

A regular meeting of the Town Board of the Town of Moreau was held on November 13, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

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

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

None

Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Jamie Munks, Post Star Reporter; Midge Duxbury and Anne Minnick, Town Residents; Garry Robinson, Engineer for the Town

Supervisor Jenkins led the Pledge of Allegiance.

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

MINUTES

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

October 30th (3 Sets), November 5th

MINUTES – OCTOBER 30, 2012 – 6:03 P.M. TOWN BOARD MEETING TO DISCUSS HEALTH INSURANCE

No comments or corrections.

MINUTES – OCTOBER 30, 2012 – 6:35 P.M. – TOWN BOARD MONTH-END AUDIT MEETING

Correction: Page 501 – Tanglewood Lighting District claims added

MINUTES – OCTOBER 30, 2012 – 7:00 P.M. – REGULAR TOWN BOARD MEETING

No comments or corrections.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to approve all three sets of minutes dated October 30th as prepared.

Roll call vote resulted as follows:

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

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The minutes dated November 5, 2012 were of a bid opening that was held to open bids for the Clark Road Culvert FEMA Replacement Project. These minutes were simply received and filed.

MEETINGS/WORKSHOPS SCHEDULED

A Water Committee Meeting will be held on 11/20/2012 at 1:00 p.m. in Town Hall.

15 MINUTE PUBLIC COMMENT PERIOD

Ann Minnick and Midge Duxbury were present about the house that burned at 15 Woodlawn Avenue.

Supervisor Jenkins advised that Request for Proposals (RFP's) were mailed out for an asbestos survey.

Attorney Buettner advised that NYS DOH requires that an asbestos survey be conducted of the structure before demolition. If asbestos is present then a special type of contractor is needed to do the demolition. If no asbestos is found then a general contractor can be hired to demolish the building. She advised that proposals are due in to the Town Hall by November 19th. The property is in the process of being sold. The owner Ms. Carr has signed the papers to transfer the property, but the purchaser has not signed yet. Regardless, the Town is moving forward with the RFP's.

Ann Minnick read from a resolution that the Town Board adopted on September 25, 2012 that read in part, "RESOLVED AND DETERMINED, that the demolition and removal of such building shall commence within twenty (20) days of this resolution and shall be completed within thirty (30) days thereafter".

Supervisor Jenkins replied that they can't do it if it isn't legal.

Ann Minnick asked why they passed the resolution then.

Supervisor Jenkins replied that language had to be in the resolution.

Councilman Kusnierz asked Attorney Buettner if the owner of the property is aware that if the Town moves ahead with the asbestos survey and demolition that any costs incurred are going to be a lien on the property.

Attorney Buettner said the owner is aware of this.

HIGHWAY DEPARTMENT REQUESTS

None

SAND BIDS

The highway superintendent went out to bid for the purchase of winter sand. A bid opening was held on November 9th and the following are the bids that were received:

	BIDDER'S NAME & ADDRESS	BID AMOUNT
BIDDER 1	Cranesville Aggregate Co., Inc. 85 Saratoga Road Gansevoort, NY 12831	\$8.40/Ton F.O.B Per Spec \$5.70/Ton F.O.B. Non-Spec Price Based on Material Being Picked Up By Contractor at Gansevoort Exit 17S Yard
BIDDER 2	Palette Stone Corp.	

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	269 Ballard Road Wilton, NY 12831	\$8.00/Ton \$5.50/Ton Freight Plus Additional Trucking Conditions See Bid
BIDDER 3	Jointa Galusha LLC 269 Ballard Road Wilton, NY 12831	\$8.00/Ton \$4.50/Ton Freight Plus Additional Trucking Conditions See Bid
BIDDER 4 [See Note Below]	Warren W. Fane 62 Leverssee Road Troy, NY 12182	\$6.55/Ton F.O.B. \$15.75/Ton Delivered

The bid from Warren W. Fane was found in the mailbox out in front of Town Hall at 3:40 p.m. on the date of the bid opening. It is unknown if the bid was received timely or not. The regular mail delivery for the day was made around 8:00 a.m. when the mail carrier brought the mail into Town Hall. For some reason a second mail delivery was made sometime between 8:00 a.m. and 3:40 p.m. and the mail was put in the mailbox out in front of Town hall and wasn't found until the Deputy Town Clerk opened the box at 3:40 p.m.

According to the highway superintendent Warren W. Fane is not the low bidder when he factors in the mileage and time for his staff to drive to Troy and back to pick up the sand.

Councilman Kusnierz asked if the board members were provided with these calculations and the answer was no.

Attorney Buettner stated that the board members can reject all bids and go back out to bid. However, according to Paul Joseph, Cranesville is the low bidder based on his calculations.

A motion was made by Councilwoman LeClair to award the bid for winter sand to Cranesville per their bid price of \$8.40 per ton.

Councilman Prendergast said he wished that Paul Joseph was in attendance, because it appears to him that there is a large amount of sand stockpiled.

Supervisor Jenkins said that Paul won't order the sand now. He doesn't have a request in to purchase the sand.

Councilman Kusnierz noted that Paul Joseph did ask in his e-mail to the board for authorization to order up to \$15,000.00 worth of sand.

Supervisor Jenkins said he wasn't prepared to authorize that request at this point in time. He said he doesn't know where Paul would put the sand at the highway department if he got it.

Councilman Prendergast asked if once a bid is awarded can Paul go down and buy the sand.

Supervisor Jenkins replied no, he doesn't have an approved purchase order.

Councilman Prendergast seconded the motion.

Roll call vote resulted as follows:

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

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CLARK ROAD CULVERT FEMA REPAIR

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to award the bid for the Clark Road Culvert FEMA Repair to CFI Contracting, Inc. per their bid amount of \$76,300.00 and authorizing the Supervisor to sign the contract documents.

Roll call vote resulted as follows:

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

Councilman Kusnierz asked where they were at with the other two culvert projects. He asked if wasn't the bid only good for 45 days.

Supervisor Jenkins advised that one property owner only wants to give a temporary easement and not a permanent easement. Another property owner won't sign until the other property owner signs.

Garry Robinson advised that a contract has been signed. However, there hasn't been a notice to proceed issued yet. If the project doesn't get underway soon then the project will have to wait until next year, because NYS DEC dictates when work can be done in the stream that is there.

APPROVAL TO HIRE TIM BUTLER TO WORK AT THE TRANSFER STATION PART-TIME, ON-CALL, AS NEEDED

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to hire Tim Butler to work at the Transfer Station part-time, on-call, as needed at \$11.71 per hour.

Roll call vote resulted as follows:

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

APPROVAL TO HIRE MIKE HASTINGS TO WORK AT THE TRANSFER STATION PART-TIME, ON-CALL, AS NEEDED

Councilman Kusnierz asked if this topic could be tabled until after the executive session as he was just made aware of something.

The board agreed.

RECREATION DEPARTMENT REQUESTS

None

AUTHORIZE PURCHASE OF T-SHIRTS FOR RECREATION YOUTH BASKETBALL PROGRAM

Sealed proposals were received and opened on November 13th from the following companies to sell t-shirts for the Town of Moreau Recreation Department Youth Basketball Program:

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Northwind Graphics 2453 Route 9 Malta, NY 12020 1-518-899-9651	\$4.40 per shirt
R&T Enterprises Attn: Therese 143 Becker Road Greenwich, NY 12834 1-518-692-9455	\$7.75 per shirt
Arca Ink, LLC 4A Highland Avenue Queensbury, NY 12804	\$4.50 per shirt
Northeast Promotional Group 75 Main Street South Glens Falls, NY 12803	Declined to submit a proposal

This purchase would be made out of account A7140.4 that had a balance of \$2,029.00 as of 11/13/12.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of t-shirts for the Town of Moreau Recreation Department Youth Basketball Program from Northwind Graphics, the low bidder, at their bid price of \$4.40 per shirt and for the amount not to exceed \$880.00.

Roll call vote resulted as follows:

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

BIDS - COLD STORAGE BUILDING IN RECREATION PARK

The following bids were received and opened on November 9, 2012 for the construction of a cold storage building to be located in the Harry J. Betar, Jr. Recreational Park:

	Bidder's Name and Address	Base Bid (Item 1)	Alternate 1 Bid (Item 2 Only)	Alternate 2 Bid (Item 3 Only)	Lighting Supplement I Beam Industrial
Bidder 1	Hoosick Valley Contractors, Inc. 52 Melrose-Valley Falls Road Melrose, NY 12121	219,000.00	2,600.00	8,000.00	300.00
Bidder 2	V&H Construction, Inc. P.O. Box 126 195 Fort Edward Road Fort Edward, NY 12828	167,000.00	3,200.00	9,000.00	325.00
Bidder 3	Gallo Construction Corp. 50 Lincoln Avenue Watervliet, NY 12189	148,400.00			

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Bidder 4	Wainschaf Associates, Inc. 65 Washington Street Rensselaer, NY 12144	141,000.00	2,750.00	4,200.00	250.00
Bidder 5	Bast Hatfield Construction, LLC 1399 Crescent Vischer Ferry Road, Ste 2 Clifton Park, NY 12065	218,200.00	26,000.00? 2,600.00?	6,800.00	No Bid
Bidder 6	TMG LLC P.O. Box 2843 Glens Falls, NY 12801	158,800.00	2,000.00	5,600.00	275.00
Bidder 7	Mazone Plumbing & Heating, Inc. 93 Elsmere Avenue Delmar, NY 12054	162,800.00	2,850.00	7,870.00	290.00
Bidder 8	Driftwood Contracting, Inc. 28 Spotswood Drive Corinth, NY 12822	225,000.00	2,100.00	3,900.00	250.00

Councilwoman LeClair stated that the bids were a lot higher than expected.

Garry Robinson replied that the estimate was between \$100,000 and \$130,000.

Councilman Vittengl asked what the square footage of the building would be and Garry Robinson replied it would be 40' x 65'.

Councilman Vittengl said that equates to about \$50.00 per square foot finished on a slab.

Councilman Kusnierz asked if the building was going to be on a slab.

Garry Robinson replied yes.

Garry Robinson stated that he checked the references for Wainschaf & Associates, Inc. the low bidder and they all checked out okay. Also, they included everything they needed to in their bid packet. Their bid was in the amount of \$147,950 including Alternate 1, Alternate 2 and the lighting option.

Councilwoman LeClair asked how much fund balance there was in the account that this would be paid out of and Supervisor Jenkins replied about \$225,000.

Councilwoman LeClair asked how much of the space inside the proposed building would be immediately used and Supervisor Jenkins replied that the existing equipment would fill up most of the space.

Supervisor Jenkins asked Garry Robinson to supply him and the board members with a copy of the report that was prepared before the project was put out to bid and a copy of the plans.

Councilman Kusnierz stated that he agreed that there is a need to get the equipment under cover and there were discussions on this, but where we are tonight is not what transpired from those discussions. It was his opinion that there is a more significant need to use the money to expand recreational opportunities in the park that taxpayers can utilize and physically touch. He said \$150,000 is a lot of money to spend on this type of structure and he would rather see the project start and progress in stages and expand over time. He is not convinced there is a need right now for a structure this size.

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Garry Robinson stated that this project is the project that was depicted in the report that was given to the board members and approved by the board members with three alternates.

Supervisor Jenkins stated that they could revisit this at the next meeting. In the meantime, he asked Garry again to give the board a hard copy of the report and plans for their review.

WATER DEPARTMENT REQUESTS

None

Councilman Kusnierz advised that Mrs. Dzialo called him. Mr. & Mrs. Dzialo appeared before the Town Board on October 16th and requested that the fee to hook up to the public water system be lowered from the current fee of \$3,100. The board members at that meeting told Mr. & Mrs. Dzialo that they would get back to them with an answer. They are wondering what the board decided.

Supervisor Jenkins stated that they discussed this. Property owners in other districts have been told that if they didn't hook up at the time the district was formed and the water lines installed then they would have to pay the \$3,100 at a later date for hook up. He said that he didn't see how they could justify lowering the fee for one property owner. The revenues in the water districts are important to the future of the water system.

Councilman Kusnierz asked if this meant that the board members were sticking to the \$3,100 fee.

Supervisor Jenkins said he found out after the October meeting that Mr. & Mrs. Dzialo are not in the Abelen-Orkin contaminated impacted area and that the plume of contamination is flowing in a northwest direction.

Councilman Kusnierz said he would relay this message back to Mrs. Dzialo.

WATER DISTRICT 1 EXTENSION 2 & 3 AMENDED SERIAL BOND EAF, NEGATIVE DECLARATION & RESOLUTION

The Town Board answered "no" to questions #1 through #20 in Part II of a long form EAF.

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

WHEREAS, on September 14, 2010 the Town Board of the Town of Moreau ("Board") established Water District No. 1 Extension No. 2 of the Town of Moreau; and

WHEREAS, the establishment of Water District No. 1 Extension No. 2 of the Town of Moreau was the subject of a review under SEQRA and issuance of a Negative Declaration; and

WHEREAS, on May 22, 2012, the Board established Water District No. 1 Extension No. 3 of the Town of Moreau; and

WHEREAS, the establishment of Water District No. 1 Extension No. 3 of the Town of Moreau was the subject of a review under SEQRA and issuance of a Negative Declaration; and

WHEREAS, on January 11, 2011, the Board adopted a serial bond resolution to finance, in part, the cost of the construction of Water District No. 1 Extension No. 2 (the "project") in the amount of Four Million Nine Hundred Ninety Five Thousand Dollars (\$4,995,000) through a thirty (30) year, zero percent (0%) DWSRF loan; and

WHEREAS, the total Project cost increased from \$5,220,000.00 to \$5,311,943.06 with \$316,942.06 paid through a General Electric Settlement Fund; and

A regular meeting of the Town Board of the Town of Moreau was held on November 13, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

WHEREAS, on August 30, 2011, the Board adopted an amended serial bond resolution setting forth the increase of total Project cost to \$5,311,943.06; and

WHEREAS, the total Project cost has increased to an amount not to exceed \$5,700,000.00, \$316,942.06 of which shall be paid for through a General Electric Settlement Fund, \$155,000.00 shall be paid for through contribution of the Town from fees collected by a user of Water District No. 1, and the balance thereof or \$5,173,000.00 shall be financed through a 30 year-zero percent DWSRF loan in the amount of \$5,173,000.00, and

WHEREAS, the Board is seeking to adopt a Second Amended Serial Bond Resolution to finance, in part, the cost of the construction of Water District No. 1 Extension No. 2 and Extension 3 (the "Amended Project") in the amount of Five Million One Hundred Seventy-Three Thousand Dollars (\$5,173,000.00) through a thirty (30) year, zero percent (0%) DWSRF loan; and

WHEREAS, the Board as Lead Agency for this Type 1 Action has reviewed a Full Environmental Assessment Form,

NOW, THEREFORE, BE IT RESOLVED as follows:

- I. The Board hereby authorizes the Supervisor to execute the Full Environmental Assessment form.
- II. Having found that the adoption of the second amended serial bond resolution and the financing of the amended project presents no potential adverse environmental impacts, the Board hereby authorizes the issuance and filing of a Negative Declaration under SEQRA.

Roll call vote resulted as follows:

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

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

WHEREAS, on September 14, 2010 the Town Board of the Town of Moreau (hereinafter "Town Board") established Extension No. 2 of Water District No. 1 within the Town of Moreau as described in the map, plan and report that has been prepared for Extension No. 2 of Water District No. 1 and is on file at the Moreau Town Hall; and

WHEREAS, the infrastructure and improvements for Extension No. 2 of Water District No. 1 include the installation of approximately 5,250 linear feet of 16" diameter main, a redundant water supply interconnection with the Saratoga County Water Authority, approximately 5,600 lineal feet of 12" diameter main and approximately 16,500 lineal feet of 8" diameter distribution main, associated service connections and hydrant valves and appurtenances to provide potable domestic water and fire flow water service in the Town of Moreau, Saratoga County, New York, a 250,000 gallon elevated water tank proposed in the existing Industrial Park on Town owned parcel (hereinafter the "project"); and

WHEREAS, on September 14, 2010, the Town Board of the Town of Moreau issued a final Order establishing Extension No. 2 of Water District No. 1; and

WHEREAS, the Town Board has applied for funding for the project through the New York State Drinking Water and State Revolving Fund ("DWSRF") and

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WHEREAS, the project is on the readiness list of the intended use plan issued by the State of New York Department of Health and Environmental Facilities Corp. ("EFC") and is identified as project number 17543; and

WHEREAS, on May 22, 2012, the Town Board of the Town of Moreau (hereinafter "Town Board") established Extension No. 3 of Water District No. 1 within the Town of Moreau as described in the map, plan and report that has been prepared for Extension No. 3 of Water District No. 1 and is on file at the Moreau Town Hall; and

WHEREAS, the infrastructure and improvements for Extension No. 3 of Water District No. 1 include 2,100 lineal feet of 8" diameter distribution main, associated service connections and hydrant valves and appurtenances to provide potable domestic water and fire flow water service, and five residential water services installed on existing mains installed as part of this project; and

WHEREAS, on July 10, 2012 the Town Board of the Town of Moreau issued a final Order establishing Extension No. 3 of Water District No. 1; and

WHEREAS, the Town Board has applied for funding for the project through the New York State Drinking Water and State Revolving Fund ("DWSRF") and

WHEREAS, by Serial Bond Resolution adopted on January 11, 2011, the Town Board determined that the total project cost to be \$5,220,000; and

WHEREAS, by Amended Serial Bond Resolution adopted on August 30, 2011, the Town Board determined that the total project cost had increased to \$5,311,943.06; and

WHEREAS, the total project cost has now increased to \$5,643,482.29; and

WHEREAS, the Town is eligible for a DWSRF grant in the amount up to \$5,173,000.00 in interest-free financing for a term of 30 years for the project; and

WHEREAS, the maximum cost of the project is now estimated to be \$5,643,482.29, with the sum of \$5,173,000.00 to be paid from the proceeds of obligations issued pursuant to the Local Finance Law; and

WHEREAS, the Town Board desires to authorize the approved project and to provide for the financing thereof through the DWSRF and EFC; and

NOW, THEREFORE, BE IT RESOLVED:

1. The specific object or purpose for which obligations are to be issued pursuant to this resolution is the formation of Extensions No. 2 and 3 of Water District No. 1 and more specifically the installation of approximately 5,250 linear feet of 16" diameter main, a redundant water supply interconnection with the Saratoga County Water Authority, approximately 5,600 linear feet of 12" diameter main and approximately 16,500 linear feet of 8" diameter distribution main, associated service connections and hydrant valves and appurtenances to provide potable domestic water and fire flow water service in the Town of Moreau, Saratoga County, New York, a 250,000 gallon elevated water tank proposed in the existing industrial park on a Town owned parcel, and 2,100 linear feet of 8" diameter distribution main, associated service connections and hydrant valves and appurtenances to provide potable domestic water and fire flow water service, and five residential water services installed on existing mains installed as part of this project.

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2. The current maximum cost of the aforesaid specific object or purpose is not to exceed \$5,700,000.00, \$316,942.06 of which shall be paid for through a General Electric Settlement Fund, \$155,000.00 shall be paid for through contribution of the Town from fees collected by a user of Water District No. 1, and the balance thereof or \$5,173,000.00 shall be financed through a 30 year-zero percent DWSRF loan in the amount \$5,173,000.00. The project as described in paragraph 1 herein is hereby authorized at a cost not to exceed \$5,700,000.00. The issuance of serial bonds of the Town of Moreau in the amount of \$5,173,000.00 is hereby authorized to be issued pursuant to the Local Finance Law. Such serial bonds are to be paid from the water consumption rates of water users and/or ad valorem rates in Extensions No. 2 and No. 3 of Water District No. 1 and the full faith and credit of the Town of Moreau is hereby Pledged for the payment of said bonds.

3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision 1 of Paragraph a of Section 11.00 of the Local Finance Law of the State of New York. The final redemption date of said serial bonds to be issued will not extend beyond thirty (30) years from the date of their initial issuance.

4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewal of such notes, is hereby delegated to the Supervisor of the Town of Moreau, as the chief fiscal officer, or in his absence, the Deputy Supervisor of the Town of Moreau, who is the substituted chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be determined by said Supervisor, pursuant to and consistent with the provisions of the Local Finance Law of the State of New York.

5. The validity of such bonds and bond anticipation notes may be contested only if:

a. Such obligations are authorized for an object or purpose for which said Town is not authorized to spend money; or

b. The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication;

c. Such obligations are authorized in violation of the provisions of the Constitution.

6. Pursuant to Section 35.00 of the Local Finance Law, this resolution is not subject to a permissive referendum.

7. This resolution takes effect immediately and shall be published in full in the Post-Star which is hereby designated as the official newspaper for such purpose, together with a notice of the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes

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Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

The resolution was thereupon declared duly adopted.

DISCUSS/APPOINT DOG CONTROL OFFICER

Discussion followed on the appointment of a dog control officer.

Dan Styczynski expressed an interest in returning as Dog Control Officer for the Town. He is retiring from his full-time job 12/31/12 and will have more time to devote to the job.

Councilman Kusnierz said he was going to abstain from voting on the appointment of Dan, because he was not in on the interview due to the fact that he thought the interview was going to take place after a budget workshop when in fact it was held before the budget workshop. The special meeting to interview Dan was not properly noticed and if the board members had taken action at that special meeting to hire Dan then it would have been null and void. He asked Supervisor Jenkins to make sure in the future that the board members are properly notified of special meetings in accordance with the law.

Supervisor Jenkins said he was going to abstain from voting on the appointment of Dan also, because he was not present at the interview.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to appoint Dan Styczynski to the position of Dog Control Officer for the Town of Moreau effective immediately at the rate of pay established in the budget and with no pre-employment physical required.

Roll call vote resulted as follows:

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

RESOLUTION TO APPLY EXCESS SALES TAX REVENUE

Fran Thibodeau, Principal Account Clerk, submitted a memo to the board members asking them where they want to put the excess sales tax revenue. In the memo she stated that the highway department has received the full amount that the board adopted in the 2012 budget and Town Outside has received \$147,248 of the \$250,000 that was budgeted. \$102,752 from the next two sales tax revenue checks will be needed to fulfill the Town Outside 2012 adopted budget revenues. She asked the board members to keep in mind that if they choose to put the excess sales tax revenue into the highway fund then it cannot be transferred back out.

Councilman Kusnierz stated that the Fire Company indicated that they need updated turnout gear. He asked if a portion of the excess sales tax revenue can be used for the purchase of this gear rather than amend their contract.

It was decided to wait and bring this up for discussion and possible resolution at the continuation of the public hearing and special meeting to be held on November 15th.

15 MINUTE PUBLIC COMMENT PERIOD

No public comment.

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COMMITTEE REPORTS

Councilwoman LeClair reported that the EPA thinks the land along the Hudson River located in the Moreau Industrial Park may belong to National Grid or the State of New York. Department of State has said that the cost to research the deeds can be part of the grant. In two weeks if General Electric is unable to determine who owns the land then a title search will be requested.

SUPERVISOR'S ITEMS

None

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn to executive session at 8:10 p.m. to discuss a contractual issue regarding a possible easement, CSEA contract negotiations and the employment history/performance of a particular unnamed employee(s).

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	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 Councilman Vittengl to adjourn the executive session and re-open the regular meeting.

Roll call vote resulted as follows:

Councilman Vittengl	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 Councilman Vittengl to adjourn the regular meeting.

Roll call vote resulted as follows:

Councilman Vittengl	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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