

A regular meeting of the Town Board of the Town of Moreau was held on November 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

Town Board Members Present

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

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Mike Montgomery, Deputy Highway Superintendent; Steve Gram, Recreation Director; Martin D. Auffredou, Attorney for the Town; Fran Thibodeau, Principle Account Clerk (for the first half of the meeting Fran was downstairs in her office working); Paul Joseph, Highway Laborer; Bob Lyons, Town Resident; John Telisky, Town Resident; Adele Kurtz, Town Resident; Reed Antis, Town Resident; Nick Reisman, Post Star Reporter

Supervisor Jenkins led the Pledge of Allegiance.

MINUTES

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

October 20, October 21, October 26 and October 27 (2 sets)

MINUTES – OCTOBER 20, 2009 – BUDGET WORKSHOP

No comments or corrections.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of October 20th as prepared.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 21, 2009 – BUDGET WORKSHOP

Correction:

Page 523 – 6th paragraph from bottom of page – add the word “or” in between the words “on” and “before”

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of October 21st with the above correction so noted.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 26, 2009 – BUDGET WORKSHOP

Correction:

Page 529 – 5th paragraph from top of page – 1st sentence – change the word “greater” to “greatest”

Page 529 – 8th paragraph from bottom of page – 1st line – change the word “they” to “the”

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to approve the minutes of October 26th with the above corrections so noted.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 27, 2009 – MONTH-END MEETING

Correction:

Page 538 – 3rd paragraph from bottom of page -1st line – delete the words “money was in trust and agency” and add the words “invoices were filed with trust and agency”

Page 538 – 3rd paragraph from bottom of page – 3rd line – add the word “from” before “last year”

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of the October 27th Month-End Meeting with the above corrections so noted.

Roll call vote resulted as follows:

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

MINUTES – OCTOBER 27, 2009 – REGULAR MEETING

No comments or corrections.

A regular meeting of the Town Board of the Town of Moreau was held on November 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to approve the minutes of the October 27th Regular Meeting as prepared.

Roll call vote resulted as follows:

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

Councilman Prendergast asked for a couple minutes of discussion on the minutes of the meeting of October 26th that he abstained on the approval of. He was not at the meeting he was out of town on business. He wanted to discuss them and maybe get some clarification. He referred to page 531 about halfway through the page. He said that Fran Thibodeau was at the meeting. He was away on business. He called Fran and asked her to bring up a subject for discussion that night and she did. He said it starts out "Fran Thibodeau reported that Councilman Prendergast mentioned to her that he didn't realize that when board members discussed salaries for elected officials the people who were elected and it was their primary job, such as the town clerk they weren't getting a raise and he thinks maybe they should get a raise and it may need more discussion." He said this was a town board member asking the board to discuss a matter one more time before a decision was made. He said if you read down further on page 532 half way down it reads "Councilman Kusnierz said it was interesting, because that isn't what he said when we discussed it here and now he is discussing it behind wherever he is a door. If he really is concerned about it he should discuss it in the open."

Councilman Prendergast said he has been on the board 20 years and anytime a board member has asked to discuss a matter he has never done anything but listen and allowed them to discuss it. He doesn't understand it. All he asked for and it was in the minutes approved tonight by the members that were here is that he asked that the matter be discussed. That is all he asked. He doesn't understand it. He didn't try to drive anything down anybody's throat and Fran presented it correctly. He made the mistake when the discussion was here he didn't realize that we were talking about all elected officials. It was his mistake, he made it, but there was still time to present his opinion and discuss it further amongst them and maybe it would change. He was out of town on business in Pittsburgh. All he asked was for the matter to be discussed. He didn't understand this.

Councilman Kusnierz said "maybe I can clarify it for you councilman". "What part didn't you understand at the previous budget workshop when we were discussing elected officials salaries?"

Councilman Prendergast replied that he already said what he didn't understand.

Councilman Kusnierz said you didn't voice any concern then. He had a major issue and he hopes that Fran doesn't take it the wrong way, but she was not elected to the town board and she is making a representation for a member of an elective office. He didn't get a memo on it and no other board member got a memo on it. He would have been more than happy to bring it to the board's attention, but nobody called him. He asked "did you get a call on it Mr. Supervisor"? The response from the Supervisor was no. He went on to say that it was highly inappropriate to have a member of the town staff bring a council members position, a changed position, to a budget workshop that he is not present at. Are we going to take this from the public as well? He used as an example the following scenario: "I heard from Councilman Kusnierz the other day and he was telling me the other day that he can't make the board meeting, but this is what he wants you to move forward on."

Councilman Prendergast said he asked for a discussion and it warrants a comment like that. When a board member asks for a discussion?

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Councilman Kusnierz said the comment was you were asking for a change in something that we discussed in the open.

Councilman Prendergast told Councilman Kusnierz that he just approved the minutes and in the minutes it reads that he would like it to be discussed.

Councilman Kusnierz asked why he was opening it up when they had already moved forward. If we did that on every single budget item we wouldn't ever get a budget done.

Councilman Prendergast said again if a board member, even Todd, wanted to discuss a matter he would discuss it. He said to give an example in twenty years where he said he wasn't discussing it or talking about it.

Councilman Kusnierz replied that he didn't say they couldn't discuss it. He thought it was inappropriate to try and backdoor it through.

Councilman Prendergast said to discuss it?

Councilman Kusnierz said he wasn't asking for a discussion.

Councilman Prendergast said it was in the minutes.

Councilman Kusnierz said to listen to the tape the minutes aren't complete.

Councilman Prendergast told Councilman Kusnierz he approved the minutes tonight and Councilman Kusnierz said he did.

Councilman Prendergast asked if he was now saying they weren't right and Councilman Kusnierz said he wasn't saying they weren't right, but he has to make sure if he was going to take it in context he has to follow it all the way through, listen to the tape.

Councilman Prendergast said they are approved minutes and you do take it in context.

Supervisor Jenkins said they should move ahead they both had their say.

15 MINUTE PUBLIC COMMENT PERIOD

Thomas Clary from 1 Rivercrest Drive initially wanted to express displeasure in the way their driveway apron was done when the road was paved, but he understands that Paul Joseph, Tom Cumm and Joe Patricke and Danny Galusha already addressed it and he applauds their expediency. He asked when it should be done and Paul Joseph said in about a week and a half and before the holiday.

No further comments.

HIGHWAY SUPERINTENDENT APPOINTMENT

Supervisor Jenkins stated that we have a newly elected highway superintendent that will take office January 1st and since we have a vacancy for that position and he has been elected to take office on January 1st the town board by majority can appoint a qualified person to fill the vacancy and Paul is obviously qualified and he would like the board to consider that.

Councilman Prendergast stated that more importantly the people have said that. He made a motion to appoint Paul Joseph as Highway Superintendent. The motion was seconded by Councilman Cumm.

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Roll call vote resulted as follows:

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

HIGHWAY DEPARTMENT REQUESTS

A request was received from the highway department to purchase a lower suction hose for the 1997 Johnston sweeper from Cyncon Equipment, Inc. at a cost not to exceed \$791.66 out of account DB5130.492 that had a balance of \$5,000.00 as of 11/2/09. This is a dealer only part and the sweeper is inoperable without the hose. This was an emergency purchase and the hose was already ordered.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the purchase of a suction hose for the 1997 Johnston sweeper at a cost not to exceed \$791.66 from Cyncon Equipment, Inc. out of account DB5130.492 that has an account balance of \$5,000.00 as of 11/2/09.

Roll call vote resulted as follows:

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

Truck #2 the 1998 Chevrolet K3500 pickup was taken in for repair and other repairs were found to be needed as follows:

- Brake pads
- Front rotors
- Two hub assemblies
- Two wheel seals
- Two sensor cords
- One CV drive shaft left front

Two price quotes were obtained one from Whiteman Chevrolet in the amount of \$1,776.63 and Weller Auto Parts for \$944.37. There is money allocated in DB5130.405 that had a balance of \$23,874.46 and the recommendation from the highway department is to go with Weller Auto Parts.

Supervisor Jenkins said it was important to get the truck up and running so it was considered an emergency purchase, but exceeded the \$500.00 limit so it needs board approval.

Councilman Cumm made a motion authorizing the repair to the 1998 Chevrolet K3500 pick up by Weller Auto Parts at a cost not to exceed \$944.37 out of account DB5130.405 that had a balance of \$23,874.46. Councilwoman LeClair seconded the motion.

Councilman Kusnierz asked if all town board members were contacted about the repair.

Supervisor Jenkins said that Terry called and he asked if Councilman Kusnierz didn't get a call.

Councilman Kusnierz stated that he saw a note where three board members were contacted and two were not. He didn't recall getting a call and while there were three board members contacted as a courtesy he should have gotten a call and he would appreciate it if he was included in the loop.

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Roll call vote resulted as follows:

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

The next request from the highway department was for a transmission repair on truck #6 a 2000 Ford F-550 one ton dump truck that has 101,262 miles on it. Only one price was obtained from Saunder's Transmission Service in the amount of \$2,255.68. According to Paul Joseph the reason for the one quote was because they have to take the truck apart themselves to replace the oil pan that is rotted out from the salt and they will drop it off for repair. The other two places contacted wanted them to drop the truck off and it would tie it up.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the repair of the transmission to truck #6 the 2000 Ford F-550 one ton dump truck by Saunder's Transmission Service at a cost not to exceed \$2,255.68.

Roll call vote resulted as follows:

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

The final request from the highway department was a request to purchase parts to repair a front spring assembly on truck 19 a 2004 Freightliner. The quote received was from Watkins Spring Co. under county contract no. 09-PWAP-15R in the amount of \$652.41 that would be paid out of account DB5130.405 that had a balance of \$12,010.01 as of 8/31/09. The parts are as follows:

One set of Side bars	\$ 69.44
Three pins	\$ 45.72
One hanger	\$ 73.26
Two U bolts	\$ 49.16
One spring	\$409.43
Eight shims	\$ 5.40
Total	\$652.41

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of the above parts for the 2004 Freightliner from Watkins Spring Co. at a cost not to exceed \$652.41.

Roll call vote resulted as follows:

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

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HIGHWAY DEPARTMENT SAND BIDS

A bid opening was held on November 6, 2009 at 3:00 p.m. to open bids for winter sand for the highway department.

The result of the bid opening was as follows:

Cranesville Aggregate
85 Saratoga Road
Gansevoort, NY 12831

Ice control sand per specifications – price based on material being picked up by the contractor at Gansevoort Exit 17S yard for 2009-2010 season - \$7.74 per ton F.O.B.

Ice control sand – price based on material being picked up by the contractor at Gansevoort Exit 17s yard 2009-2010 season – sand quality based on sieve gradation submitted with bid - \$5.24 per ton F.O.B.

Jointa Galusha
P.O.Box 302
Glens Falls, NY 12801

ASTM C-33 road sand delivered 2,200 tons @ \$10.00 per ton
ASTM C-33 road sand F.O.B. 2,200 tons @ \$7.00 per ton

Supervisor Jenkins asked Paul Joseph to explain the difference. Paul explained that one is a wet screen process and one is a dry screen process. It has a gradation test with it and the test comes out to be basically the same and it goes with the size of the small stone in it in aggregate.

Supervisor Jenkins asked which one we have been using and Paul answered the one at \$5.24 per ton.

Attorney Auffredou stated that the bid specifications called for the vendor to supply a DOT source number and a copy of their DEC mining permit. Cranesville Aggregate did not supply this information.

Councilman Prendergast asked if it was okay to ask them to supply it and Attorney Auffredou replied yes.

Councilman Prendergast suggested they hold off acting on these bids until we get the information we need.

Councilman Kusnierz asked how many tons are used per year.

Paul Joseph said the bid specifications called for 2,200 tons, but he wasn't sure what was used last year. He would have to check.

Councilman Kusnierz said there was enough money in the budget for 2,800 tons of sand at this price.

Councilman Cumm asked Paul if he had enough sand for storms between now and the 24th of November the next meeting.

Paul responded that he has enough for two storms depending on the size and type of storm.

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RECREATION DEPARTMENT DONATION

A \$50.00 donation was received from SHC Heritage Association in appreciation for their being allowed to use the Harry J. Betar Jr. Recreational Park on September 12, 2009 to hold their annual picnic. They commented in their accompanying letter that the park and staff are excellent.

Supervisor Jenkins asked for a motion and second to accept this donation. It will be deposited into the reserve account for the rec. park.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to accept the donation in the amount of \$50.00 from SHC Heritage Associations for the Harry J. Betar Jr. Recreational Park.

Roll call vote resulted as follows:

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

RECREATION DEPARTMENT REQUEST

The door to the maintenance building broke and the recreation director obtained the following quotes:

Two 9'x7' white painted finish insulated doors, inside lock, manual door, torsion spring counterbalance system, vinyl trim, one with glass and one without glass.

Overhead Door Co. of Glens Falls	\$1,299.00
Adirondack Overhead Door Co.	\$1,540.00
Winchip Overhead Door Co.	\$1,450.00

This purchase would come out of A7140.4.

A transfer of funds from the contractual line item into equipment would be needed.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to transfer \$1,300.00 from A7140.4 into A7140.2.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the purchase of the doors from Overhead Door Company of Glens Falls in the amount not to exceed \$1,299.00.

Councilman Kusnierz asked Steve Gram if all the vendors came down and looked at what they were replacing and Steve Gram replied yes.

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Roll call vote resulted as follows:

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

RECREATION DEPARTMENT BASKETBALL T-SHIRT SEALED QUOTES

Sealed quotes were solicited, received and opened on November 6, 2009 at 3:00 p.m. for t-shirts for the Recreation Department Youth Basketball Program as follows:

Northeast Promotional Group declined to bid.

Score American Soccer Company declined to bid.

Northwinds Graphics	\$3.95 each
Sport Designs Promotions	\$4.19 each
G & S Printing	\$5.25 each
Riddell	\$5.74 each
Challenger Teamwear	\$4.85 each Option 1 \$7.46 each Option 2 Apache Jerseys

Supervisor Jenkins asked Steve Gram which vendor he was recommending and Steve Gram stated he hadn't seen the quotes. The town clerk advised that she put them in his mailbox Monday morning. He replied back that he didn't receive them. He took a moment to review the quotes and recommended to the board that they accept the quote from Northwinds Graphics at a cost not to exceed \$800.00. This purchase would come out of A7140.4.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to accept the quote from Northwinds Graphics to supply t-shirts for the Town of Moreau Recreation Youth Basketball Program in the amount of \$3.95 each for a total not to exceed \$800.00.

Roll call vote resulted as follows:

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

NATIONAL GRID PROPOSED STREET LIGHT INSTALLATION ON TANGLEWOOD DRIVE

Supervisor Jenkins reported that the cost received from National Grid for luminaries along Tanglewood Drive from Feeder Dam Road to Nolan Road and upgrading a high pressure sodium light on pole #15 would be \$5,264.00 annually. He said that the school has talked about sharing in the cost.

Attorney Auffredou stated that he didn't know how they could fund off premise expenses and if they can share the cost then the balance of the cost would be born by the property owners in that area.

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Supervisor Jenkins said he wasn't thinking about creating a lighting district, but rather just street lighting. He didn't think they were ready to act on this tonight. They need time to review it.

Attorney Auffredou stated that since they went to the trouble of getting the information the board should share it with the "district" and have some further dialogue.

Supervisor Jenkins said a request was received for a sidewalk on Tanglewood Drive on the side by the Tanglewood Elementary School down to the first house and then a cross walk that would lead to the entrance to the high school sports fields. He said we could pave versus a sidewalk and this may be something the board would want to consider. The request was also made about restricting parking on Tanglewood Drive for the length of the fields with the exception of emergency vehicles and handicapped parking. This is an issue that should be considered also.

He will discuss the lights with the school superintendent and come back to the board at a future meeting with more information.

Councilwoman LeClair stated that paving the shoulders is very important. She used to drive a school bus down Tanglewood Drive and there is no shoulder except for sand. There are children on bicycles and there isn't any room to walk. It is a dangerous situation.

Supervisor Jenkins stated he did know that the last time the road was paved the people living along the road put out a petition against sidewalks. He said we could put in a sidewalk along by the school's property and across the road where there is an entrance into the fields without getting anybody too upset. He agreed it is a dangerous road to walk along.

INDEPENDENT CONTRACTOR INSURANCE REQUIREMENT

Supervisor Jenkins stated that the board should consider if an insurance policy naming the town as additional insured needs to be required for minor jobs. We need the stairs to the attic repaired and the quote we got was \$1,000.00. This person's insurance company will no longer add the town as additional insured without doubling the cost of his insurance. We contacted three other people for quotes and didn't get a response. We have a person who comes in when called and works on our heating system and does he need to get a certificate of insurance naming the Town of Moreau as additional insured. Does it make sense for a person to take on a small job for the town if their insurance is going to double or triple? When he attended the association of counties conference they talked about getting insurance naming the town as additional insured and in the same breath they said it wasn't enforceable in court.

Attorney Auffredou stated that as long as he has represented the town it has been the policy to have the contractor provide insurance naming the town as additional insured. It seems to him that it is a question of putting a risk in balance. If there is a small job to be done and it is going to drive the cost up for a contractor with a small shop who has general liability insurance you have to put that in the balance and weigh the risk of not getting the additional insured. He is a proponent of additional insured, but one can argue that there are times when the amount of the contract at stake and the work being done and the fact that you don't have any other proposals then you could say in that particular instance that you aren't going to require an additional insured. He said the board doesn't have to have a policy that reads that you are going to require additional insured for each and every contract. There are times particularly in this instance when it will drive the cost up unnecessarily if you insist on additional insured for this job.

Supervisor Jenkins stated that we have someone who comes in and does our electrical and plumbing and he is sure he has general liability insurance, but he would hate to lose this person if he can't provide the additional insured.

Attorney Auffredou said he would still like to see a contract even though the line about additional insured is crossed out.

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Councilman Cumm said some of the jobs are less than \$200.00.

Councilman Prendergast said he wasn't jumping to drop this requirement. He was aware that we have someone on-call with no contract. Do you set a limit on what the cost is?

Supervisor Jenkins didn't think that "Sam" would have a problem signing a contract and giving us a copy of his liability insurance, but we have to be consistent.

Councilman Cumm said that when it comes to these small jobs we may be pricing ourselves out of having this stuff done. We aren't getting contractors.

Councilwoman LeClair asked what other municipalities do.

Attorney Auffredou said he couldn't speak for every single contractor or vendor, but in the municipalities he represents when he is asked to draw up a contract more often than not there is an additional insured provision in the contracts.

Councilman Kusnierz asked if the exposure to the town is any less on small jobs and Attorney Auffredou replied no. You still have all the same risks. The towns insurance will still be available, but no matter what happens you are going to be viewed as having deep pockets and you will get sued.

Councilman Kusnierz said that is why we have always had this policy moving forward and that is to protect the taxpayers. It only takes one incident.

Attorney Auffredou referred back to the incident in the rec. park several years back when the town was sued and said it was a situation where the town clearly needed and benefitted by the provision in the contract plus the indemnification provision in the event that, that contractor's insurance wasn't enough to cover the loss. Admittedly, that situation was vastly different than having a person come in and fix the stairs. He said his training and practice has always been to get the maximum protection for the town. He is willing to acknowledge when there are times when you have to step aside from this and get the work done. The town has insurance and it isn't like the contractor doesn't have insurance, he does.

Supervisor Jenkins said it sounds like we have to find someone else to do the job. He asked if we require "Sam" to do this at this point.

Attorney Auffredou said to be fair yes. It could be a general contract, if the board agrees to it, and include his rates and include an indemnification paragraph and an insurance paragraph. Terry has this on her word processor.

PROPOSED SEWER CAPACITY FEE

Supervisor Jenkins stated that Attorney Auffredou and Tim Burley met with the Glens Falls Water and Sewer Director regarding what the capacity fee that someone would have to pay to hook into their sewer system. They came up with a maximum cost of \$7.00 per gallon times the capacity they would use on a daily basis plus a 15% administration fee for maintaining the system. The capacity fees would go to the City of Glens Falls and the 15% administration fee would come to the Town of Moreau. We discussed with them our needs for the future and this cost may come down. We have a developer that would like building permits and they cannot be issued until he pays for the capacity that he will be using. It is the Schermerhorn project "Bluebird Apartments". He wants eleven building permits to start for 44 units. His total project eventually will be 240 units. If we move ahead with this there is a resolution prepared by Attorney Auffredou. The other question is do we require him to pay the fee for the 240 units or do we allow him to pay in phases.

Councilman Prendergast asked where the sewer line was being installed and Joe Patricke replied Bluebird Road to the east to Sisson Road and down Sisson to Harrison Avenue and over to the cement company.

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Councilman Prendergast asked if the developer was paying for this and the answer from Joe Patricke was yes.

Councilman Prendergast stated that at that point the infrastructure would be in to handle 240 units.

Councilman Cumm said if he will be using 100 gallons per unit of capacity per day and we have looked at an apartment that averages 200 gallons per day is this an open ended resolution that he pays the capacity that he is using or is it closed in at 24,000 gallons per day.

Attorney Auffredou said this resolution doesn't address that.

Councilman Cumm said it is an open ended resolution then. Whatever the capacity is the developer will pay the \$7.00 per gallon treatment plus the 15% administration fee. The answer was that this was correct.

Supervisor Jenkins said we will monitor and bill.

Attorney Auffredou said the board will establish a sewer rate resolution or local law as you go along through this process. The resolution back in December 2008 when you created the district extension for the Schermerhorn project specifically said that Schermerhorn Real Estate Holdings, LP has to pay directly or reimburse the town for the buy-in fees to the waste water treatment plant in the city and any user rates. So the board will have to establish user rates at some point in the future. This resolution tonight deals with the buy-in at this point in time and nothing else. All you will do with this resolution is establish a not to exceed buy-in rate based on the representations that were made to him and Tim Burley by Mr. Gurzler with the City of Glens Falls. Attorney Auffredou said the more likely scenario will be that the number will be between \$3.00 and \$7.00 per gallon. We have to work with the city on this; we have to enter into an addendum to the facility agreement. The Supervisor was authorized to enter into an addendum to the facility agreement back in December 2008. This resolution even though it is being considered the establishment of rates is contingent upon the town entering into an addendum to the facility agreement with the city and the city approving that addendum.

Councilman Kusnierz said the original resolution spelled out that we have the authority to enter into an agreement with Schermerhorn and Attorney Auffredou said this was correct.

Councilman Kusnierz said he had two copies of the resolution and one he received this morning around 11:00 a.m. and it was the marked up copy that Attorney Auffredou provided to Terry and the other copy he received around 12 noon and it wasn't the same.

Supervisor Jenkins said he marked up the first copy not Attorney Auffredou.

Attorney Auffredou said the second copy is the one they were considering.

Councilman Kusnierz said it reads \$7.00 per gallon per day for treatment capacity with an administration fee for the Town of Moreau equal to 15% of the buy-in rate per gallon and that works out to \$1.05. He was told this was correct.

Councilman Kusnierz noted also that there were some typos in the resolution that needed correcting.

Supervisor Jenkins asked the board if they wanted to bill the developer up front and not issue any permits until payment in full is received or phase it in as was done with the Leonelli project.

Joe Patricke stated that Leonelli was also phased in for water. With the water rates the position was that his fee would be \$92,000.00. Let's say it is \$200,000.00 we would take 1/3 for the first 80 units and then we would drawn down with each building permit against the \$80,000.00 and then the next 80 permits he would put in another 1/3 payment and then it would be \$160,000.00 if he put in another 1/3.

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Councilman Kusnierz asked what impact the correspondence from Schermerhorn has and Attorney Auffredou said none. Schermerhorn is asking to be treated equally like other developers. Does this counter that?

Attorney Auffredou said he may feel he is being treated differently, but he isn't being treated differently by the Town of Moreau. We sat down with the city and have been told by the city what they are going to require. If the city is requiring something different now than what they required from Mr. Leonelli then so be it.

Supervisor Jenkins said the only difference is the rate.

Councilman Prendergast asked if there is any advantage or disadvantage to the town to have the developer pay for all the units up front or phase it in and Attorney Auffredou said he didn't think there was any disadvantage. The only advantage would be that the town would have all the money for when you strike your deal with the city.

Supervisor Jenkins stated that it could work the other way for him. The advantage is that we add 15% to the rate the city charges us and then if in two years the cost is \$1.50 per gallon per day more then he assumed that is what he would have to pay by buying now and paying later. That is how we would treat anybody else buying two years from now at the current rate.

Attorney Auffredou said that Tim Burley mentioned one million gallons additional reserve capacity that they were told the city has. One thing they discussed with the city was paying for it up front or paying over a period of time and Mr. Gurzler was open to either, whatever works best for the town.

Councilman Prendergast said he didn't have a problem phasing it in.

The rest of the board members agreed.

Councilman Kusnierz asked what the parameters were to phase it in.

Supervisor Jenkins replied it would be based on units. Schermerhorn has 240 units total that were approved. He is going to build 44 units, eleven buildings first and we would use that ratio times the fee.

Joe Patricke suggested they be consistent and allow the developer to pay 1/3, 1/3 and 1/3.

Attorney Auffredou said this wasn't exactly how it was done with Leonelli, but similar. He recalled it being 1/2 now and 1/2 later.

Joe Patricke stated that Leonelli would pay 1/2 down on approvals and then 1/2 of the 1/4 of the flow and the other 1/4 on completion.

Attorney Auffredou stated that Leonelli negotiated his own deal with the city. The town isn't stuck with that deal, but that was what his deal was.

Joe Patricke stated again that it would be easier to go with the 1/3, 1/3 and 1/3.

The board was agreeable to this.

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

A regular meeting of the Town Board of the Town of Moreau was held on November 10, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, by resolution adopted on December 23, 2008, the Town Board of The Town of Moreau established Extension No. 2 of Sewer District No. 1 (District Extension) within the Town of Moreau; and

WHEREAS, said resolution provides among other items, that if necessary, the Town of Moreau may enter into an addendum to the September 14, 1994 Facility Agreement with the Board of Water and Sewer Commissioners of the City of Glens Falls (Facility Agreement) to provide for additional reserved capacity at the Glens Falls Sewage Treatment Plant (WWTP), particular to the wastewater generated from the district extension; and

WHEREAS, the resolution further provides that Schemerhorn Residential Holdings LP and it's successors and assigns shall be solely and exclusively responsible for paying or reimbursing the Town of Moreau for all reserve capacity purchase payments, use payments, and any other payments required to be made by the Town of Moreau to the City of Glens Falls relative to the district extension; and

WHEREAS, the City of Glens Falls has represented to the Town of Moreau that sufficient additional reserve capacity at the WWTP is readily available to the Town of Moreau to service the district extension and other needs of the Town of Moreau as well as including the future Route 9 Sewer District; and

WHEREAS, the City of Glens Falls has represented to the Town of Moreau that the additional reserve capacity purchase payments for additional capacity at the WWTP will not exceed \$7.00 per gallon per day of treatment capacity; and

WHEREAS, at this time, the Town Board desires to establish preliminary buy-in rates for additional reserve capacity at the WWTP for the district extension and otherwise;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The buy-in rate for additional reserve capacity for the district extension to be paid by Schemerhorn Residential Holdings LP shall not exceed \$7.00 per gallon per day of treatment capacity, with an administration fee for the Town of Moreau equal to 15% of the buy-in rate per gallon, subject to final confirmation from the City Glens Falls, and subject to the execution of an addendum to the Facility Agreement.
2. The aforesaid buy-in rate in paragraph 1 herein will be similarly applied to the future Rt 9 Sewer District when said district is established.
3. In addition to the aforesaid buy-in rate, a user rate for operation and maintenance of the system within the Town will be established hereafter pursuant to the Addendum to the Facility Agreement and pursuant to a user rate resolution or local law adopted by the Town Board.

Roll call vote resulted as follows:

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

HEALTH INSURANCE

Supervisor Jenkins stated the total yearly premium for health insurance will be \$453,970.00 with \$10,000.00 in for reimbursement of co-pays to employees for a grand total budget item of \$463,970.00. This is a 5.5% increase over last year.

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Supervisor Jenkins stated that the first of the year the board could send out RFP's to other brokers. He doesn't have a problem with the current broker, but there isn't anything wrong with taking a look at what is available to see if we can save money.

Councilwoman LeClair thanked the highway department for working with the board. John Weber went down and explained to them the significant savings in cost and the employees at the highway department accepted the increased co-pays with the reimbursements and they were willing to work with us on that and she appreciates this.

Supervisor Jenkins said that is really where the savings was. The co-pays for non-union were already higher.

John Telisky asked if the vendor provided the usage rate and the answer was no. He suggested the board get this information and include it in the RFP.

Fran Thibodeau asked if we were changing to the 12/1 enrollment period rather than 1/1 and asked for a resolution.

Supervisor Jenkins said we don't need a resolution for that.

It was the consensus of the board to change to a 12/1 enrollment.

Supervisor Jenkins asked if he had to sign anything and Fran replied that he would have to sign the health insurance contract.

Supervisor Jenkins asked for a resolution authorizing him to sign the contract.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Supervisor to sign the health insurance contract.

Roll call vote resulted as follows:

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

ADOPT THE 2010 BUDGET

Supervisor Jenkins recapped the changes made to the budget from the last budget meeting and they are as follows:

- Reduce the special item, miscellaneous. Originally it was \$30,000.00 then \$10,000.00 and now zero.
- Reduce economic assistance, contractual from \$25,000.00 to zero.
- Increase revenues for cellular tower lease by \$20,400.00.
- Appropriations are now down to \$6,969,693.00.
- Revenues are up to \$4,379,299.00
- Total fund balance in small funds of \$891,000.00.
- The amount to be raised by taxes is now \$1,781,776.00.

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- Major changes in the general fund are we reduced the amount of fund balance we applied for the current year to \$623,096.00 and taxes stayed the same.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adopt the 2010 Budget for the Town of Moreau.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
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Councilman Kusnierz asked what the percentage of fund balance was being used to fund the budget with the new numbers. It was 14% before the changes.

Fran Thibodeau didn't have the percentage, but replied it is down \$35,000.00 and Supervisor Jenkins replied that the overall budget went down \$55,000.00.

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Supervisor Jenkins	Yes

Councilman Prendergast stated the budget is good. It was a challenging year for the town. Next year will be challenging also. This board and previous boards have done a decent job controlling spending. You will still see some of the same services as in the past, some upgrades and improvements in the recreation park. You will see programs at least remain the same in the recreation department. Emergency services will still be provided. The highway budget was challenging. There was some equipment that they wanted to purchase, but will have to be put off for another year. The highway department will continue to supply services the way they have done so excellently in the past. We have made some plans for the future on equipment purchases, which means through this budget process we have looked ahead. All in all the Town of Moreau has a pretty good story to tell for 2010 when you look at some of the surrounding areas they feel the pain a little more than we do and it is because we have done our work in previous years.

Supervisor Jenkins said that we don't have a single person on the board that agrees with everything we did. There are some things we did that he wouldn't agree to and there are some things that he did that not everybody agreed with, but ultimately their goal was to continue to provide the same services to the community that we have in the past. We are fortunate to have very strong fund balances and the reserves are important and our reserves are still way above what the comptroller recommends in the major funds. This isn't necessarily bad. We talked about using fund balance, but if you go back to 2006 and 2007 the Town of Moreau had a profit of about \$2.3 million and what that means is that we overcharged taxes and what we are talking about now is trying to give back as best we can. We are also trying to do what Todd said earlier and that is do it sensibly and not blow it all in one year. We looked at that really hard in the highway budget, because if we did everything we would like to have done in the highway department we wouldn't have any money to start with next year in the highway accounts. We will be lucky if we get the sales tax revenues back up to the 2006 level which was a little over \$1.1 million. He said the board has worked very hard on the budget and he thanked them for their help. He said they don't always agree, but if they get to the end and they give the same services to the citizens that is what it is all about.

COMMITTEE REPORTS

Councilwoman LeClair asked Steve Gram if he had anything to report on the batting cage that needs repair.

Steve Gram replied he only got the figures from softball.

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Councilwoman LeClair stated that Steve Gram is looking into the \$80,000.00 lighting grant to see what our options are on how we can use it. We have until December 31st before we would lose the right to be able to file for it.

Councilwoman LeClair reported that South Glens Falls Softball sent a thank you note thanking Steve Gram and the rec. staff for all their hard work and that it is appreciated.

Councilwoman LeClair reported they will be working on the newsletter now that the budget is done.

Councilman Cumm asked Supervisor Jenkins if they were going to set the Month-End Meeting.

The Month-End Meeting was set for November 25th at 4:30 p.m.

15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz stated that she had asked at a budget meeting what the \$80,000.00 was for in the recreation budget and didn't get an answer.

Supervisor Jenkins stated it was for renovations to the concession stand at the little league building and a septic system upgrade.

Steve Gram added that it was also for fencing and office space and/or supplies and possibly a pole barn for storage of equipment.

Councilwoman LeClair stated that it is an estimate of the cost that the recreation commission came up with. The money is recreation fees received from builders and not from tax dollars. She also stated that they are looking into all possibilities and will spend it carefully. They still need to meet with baseball about this.

Supervisor Jenkins said they also wanted to do some paving next year if the funds are available. One parking lot is ready to be paved. The highway department did some paving this year. It has been very heavily used by soccer.

SUPERVISOR'S ITEMS

Supervisor Jenkins referred to a message from the employees of Town Hall asking the board to close Christmas Eve if everyone can save a vacation day or personal day and use it that day.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm approving this request.

Roll call vote resulted as follows:

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

Councilman Kusnierz said the day after Thanksgiving is a town holiday for all the employees except the transfer station and there shouldn't be a distinction between a transfer station employee and the rest of the town employees. If the town hall is closed then all departments should be closed. It is a matter of fairness.

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Councilman Prendergast asked how many days they will be closed and the answer was three Wednesday, Thursday and Friday.

Councilman Cumm stated that it will be horrendous on Saturday. He said the employees at the transfer station understand that they have to work the day after Thanksgiving.

Councilman Kusnierz said they understand it, because they have to.

Supervisor Jenkins said they get that as a day. Closing the transfer station for three days will be tough.

Councilman Kusnierz said it is, but it is a holiday period for all of our other employees.

Supervisor Jenkins said he doesn't have a problem with closing it the day after Thanksgiving.

Councilman Cumm stated that last year they asked for it off and we said no that it couldn't be closed three days in a row.

A motion was made by Councilwoman LeClair authorizing the transfer station to close the day after Thanksgiving.

Motion was seconded by Councilman Kusnierz.

Steve Gram asked if that includes the recreation department also and the answer was yes and Councilwoman LeClair changed her motion to include the recreation department.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated he had a note to discuss destination for captured dogs. He said that he didn't know where the note came from, but essentially the question is should we use the SPCA and/or Saratoga County Animal Shelter. His opinion is that taxpayers pay a tremendous amount of money to support the Saratoga County Animal Shelter in Ballston Spa. They are building a new facility, they have a great staff and the animals get good treatment and it is his feeling that we should continue to use that facility. We have provided in the DCO contract previously and currently for travel to the shelter. He wouldn't be against the other if the board decides to go that way.

Councilman Kusnierz asked if a complaint was received and that was what caused this subject to be brought up or does someone just want us to look into it.

Councilwoman LeClair said it is quicker for a dog owner to redeem his/her dog at the SPCA vs. driving to Ballston Spa.

Supervisor Jenkins said it costs the town a lot more money to use the SPCA. It only costs about \$400.00 a year to use the Saratoga County Animal Shelter.

Councilwoman LeClair said she looked at the fees and when she looked at the per dog fee she couldn't compare them, because the SPCA reimburses us when dogs are picked up and the county doesn't.

Supervisor Jenkins said we don't pay per dog at the county. We have an annual fee.

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The consensus of the board was to stay with the Saratoga County Animal Shelter.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 8:43 p.m. to discuss an Article 7 with Midtown and NBT building.

Roll call vote resulted as follows:

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

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the executive session and re-open the regular meeting at 9:06 p.m.

Roll call vote resulted as follows:

Councilman Cumm	Yes
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 Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 9:07 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk

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