

A regular meeting of the Town Board of the Town of Moreau was held on February 25, 2014 in the Town of Moreau Municipal Building located at 351 Reynolds Road, Moreau, NY.

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

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

Town Board Members Absent

Gina LeClair	Councilwoman
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Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Rich Schermerhorn, Developer, and his Engineer, Travis Mitchell, Jay Farrell from the South Glens Falls Fire Company; Ricky Meyers, President of the South Glens Falls Fire Company; Town Residents: Bill Coon, Adele Kurtz, Bobby Dick, John Telisky, Reed Antis; Amy Alfonso, Recreation Director; Amanda Metzger, Post Star Reporter; Jenn Wood and Kelsey Carpenter from the Community Coalition for Family Wellness

Supervisor Jenkins led the Pledge of Allegiance.

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

THE COMMUNITY COALITION FOR FAMILY WELLNESS – DRUG FREE COMMUNITY GRANT

Jenn Wood and Kelsey Carpenter from the Community Coalition for Family Wellness were present and explained how the Coalition was formed in 2010 with the help of the Moreau Community Center and the alumni of the South Glens Falls School District via a grant that was received. The mission of the CCFW is to work to reduce youth substance use and risky behavior, while providing families with resources, education, and activities that promote safety, health and wellness. Their vision is for a substance abuse-free community in which all individuals are involved in prevention and education. They have conducted a survey on youth suicides and alcohol and drug use amongst students in the South Glens Falls School District. They have hosted a community forum on depression and suicide. Ms. Wood and Ms. Carpenter were present to ask for support and ideas from the Town Board in support of their mission.

CONTINUATION OF PUBLIC HEARING RE: LOCAL LAW NO. 1 OF 2014 – HARRISON QUARRY/BUEBIRD TRACE PUD

Travis Mitchell the engineer representing Rich Schermerhorn on his proposed Harrison Quarry/Bluebird Trace PUD was present along with Rich Schermerhorn. Travis Mitchell gave the same power point presentation that he gave at two previous meetings. He recapped the proposal, which is to build 29 four (4) unit townhouse style apartment buildings and one (1) 70 unit senior apartment building on a 25.4 acre parcel of land located at the corner of Bluebird Road and Harrison Avenue Extension in an M1 Zoning District. The estimated monthly rent for the townhouse style apartments is \$1,175.00 to \$1,200.00 per month and \$795.00 to \$825.00 for the senior apartments. The PUD is modeled after the UR Zoning District. The density is one (1) unit per 5,000 square feet on a 25.4 acre parcel. The Developer is going to extend the public water line down Bluebird Road from the Moreau Industrial Park to the site and he will extend the public sewer line down Harrison Avenue Extension to the site from the intersection of Harrison Avenue and Sisson Road. A Phase 1 archaeological study has been done and no sensitive items were detected. The Army Corp of Engineers and NYS DEC has agreed to the wetlands delineation. There are two wetlands crossings that will require a permit. Travis stated that he and Mr. Schermerhorn met with the South Glens Falls Fire Company last night and went over concerns they have about the project

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from a fire safety standpoint and he thinks they answered all their concerns. The proposed project was put before the Planning Board and they submitted a positive recommendation back to the Town Board and the Town Board held a Public Hearing on January 30th on proposed Local Law No. 1 of 2014, which was adjourned until this meeting. If the Town Board adopts Local Law No. 1 of 2014 then the next step is for Mr. Schermerhorn to go back before the Planning Board for full site plan review.

Councilman Kusnierz asked if the density still exceeds the permissible density under the current PUD Law.

Travis Mitchell replied that it does. He said the PUD Law reads that if a project exceeds 8 units per acre then there must be exceptional justification. They are proposing 8.65 units per acre. The uniqueness of this project justifies their exceeding the 8 units per acre. Travis read the following from the Planning Board's recommendations: "While the density proposal exceeds the Zoning Law's requirements, we conclude, given the need for affordable housing as well as senior facilities in the Town and the innovative and creative approach proposed, that the Town Board should consider accommodating an increase in density because the impact of the density increase is minimal." Travis stated that under the density of 8 units per acre they would be allowed 172 units. They are proposing 1 unit per 5,000 square feet or 8.65 units per acre for a total of 186 units (116 traditional townhouse style apartments plus 70 senior apartments).

Travis Mitchell stated that as for traffic impacts, according to the Institute of Traffic Engineers, 172 non-senior apartment units would have a trip generation of 107 trips and 112 mixed use apartment units with 112 units being non-senior and 70 units being senior apartments would have a trip generation of 80 trips.

Travis Mitchell stated that using statistics from existing facilities they calculated that the impact on water and sewer would be as follows: 152 non-senior apartment units = 18,000 gpd and 186 mixed use apartment units = 16,000 gpd.

Supervisor Jenkins stated that due to the shape of the site he didn't think that the setbacks as proposed at 30 feet front, 12 feet side and 30 feet rear was a good fit. He spoke with the Building Inspector and they both agreed that a 50 foot front, side and rear setbacks would be better.

Travis Mitchell asked how he would feel about a front setback of 50 feet and rear setback of 30 feet.

There were no objections voiced from any Board Member.

Supervisor Jenkins asked how many bedrooms were proposed in the senior apartments and Travis replied, two bedrooms.

Councilman Kusnierz asked if the applicant was willing to have density that was in compliance with the Town Code.

Travis Mitchell replied that the impacts are lower than traditional apartment units and they prefer to leave the density as proposed.

Councilman Kusnierz asked if they would be willing to change the minimum age restriction to 62 years of age or older for the senior apartment units rather than as proposed at 55 years of age minimum. He said that he will be 55 in two years and he doesn't characterize himself as a senior. He said if they truly want projects that benefit seniors in the community, who want to downsize and who are looking for housing, then the Town Board should require that the threshold be 62 or older for senior housing. He said that the age of 55 is awfully young and it doesn't benefit the community to have the age that low if our true goal is to characterize these as senior housing.

Councilman Prendergast said he didn't agree. He said it is not just a number it is a mindset and a life style. He said he is over 55 and he is still active and still works, but his mindset and life style at 55 was not

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what it was at the age of 30 or 40 years old. He said that when a person hits 55 their behavior and mindset changes.

Councilman Kusnierz said he could respect the position made by Councilman Prendergast, but as a Town Board they would be setting a policy that makes seniors compete with younger people. If we truly have an interest in helping our seniors by providing affordable housing we do it with the age restriction. He said if they looked at it from the County standpoint the age limit for benefits is going up. He said that when projects come before them that require exceptional justification he has to have a good reason to support them and he could support this project if the age was 62 or over for the senior portion of the project. Only a little over 1/3 of the units is dedicated towards senior housing. He thought that the project would be more welcomed by the community if the threshold was 62 or older.

Supervisor Jenkins stated that we already have two areas in the Town that have been developed for seniors and they are the Cerrone Development off Reservoir Road where the age threshold is 55 plus and the other is the Home of the Good Shepherd PUD where there is subsidized housing 55 and over and two market based units that are 55 and over. So they have already established the 55 and over. He said the Cerrone Development goes back to around 2007 or 2008. He doesn't have a problem with the age being 55 plus.

Supervisor Jenkins asked Rich Schermerhorn what the age restrictions are on his other projects.

Rich Schermerhorn said that he has three senior facilities in Queensbury and they are all 55 and over and the one in Hudson Falls he purchased from a developer and the age restriction was already set at 62 and older. He agreed that the age of 55 is young. He said there are people who are 55 and feel like 65 and there are people who are 80 and 90 years old who won't live in a senior facility, because they want to live independent. He said it is a mixed bag of people. The people who live in his senior facilities know it is a life style and they feel very secure and they all have the same like temperaments. He wouldn't say that 62 and over wouldn't be successful because his senior facility in Hudson Falls is very successful. However, there are people who are 55 that have conditions requiring handicapped accessible facilities and want and need the senior life style. He preferred to keep it at 55.

Councilman Kusnierz replied that if this entire project was senior housing with that age limit then he could understand that. The 55 year olds can rent an apartment in the non-senior portion of the project. If the age was 62 and over it would give the seniors in our community, who are 62 and over, a committed area in our community to live without competing with anybody younger than 62.

Councilman Vittengl said he toured the facilities in Queensbury and Hudson Falls and they seem to work and they are quiet. As Councilman Prendergast said it is a life style. It is a quiet living environment. The other townhouses have younger people living in them with children and it is a more active life style. He said it is a business model that seems to work.

Councilman Kusnierz said he could argue from a business model standpoint that there are more 55 year olds than there are 62 year olds and older. He said it is just numbers.

Councilman Kusnierz asked if they had conversations with the Moreau Emergency Squad.

Travis Mitchell said he hasn't. Rich Schermerhorn said he talked via phone with Steve VanGuilder. He wants to be involved in the senior portion of the project. Rich Schermerhorn advised Steve VanGuilder that he would keep in touch with him during the site plan review portion of the project at the Planning Board level. He said the South Glens Falls Fire Company is going to be involved also.

Discussion followed on the setbacks again and it was agreed that the setbacks would be 30 feet from the rear property line, 12 feet from the side property lines and 50 feet from the front property lines.

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Bobby Dick spoke about the type of lighting that would be used in the development and how some lighting can be intrusive and offensive to surrounding property owners. He said down lighting is softer and wouldn't bother the neighbors and he asked Rich Schermerhorn to consider the lighting as he moves forward.

Rich Schermerhorn said the lighting would be addressed during the site plan review process by the Planning Board and acknowledged that it wouldn't be a problem to keep the lighting to a minimal impact.

Councilman Kusnierz reminded Travis Mitchell that at the last presentation of this proposed PUD it was mentioned about the possibility of the developer paying a fee that would go towards supporting the Town's emergency services. He asked Travis if he mentioned this to Rich Schermerhorn for consideration.

Rich Schermerhorn responded that it didn't come up in the conversation with Steve VanGuilder from the Moreau Emergency Squad. He was more concerned with safety issues such as, corridors and doorway widths and elevators and things like that. There was no conversation about this with the Fire Company either. The Fire Company wants to make sure the roads are designed to accommodate their trucks and they want to make sure the sidewalks around the senior apartment building are not so far out that their ladder on their ladder truck can't reach the third story. The Fire Company also inquired about a universal lockbox, which will be ordered.

Rick Meyers advised Rich Schermerhorn that the Fire Company is financially tight right now and they need additional equipment namely air packs and a facility this size, if it has to be evacuated, it is going to require a lot of manpower. He asked Rich Schermerhorn if he was willing to help financially.

Rich Schermerhorn recapped a little bit of what was discussed at the Planning Board Meeting in regards to what the Fire Company needs and said that nobody came right out and asked him for money. He said he would be very supportive when it comes to fundraisers for emergency services, but he hasn't heard about a developer's fee for this purpose until tonight. He said he already has to pay a recreation fee and water and sewer fees. Nobody has asked him for a specific amount of money.

Councilman Kusnierz asked Rich Schermerhorn if he would be willing to pay a nominal fee as part of his PUD approval process that would be dedicated for emergency services.

Rich Schermerhorn said that as a benefit to the community he is already extending the water line and sewer line down to his property. Due to the sensitivity of the issue he doesn't want to throw numbers around at this meeting.

Councilman Kusnierz said he hopes that Rich Schermerhorn understands that the more density, the more impact on emergency services. The Fire Company has a tight budget and the Town Board is trying to keep taxes in line. These types of projects require exceptional justification and for taxpayer's to derive a benefit from them. He thought that the taxpayers would be more receptive if a mitigation fee was established that would be dedicated to emergency services. He asked Rich Schermerhorn if he would be agreeable to paying this type of mitigation fee.

Rich Schermerhorn stated that he is going to a great expense to extend the water line and sewer line already. He isn't saying that he won't help the Fire Company. He added that the Home of the Good Shepherd is a fully assisted living environment and his project is going to be a fully independent living environment. He said that according to the Fire Company they have had very few calls to Bluebird Village.

Jay Farrell stated that they would keep the dialogue open with Rich Schermerhorn through the site plan review process at the Planning Board level and they didn't want to take up anymore time during the public hearing to discuss their concerns and questions.

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A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to close the public hearing.

Roll call vote resulted as follows:

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

APPROVAL OF MINUTES

The minutes dated February 11th and February 19th were prepared and submitted to the Town Board in advance of the meeting for their review, comment, correction and approval.

MINUTES – FEBRUARY 11, 2014 – REGULAR TOWN BOARD MEETING

Approval tabled.

MINUTES – FEBRUARY 19, 2014 – INTERVIEW SESSION FOR WATER DEPT. LABORER

A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to receive and file the minutes dated February 19th.

Roll call vote resulted as follows:

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

FUTURE MEETINGS/WORKSHOPS SCHEDULED

A second round of interviews for the position of Water Department Laborer was scheduled for March 6th starting at 6:30 p.m.

15 MINUTE PUBLIC COMMENT PERIOD

Adele Kurtz asked Supervisor Jenkins if he saw the petition for referendum on Sewer District 1 Extension 4 project that was filed and if so who witnessed it.

Supervisor Jenkins said he saw it and the witnesses were Rich Morris and Ronald Rosati.

Adele Kurtz asked Supervisor Jenkins to explain his comment in the Chronicle where he said that Adele Kurtz witnessed the petition.

Supervisor Jenkins said it was “my statement”. He said that Rich Morris said his attorney prepared the second set of petitions and he was told that Adele was his attorney.

Adele Kurtz stated for the record that she did not circulate the petitions.

Adele Kurtz asked Supervisor Jenkins what facts he relied on to support his statement in the Chronicle about the Town of Moreau Republican Party.

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Supervisor Jenkins said it was “my opinion”.

Adele Kurtz read from the article in the Chronicle and asked Supervisor Jenkins if he still thinks the GOP is responsible.

Supervisor Jenkins replied “that is my opinion”.

Adele Kurtz asked Supervisor Jenkins how he arrived at the \$49.00 assessment per property for a town-wide sewer district.

Supervisor Jenkins said he divided the actual debt by the assessed value.

Adele Kurtz asked Supervisor Jenkins if he asked the Town’s Attorney if this was a viable option.

Supervisor Jenkins replied that it is a viable option as it is perceived as economic development.

Attorney Buettner stated that she and Supervisor Jenkins talked about a town-wide sewer district from an economic basis and an ad valorem tax basis and she is still researching the laws.

Adele Kurtz stated that there is a lot of case law involving power companies and how benefits are perceived and it is a lot different for sewer districts. She suggested that if Attorney Buettner looked at the case law it is very clear.

Councilman Kusnierz stated that the agricultural districts cannot be charged ad valorem fees so they would be exempt.

Adele Kurtz asked when a list of people qualified to vote in the Special Election would be available.

Attorney Buettner said she hoped it would be finalized this week.

John Telisky asked who was going to run the polls on April 1st.

Supervisor Jenkins replied the Town Clerk. There will be four election inspectors and a ballot box used rather than a voting machine.

John Telisky mentioned the Chronicle article and said that nobody on the Town of Moreau Republican Committee was responsible for the petitions being circulated. He said it wasn’t all republicans that signed the petitions. He said it is far-fetched for the Supervisor to say that the Republican Committee was involved or there was some kind of conspiracy. He said “when you guys failed as a board after the elections were all over and the cycle was all over, we failed as a community. So for us to go out and maliciously circumvent what you are trying to do is really far-fetched”. He said that Supervisor Jenkins said he based it on a hunch or what he believes. He asked Supervisor Jenkins if he makes other decisions for this community and this Town on hunches and beliefs.

Supervisor Jenkins replied no. He only makes personal decisions based on personal issues and business decisions based on business issues and that is his life as with most people. He said he understands what John is saying, but it doesn’t change his opinion and that is all it was.

John Telisky asked Supervisor Jenkins if he has come up with any options for polling places other than in the schools.

Supervisor Jenkins he talked to the County about it and they said we would have to come up with some options. He said the Fire Company has three polling places there right now and it would be hard to put a forth one in there as it would be too crowded. The polling places were moved out of the Village Municipal Building, because it was too crowded and that is why those three districts were moved to the middle

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school. He said maybe the schools could close when the elections are going on. He said there aren't many sites available.

John Telisky said the Town Municipal Building could be used and Supervisor Jenkins said that was a possibility, but it would bring all the voters into the same area to vote. He said maybe the polling places could be put back into the Village Municipal Building.

Reed Antis said the light on the Town's Municipal property out by Route 197 is not working and he asked if it could be repaired.

Reed Antis asked Councilman Vittengl for an update on the sandbar beach.

Councilman Vittengl stated that they are still working on the legal aspects of it and a long term lease and if the Town can invest in the property.

Reed Antis asked Supervisor Jenkins if he has any more information on video streaming the meetings.

Supervisor Jenkins stated that Kost IT doesn't have the capability of doing this. He spoke with Mannix Marketing and the cost was too much. They suggested a couple of other companies for him to contact. He is still working on it.

Reed Antis asked about the Sign Law Workshop and if one was held yet or not.

Supervisor Jenkins replied that a workshop has not been held yet. Only two members of the Town Board have submitted their comments and suggestions to the Building Inspector/Code Enforcement Officer.

Reed Antis asked Councilman Prendergast for an update on the Re-Zoning.

Councilman Prendergast said there is a meeting scheduled for tomorrow at 9:00 a.m. with the engineer.

Reed Antis asked Supervisor Jenkins if he has reviewed the Moreau Emergency Squad records yet and Supervisor Jenkins replied no. Reed asked if a meeting has been scheduled and Supervisor Jenkins replied no. Supervisor Jenkins said they are supposed to be submitting some evenings when they will be available for their records to be inspected. Supervisor Jenkins said there will be three or four people going down to inspect the records.

Councilman Kusnierz said he spoke with Steve VanGuilder because he would like to look at the records as well and Steve was supposed to get back to him.

Reed Antis asked about the forestry work and asked if the contract has been signed and the answer was yes.

HIGHWAY DEPARTMENT REQUESTS

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of rock salt from International Salt under County Contract #12-PWS-10R in an amount not to exceed \$22,500.00 out of account number DB5142.490.

Roll call vote resulted as follows:

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

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The Highway Superintendent requested permission to contract with the Saratoga County DPW to stripe 28.23 centerline miles and 49.42 edge line miles of roadways in the Town. The County was unable to quote the cost at this time as paint and labor varies. There is \$26,000.00 allocated for striping in account A3310.499.

Paul Joseph advised that he checked with Straight Line Industries for a price and their price is 2 1/2 times more than what the County charges.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the Highway Superintendent to enter into a contract with Saratoga County DPW for the striping of 28.23 centerline miles and 49.42 edge line miles of roadways in the Town.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of winter sand from Cranesville at a cost not to exceed \$3,600.00 out of account DB5142.491.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the bulk purchase of air filters, oil filters and fuel filters from Weller's Auto Parts at a cost not to exceed \$1,300.00 out of account DB5130.492 for the Highway Department.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl granting permission for Paul Joseph to attend the 2014 Highway School at Ithaca College in Ithaca, New York, June 2nd through June 4th and for the registration fee, lodging, food, travel expenses and all necessary expenses incurred to be a proper town charge and authorizing a cash advance of \$400.00 to cover the lodging, food and travel expenses.

Roll call vote resulted as follows:

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

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Supervisor Jenkins Yes

RECREATION DEPARTMENT REQUESTS

Supervisor Jenkins reported that a help wanted ad was placed in the Post Star for lifeguards and there has been no response. He asked if the Town Board wanted to advertise again or wait a while.

Amy Alfonso, Recreation Director, said she was looking into other ways of recruiting lifeguards.

When asked how many lifeguards we need Amy Alfonso replied six to eight depending on their availability to work.

A request was previously submitted to the Town Board for the purchase of scoreboards for the softball quad at the Rec. Park and it was tabled.

Three quotes were obtained as follows:

All American Scoreboards	\$16,160.00
Tomark Sports	\$14,080.00
Varsity Scoreboards	\$11,073.44

The softball organization will take care of the installation cost.

This purchase would be made out of account HP7180.2 that has a balance of \$50,000.00.

Councilman Kusnierz stated that the request to purchase scoreboards is “very new” and there has been discussion for some time now on the need for new playground equipment near the softball quads.

Amy Alfonso stated that she had information on the playground equipment that she was going to present.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of scoreboards for the softball quads from Varsity Scoreboards at a cost not to exceed \$11,073.44 out of account HP7180.2.

Roll call vote resulted as follows:

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

Amy Alfonso stated that she was told to use a budget of \$15,000.00 to \$20,000.00 when getting quotes for playground equipment. She stated that there wasn't much to choose from in this price range so she had to be creative in her choices. She would like to talk to Board Members about what type of playground equipment they would like to see at the park, but in the meantime, she opted to submit to the Board for consideration a four unit piece of playground equipment. It was a combination of rock climbing/jungle gym for a cost of \$8,442.00 and the other was a toddler play zone. She showed pictures of the equipment.

Councilman Kusnierz asked Amy if he heard her correctly that she said that \$15,000.00 to \$20,000.00 doesn't get you much in playground equipment.

Amy Alfonso replied that it depends on what the goal is. She asked him if he wanted her budget to be \$11,000.00 and if that was where he was going with this.

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Councilman Kusnierz replied no and said that his point was we spent \$29,000.00 on a truck, \$100,000.00 on a structure, \$11,000.00 on a sign. What are the kids playing on? He said we aren't spending anything for the kids to play on. He has a major problem with that. He told Amy that it wasn't her fault he was just making a statement.

Supervisor Jenkins asked Amy to present to the Town Board at least two weeks before the next meeting what the purchase includes, what the cost is and what her recommendation is.

Amy Alfonso gave the Town Board Members the price sheet and comparable prices. She asked for the Town Board Members opinion on what she has selected and she said she doesn't even know if \$20,000.00 is the final budget that she has to work with and she needs to know this too. Her goal is to purchase the most exciting playground equipment possible with the money she has to work with.

Supervisor Jenkins stated that as for the request to renovate the Annex Building for use for recreational activities he advised Amy that there is \$4,500.00 to use for this in the Town-Wide Capital Reserve Fund and Amy will have to give the Town Board real numbers, because it will be subject to permissive referendum. Amy gave the Town Board Members the prices for the renovations in writing at this meeting.

Councilman Kusnierz recalled that he met with Councilman Vittengl last year and they went over some possibilities on playground equipment and he asked if they are included in information that Amy gave the Board at this meeting.

Amy Alfonso stated that she doesn't even know what those possibilities were.

Councilman Vittengl said the information Amy gave the Board is a little different than what he and Councilman Kusnierz discussed last year.

Councilman Kusnierz asked Councilman Vittengl if he was still thinking about doing what they discussed last year and Councilman Vittengl replied yes that they could do both.

Councilman Vittengl told Amy that he would resurrect some of the old catalogs and go over them with her.

WATER DEPARTMENT REQUESTS

None

Supervisor Jenkins stated that there aren't any fire hydrants along Bluebird Road between Moreau Elementary School and the Fort Edward Road. When the water line was installed in 1985 he doesn't know why they weren't put in under the GE/Moreau Project. He asked Jesse Fish if they would have to contract out the installation of fire hydrants or is it something the Town can do. Jesse Fish said the Town could do it. He asked Jesse to get prices.

HARRISON QUARRY/BUEBIRD TRACE PUD

Councilman Kusnierz asked Rich Schermerhorn if he was willing to change the 55 age to 62 plus for the senior apartments.

Rich Schermerhorn said he preferred to keep it at 55 plus.

Supervisor Jenkins asked Rich Schermerhorn what the age restriction is going to be for the units he is building in the Village of South Glens Falls.

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Rich Schermerhorn replied 55 plus and then said that the project could have been market rent apartments with no age restrictions, but he decided to make them senior apartments and there will be an age restriction.

Attorney Buettner stated that there were three things discussed during the public hearing and those were the setbacks, the age restriction and the number of bedrooms.

Supervisor Jenkins said that he thought two bedrooms made sense in the senior apartment units. The second bedroom could be used for a computer room, storage or a guest room.

Councilman Prendergast stated that two bedrooms made sense to him.

Attorney Buettner stated that they would want to remove Sub-Section 4 under Section 4 (c) and Supervisor Jenkins said they could change that wording to read "cannot exceed two bedrooms".

Attorney Buettner stated that Sub-Section 1 under Section 4 (c) would be changed to read: Front Setback: 50 feet, Side Setback: 12 Feet, and a Rear Setback of 30 feet.

Attorney Buettner asked if it was the consensus of the Board Members to leave the age restriction for the senior units at 55 plus years of age.

Councilman Kusnierz stated he had a comment about this. He said that the Town Board is setting a precedent for the Town here at this meeting by allowing a PUD that has density that exceeds what our current PUD Law allows for. He asked the Town Board Members if they would be willing to ensure that our seniors have a dedicated spot in our Town and he asked if any Town Board member would support earmarking the senior portion of the project for ages 62 plus.

Councilman Prendergast said that what he got out of the way Councilman Kusnierz posed his question was that if it stays at 55 then it doesn't earmark it for seniors. He said again it isn't a number. When you get a certain age whether it is 50 or 60 for each person it is different you live a life style that is different than a younger person.

Councilman Vittengl agreed that it is a life style not the age. It is a quieter life style. When you go through the other developments around the area you will see the difference.

Councilman Kusnierz asked if it was the intent of the Town Board Members to vote on this tonight.

Supervisor Jenkins replied yes.

Councilman Kusnierz stated that if we are adopting a Local Law then we should have a full Board present.

Supervisor Jenkins said that isn't always possible. He said they just tabled approval of a set of minutes, because there were only four Board Members present. He stated that he knows what the position is of Councilwoman LeClair on this and she wants senior housing and she is very supportive of it so he didn't have a problem moving ahead without her being present.

Attorney Buettner stated that if the Board Members were ready to move ahead then they needed to answer the questions in Part 2 of the EAF. She asked the Board Members to keep in mind when answering the questions that the questions pertain to the Local Law and not the site plan.

Attorney Buettner stated that the applicant completed Part 1 of the EAF.

Attorney Buettner read questions 1 through 20 in Part 2 of the EAF and the Town Board answered "No" to each question.

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A motion was made by Councilman Vittengl and seconded by Councilman Prendergast to declare a negative declaration under SEQRA.

Roll call vote resulted as follows:

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

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

WHEREAS, the Town Board of the Town of Moreau (“Town Board”) has been presented with an application by Schermerhorn Real Estate Holdings, LLC (the “Applicant”) for the creation of a Planned Unit Development (“PUD”) to be known as “Bluebird Trace and Harrison Quarry PUD” located on a 25.4 +/- acre tract of land, identified as tax map parcel numbers 37-1-10.13, 37-1-10.14 and 37-1-10.121, located on the corner of Harrison Avenue and Bluebird Road (the “Subject Property”); and

WHEREAS, the Subject Property is located in an M-1 zoning district and under Section 149-27(A)(3) of the Code of the Town of Moreau, PUDs are allowed in the M-1 zone; and

WHEREAS, the Applicant proposes allowed uses in the PUD of twenty-nine (29) four (4) unit apartment buildings and one (1) three-story seventy (70) unit senior apartment building; and

WHEREAS, pursuant to Section 149-27(F)(1)(a), the PUD application was referred to the Town of Moreau Planning Board for review and recommendation; and

WHEREAS, the Planning Board conducted a public hearing and thereafter issued a favorable report and recommendation to the Town Board on December 16, 2013; and

WHEREAS, based upon the Planning Board’s reports and recommendations as well as public meetings with the Applicant and the Applicant’s representatives, the Town Board caused to be prepared proposed Local Law No. 1 of 2014 – Bluebird Trace and Harrison Quarry PUD amending Chapter 149 “Zoning” of the Town of Moreau Code, adding Attachment 16 thereto; and

WHEREAS, Local Law No. 1 of 2014 sets forth the description of allowed uses by type and lot location within the PUD as well as the requirements for bulk, area and height for all structures within the PUD, parking information, and other requirements; and

WHEREAS, a public hearing on proposed Local Law No. 1 of 2014 was duly advertised and thereafter conducted on January 30, 2014 at 7:00 p.m. at the Moreau Town Complex and continued on February 25, 2014; and

WHEREAS, the Town Board has considered the public comments on proposed Local Law No. 1 of 2014 made and received throughout the public hearing process; and

WHEREAS, proposed Local Law No. 1 of 2014 was referred to the Saratoga County Planning Board for review and recommendation pursuant to General Municipal Law Section 239-M and Moreau Town Code Section 149-27(F)(2)(b); and

WHEREAS, the Saratoga County Planning Board has issued a favorable recommendation regarding Local Law 1 of 2014; and

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WHEREAS, the Town Board finds that the establishment of Bluebird Trace and Harrison Quarry PUD at the Subject Property offers needed housing opportunities, especially for senior citizens within the Town of Moreau; and

WHEREAS, the Town Board finds that the need for senior housing including enhanced living facilities and market rate apartments are consistent with, and not contrary to, the goals, objectives and recommendations of the Town of Moreau Comprehensive Land Use Plan; and

WHEREAS, with regard to senior housing, the Town of Moreau Comprehensive Land Use Plan notes “Feedback from the community survey indicated, however, a need for additional senior citizen and affordable housing options”; includes within the objectives to “respond to the special needs and desires of all segments of the population,” and includes the following recommendations: “focus on higher density housing for senior citizens” and “ design a set of strategies to encourage affordable housing, including density bonuses, in exchange for a designated percentage of affordable units”; and

WHEREAS, the Town Board finds that the proposed PUD meets the goals, objectives and requirements of Section 149-27 “Planned Unit Development Districts” of the Code of the Town of Moreau; and

WHEREAS, pursuant to Section 149-27(D), the Town Board has considered factors 1 through 11 in determining that exceptions to district standards in the M-1 zone should be allowed:

1. The need for senior housing facilities within the Town as called for and consistent with the Town’s Comprehensive Land Use Plan.
2. The Subject Property is currently located within Water District No. 1, Extension No. 2 and the record establishes that the Town has available public water for the PUD.
3. The Applicant will be required to obtain an extension, at its expense, of the sewer district as a condition of the PUD approval.
4. The Applicant will be required to engage a traffic consultant to conduct a traffic study on the availability and adequacy of transportation systems, including the impact on the road network.
5. There is ample open space and an opportunity for recreational and pedestrian circulation within the PUD which will be more defined during the site plan review process.
6. The PUD provides a compatible proposed land use to the existing uses which surround the property, including storage units near the apartments and multifamily use near the single family residences which are located across Harrison Avenue and Bluebird Road. Further, with adequate building setbacks in place, the character of the neighborhood will not be impacted nor will there be detrimental effects upon adjacent residential properties and/or the neighborhood in general.
7. The height limitation of the structures within the PUD is 38 feet, measured as required under the Building Height definition in Section 149-5 of the Code of the Town of Moreau, which is consistent with the height limitations measured in the R-2 zone.
8. There are no identified impacts to local government services.

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9. There are no identified impacts on environmental resources including wetlands, surface water, flood plains and plant and wildlife communities. All structures will be sufficiently set back from the known wetland and there is sufficient dedicated open space.
10. The Applicant's proposal is innovative as it works around the limitation of the land, specifically the National Grid utility corridor, and used the National Grid property to act as a natural separation between the uses.
11. There are no other factors identified by the Town Board; and

WHEREAS, the Town Board finds that pursuant to Section 149-27(C)(2)(a)(2)(e) that density in excess of eight (8) dwellings per acre is appropriate and an exceptional justification has been demonstrated through the need for senior living facilities within the Town, the innovative approach to meeting that need as proposed by the Applicant, and the Applicant's willingness to extend the water line on Bluebird Road to complete a loop of the existing water in the district, thereby benefitting the Town; and

WHEREAS, the Town Board has received and reviewed the report from the Highway Superintendent, who indicated that he has no sphere of interest in the roads within the PUD because they will not be dedicated to or maintained by the Town; and

WHEREAS, the Town Board as Lead Agency has reviewed and completed a full Environmental Assessment Form for this Type I Action under the State Environmental Quality Review Act ("SEQRA") with its findings and conclusions noted in Part 2 thereof; and

WHEREAS, upon further deliberation, the Town Board proposes to adopt Local Law No. 1 of 2014 establishing Bluebird Trace and Harrison Quarry PUD thereby amending Chapter 149 "Zoning" to include Attachment 16 thereof;

NOW, THEREFORE, it is hereby resolved as follows:

1. The Town Board authorizes the issuance and filing of a Negative Declaration for Local Law No. 1 of 2014 establishing Bluebird Trace and Harrison Quarry PUD under SEQRA consistent with the findings and conclusions in Part 2 of the EAF.
2. Local Law No. 1 of 2014 is hereby adopted and Bluebird Trace and Harrison Quarry PUD is hereby established upon the following conditions:
 - a. The Applicant, or its successors or assigns, must, at its cost, provide and install all necessary infrastructure in order to provide potable water to the structures within the PUD and pay all necessary buy-in and connection fees.
 - b. The Applicant, or its successors or assigns, must obtain an extension of the sewer district to include the Subject Property and must pay all necessary buy-in, capacity and connection fees including any fees that may be associated with increasing the sewer capacity the Town has at the Glens Falls Sewer Treatment Plant.
 - c. The Applicant, or its successors or assigns, must secure final site plan approvals in accordance with the procedures set forth in Article VI, Site Plan Review, for all development within the PUD.

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- d. The Town Board reserves the right to require performance bonds or other security as conditions of any building permits for structures within the PUD and as may be recommended by the Building Inspector/Code Enforcement Officer.
3. The official zoning map of the Town of Moreau shall be modified to reflect the zoning of the Subject Property to Bluebird Trace and Harrison Quarry PUD in accordance with Attachment 16 to Chapter 149.

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the Local Law documents as they may deem necessary, and thereafter, are directed to execute and file the said documents as required by law and to take all the necessary actions for the promulgation thereof.

Roll call vote resulted as follows:

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

Councilman Prendergast read from the County Referral Response as follows:

“In the same regard, we note that the long-availability of vacant manufacturing (zoned) property has not been an enticement to the development of corner parcels serviced by public infrastructure for manufacturing purposes.”

Councilman Prendergast said he read this, because this is where he stands with respect to the properties in the subject area. He received a couple of phone calls at his house regarding this project and he told the people that we can leave the land vacant forever. The problem here is that we are not attracting manufacturing down there. That is a fact. We have been trying for many, many years and it is not materializing and he has been on the Town Board for many, many years. He said they need to start looking at going in a different direction down there in that area unless they want to leave the land vacant down there forever, because manufacturers are not enticed by that area.

Supervisor Jenkins stated that on the east side of Bluebird Road there are a few parcels that can be used for light manufacturing and there is water available to those lots and sewer is readily available so there is a potential for those lots to develop.

[Note: At this point in the meeting everyone in the audience left except for Bobby Dick, Adele Kurtz, Jesse Fish and Paul Joseph.]

SOUND SYSTEM QUOTES

Sound system quotes were received back in September 2013 and brought up two meetings since then and tabled. They were on the agenda for discussion again at this meeting.

Supervisor Jenkins recapped the quotes as follows:

Bobby Dick	\$4,567.00
Ray Supply	\$11,336.00
Ray Supply	\$10,131.00
Ray Supply	\$10,345.00

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Adirondack Audio & Video	\$11,835.71
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Supervisor Jenkins said he didn't know how much time the Town Board Members spent looking at the quotes and if they decided what was needed or not. He said some sort of sound system is needed for the meeting room so the audience can hear what they are saying.

Councilman Prendergast asked if money was budgeted for this and Supervisor Jenkins replied no.

Bobby Dick stated that at the next meeting he could set up a test system with no obligation on the part of the Town to purchase anything and that way the Board can see how it would work.

Councilman Kusnierz stated that the other vendors should be given the same opportunity.

Supervisor Jenkins asked Bobby Dick if he could do this in two weeks and Supervisor Jenkins said he would extend the same offer to the other vendors.

COLD STORAGE BUILDING

Supervisor Jenkins said the Cold Storage Building quotes were on hold.

GLENS FALLS NATIONAL BANK CREDIT CARD OFFER NO CHARGE

Supervisor Jenkins met with a representative of Glens Falls National Bank about accepting credit cards and debit cards here in the municipal building. He asked the Board Members if they were interested in accepting credit/debit cards and if so then he would get more information.

No objections were raised.

Councilman Kusnierz asked if we could accept credit/debit cards at the Transfer Station.

Supervisor Jenkins said he would find out.

CHAMBERS ADVISORY GROUP UTILITY BILLING REVIEW OFFER

A proposal was received from Chambers Advisory Group offering to do a line-by-line review of the Town's utility bills to detect billing errors, services that are no longer needed and more cost effective programs. They would bill the Town for 50% of the savings they earn for the Town.

Supervisor Jenkins will contact a couple of different companies for proposals and bring it back to the Town Board.

ENGINEERING PROPOSALS FOR BIKE PATH

Engineering proposals were received from C.T. Male and Alta Planning & Design in Association with EDP and Garry Robinson.

There was a vast difference in price and services between the two so the Town Board is going to review them and discuss at another meeting.

COMPUTER(S) UPDATE

Kost IT conducted an inventory of the existing computer hardware in the Town Municipal Building. The XP operating system that is on some of the computers will not be supported by Microsoft any longer in April or May.

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Kost IT submitted the following proposal for the purchase and install of computer hardware to replace existing computer hardware:

Qty.	Description	Cost	Line Total
Upgrade Computer Systems			
1	Dell PowerEdge R420	\$6,405.50	\$6,405.50
10	Dell OptiPlex 3010 – Win 7 Pro	\$ 746.35	\$7,463.50
10	Dell Monitor	\$189.00	\$1,890.00
1	Windows Server 2012 R2 Essentials (5 Licenses)	\$567.69	\$567.69
10	Windows Server 2012 License	\$39.31	\$393.18
Total			\$16,719.87

Councilman Kusnierz asked if money was earmarked for the purchase of computers during budget time and the answer was no.

Paul Joseph stated that he has two computers that are not going to be supported by Microsoft any longer. They weren't included in the proposal.

Councilman Kusnierz asked if we could save money by buying direct from Dell.

Supervisor Jenkins said he would have to find out.

Councilman Kusnierz asked if the Recreation Department bought the computer they needed last year or do they need a new one too.

Supervisor Jenkins said he didn't know about the computer in the Recreation Department.

Councilman Kusnierz asked what account this purchase would be made out of.

Supervisor Jenkins replied:

\$6,260.92 out of A1410.2 Town Clerk
\$5,229.47 out of A1220.2 Supervisor
\$5,229.48 out of B3620.2 Building Inspector

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing the purchase of the computer hardware outlined in the quote from Kost IT as indicated above at a cost not to exceed \$16,719.87 and authorizing the Supervisor to sign a purchase agreement with Kost IT and contingent upon him verifying the above issues.

Roll call vote resulted as follows:

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

AUD/FINANCIAL ASSURANCE FOR LANDFILL CLOSURE PROPOSAL

Five RFP's were mailed out to accounting firms to complete and file the Annual AUD and to prepare the Financial Assurance Documents for Landfill Closure for the year-ended 2013.

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Only one proposal was received and that was from Jenkins, Beecher & Bethel, LLP in the amount of \$2,935.00.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the proposal from Jenkins, Beecher & Bethel, LLP in the amount of \$2,935.00 and authorizing the Supervisor to sign a letter with them engaging their services.

Councilman Kusnierz asked if anybody on the Town Board was related to any members of the firm.

Supervisor Jenkins replied yes. He said he would abstain even though he legally doesn't have to. He said there is nothing in the law that says he couldn't vote on this if he chose to. He isn't going to vote, because it would create a bad image.

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

15 MINUTE PUBLIC COMMENT PERIOD

John Telisky asked Supervisor Jenkins if the State supplied him with the figures on what the economic loss to Moreau will be when Mt. McGregor Correctional Facility shuts down.

The answer was no and John Telisky asked Supervisor Jenkins if he could get that information.

Supervisor Jenkins said he would try.

Discussion followed between John Telisky and Supervisor Jenkins on the proposed closure of Mt. McGregor Correctional Facility.

COMMITTEE REPORTS

None

SUPERVISOR ITEMS

Attorney Buettner stated that Sisson Reserve II is going through the planning stages. They have a shared maintenance and easement agreements with Hal Leonelli. Hal Leonelli sold his adjoining parcel to the Sisson Reserve II and they are going to be terminated. The Town is the third party to the agreements and there is a clause in the agreements that read that they can't be terminated unless the Town signs them. The Planning Board has said that is fine. She and Joe Patricke have looked at this. The only thing the Town Board would be doing is saying the agreements can be terminated. The easements were for access and were between Hal Leonelli and Sisson Reserve II and have nothing to do with the Town. The Town Board has already authorized the Storm Water Management Agreement and she believes the Supervisor has signed it. This is just another form of document that they need signed. She got the documents yesterday. They were in planning back in December and Hal Leonelli signed them. They are ready to be recorded once the Supervisor signs them.

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing the termination of the Maintenance and Easement Agreements between Hal Leonelli and Sisson Reserve II and authorizing the Supervisor to sign the termination agreement.

Roll call vote resulted as follows:

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

A motion was made by Councilman Vittengl and seconded by Councilman Prendergast authorizing David DeLong, Dog Control Officer, to get rabies shots through the Saratoga County Public Health Department and for the cost of \$702.00 to be a proper town charge.

Roll call vote resulted as follows:

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

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the meeting at 9:40 p.m.

Roll call vote resulted as follows:

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

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk