

A regular meeting of the Town Board of the Town of Moreau was held on November 24, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:00 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	Councilman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Paul Joseph, Highway Superintendent; Nancy Ryan, Transfer Station Clerk; Steve Gram, Recreation Director; Jesse Fish, Water Superintendent; Nick Reisman, Post Star Reporter; Richard W. Morris, Owner of Toadflax Nursery; Brigid Martin, Village Resident; Reed Antis, Town Resident (arrived at 7:12 p.m.)

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:

November 5<sup>th</sup>, 6<sup>th</sup> and 10<sup>th</sup> (2 Sets)

**MINUTES – NOVEMBER 5, 2009 – PUBLIC HEARING ON PRELIMINARY TOWN BUDGET FOR 2010**

Correction:

Page 564 – 11<sup>th</sup> paragraph – 2<sup>nd</sup> line – change the word “occur” to “incur”

**MINUTES – NOVEMBER 6, 2009 – BID OPENING – BASKETBALL T-SHIRTS & SAND BIDS**

No comments or corrections. Received and filed.

**MINUTES – NOVEMBER 10, 2009 – 6:30 P.M. PUBLIC HEARING CONTINUED ON 2010 PRELIMINARY TOWN BUDGET**

Correction:

Page 570- last paragraph – 1<sup>st</sup> line – change the word “is” to “it”

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### **MINUTES – NOVEMBER 10, 2009 – 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 the sets of minutes submitted for approval with corrections so noted and receive and file the minutes of the bid opening on November 6, 2009 as prepared.

Roll call vote resulted as follows:

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

### **FUTURE MEETINGS/WORKSHOPS**

A public informational meeting re: proposed Water District 7 was scheduled for December 7<sup>th</sup> at 6:30 p.m. at the Fire Station on Route 197.

A public informational meeting re: a proposed sewer district was scheduled for December 7<sup>th</sup> at 8:00 p.m. at the Fire Station on Route 197.

A mailing will go out to all property owners within the proposed water and sewer districts inviting them to the meeting.

### **15 MINUTE PUBLIC COMMENT PERIOD**

Richard Morris owner of Toadflax Nursery addressed the Town Board and asked for a little bit of time to work on an issue. He referred to a building on his property that he said was known as a “portable veggie barn” or “display barn” or various other names and said that he has been working with the Planning Board since November 2008 or prior. He said there was a proceeding in November of 2008 and in April he started working on some of the issues. He said there is a second portion of a consent order that calls for a fine of \$4,000.00. The initial part of the consent order called for a fine of \$1,000.00. He said it wasn’t something he had planned on, but his time constraints this year didn’t allow him to get to everything that he needed to get to in that portion of time. He is working on getting the things being asked for, but even that is going to take months with the Planning Board. He will be sending the Town Board a letter giving them an overview on it. His court date is December 10<sup>th</sup>. He wants the Town Attorney and Town Board to give him more time to get things situated and allow him to get matters taken care of. He felt it was an excessive amount of money being imposed and at the time when the agreement was made he had other issues going on and constraints and he thought he could get the project done in the time allotted, but he wasn’t able to.

Councilman Kusnierz asked him if he was looking for a postponement of the court date.

Mr. Morris replied no, if he had been able to complete what he had to complete within the time frame then the second portion of the consent order would not have applied. He thought at an April meeting he was at a point where he could have gotten a building permit, but when he came back and met with the “Town” that wasn’t the case and he still needed more site plan review. At the time of April 4<sup>th</sup> the site

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plan review they were talking about proceeding with was hypothetical if he sold his property on the west side of Route 9 and moved across the road and how would it appear and what could be the potential with the Planning Board, which is something he still needs to do and wants to do. Once he sells he will have to move back to the other side of Route 9 and expand the southern part of his property. Pursuing this process inhibits the ability to get the other portion done, which is the current site. There is still more ins and outs and details for a building that is really a temporary building and that isn't going to be on the site and is going to be moved. There are a lot of details in and around the overall building and what its use would be and its location and type of building. It is not a permanent building and it is not attached to a foundation. He wants the Board to give him some time to follow through with the things he needs to follow through with. He is in a season now where he can get things done. His busy season is over.

Supervisor Jenkins told Mr. Morris that this Board is a legislative group and he has a judicial issue that he needs to deal with. He told Mr. Morris that if he spoke with the Town Justice who gave him one year and if he told him how long it would take him to comply and finish it he might grant an extension. We are going to do what the court says. We don't have any control over that. The paperwork is with the court and it is up to the Judge.

Councilman Kusnierz asked if he understood correctly that a ruling was made and a consent order issued and signed.

Mr. Morris replied this was correct.

Councilman Kusnierz asked if Mr. Morris and the Town agreed to parameters to rectify what needed to be taken care of and it was a two part agreement.

Attorney Auffredou said this was correct.

Councilman Kusnierz asked if Mr. Morris complied with the first part of the agreement.

Attorney Auffredou said out of respect for Mr. Morris and his attorney he didn't know if the Town Board should be discussing what he complied with or didn't comply with.

Councilman Kusnierz said it is a judicial matter then.

Attorney Auffredou replied yes, it is with the court. Mr. Morris through his attorney wrote a very thorough letter to the court and we did the same and expressed our position. It is on for a court date of December 10<sup>th</sup> probably just a discussion with the Judge at that point in time. This is a matter for the court and we should wait to see what the court does on December 10<sup>th</sup>. Beyond that he is a little uncomfortable having the Town Board discuss the details of this. Mr. Morris was at the Planning Board Meeting on November 16<sup>th</sup>. He had a set of plans and he is moving forward with that process and the Planning Board has scheduled one site visit to Mr. Morris's property. The court issue is a separate issue.

Supervisor Jenkins said his feeling is that if Judge McCabe did give Mr. Morris additional time he would hope that the Building Department and Planning Board would work with Mr. Morris to try and help him get it done.

Councilman Kusnierz said that we as a Town have always been and Joe Patricke has always been big on voluntary compliance. We want an agreement to be reached that is voluntary no matter what the problem so that there doesn't have to be judicial proceedings on it. He told Mr. Morris that maybe he should talk to Justice McCabe about this and his attorney can talk with our attorney. He told Mr. Morris that if something happens after a decision is made he is more than welcome to come back before the Town Board.

Mr. Morris said he wanted the Town Board to be aware of the situation and as December 10<sup>th</sup> approaches and he talks with Justice McCabe he hoped to have some sort of clarity as to what the potential would be.

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Supervisor Jenkins asked if there were anymore comments from the public. There was no response.

This concluded the first 15 minute public comment period.

#### **DSWRF PROJECT 17543 WATER DISTRICT 7**

Supervisor Jenkins said that he and Attorney Auffredou met with Tim Burley, Engineer for the Town and Jason Denno from Environmental Facilities Corporation (EFC). We signed the paperwork to move forward and the indication is that we will get zero percent financing even if the entire grant is a loan. We know that we will get close to \$1 million for a water tank and other grants too. He thought that he needed authority to sign certain documents.

Attorney Auffredou replied that the Town Board could entertain a motion authorizing the Supervisor to execute on behalf of the Town any and all necessary documents to process the application(s) for funding through DWSRF for Water District 7. It isn't committing the Town to anything rather it is just processing the necessary papers.

Councilman Kusnierz said before he gave out authorization for a signature on something that engages us he would like to read what he was authorizing.

Attorney Auffredou said all it does is allow the supervisor to work with Jason Denno and others to put the Town in the best position possible to seek funding and grants, etc.

Councilman Kusnierz made a motion authorizing the Supervisor to execute on behalf of the Town any and all necessary documents to process the application(s) for funding through DWSRF for Water District 7.

Councilwoman LeClair seconded the motion.

Roll call vote resulted as follows:

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

#### **WATER DEPARTMENT REQUEST**

Supervisor Jenkins stated that a fire hydrant on Tanglewood Drive by the football field needs replacing/repair. Jesse Fish got three quotes, but he needs to explain why the quotes are so different from each other.

Jesse Fish stated that when they were flushing hydrants the hydrant wouldn't shut down properly. The hydrant is from 1963. The stem inside is broken and the valve that allows water to flow to the hydrant from the main will not shut down completely. It is down 6 ½ feet to 7 feet and he doesn't have the manpower or equipment to dig down that far. The first quote is \$1,200.00 and it is very vague. It doesn't specify what is going to be done or how. The second bid is \$2,200.00 from Clear. Clear wants to use the existing valve and believes that if we get a new hydrant we can exercise the valve enough to get it operating. In order to do this he would have to restrain the piece of pipe that is there, which means he will have to dig down and restrain it and then dig the hydrant out and replace it. The third quote is from O'Connor and he wants to leave the old valve in the ground, restrain it, add a piece of pipe to it and put a new valve on it and then open the valve completely that isn't working properly and have the other valve as a shut off valve and move the hydrant back a few feet. He wasn't comfortable with the \$1,200.00 quote and he agrees with Clear's proposal. He thinks the valve will work properly if they can exercise it under full pressure. The worst case scenario is that if it still doesn't shut down it will shut down enough so if they

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need to work on it in the future they can. At least the hydrant being new will shut off and on and drain back properly, because the valve should be open all the time on that hydrant anyway.

Councilman Cumm asked Jesse if the hydrant is weeping and draining properly.

Jesse Fish said the weeper isn't working properly. The bottom line is the hydrant is almost fifty years old and needs to be replaced.

Councilman Prendergast asked how old the valve is and Jesse said he would guess the same age as the hydrant.

Councilman Prendergast asked if the valve is worth saving and Jesse said they aren't used as much, but they won't know until they get down in there. If they get down in there and they need to cut the stub and put a stub on and move it back a little even that shouldn't cost another \$1,200.00 or \$1,400.00, because he has a pipe that will fit and he already has a valve down at the plant.

Councilman Prendergast asked Jesse if they find that the valve needs replacing will it equal the O'Connor quote.

Jesse Fish replied no. He said again that he already has a valve and a piece of pipe.

Councilman Kusnierz said he was uncomfortable with the fact that there are three different quotes and three different levels of work. He would like Jesse to put together the least amount of work scenario to the worst case scenario and give it to the vendors quoting so they are all quoting on the same task and have them quote on a not to exceed figure. Then he would be happy to move forward with it.

Supervisor Jenkins said the valve that is there is going to stay there either way and he asked Jesse why it can't be changed.

Jesse Fish replied that if they don't leave the valve there then they would have to shut down the water system for the neighborhood and school and he was trying to avoid that.

Supervisor Jenkins asked if there would be a problem if the Board waited until December 8<sup>th</sup> to act on this request and Jesse Fish said no. He then said that the only problem would be if they needed to get under the road to the main and have to tear the road up. Where will they get the blacktop from to fix the road afterwards? The blacktop plants may be shut down.

Councilman Kusnierz asked Jesse if he could contact the vendors who quoted before the audit meeting tomorrow.

Jesse replied that he could get the ball rolling and draw up something and give it to them and ask for a quote on it.

Councilman Kusnierz asked if the quote from Clear accomplishes what Jesse wants to happen.

Jesse replied that the hydrant isn't usable right now and it would allow the hydrant to drain back so it doesn't freeze up.

Councilman Cumm stated that Jesse researched this a lot and he talked to them a lot and Jesse is the water superintendent and if he feels that Clear can do the job and since winter is coming on so quickly we should move forward with Clear and he would make a motion to that effect.

Councilman Kusnierz said actually there is a big difference between \$1,200.00 and \$2,200.00 and 24 hours won't have a significant impact when there is a potential to save the taxpayers \$1,000.00. He requested that they table it until at least tomorrow so we can get more information.

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Supervisor Jenkins stated that the \$1,200.00 quote is very unclear.

Councilman Kusnierz said that was his point. He wants to make sure that all three individuals were given the same opportunity to do the same exact job and come up with a price.

Jesse Fish said he could do that.

Supervisor Jenkins told Jesse that if he could get numbers by tomorrow the Board could act on it tomorrow afternoon.

Attorney Auffredou said there is a motion on the floor.

Supervisor Jenkins said there wasn't any second.

Councilman Prendergast said that the price from Clear has been announced and is it fair to him now.

Attorney Auffredou replied that it is not a competitive bid rather it is under the Town's procurement policy.

Councilman Prendergast asked if the hydrant works now and the answer was no. He said when we get prices tomorrow we should move right along on it. It is a fire hydrant and people depend on it.

Councilman Kusnierz asked how long it has been out of service and Jesse replied three weeks. Councilman Kusnierz said this was the first he has heard of this.

Jesse Fish stated that there are three other hydrants that need repair. One will be fixed by next week. There is still fire protection from these hydrants.

Supervisor Jenkins asked Jesse Fish for a written report on this.

Councilman Kusnierz stated that if there is another public safety issue with hydrants it needs to be brought to the Supervisor's and Board's attention.

Jesse Fish replied that the Supervisor was notified two weeks ago and he was aware that he was getting prices.

Councilman Kusnierz said with a public safety issue like this he has no problem discussing it over the phone.

Supervisor Jenkins stated that quotes have been received on fencing for the control building off Nolan Road as follows:

Adirondack Fence	\$5,480.00
Siena Fence	\$4,523.00

The money would come from the GE settlement and the recommendation is to accept the quote from Siena Fence.

Jesse Fish stated that the reason they want to move the fence is that there is a new generator alongside the building and they want to straighten the fence and run it to the back of the property and across the back.

Councilman Kusnierz said the higher quote includes a double swing gate and the lower quote doesn't.

Jesse Fish replied that he already has the double swing gate down there.

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Councilman Kusnierz asked if both would be doing the identical work and Jesse replied yes.

Councilman Kusnierz said he didn't see what account it was coming from.

Jesse Fish and Supervisor Jenkins replied that it was coming out of the GE settlement money. There is about \$250,000.00 in the account right now.

Jesse Fish stated that it is a substitute for the paving. We were supposed to pave the road into the Nolan Road plant and down to it and there was a past agreement made between the former highway superintendent and the superintendent of water and the people next door not to pave anything down there, because of a water issue they might have in their yard from run-off. He honored that by not paving the road and now we are substituting the fence for that.

Councilman Kusnierz asked if the former highway/water superintendent had the authority to do that and make an agreement to do that. He thought that was what the board was elected to do.

Supervisor Jenkins replied that we previously discussed the paving and it could be a real flooding issue for the people.

Jesse Fish said it could be paved, but drainage would have to be put in and there is a lot of underground utilities and piping and in order to do it we would be half on their property and half on the property of the person who owns the road.

Attorney Auffredou said there are times when a department head has to make some decisions and if in the future those types of decisions should come to the Town Board first then that is a discussion the board should have with the department heads.

Supervisor Jenkins said he thought that the engineer for the Town may have been in on that decision also or had knowledge of it.

Councilman Kusnierz said that anytime there is an issue that involves the expenditure of Town funds a department head shouldn't be unilaterally promising something to somebody without a discussion taking place at the Town Board level first in his personal opinion.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm to accept the quote from Siena Fence in an amount not to exceed \$4,523.00.

Roll call vote resulted as follows:

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

#### **RECREATION DEPARTMENT REQUESTS**

Supervisor Jenkins reported on a request from the Recreation Director authorizing reimbursement to the Town Highway Department in the amount of \$956.25 and payment to Jointa Galusha in the amount of \$713.76 for stone for the parking lot at the quads. It would be paid out of HP7180.2.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing the reimbursement of \$956.25 to the Town of Moreau Highway Department and payment of \$713.76 to Jointa Galusha for stone for the parking lot at the quads.

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Roll call vote resulted as follows:

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

A request was also received from the Recreation Director for authorization to purchase blacktop for the parking lot around the quads from Pompa Brothers in the amount of \$9,448.20.

A motion was made by Councilwoman LeClair and seconded by Councilman Cumm authorizing the purchase of blacktop from Pompa Brothers at a cost not to exceed \$9,448.20 for the parking lot around the quads.

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 Councilwoman LeClair authorizing the transfer of \$10,000.00 from HP7180.2 – Recreation Capital Project – Administration – Equipment into HP7180.4 – Recreation Capital Project – Administration – Contractual for paving and rubble in the quad area at Moreau Recreation Park.

Roll call vote resulted as follows:

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

The lighting grant for the Recreation Park was discussed next.

Steve Gram reported that he received price estimates for material only to light field #5 would be \$50,000.00 right now and \$60,000.00 a couple months from now. Material for the bowl would be \$80,000.00 right now and \$90,000.00 in 2010. The legion field would be \$130,000.00 now and \$145,000.00 in 2010 for materials only. The installed prices would be for field #5 or the legion field or softball field \$100,000.00. An alternative to lighting the field(s) would be to light the parking lots and other areas such as the quad and little league area or the tennis courts. These estimates came from MUSCO.

Councilwoman LeClair reported that we have until the end of December or we lose the money totally. The other board did a lot of work on getting this grant in the amount of \$80,000.00. We are going to need to make a decision on it soon so Steve Gram can file the paperwork before the end of December.

Steve Gram advised that the Recreation Commission suggested lighting the x-c ski trails and MUSCO said it would cost about \$300,000.00 to light the trails.

Steve Gram stated it was the recommendation of MUSCO that we light an area in the park that will make us money. He didn't recommend lighting the little league field or softball field, because normally 12 year



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olds don't play at night. He recommended lighting field #5, because we do have power to that field and we could use it as a community field. If adults wanted to play softball on it they could pay for the power used to light the field during their games or the field and lighting could be used for Moreau Fun Days or the Indian Pow-Wow. The total cost of the lights installed would be \$100,000.00.

Councilman Kusnierz was of the opinion that we should do what will give us the most "bang" for our buck and he did not want to light parking lots and playing fields. He recommended they look at the multi-use fields and that points to the bowl.

Councilwoman LeClair said we would be looking at another \$80,000.00 to light the bowl.

Supervisor Jenkins said the other thing they need to be clear about is that we need to spend this money up front and then the state will reimburse us eventually. He agreed with Councilman Kusnierz for a slightly different reason. We would only be lighting it for special events and therefore limiting the costs so it may be the best way to go and that was our original choice. He asked Steve Gram to get an updated price on lighting the bowl.

Councilwoman LeClair stated she would like to see the updated price, but didn't think that she would be for spending \$80,000.00 of our money just because "they" are spending \$80,000.00. The only benefit she sees to lighting field #5 is that it would cost \$20,000.00. If the cost is actually double that, because the quote from MUSCO was only for material the \$80,000.00 grant would cover the material. Do we want to spend \$80,000.00 to light a field when we have other needs at the Recreation Park?

Councilman Kusnierz stated that it will have to go out to bid anyway.

Supervisor Jenkins said he didn't want to light a field just because we have \$80,000.00 to spend. It isn't the right thing to do.

Steve Gram said he would get the updated prices tomorrow.

Councilman Kusnierz said he received a call from a parent regarding 6<sup>th</sup> grade basketball and he asked Steve Gram how he arrived at an 8:00 p.m. start time.

Steve Gram replied that they don't start at 8:00 p.m. They play from 9:00 a.m. to 1:00 p.m. on Saturdays. They used to play during the week starting at 5:00 p.m. and it was changed to a 6:15 p.m. start time and they ended at 8:00 p.m.

This concluded the discussion on Recreation.

### **EBS-RMSCO HEALTH INSURANCE REIMBURSEMENT**

Supervisor Jenkins asked Attorney Auffredou if he read the proposed EBS contract and Attorney Auffredou replied that he had and in his opinion it is ready to be signed.

Councilman Kusnierz asked what the cost is based on the plan selected by the Town.

Attorney Auffredou replied that if he went to appendix A of page 10 it reads there is a \$55.00 a month charge and a \$2.75 annual compliance service fee per participant.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the supervisor to sign the EBS Health Insurance Agreement.

Roll call vote resulted as follows:

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

### **PROPANE DELIVERY SUPPLIER**

Supervisor Jenkins said he didn't have any idea what the information before him meant. The information before him read that Amerigas no longer has the state contract and they were to compare the propane rates attached and change suppliers. He said it is even more confusing, because Amerigas is going to charge .40677 over the terminal price daily whatever that is.

Councilman Kusnierz said they are going to charge "~~market~~ **mark** up on the spot price".

**[Amended 12/8/09 jf]**

Councilman Cumm stated it appears they are going to sell it to us at 40 cents over terminal price on any given day and he asked who this was directed to and the answer was the Town Board.

The Board Members asked Nancy Ryan if we need gas or did we already receive a delivery.

Nancy Ryan said she already received gas from Amerigas.

Supervisor Jenkins said this was because it was previously approved when it was under state contract.

Councilman Prendergast said that all this information is saying is that Amerigas is no longer under state contract. He asked when the next delivery would be and Nancy Ryan said that Amerigas delivered once a month.

Supervisor Jenkins said they needed more information and they would try and get it resolved by December 8<sup>th</sup>.

### **WASTE HAULING BIDS**

On November 12<sup>th</sup> sealed bids received were opened for waste hauling and disposal from the Transfer Station. The following bids were received:

			Waste Management of NY LLC	Springer Waste
			100 Ransier Drive	1392 Route 9
			West Seneca, NY 14224	Fort Edward, NY 12828
<b>Proposal A</b>				
<b>Bid Item 1</b>		(1) 40 cy container		
Trans.	1(a)		117.30	109.25
Disposal	1(b)		53.30	52.25
<b>Bid Item 2</b>		(1) 20 cy open top container for overflow		
Trans.	2(a)		95.00	109.25
Disposal	2(b)		53.30	52.25
<b>Bid Item 3</b>		(1) 20 cy open top container for back up		
Trans	3(a)		95.00	109.25
Disposal	3(b)			

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			53.30	52.25

Allied Waste Services of North America LLC declined to bid.

Supervisor Jenkins stated that based on the 2008 tonnage and pulls and the current pricing Waste Management would be \$116,988.18 and Springer would be \$115,839.35 so Springer would be about 1% less.

Supervisor Jenkins said that Nancy Ryan had a recommendation.

Nancy Ryan stated that it depends on the call in time. Waste Management has a two hour call in time and while they are waiting the compactor fills up. Once the compactor is full they use the open tops and it is costly to use the open tops.

Councilman Prendergast asked what the contract calls for and Nancy Ryan replied two hour call in for Waste Management.

Councilman Prendergast assumed that the new contract calls for the same response time and Attorney Auffredou replied yes.

Nancy Ryan stated that they used to have a contract with Springer and they are located right down the road from the Transfer Station and when they were called they were right there within ten minutes.

Councilman Cumm said there was a problem with the leachate and Waste Management didn't want to deal with it and Springer was right there with trucks to ship it up to Plattsburgh and it didn't cost us an arm and a leg.

Nancy Ryan said they are good people.

Nancy Ryan said that if they went with Springer they could cut down on the use of the 20 yard containers, because they are located so close to the Transfer Station.

Councilman Kusnierz said the problem with Springer is that their bid price for the open top containers is a lot more expensive and counsel just said the response time would be the same.

Supervisor Jenkins said again based on the 2008 tonnage and pulls and using the current rates Springer is less.

Nancy Ryan said with the open tops what you are paying for are the elements. You are paying for water, snow, ice plus garbage.

Councilman Kusnierz asked Nancy if what she was saying was that if they went with Springer that problem would go away and she responded not entirely.

Councilman Prendergast said it comes down to response time and Councilman Kusnierz added that every year that has been the problem.

Nancy Ryan said ten years ago they used Springer and they never had a problem with response time. They never forgot to come. The most they ever had to wait was 20 minutes tops.

Councilman Kusnierz asked if they would be amenable to a penalty clause if they exceeded the two hour limit.

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Attorney Auffredou said that may be a material change to the bid documents.

Councilman Kusnierz said it would be offered to both and Attorney Auffredou said they could do that.

Brigid Martin asked if they ever considered local businesses as opposed to out of town businesses.

Councilman Kusnierz told her that they put it out to bid and anybody can bid on it.

Nancy Ryan stated that Springer is a Town business.

Attorney Auffredou stated that in the bidding realm it is the lowest responsible bidder.

A motion was made by Councilman Cumm to accept the bid from Springer Waste for 2010 and authorize the Supervisor to execute the notice of award, notice to proceed and the contract documents.

Councilman Kusnierz asked if they were throwing the larger more cost effective 40 yard container out the window and not considering it.

Supervisor Jenkins stated that the position was that Springer would use more 40 yard containers and less 20 yard containers.

Councilman Kusnierz asked where it says that, he was looking at the bid spreadsheet.

Supervisor Jenkins stated that those were calculated based on 2008 pulls and that doesn't mean that is what we are going to do in 2010 if we go away from 20 yard containers.

Councilman Kusnierz asked how the contract read. Did we ask for only 40 yard containers or 20 yard containers and the answer from Nancy Ryan and Attorney Auffredou was both.

Councilman Kusnierz asked how we know we are going to use the 40 yard over the 20 yard container. How is it worded in the contract?

Councilman Kusnierz thought they were talking about open tops and asked what the change was that they wanted before.

Nancy Ryan replied we have always said 40 yard. The 20 yard containers are the open top bins.

Councilman Prendergast said the 20 yard containers are for overflow and it comes down to response time. If they hold to the response time of two hours per the contract then we shouldn't have to use the 20 yard containers and if they don't then it will cost us more money.

Councilman Kusnierz said if the response time doesn't change then it has the potential of costing a lot more money. He said he was looking at \$109.50 for Springer and \$95.00 for Waste Management for the 20 yard open top and \$52.25 vs. \$53.30 for the disposal. This is a significant factor that has to be taken into consideration.

Nancy Ryan stated "but you are using the compactor less".

Councilman Cumm said they are still based on the same number of pulls and Springer is still \$1,000.00 less.

Councilman Kusnierz asked if aren't the 20 yard open tops outside and Nancy Ryan replied yes in the elements. He then said that is the issue here. The issue is response time, which translates into greater use of open tops which costs more money with one vendor vs. the other vendor.

Nancy Ryan said this was correct.

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Councilman Kusnierz replied okay he thought he was missing something.

Councilman Cumm said they were comparing 108 pulls of 20 yard containers and 102 of the 40 yard if the response time by both vendors is the same and if so then Springer is less.

Supervisor Jenkins said there was a motion on the floor and asked if there was a second.

Councilwoman LeClair seconded the motion.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Supervisor Jenkins	Yes

### **SAND BIDS**

Supervisor Jenkins stated at the last meeting the Board didn't have the DOT source number or mining permit from Cranesville and we now have that information so the Board could award the bid for sand to Cranesville at their bid price of \$5.24 per ton vs. Jointa Galusha which was \$7.00 per ton.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to award the bid for the purchase of sand to Cranesville per their bid price of \$5.24 per ton.

Roll call vote resulted as follows:

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

### **HIGHWAY DEPARTMENT REQUESTS**

Paul Joseph, Highway Superintendent, informed the Board via memo that he would be advertising in the newspaper to fill the vacant position created by his appointment and election to the position of Highway Superintendent. He will also be advertising for people interested in being on their call-in list for wing person for the upcoming winter season.

There was an issue with truck #14 and we were going to replace the dump body and it was found that there was a lot of rust and the frame rails may need to be replaced. The quote received from Arrowhead was as follows:

Repair all components behind cab, remove rear suspension, rear hinge, air tanks and cabinets, prep for new outer frame channel, install new frame starting behind the cab at cross member to the rear hinge, undercoat existing frame and new frame before assembly, assemble back to original condition, complete undercoat of entire frame and upgrade to 3/8 inch thickness. The cost of materials and labor will be \$6,500.00.

If new inner frame rails are needed the cost will be \$3,000.00 additional and this includes undercoating.

The written quote also read that the price is subject to change pending physical inspection of the vehicle and the price is valid for a 15 day period.

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The quote also noted that the warranty on their truck bodies is 12 months parts and labor.

Supervisor Jenkins asked for a motion authorizing this work at a cost of \$6,500.00 and a total price not to exceed \$9,500.00 if inner frame rails are needed.

There is \$19,000.00 in DB5130.405 to pay for this work.

Councilman Prendergast asked Paul Joseph if one of his staff members went up to Arrowhead and looked at the condition of the truck and Paul said yes and they took pictures of one side and he gave them to the Supervisor. He said when they pulled the wood away from the frame the top rail came right with it. He said this was an old style truck and they used to use wood down in the frame by the dump body. After they saw this they came back and drilled the bolt out of one of the rails on truck #16 and it isn't as bad as truck #14.

Councilman Kusnierz asked Paul Joseph when he will know if we have to spend the additional \$3,000.00.

Paul Joseph replied that Arrowhead will have to strip the whole rear end out of it take the spring hangers out and separate the frame rails. It will take about a week to do this.

A motion was made by Councilman Cumm authorizing the expenditure of an amount not to exceed \$9,500.00 for the frame rail for truck #14.

Councilman Prendergast asked Paul Joseph if they will call and let him know if it needs rails and give him a chance to run up and look at it.

Paul Joseph replied yes.

Councilman Prendergast seconded the motion.

Councilman Kusnierz asked if Arrowhead was the only company who does this work.

Paul Joseph said there is another one in Amsterdam, but they have a two month wait right now.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	No

Councilman Kusnierz voted no, because even though he agrees the work needs to be done for \$6,500.00 he has a problem authorizing an additional \$3,000.00 before he knows if the additional work has to be done or not.

Councilman Cumm	Yes
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Councilman Prendergast asked Paul Joseph again if they would call him before they went ahead with the additional \$3,000.00 worth of repairs and Paul Joseph said as soon as he gets the call he and Ron Gilligan will go up and look at the truck and make sure it has to be done.

Councilman Prendergast	Yes
Supervisor Jenkins	Yes

Supervisor Jenkins stated the truck has to be fixed and will be needed very shortly. He said obviously we don't want to spend \$3,000.00 unless we have to.

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The next item of discussion regarding the Highway Department was moving three laborers to MEO's. The annual increase to move three laborers to MEO status would be \$793.44 each if they work regular hours and if a person was moved to working foreman the increase would be \$3,361.68 for a grand total increase annually of \$5,742.00.

Paul Joseph has requested that Tom Olsen (started 12/16/07), Darcy Miller (in January he will have two years service) and Brian Huntley (won't have one year of service until December 1, 2009) be moved from laborer status to MEO status.

Supervisor Jenkins said it was his opinion that Tom Olsen and Darcy Miller should be moved to MEO status and Brian Huntley should wait until he has worked a full year.

Councilman Kusnierz thought historically one laborer was moved to MEO status per year.

Paul Joseph replied that historically they did one a year, but when Joe Reynolds retired Steve Barody was going to step one up to MEO and with his sickness he never got around to doing that. **Mike Montgomery was going to step one up and Fran Thibodeau didn't go any farther with it to step somebody up.** So it would be one to replace Joe Reynolds, one to replace him and one for the year. **[Town Board Meeting 12/8/09 Clarification was made to bold faced statement above. Fran Thibodeau did not get a request by anyone from the Highway Department to step up anyone to an MEO position. The Town Clerk spoke with Paul Joseph, Highway Superintendent, on 12/8/09 and he stated that Mike Montgomery is the one who didn't go any farther with the stepping up of laborer to MEO. jf ]**

Councilman Kusnierz asked how long a laborer typically serves before they are bumped up.

Paul Joseph said it varies. When he started working at the Highway Department he replaced a laborer that had been there for 20 years.

Councilman Kusnierz asked what the advantage was for an MEO over a laborer.

Paul Joseph said they don't ask for a pay increase the day they are running a loader or driving a truck for a day. If a laborer is put in a truck then they have to let everyone know they were in a truck for the day so their pay is adjusted.

Councilman Cumm asked if a laborer right now gets paid the MEO rate if he is doing MEO work and Paul Joseph said yes if they work as MEO for a whole day.

Paul Joseph said two of these people will be plowing snow this winter.

Councilman Kusnierz said that, that was per the contract.

Councilman Prendergast said he was surprised that this wasn't a negotiated item. He also was not familiar with this happening without criteria having to be met in order for an individual to gain a rate increase. Anyplace he ever worked there were criteria that had to be met before any rate increases took place.

Councilman Cumm said they are fulfilling the MEO requirement most of the time they are working.

Supervisor Jenkins stated that the Highway Superintendent makes this decision under the law and the Town Board is pretty much an advisory Board in this matter.

Councilman Kusnierz stated that is normally true if it is budgeted for. This wasn't budgeted for so the Board has significant input.

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Councilman Prendergast stated that if it gets them back to one each year then he is good with it. It wasn't an issue before.

Supervisor Jenkins told Paul Joseph that he needed to submit this to Fran Thibodeau.

Paul Joseph mentioned that they towed into the highway garage an abandoned car a year ago that was found in the Town's right-of-way in front of an abandoned house and it had no plates or title and the Sheriff was there when it was towed away. Pete Cardinale will tow it from the Highway Garage at no charge.

Attorney Auffredou said a year has gone by and there hasn't been an issue at this point.

The consensus of the Board was to have Pete Cardinale tow it away.

### **TRANSFER OF FUNDS**

The transfer of funds was already done earlier in meeting.

### **PROCLAMATION – WORLD WAR II VETERAN**

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

WHEREAS, Preston Leroy Jenkins was a World War II Veteran who was born in Queensbury, New York on March 6, 1918 and the son of Albert and Abigail Jenkins, and

WHEREAS, Preston Leroy Jenkins graduated from Glens Falls Academy in 1937 and on August 24, 1940 he married Lorraine N. Jenkins in South Glens Falls, New York, and

WHEREAS, Preston Leroy Jenkins enlisted in the United States Navy on November 1, 1943 with the rank of ship fitter 3<sup>rd</sup> class and served in the South Pacific Admiralty Islands (Manus Islands) until his honorable discharge on January 17, 1946, and

WHEREAS, Preston Leroy Jenkins was presented with the Victory Medal, Asiatic Pacific Ribbon and the American Theatre Ribbon, and

WHEREAS, Preston Leroy Jenkins upon his honorable discharge from the United States Navy returned home and became the proprietor of a used auto parts salvage yard, sales and service in the Town of Moreau for twenty years between 1965 and 1985 and was a member of the American Legion, and

WHEREAS, Preston Leroy Jenkins passed away on February 4, 2000 in South Glens Falls, New York and **was predeceased by two daughters Lois and Patricia and is survived by his wife Lorraine and children** Preston L. Jenkins, Jr., Albert Jenkins, Timothy Jenkins, Trudi Moyer, Beth Simpson, Florence Marie Beecher, Catherine Fleming and Lorraine Mahan and his nieces and nephews and grandchildren, and **[Amended 12/8/09 jf]**

NOW, THEREFORE, BE IT RESOLVED, that in memory of Preston Leroy Jenkins and in honor of his military service to this country he will be honored on December 15, 2009 in Ballston Spa, New York, as a United States Naval, World War II Veteran, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Moreau is proud to recognize Preston Leroy Jenkins for his years of service as a distinguished World War II Veteran.

Roll call vote resulted as follows:



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

### **ROUTE 32 SPEED LIMIT REDUCTION REQUEST**

Supervisor Jenkins said that last year the Board requested a lower speed limit on Route 32 from Route 197 to Clark Road and New York State DOT denied the request. He said he would like to send another request in light of the recent tragedy on that road. He didn't know if a lower speed limit would have affected the tragedy or not, maybe they were going too fast. When the speed limit is 55 people have a tendency to drive 60 or 65 mph. Maybe when it is 45 mph they will drive 50 mph or 55 mph and maybe they would have made that turn. He wants to attach a letter discussing the recent tragedy there. They should also take a close look at the turns in the road. It is a very dangerous road. The temperature is always probably five or six degrees cooler on that road due to all the woods right up against it. There will always be dangerous conditions on that road. There was a death in the same vicinity a few years ago. They can take the lower speed limit all the way into the hamlet of Gansevoort in his opinion. We aren't waiting for an accident, it has already happened.

Councilman Kusnierz said there is a new development going in off Fedor Road, which will lend increased traffic out onto one of those dangerous bends in the road. He asked that the request include a double yellow line from just north of Springer's property on the bend all the way down to Fedor Road. The road is a double yellow line all the way down to Mott Road with the exception of that stretch of road.

Supervisor Jenkins spoke about Route 197. The speed limit from Route 9 to Route 32 is 55 mph and then it slows down from 55 until you get to the bridge over the river and that is a safer stretch of road than from Route 9 to Route 32, which is a residential area. The state always has a problem with these issues. They don't like to slow down speeds. Their position is that all that will happen is more enforcement will be needed because people will be breaking the law. He doesn't believe that. He believes that when it says 45 you may do 50 or 55, but you won't do 65. We want to avoid these kinds of tragedies and just because it is a state road it still goes through residential neighborhoods.

Councilman Kusnierz said in the article describing the tragedy DOT had figures in there about the number of fatalities and he knew for a fact it was understated.

Supervisor Jenkins said the article also said that stretch of road was 45 mph and it isn't. There are a couple of yellow signs with 45 mph on them, but they aren't speed limit signs.

Supervisor Jenkins said he would give the Town Clerk a letter tomorrow to go with the request.

### **15 MINUTE PUBLIC COMMENT PERIOD**

Reed Antis from Paris Road stated that last Thursday when the Town Planning Board met at Toadflax the notice of the meeting read that they were meeting at the Town Hall and we all know the meeting was at Toadflax. Is that a problem?

Attorney Auffredou replied it was a harmless error.

### **COMMITTEE REPORTS**

Councilwoman LeClair said that the Conservation Committee is preparing an annual report.

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Councilwoman LeClair said that the Transfer Station staff wants to know how the Board wants them to handle Christmas trees.

Supervisor Jenkins said we could move the chipper from the Recreation Park to the Transfer Station and chip them for free.

The Board agreed.

Nancy Ryan asked if they were going to put a time limit on accepting the trees.

Following brief discussion it was agreed not to put a time limit on it.

### **SUPERVISOR'S ITEMS**

Supervisor Jenkins stated that the land swap between Saratoga County and the Town of Moreau has taken place and the deed has been filed and the Town now owns 9.03 acres of land behind the Town's property off Route 197.

Supervisor Jenkins asked the Board what they wanted to do about the Pitney Bowe maintenance agreement for the folding and stuffing machine. He said Pitney Bowe adjusted the maintenance fee down to \$750.00 for two years and they are no longer willing to do that. We have two options. One is that the policy will be cancelled. It has been once, but he got them to reinstate it until we could finalize it. The agreement provides for two service calls a year where they will come in and clean and maintain the machine. To have the machine fixed could cost more than the whole maintenance fee. We need to decide whether or not we want to keep the maintenance agreement. The increase over last year will be 131%, which is rather steep. The first year they gave us a 30% discount and then to make the deal the salesman got Pitney Bowe to agree to \$750.00 a year and the only thing we have to prove this is a fax from the salesman recognizing that this happened. In 2008 we paid \$750.00 and now they are sending us an additional bill and if not paid they will drop the service contract. We obviously don't want to pursue it legally. The amount of the maintenance agreement now is \$1,733.98 annually. There is nothing in the agreement that says how long we would pay the \$750.00 and they aren't going to honor it.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the continuance of the maintenance agreement on the folding and stuffing machine at \$1,733.98 annually.

Roll call vote resulted as follows:

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

Supervisor Jenkins stated that Rudy Klick gave him an invoice from Pompa Bros. Inc. for the work down on Merritt Road that was discussed, but apparently never approved. The Highway Department had funds left for paving and they used it on Merritt Road. It is a huge improvement. He received a call from the Superintendent of Schools thanking the Town. There was a problem with icing in the winter on the road in the area where the parents pull up to pick up their children. He said that approval is needed from the Board authorizing this work and for the materials purchased from Pompa Bros., Inc. in the amount of \$10,886.89.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing this work and the purchase of materials from Pompa Bros., Inc. in the amount of \$10,886.89 for the work done on Merritt Road.

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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

Supervisor Jenkins stated that there is another item regarding Pompa Bros., Inc. The voucher they sent was \$7,347.12 and we changed it to \$4,955.58 but we previously approved an amount of \$4,297.86 so additional approval is needed for the difference of \$657.72.

This was for the work done on the road at the intersection of Route 9 and Butler Road. They went over the estimate given by Mike Montgomery. A little more work was done than was estimated.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair authorizing an additional \$657.72 for the invoice from Pompa Bros. Inc.

Roll call vote resulted as follows:

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

A motion was made by Councilman Kusnierz and seconded by Councilman Prendergast to set a public hearing date of December 22, 2009 at 6:45 p.m. regarding the proposed Moreau Emergency Squad Contract for 2010.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 9:15 p.m. to discuss the employment history and/or performance of a particular unnamed employee(s) including a committee representative.

Roll call vote resulted as follows:

Councilman Cumm	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 Cumm and seconded by Councilwoman LeClair to adjourn the executive session at 9:56 p.m.

Roll call vote resulted as follows:

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

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to re-open the regular meeting at 9:56 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.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn the regular meeting at 9:58 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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