

A special meeting of the Town Board of the Town of Moreau was held on November 19, 2013 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of adopting the 2014 Town of Moreau Budget.

Supervisor Jenkins called the meeting to order at 6:50 p.m.

Town Board Members Present

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

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Fran Thibodeau, Principal Account Clerk; Reed Antis, Town Resident & Planning Board Member; Harry G. Gutheil, Jr., Village Resident; Jason Denno from the EFC (Environmental Facilities Corp.); and Karla Buettner, Attorney for the Town

Harry Gutheil asked if any Board Members looked at the water rates. A couple of the districts have huge surpluses and the Town has even been criticized by the State Comptroller for having these huge surpluses. He said the Town paid off the buy-in to Queensbury so there are no longer payments being made for that and yet the rates still haven't been reduced.

Supervisor Jenkins replied that an asset management plan is being developed now by Tim Burley and when it is done the Town Board will have a better idea what direction to move in.

Harry Gutheil stated that this is "grass roots" and it is the Board's responsibility to know this stuff and Tim Burley shouldn't have to develop an asset management plan for them.

Discussion followed on this.

Supervisor Jenkins asked for a motion to adopt the 2014 Town Budget.

Councilwoman LeClair said she would like a separate vote on the Moreau Emergency Squad line item.

Councilman Kusnierz asked if they could separate out that line item. He said the budget is the budget.

Supervisor Jenkins said that it could be done that way.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to separate out the Moreau Emergency Squad line item from the budget and to vote separately on that line item.

Roll call vote resulted as follows:

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

[Attorney Buettner entered the meeting.]

Councilman Kusnierz asked Attorney Buettner if they could adopt the Budget without the Moreau Emergency Squad line item and vote on that line item separately.

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Attorney Buettner replied that they could vote on the Budget with the exception of that line item.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adopt the 2014 Town Budget as prepared without the Moreau Emergency Squad line item.

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

Councilwoman LeClair stated that as far as the Emergency Squad she would make the motion as follows:

“To pay them contingent on them giving us the information we have been asking for, for the last four or five years. That they show us how they spend their money so that we know that when we are supporting their electric and their overhead expenses that they are spending as carefully as we try to spend and that we are paying for things that we need to pay for, because they are spending fiscally responsibly. If they don’t provide us with that, that we set it up so there is a monthly amount until they do give us that. I don’t want to sign any contract with them until this is done. I don’t know, is that enough of a motion? Then I would make that motion that we do that with the squad.”

Councilman Vittengl seconded the motion.

Councilman Kusnierz asked if they could discuss this and Supervisor Jenkins said “sure”.

Councilman Kusnierz asked if anybody on the Town Board has had any kind of communication whether it was by e-mail, memo or telephone with the Attorney General’s Office or State Comptroller regarding the Moreau Emergency Squad.

Supervisor Jenkins replied yes he has.

Councilman Kusnierz asked Supervisor Jenkins to share the details of that communication, because he wasn’t aware of any of it.

Supervisor Jenkins stated that “they looked at all decisions that were made and confirmed by their Board of Directors. The way they run the Board of Director I do question.”

Councilman Kusnierz stated he was asking about his communication with the State. Did they find any wrongdoing on the part of the squad on how they handle their books, any wrongdoing with their withholding information as being improper, was there anything that came out of those conversations that said the squad was breaking the law or not following the requirements for not-for-profits.

Supervisor Jenkins replied that the only confirmation he got was verbal and he is supposed to get something in writing. He spoke with the person that he and Councilwoman LeClair spoke with a 1 1/2 years ago and he basically felt that based on what they had and what they showed them there was nothing he could do.

Councilman Kusnierz asked “nothing he could do or there was no wrongdoing on the part of the squad”.

Supervisor Jenkins replied “He didn’t say that, he said all decisions that were made and confirmed by the minutes of the Board of Directors. It referred to issues on the vehicles and a couple other issues. What you are saying is true, they basically didn’t prove that they did anything wrong.”

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Councilman Kusnierz said that what he was most concerned about was that a conversation took place between the State and the Town and he heard about it on the street. He is an elected official and it is a disservice to those that we represent when all Board Members aren't apprised of what's going on with Town business.

Supervisor Jenkins said he wasn't going through 2010 again where we did separate contracts month after month after month. He wasn't prepared to sign a contract until they agree to release records to us other than health care records that are protected by law. We want to look at everything. That is what Councilwoman LeClair wants and he totally agrees with her.

Councilwoman LeClair said she isn't saying they are doing anything illegal. "My concern is, if you are not making wise financial choices and then you come to the Town to pay your overhead bills we need to be able to make that decision. We are handing over a lot of taxpayer dollars. If they are not making wise decisions, we need to know that. Just like we found out that it looks like the Fire Company bought a \$40,000 van and they are coming to us and saying fire fighters lives could be jeopardized if they don't have the air packs. She has strong concerns about that. The Emergency Squad was willing to forego \$20,000 two years ago so they didn't have to explain how they spend the money they make. That is a lot of money to forego and not show here's how we are spending it. If I was in their position I would come in and say here it is. If you are accusing me of something, here it is. I am doing nothing wrong. They didn't do that."

Supervisor Jenkins asked for a roll call vote.

Councilman Kusnierz asked what the motion was and then asked the Town Clerk to read it back. The Town Clerk read back the motion as best as she could as follows:

"Councilwoman LeClair made the motion on the EMS line item and not to pay the contract until the information that has been asked for has been given to the Board, they don't spend as carefully as they could and they are not fiscally responsible and she doesn't want to sign a contract until this is done."

Councilwoman LeClair stated "I want to know if they are. I don't know if they are. I don't know if we are handing them money to pay for their electricity and what are they spending their money on. Whether it is legal or illegal, what are they spending their money on? I am not accusing them of doing anything illegal, but we don't know if they are spending wisely or what they are spending the money on. We are paying their bills and they are spending the money, basically, as they see fit."

Councilman Kusnierz asked the following question: "The amount we have budgeted for the squad, because it is a separate line item and we are voting on this motion, has it been withdrawn from the overall budget."

Supervisor Jenkins replied no.

Councilman Kusnierz said so it is in the budget that we adopted, but we are voting on a separate line item regarding the contract.

Supervisor Jenkins said the separate line item refers to that budget that will be a separate vote and the contract that we want that "she is requesting, to give us the information we want and to totally review the records that are legal and that we can look at. I think that when we are giving \$200,000 plus the taxpayers have a right to know that and if they don't want us to know it they don't have to accept the money either. I don't think that is totally unreasonable. Ever since we went to a paid organization there have been a lot of problems. He read the minutes of early warnings of what could happen and essentially that is kind of where we are at. The money we'll keep in the budget, it will be restricted to contract language. If they don't agree to the language they don't get the money".

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Councilman Kusnierz stated that our residents are entitled to have a sense of security and service from our emergency personnel. If the Board adopts this resolution what will we do in the interim.

Councilwoman LeClair and Supervisor Jenkins were talking at the same time so it was difficult to understand what they said, but they basically said that somebody will provide the service and Councilwoman LeClair referred to a person named McAvoy from County Emergency Services.

Councilwoman LeClair made a motion “to approve it contingent on us seeing how they spend their money”.

Councilman Kusnierz asked what will happen if they don’t do that. The contract ends December 31st. What is the Board’s intention if that doesn’t happen? Are we going to address that tonight?

Councilwoman LeClair stated that it depends on how the vote goes tonight. If there is support then tomorrow morning Supervisor Jenkins would speak with Michael McAvoy of Saratoga County EMS.

Councilman Kusnierz said he couldn’t speak to him without direction from the Board. He can speak with him, but he won’t be speaking on behalf of the Board.

Councilwoman LeClair said once we know how the vote goes we will be able to make a decision.

Supervisor Jenkins said we will prepare a contract and submit it to them. If they sign it then we can fund them. If they don’t sign it then we don’t fund them.

Councilwoman LeClair said there is Mutual Aid that services this Town on a regular basis currently and we would also speak with Michael McAvoy from Saratoga County EMS who steps in and provides service when there is no service. That is his job to make sure there is service.

Councilman Kusnierz asked Councilwoman LeClair if she was aware that we would not have the same level of service that we have now and there would be no advanced life support if we go with Mutual Aid and an outside organization without a Certificate of Need. What they are setting the Town up for is if they follow through with this is that after December 31st our residents will not receive the same high level of emergency response from emergency responders from the squad that they have come to know and expect.

Councilwoman LeClair replied that they don’t know this.

Councilman Kusnierz replied he does know this. He knows this for a fact. That is where the Certificate of Need comes in and why we have the costs that we do with the squad. He knows this for a fact and he isn’t prepared to do that.

Supervisor Jenkins asked the Town Clerk for a roll call vote.

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

Supervisor Jenkins asked for a motion to close the meeting.

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A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to adjourn the meeting at 7:09 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk