

A regular meeting of the Town Board of the Town of Moreau was held on November 26, 2013 in the Town of Moreau Office Building, 351 Reynolds Road, Moreau, New York.

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

The Town Clerk called the roll.

#### **Town Board Members Present**

Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

#### **Town Board Members Absent**

Robert J. Vittengl, Jr. Councilman

**Also Present:** Jeanne Fleury, Town Clerk; Malcolm O'Hara, Attorney for the Town; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Reed Antis, Town Resident and Planning Board Member; Members of the South Glens Falls Fire Company and Moreau Emergency Squad

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

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 review, comment, correction and approval:

November 6<sup>th</sup>, November 8<sup>th</sup>, November 12<sup>th</sup> and November 19<sup>th</sup> (3 Sets)

#### **MINUTES – NOVEMBER 6, 2013 – PUBLIC HEARING ON 2014 PRELIMINARY TOWN BUDGET**

Corrections: Page 449 – 1<sup>st</sup> paragraph – 3<sup>rd</sup> line – change “\$53,560” to “\$52,560” and in the 3<sup>rd</sup> paragraph – 1<sup>st</sup> line – change “\$53,560” to “52,560” and on the 2<sup>nd</sup> line change “\$38,560” to “\$37,560”

#### **MINUTES – NOVEMBER 8, 2013 – BID OPENING – WINTER SAND**

No comments or corrections.

Received and filed.

#### **MINUTES – NOVEMBER 12, 2013 – REGULAR TOWN BOARD MEETING**

No comments or corrections.

#### **MINUTES – NOVEMBER 19, 2013 – CONTINUATION OF PUBLIC HEARING ON 2014 PRELIMINARY TOWN BUDGET 6:30 p.m.**

Correction: Page 466 – Time of meeting change from “7:00 p.m.” to “6:30 p.m.”

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**MINUTES – NOVEMBER 19, 2013 – SPECIAL TOWN BOARD MEETING TO ADOPT 2014 TOWN BUDGET – 6:50 P.M.**

No comments or corrections.

**MINUTES – NOVEMBER 19, 2013 – SPECIAL TOWN BOARD RE: SEWER 1 EXT. 4 – 7:11 p.m.**

No comments or corrections.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the minutes of November 6<sup>th</sup> and November 12<sup>th</sup> with corrections so noted and to receive and file the minutes of November 8<sup>th</sup>.

Roll call vote resulted as follows:

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

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to approve all three sets of minutes dated November 19<sup>th</sup> with corrections so noted.

Roll call vote resulted as follows:

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

**FUTURE MEETINGS/WORKSHOPS SCHEDULED**

The 2<sup>nd</sup> regular monthly meeting of the Town Board that normally would be held on December 24<sup>th</sup> was rescheduled to December 30<sup>th</sup> at 7:00 p.m. and the Month-End Audit Meeting was scheduled for December 30<sup>th</sup> at 6:30 p.m.

A Public Hearing on the Moreau Emergency Squad Contract for the Year 2014 was scheduled for December 17<sup>th</sup> at 6:30 p.m.

A Public Hearing on the South Glens Falls Fire Company Contract for the Year 2014 was scheduled for December 17<sup>th</sup> at 7:00 p.m.

A Town Board Workshop on the Sign Law was changed from December 17<sup>th</sup> to December 19<sup>th</sup> at 7:00 p.m. Councilwoman LeClair will verify with Joe Patricke if he is available to meet with the Town Board that night.

**15 MINUTE PUBLIC COMMENT PERIOD**

Steve VanGuilder, President of the Moreau Emergency Squad, stated that in the proposed contract for 2014 between the Town of Moreau and the Moreau Emergency Squad there was a condition included that requires the payroll of the paid staff to be disclosed to the Town Board and he has a problem with this. He

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said the squad is not a division, agent or department of the Town and receives no benefits from the Town and his employees don't want their salaries revealed.

Supervisor Jenkins stated that the Town doesn't have to give them money either.

Steve VanGuilder asked Supervisor Jenkins why he didn't list all the employees in his complaint to the Attorney General's Office.

Supervisor Jenkins stated that all the Board wants to see is what is allowed to be seen under the law.

Steve VanGuilder said the Town gets a report every week from the squad. He asked why the Town needs to know where the donation money goes.

Supervisor Jenkins said that he feels that the Town is entitled to see that information. 30% of taxpayer's money is going to their organization.

Steve VanGuilder said that if it was taxpayer's money he would give out the information in a second. He said at the last meeting Councilwoman LeClair said she doesn't know where the money is being spent. He said the squad gives the Town a copy of their audit as soon as it is available. He asked Councilwoman LeClair why she didn't come to see him.

Councilman Kusnierz stated that a statement was made here that the Board wants to see the information. He stated that he is content with the information provided by the squad. He said the rates that the employees are being paid would be helpful, but the Town is not entitled under the law to see what any particular person is making at the squad and he said it is not unanimous on the Board.

Councilman Prendergast said he was not concerned with the salaries. He is concerned with not receiving the information. He is convinced that even though they separate their budgets one has an effect on the other. If one falls short then they will find the money from somewhere else and it will probably be from the other side of the budget. He said if the squad accepts taxpayer's dollars then in his opinion they are obligated to provide all the information.

Steve VanGuilder said he has an obligation to protect his employees. Once he delivers the information to the Town then it becomes a public record.

Councilwoman LeClair said the question is over how the squad spends the money on the paid side of the squad when the Town is paying their bills.

Councilman Kusnierz said he was on the Town Board when the Board allowed third party billings and it was made clear by the squad that the money received from the insurance companies would never be utilized to offset taxpayer's money. He is confused over the assumption that has been made that the money from the insurance companies is somehow offsetting the taxpayer's money. He said the two are separate and distinct.

Steve VanGuilder stated that if there isn't enough money to make the payroll they don't take the money from the funds provided by the Town. They will not take volunteer money and put it towards paid staff. As far as the hardship applications are concerned, those who can't pay their bill from the squad are allowed to set up a payment plan for as little as \$5.00 a month if necessary until the bill is paid and they are not put into credit collection. He said the Town Board Members won't even attend their meetings. He said if any Board Member wants to come down and see the information they can. He said Rudy Klick has been down to do an audit.

Councilman Prendergast asked Steve VanGuilder if he would really let him see the information and Steve VanGuilder replied yes. Councilman Prendergast said he could go down tomorrow and Steve VanGuilder said he works during the day.

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Councilman Kusnierz said he was satisfied that there is no taxpayer's money spent on the paid side and he said the squad has always been accessible and that is why he hasn't been down there. He pointed out that he had in front of him information on payroll that includes gross pay and the hourly rates of the paramedics and EMT's.

Steve VanGuilder said he gives the Town a copy of their Profit and Loss Statement. All Board Members acknowledged that they received a copy except Supervisor Jenkins.

Councilwoman LeClair said that she and Councilman Prendergast would pick a date and go down to the squad.

Helen Glenn, Secretary for the Moreau Emergency Squad, stated that the Attorney General gave the squad a clean bill of health and found no wrong doing and the attorney for the squad said they were impressed with the information they were given.

Supervisor Jenkins said that he would be willing to look at the payroll records on the site of the Moreau Emergency Squad and that way nothing would become public information.

Steve VanGuilder pointed out that the proposed contract reads that the squad is supposed to send this information to the Town once a month.

Supervisor Jenkins replied that the contract could be changed then.

Steve VanGuilder asked Supervisor Jenkins if no files would be removed from their premises and Supervisor Jenkins said this was correct and that none of the payroll files would be removed from their premises.

Supervisor Jenkins said he wanted to audit the payroll records.

Councilman Kusnierz told Supervisor Jenkins that he just told him what the payroll was.

Supervisor Jenkins said he wants to know how other money is spent so they know how it impacts other funds. There is other information that may interest them and he wants to look at detailed payroll records.

Steve VanGuilder said he wants to know what records they want to see.

Supervisor Jenkins replied two or three pay periods and all the detail and data.

Councilwoman LeClair told Steve VanGuilder that she and Councilman Prendergast would call him.

#### **HIGHWAY DEPARTMENT REQUESTS**

The following quotes were received for the purchase of a new computer for the highway department:

Dell Computer – OptiPlex 9010	\$1,222.60
Dell Computer – OptiPlex 3010	\$1,279.61
HP Compaq Elite 8300	\$1,860.00

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of the OptiPlex 9010 from Dell Computer at a cost not to exceed \$1,222.60 out of account A5010.2 that had a balance of \$2,400.05 as of 11/4/13.

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Roll call vote resulted as follows:

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

#### **RECREATION DEPARTMENT REQUESTS**

The following quotes were received for the purchase of a snow blower to be used at the Town Municipal Building:

Home Depot – Ariens 28 inch – 2 Stage – 12.5 hp	\$999.00
Smith Equipment – Ariens 28 inch – 2 Stage – 12.5 hp	\$1,099.00
Emerich's Equipment – Ariens 28 inch – 2 Stage – 12.5 hp	\$949.00

The current snow blower is 20 years old and needs replacing per the quote sheet.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of an Ariens 28 inch, 2 Stage, 12.5 hp snow blower from Emerich's Equipment at a cost not to exceed \$949.00 out of account A1620.2 that had a balance of \$3,827.04.

Roll call vote resulted as follows:

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

#### **WATER DEPARTMENT REQUESTS**

None

#### **RE-APPOINT TIM LONG TO BOARD OF ASSESSMENT REVIEW**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to re-appoint Tim Long as a member of the Board of Assessment Review for another five year term that will end on 9/30/18.

Roll call vote resulted as follows:

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

#### **REQUEST FROM TED MONSOUR TO CHANGE BAG SIZES ON TRANSFER STATION FEE SCHEDULE**

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing a change in bag sizes on the Transfer Station Fee Schedule as follows:

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<b>RESIDENT</b>	
15-32 Gallon Bag Instead of 15-30 Gallon	\$1.50
33-45 Gallon Bag Instead of 32-45 Gallon	\$3.00
46-55 Gallon Bag Instead of 47-55 Gallon	\$4.00
56-90 Gallon Bag Instead of 57-90 Gallon	\$6.00
<b>NON-RESIDENT</b>	
15-32 Gallon Bag Instead of 15-30 Gallon	\$2.50
33-45 Gallon Bag Instead of 32-45 Gallon	\$3.50
46-55 Gallon Bag Instead of 47-55 Gallon	\$4.50
56-90 Gallon Bag Instead of 57-90 Gallon	\$6.50

Roll call vote resulted as follows:

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

Councilman Kusnierz stated that he heard about an overflow of garbage at the Transfer Station over the weekend.

Supervisor Jenkins advised that he met with Ted Monsour and Kevin Dickinson about this today and it is all taken care of.

Councilman Kusnierz suggested that from now on when they go into a weekend they make sure they have enough containers.

Supervisor Jenkins said that at 7:00 a.m. Saturday there was only 7.5 tons in the compactor and there was supposed to be a 9:00 a.m. pick up and that didn't occur.

#### **OLD TOWN HALL – 61 HUDSON STREET**

Supervisor Jenkins stated that he talked with the Village of South Glens Falls about the old Town Hall and it is zoned for "maybe" retail and residential. He asked for a motion to declare it surplus property and get it appraised.

Councilman Kusnierz asked what it would cost for an appraisal and Councilman Prendergast said the estimate is \$3,500.00 to \$5,000.00.

Supervisor Jenkins stated that they could get an appraisal and then still auction it off.

Councilman Prendergast stated that the public may feel more confident if an appraisal was obtained.

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

WHEREAS, the Town of Moreau owns real property known as 61 Hudson Street in the Village of South Glens Falls, New York, more particularly identified as tax map parcel number 37.54-2-53, and

WHEREAS, it is no longer necessary for the Town to retain this property;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds the property herein to be surplus property, and

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BE IT FURTHER RESOLVED, that the Town Board hereby authorizes an appraisal of the property.

Roll call vote resulted as follows:

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

The Town Board agreed that RFP's should be sent out to appraisers.

#### **CONCESSION STAND IN REC. PARK - R & J KERR, INC. PROPOSAL**

The wood under the lower part of the siding on the concession stand building in the Rec. Park is rotted and damaged and the sill plates need replacing at a cost of \$4,800.00. This would be a change order to the contract with R & J Kerr, Inc.

Councilman Prendergast said he voted no on the project, because there was only one bid received so to be consistent he was going to vote no on this change order.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair authorizing a change order in the amount of \$4,800.00 to the contract with R & J Kerr, Inc. for the concession stand project in the Harry J. Betar Jr. Recreational Park.

Roll call vote resulted as follows:

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

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

Reed Antis asked about the proposed sewer project and said they have about 2 1/2 months to complete it.

Supervisor Jenkins replied that they are on schedule. A letter has been sent to property owners within the proposed district extension about an informational meeting that is going to be held on the project on December 9th.

Rick Meyers, President of the South Glens Falls Fire Company, stated that at the last meeting he attended regarding the Town Budget there was a proposed 6% increase in for the Fire Company Budget and now that increase has been decreased to 2% without any notification to the Fire Company.

Supervisor Jenkins stated that the Town Board didn't get the information that the Fire Company said they would come back with. He noted that Rick Meyers had made the comment that he called Town Hall three times looking for him and nobody in the building took any calls from him.

Rick Meyers stated that at the last meeting he gave Supervisor Jenkins his cell phone number and said Supervisor Jenkins could have called him.

Supervisor Jenkins said he was in his office every day unless he had a meeting at the county.

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Nicholas Quinn from the Fire Company said he listened to the audio from the November 19<sup>th</sup> meeting and it was said that there is a rumor about the Fire Company purchasing a new van. He also noted that the Post Star quote about the air packs was incorrect. He said that before the elections there was two-way communication between the Town Board and the Fire Company and after the elections that stopped.

Rick Meyers stated that after the last meeting with the Town Board the Fire Company held a special meeting to compile the information requested by the Town Board and the Fire Company was waiting for another appointment to appear before the Town Board.

Councilman Kusnierz noted that at that meeting he was prepared to vote for a 6% increase in funding for the Fire Company, but then he was told by Town Board Members that the Fire Company allegedly purchased a new van at a cost of \$40,000.00 and since there was no contact after that from the Fire Company the increase was reduced to 2%. He asked if the information about the van purchase was incorrect.

Rick Meyers said they did purchase a van for \$40,000.00.

Councilman Kusnierz asked Rick Meyers if the Town Board was made aware of this purchase at any time during the Budget process.

Rick Meyers replied no. He said the Fire Company has been saving money from fundraising over the past three years for the purchase of this vehicle.

Councilman Kusnierz said the reason he voted on the Fire Company Budget the way he did was because there was not additional contact with the Town Supervisor on the part of the Fire Company.

Rick Meyers said he couldn't believe that after all the time it took them to get the information together for the Town Board that things turned around like they did.

Councilwoman LeClair said she expected them to return to the Town Board with the information requested.

Rick Meyers said he couldn't accept that excuse. He also said the Town Board decided to cut their increase without knowing how they bought the van or why.

Supervisor Jenkins said there were other reasons why the decision was made the way it was and one was because the numbers presented didn't make sense. He wasn't saying that he wouldn't work with the Fire Company in the future. However, by law the Town Board couldn't increase the funding level legally now that the Budget has been adopted for the Fire Company. He said that originally he proposed a three year contract for the Fire Company, but then the Town Board never received the information requested to support the increase and multi-year contract. He said that the Fire Company did not include the purchase of a van in their 2014 Budget.

Rick Meyers stated that they traded in a van for the purchase of the new one and the new one was purchased with money raised by fundraising. He said that is the reason it wasn't in the 2013 or 2014 Budget.

Supervisor Jenkins replied that it wasn't included as an appropriation or expenditure in the budget.

Reed Antis stated that he was at the same meeting that the Fire Company was at and it was made known publicly that the Fire Company was supposed to come back with information and that any decision on the part of the Town Board was put on hold until the 19<sup>th</sup> of November and nobody from the Fire Company showed up at the meeting on the 19<sup>th</sup> of November.



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Councilman Kusnierz said he would like the Town Board to consider establishing an emergency services capital reserve fund and put money into the fund from money received from developers for the purchase of equipment for emergency services. The reason for this fund is that when there is growth in the Town from development it puts pressure on emergency services.

Supervisor Jenkins said they couldn't do that legally and Councilman Kusnierz said that was not true.

Supervisor Jenkins stated that Attorney Buettner has opined that the Town can only give money to the Fire Company when it is raised through an ad valorem tax.

Councilwoman LeClair asked Attorney O'Hara to check on this.

Councilman Kusnierz stated that not-for-profits don't pay taxes, yet the taxpayer's pay for their service and this is not fair to the taxpayers. Any direction that the Town can go in aside from paid emergency services is better, because paid services are very expensive.

The comment was made that the Town of Queensbury does it and it was brought up during the tenure of Supervisor Gutheil, but he didn't want to do it, because he didn't want to put anymore burden on the taxpayers.

Councilman Prendergast stated that he asked Attorney Buettner again today about trying to get extra money for the Fire Company and Attorney Buettner reminded him that we went through this before and she said again that it can't be done. He apologized for missing the last meeting when the increase was reduced from 6% to 2%, but he had to have a medical procedure done on his knee. It was his understanding that up until that meeting it was going to be a 6% increase for the Fire Company. He has heard prior Board Members, over the years, question why the Fire Company has parties for their volunteers. He said that it is because they are volunteers and personally he thinks they should have all the parties they want to and enjoy themselves, because at 3:00 in the morning when there is a fire they are going to respond. He said they could check with the Town of Queensbury and see how they do it.

Nicholas Quinn stated that at the November 19<sup>th</sup> meeting it was stated that mileage reimbursement to the members would be cheaper than the purchase of the van. He stated that the purpose of the van was to let firefighters get out of the cold and warm up or out of the heat and cool down during a fire. He said it is a way for the auxiliary members to get food and drinks to the firefighters during a fire call. When the call is for instance on a hiking trail in Moreau Lake State Park they need a vehicle that is capable of getting into the area. He said it is not feasible or fair to ask the volunteers to use their own vehicles and to have firefighters who smell of smoke and/or are wet or have soot on their suits to get in a volunteer's personal vehicle.

This concluded the discussion on the Fire Company's Budget.

### **COMMITTEE REPORTS**

Councilwoman LeClair reported that she spoke with a representative of the Archaeological Conservancy about easements on their property and he would be very happy to work with us in getting an easement across their property to the riverfront park property.

Councilwoman LeClair reported that Chazen and Wayne White are willing to map the park trails at the back of the Rec. Park and on the Village of Fort Edward Property. They were supposed to walk the trails, but got rained out and they have rescheduled the walking of the trails.

Councilman Prendergast reported that they are working on contacting people for the zoning.

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### **SUPERVISOR'S ITEMS**

Supervisor Jenkins reported receiving a report on the youth soccer program. There were 520 players vs. 460 last year. They bought better jerseys out of the money collected in registration fees. The Town purchased corner posts to give them a real soccer field feel. They thanked the Town Board for a successful playing season.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to adjourn to executive session at 8:19 p.m. to discuss the employment history or performance of an unnamed employee.

Roll call vote resulted as follows:

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

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

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to adjourn the executive session and re-open the regular meeting at 8:47 p.m.

Roll call vote resulted as follows:

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

No action was taken in or as the result of the executive session.

A motion was made by Councilwoman LeClair and seconded by Councilman Kusnierz to adjourn the regular meeting at 8:49 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk

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