the center of the road, then why do we need an easement.

Paul Joseph replied because of the slope.

Supervisor Jenkins replied, because of the equipment that we have to put on this property and there may be some damage to some trees and bushes. Also the culvert may go onto their property a little farther than it does now.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session to discuss a potential eminent domain proceeding as it pertains to an easement for the Hatchery Road culvert project.

Roll call vote resulted as follows:

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

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The Town Clerk did not sit in on the executive session. Paul Joseph, Highway Superintendent, and Joe Patricke, Building Inspector/Code Enforcement Officer, were invited to sit in on the executive session.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session at 9:11 p.m.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to re-open the regular meeting at 9:12 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Absent
Councilman Prendergast	Yes
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 9:13 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk

A regular meeting of the Town Board of the Town of Moreau was held on March 22, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.