

A Special Meeting and a Public Hearing were held by the Town Board of the Town of Moreau on December 20, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The Public Hearing on Extension #5 of Sewer District #1 and the Special Meeting to pass any resolutions and to conduct any other business that may come before the Board.

The Supervisor called the Special Meeting to order at 7:00pm

The Town Clerk called the roll

**Town Board Members Present**

Alan VanTassel	Councilman
Todd Kusnierz	Councilman
Gina LeClair	Councilwoman
Gardner Congdon	Supervisor

**Town Board Members Absent**

Bob Prendergast	Councilman
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**Also present:** Leeann McCabe, Town Clerk; Malcolm O’Hara, Attorney for the Town; Kevin Feuka, C2ae; Town Residents: Jim Rando, Richard Hughes, Leonard Crispino, Barbara Schaffer, Terry Clark, Amanda Bedian, Erik Bailey, Mary & Preston Jenkins, Sam Wahanon, Don von Linden, Betty Wimette, Pat Ferguson, Brian McKenzie, Bob Kory, Dominick Rosati, Ron Rosati, Virginia Livsey, Bruce Flayer, John Kilmer, Reed Antis, Ed Petrush, Mike Pugh, Scott Fialkovich, Kyle Noonan, Bill Austin, Mark Welch, Dana Charpentier, Bob Vittengl, Nathaniel Smythe; Village Residents: Harry Gutheil, Brigid and Colleen Martin, Thomas Wade; Others: John & Michael Munter, April O’Hearn and Rodney Congdon  
There were others present who did not sign in.

The Supervisor led the Pledge of Allegiance.

A motion was made by Supervisor Congdon and seconded by Councilman VanTassel to adjourn the special meeting and enter into the public hearing at 7:01 p.m.

Roll call vote resulted as follows:

Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

The following Notice of Public Hearing appeared in the Legal Ad section of the Post Star newspaper on December 9, 2016.

**TOWN OF MOREAU  
ORDER OF TOWN BOARD SCHEDULING PUBLIC HEARING ON EXTENSION  
NO. 5 OF SEWER DISTRICT NO. 1 IN THE TOWN OF MOREAU**

**NOTICE IS HEREBY GIVEN** that a Map, Plan and Report has been prepared in a manner and detail as determined by the Town Board of the Town of Moreau and Article 12-A of the Town Law, regarding Extension No. 5 of Sewer District No. 1 in the Town of Moreau.

The Map, Plan and Report were prepared by C2AE - Capital Consultants Architecture and Engineering, showing the boundaries of the proposed Extension No. 5 of Sewer District No. 1, the project justification and cost estimates.

The Map, Plan and Report shows the boundaries of the proposed Extension No. 5 of Sewer District No. 1 and the locations of the property contained in the extension of the sewer district. Extension No. 5 of Sewer District No. 1 is comprised of 1,280 acres consisting of 336 parcels.

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The improvements proposed for said Extension No. 5 consist of the construction of sewer facilities, including furnishing, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, all as more fully described in the Map, Plan and Report hereinbefore described. The estimated cost to extend Sewer District No. 1 and install the necessary infrastructure is \$22,867,800.00.

The proposed method of financing the cost of said improvements consists of the issuance of \$22,867,800 in serial bonds from the Clean Water State Revolving Fund ("CWSRF") and the New York State Environmental Facilities Corporation ("EFC") maturing in annual installments over a period not exceeding thirty (30) years.

According to the Map, Plan and Report, the estimated total yearly cost for an average customer will be approximately \$526.80 per equivalent dwelling unit ("EDU"), broken down as \$382.10 in debt and \$144.70 in operation and maintenance, and for a vacant lot without operation and maintenance the estimated total yearly cost is 191.05 per EDU.

The Map, Plan and Report describing the improvements is on file in the Town Clerk's Office and is available for public inspection.

The Town Board will conduct a public hearing for Extension No. 5 of Sewer District No. 1 on Tuesday, December 20, 2016 at 7:00 p.m. at the Moreau Town Hall, located at 351 Reynolds Road, Town of Moreau, County of Saratoga, New York. All persons interested in this matter shall be heard at the said date and time.

This Order and Notice of Public Hearing was duly adopted by resolution of the Town Board of the Town of Moreau on December 8, 2016.

The Supervisor advised those in attendance that they would have 10 minutes to speak each and asked, when it was their turn, that they come up to the front of the room so that they could be heard by the Town Board.

Councilman Kusnierz asked, that those who wished to be heard, please state their names and how they're related to the project.

Kevin Feuka, C2ae, gave a presentation of the project. He stated the changes in the costs from the last time the project was presented. He provided maps, which outlined the proposed district and explained the funding requirements as well as the highlights of the project, explaining the construction of 8", 10" & 12" gravity sewer mains, manholes and PVC force mains with above-ground packaged pump stations (over 12 miles of sewer mains with manholes and 12 pump stations). He explained that easements would be required to run laterals onto private properties (approximately 15.7 miles of sewer laterals). He explained the purchase of 240,000+/- gallons per day capacity from the City of Glens Falls. The total system cost is projected to be \$22,867,800.00, which includes a 10% project contingency. Moreau's current offer is subsidized 50% resulting in 30-year financing at a rate of 1.49%. Funding was based on the Town's median household income of \$58,534.00 per the 2013 Census. Mr. Feuka stated that there are 2,488.5 EDU's (equivalent dwelling units) and the cost per year would be \$526.80/EDU/Yr based on 1.49% for a 30 year loan. This cost came in \$70.00 less than the previous proposed project. The debt portion of the fee is \$382.10/EDU/Year. Vacant lots would pay 1/2 of an EDU or \$191.05/EDU/Year. The cost for operation and maintenance would be \$144.70/EDU/year (based on 120 gallons per day). He stated that the cost could go down depending on an income survey that will be done, which could give the Town a lower interest rate. He gave a timeline schedule and stated that after a vote on the district formation, there is a deadline date of March 1, 2017 to submit the final application for funding. He directed anyone who has questions to contact the Town Clerk and she would then forward them to the Town Supervisor, Engineer and/or the Attorney for the Town. The Frequently asked Questions will be posted on the Town's website: [www.townofmoreau.org](http://www.townofmoreau.org). Mr. Feuka also explained that when a project fails, Town Law states

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that the boundaries need to be changed in order to consider the project again. The change in this proposed project is to add parcels off of Bluebird Road (Jamaica, Tulip, Roslyn, Violet etc.) and to keep the line on Bluebird because of the need from the mobile home park. He stated that the EFC wants to put the funding where it's most needed and scores the priorities.

The Supervisor asked if Bluebird Mobile Home Park is the need, why couldn't they hook into the line that exists now, which is only ¼ mile away and then have a separate line going down Route 9 into the Village. He stated that there are other mobile home parks on Route 9 that need the sewer and aren't in the proposed district. Mr. Feuka stated that the Town Board had made a decision that they wanted to take advantage of the existing offer. He stated that the Board had been told by EFC back in October that the Town is under time constraints to get the best funding. Mr. Feuka stated that the original cost of the project was approximately \$14,000,000.00 and is now approximately \$22,900,000.00. His job was to make sure that there was a realistic price. Town Law requires that the map, plan and report has to indicate the maximum loan that can be spent. The updated cost includes what the City of Glens Falls requires to purchase the capacity. It also includes a 10% project contingency. If the money isn't used the cost of the loan will go down. The interest rate went down from 2.08% to 1.49%, which will help offset the additional cost. Mr. Feuka explained the calculations based on EDU's (Equivalent Dwelling Unit). He gave an example that those businesses who use six times the amount of a single family home would pay 6 EDU's. If the Board proceeds with this tonight, after the public hearing, the necessary paperwork will have to be filed by March 1, 2017.

A woman from the audience asked if more users come on board, will the amount per EDU go down and the answer was yes. He stated that the loan amount won't change, so if there are more users, the total loan amount will be divided by the total number of users, making it less. He gave an estimation without looking at his figures of approximately \$200,000.00 annual debt payment. Harry Gutheil stated that the figure was much higher and Mr. Feuka researched his documents to find that the loan figure was \$950,847.00. Mr. Feuka stated that the Town's median household income is \$500.00 over the average for the State of New York. The Town has opted to conduct an income survey, which if the numbers drop below the average, would qualify the Town for a possible hardship loan of 0% instead of the 1.49%.

Amanda Bedian stated that there is a strict deadline date and asked who was overseeing the application process to make sure that it's submitted on time. Mr. Feuka stated that technically, it's the Town's responsibility but that he will assist. His office will have to provide documentation and the attorney's office will have to as well. Ms. Bedian also asked if the City of Glens Falls waste water plant is suitable to withhold the growth that's projected. Mr. Feuka replied that he was told "yes". Ms. Bedian asked what will happen if they are not. Mr. Feuka replied that the City would have options at that point including what they're charging for operation and maintenance costs for repairs to maximize their capacity. They're in the process of an overflow project of their own that will help alleviate problems with the plant and maintain capacity. Mr. Feuka stated that there will be a legal mechanism in place and that he's meeting with the City tomorrow to confirm the details.

Kyle Noonan asked why only those in the District have to pay for the debt. Mr. Feuka replied that Town Law dictates that only those in the benefit District can pay for it. Mr. Noonan stated that this is quite a lot to ask our neighbors to pay.

Gerald Fitzgerald, a Village resident, read a prepared statement. He's aware that Village residents can't be included in the cost of the project. He made comment about what happened in the 1990's when the sewer district in the Industrial Park was formed, where the Village property owners were included in the debt. He stated that he's not opposing the project, he just wants to make sure that the Village property owners aren't included in the debt. The Supervisor stated that they've taken steps to correct the issue of the Industrial Park. He also stated that if he knows of a law that prohibits the Village from the payment process, he would like to see it and would be happy to speak with him tomorrow. Those are things that he needs to know.

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Erik Bailey asked if there is going to be a contract with the City of Glens Falls to pump the water. Mr. Feuka stated that "yes" it's part of the contract. He also stated that there is an existing contract with the City for Sewer District 1, extensions 1-4. This would be an amendment to the District. Mr. Bailey asked whose responsibility it would be to maintain the lines. Mr. Feuka replied that it would be the Town's responsibility. Mr. Bailey asked if there is a yearly cost for the maintenance. Mr. Feuka replied that it's in the cost of the entire project. Mr. Bailey asked that if this does go to construction, what would be the delivery system for a contract. A guaranteed maximum price or an amount not to exceed. Mr. Feuka stated that the total cost cannot exceed the total dollar amount in the report. It includes a 10% contingency. Mr. Feuka also stated that Town Law says, if you propose a district, we're alerting to the maximum amount that can be spent on the project. Town law states that if the amount is exceeded, you would have to go back to the District and authorize the additional costs. Mr. Bailey asked if there would be a clerk of the works inspecting the construction. Mr. Feuka stated that the State requires inspections because of the underground utilities. There is a clerk of the works included in the fee. He also stated that the Town's Water Superintendent would be on site.

Don von Linden asked about the difference in cost between the first time the project was proposed and now. Mr. Feuka stated that the largest portion of the increase is due to construction costs. He stated that a portion of the increase is because they added some streets to the project (Tulip, Jamaica, Rose, Violet) but that it was a small percentage. Mr. Feuka stated that they had consulted with other communities that have done work in this area as well as the State to make sure they have the best estimates. He stated that he stands behind his numbers. Mr. von Linden asked what the percentage of increase was. Mr. Feuka didn't have the exact number in front of him. Mr. von Linden stated that the last time this project was presented, he felt like he was being pressured because of the time line and felt that something was being hidden. He asked what the rush is. The Supervisor interjected and asked how Mr. Feuka came up with his costs and he replied that the figures were \$ per square foot based upon other projects in the area. Mr. Feuka then answered Mr. von Lindens question by stating that the deadline is for the financing of the project. He stated that things have changed since the last time this project was proposed and if the State says the deadline for financing is March 1<sup>st</sup>, then it's March 1<sup>st</sup>. There is no leeway.

Barbara Schaffer asked why the plan wouldn't continue down Route 9 and then across William Street over to Fort Edward Road and then down to Bluebird. She stated that there's no growth on Bluebird Road and wondered if it's because of the number of houses that would get the Town a better deal. Mr. Feuka stated that the reason was time. There wasn't sufficient time to make that type of evaluation with such a drastic change. They had asked the EFC what would make the most sense for them to consider financing and that was to go up Bluebird Road, which would give the Town the best funding opportunity. Mr. Feuka stated that her approach isn't invalid, there just wasn't enough time. He believed that this was studied back in 2008-2009 and it didn't rank high enough. He thought that this could be proposed for a later possible extension. He stated that it's a timing issue to include those where the need is the densest. Ms. Schaffer thought it would be cheaper to put in a whole new sewer system instead of having to pay this each year.

Rod Rosati, Bluebird Road, asked if they were going to be on the hook for new extensions that might come about. Mr. Feuka stated that it's not an engineering decision. Mr. Rosati asked if they're putting the existing extensions into this district to help pay the cost, then he assumes that they would help pay the cost for any new extensions. Mr. Feuka stated that he couldn't predict the future. Mr. Rosati asked about the new user fee to pay back the general fund for the sewer lines in the Industrial Park. He thought he heard it would be about \$68.00 per year. The Supervisor advised that the Town Board has made this fee part of the budget to be paid over a 7 year period that will reimburse the general fund for the use of the force main. It will be approximately \$150,000.00 per year. The fee is established per EDU. If this process passes, the amount could be reduced. The Supervisor stated that there is an issue hanging out there of the force main, that the whole Town paid for. Those using the force main already have 7-8 years of using it for free. Mr. Rosati asked if anybody using the force main will have to pay this fee. The Supervisor stated that this project is using the force main paid for by everyone in Town. Mr. Rosati asked what the user fee will be. The Supervisor replied that it will be \$20.00 per month per EDU for 7 years. The fee is not reflected in the map, plan and report. The \$528.00 projected cost does not include this pay back fee. Mr. Rosati asked if the \$240.00 would be an additional fee on top of the \$528.00. The Supervisor stated "no". If the project

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passes, there would be more users to pay back the cost. The Supervisor stated that they wouldn't know the cost until they knew how many users there would be.

Harry Gutheil made several statements regarding the project. He said that someday he would like to see sewer but only if the project is sound and he didn't feel that it was. He stated that you can't do a \$22,000,000.00 project for only 300 parcels without grant money. He stated that the vote from last time is being ignored. He also commented that it looks more like a sewer consolidation. It's not just 1555 EDU's, other people will be charged that don't even know it. He went on to say that some of the EDU's don't even exist and that the properties haven't even been built yet. He stated that generally properties with water and sewer, their assessments are higher. He asked if there would be an assessment increase if the sewer goes by someone's property. He stated that the plan is to charge 1/2 and EDU for vacant land, whether it's 1/2 and acre or 300 acres. He stated that there has been no discussion of alternatives such as running the line from the Village down Route 9. They haven't discussed building our own plant, which may not be feasible but there has been no mention in the map, plan and report of any alternatives. Mr. Gutheil stated that the box on the SEQR review regarding the demand for electricity was checked no and he thought it should be checked yes. He stated that there was no discussion of easements. His guess was that the Town would need an easement from every property owner to put laterals on their properties. He asked who would own them, the Town or the property owners.

Mr. Feuka stated that the box was checked no on the SEQR review because it wasn't significant. Mr. Gutheil asked how much he budgeted for the electricity. He stated that he would get a definite answer and post on the frequently asked questions.

The Supervisor asked when the Town would have to start paying the loan back. Mr. Feuka stated that there would be short term financing until the State closes on the loan. He stated that the Town can start charging whenever they want. They'll have to reconcile that once they get started. The Supervisor stated that the money could be sitting in the bank when construction is ready to start and the answer was "yes". The Supervisor went over the cost for vacant lots and reiterated that whether it's 1/3 of an acre or 300 acres. They would both pay 1/2 of an EDU. Mr. Gutheil stated that you would also pay for the use of the sewer main that isn't in the figures. Mr. Feuka stated that the payment for the vacant lots is Town law. He didn't write the decision. Mr. Gutheil stated that he owns 1/3 of an acre that he can't even get a building permit on and will have to pay 1/2 of an EDU. The Supervisor stated that you're expecting the public to gamble on that amount of money for an unknown period of time and properties that benefit the most pay 1/2 of an EDU and pay the least. Mr. Feuka stated that the Town could charge more EDU's for someone with 300 acres of vacant land but you don't know how it would be developed. He stated that once approvals are given for development, the Town can reassess the value and charge more EDU's. Mr. Gutheil stated that these discussions should have taken place before the map, plan and report was created.

Mr. Gutheil asked how the property owners will be hooked up if their existing septic is in the rear of the home. Mr. Feuka stated that they'll look at each case on an individual basis but the intent is to hook up in the same location. Mr. Gutheil stated that he can see a lot of logistical problems. Mr. Feuka stated, that's why it's so expensive.

Mr. Gutheil stated that it shows existing septic will have to be capped and asked if there are any codes that say they'll have to be decommissioned. Mr. Feuka stated that he checked Town Code, he checked with NYSDEC and the Saratoga County Health Dept. and all said it would have to be a Town Law. NYS does not mandate that they would have to be decommissioned. He stated that it would be recommended that the tank be removed to keep the cost down.

Mr. Gutheil stated that the EDU list hasn't been updated. He knows of property changes that aren't in the report. Mr. Feuka stated that he got the update data base from Real Property when they were contracted and when they close the loan, they'll have to give a current data base.

Mr. Gutheil asked if the 1.49% rate is locked in and the answer was "yes".

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Mr. Gutheil asked how many projects Mr. Feuka has done similar to this one. Mr. Feuka stated that he has done 4 through the district formation process in the State of New York and the firm has done 400 miles of structure in the last 20 years.

Mr. Gutheil asked where the 6" and 8" force mains are going to be installed. Mr. Feuka stated that the 6" will be in the outlying areas which have less flow. Mr. Gutheil asked if someone chooses to hook-up after the fact, will they be able to hook into the force main and at what cost. Mr. Feuka replied that they would have to review this with the Town. Typically, they wouldn't want individual users to tie into the force main. Mr. Feuka also stated that as long as a homeowner chooses to tie in while the project is under construction, the cost would be covered under the loan. Once the financing is complete, they would have to go through the Town and pay whatever connection fees are in place.

Mr. Gutheil asked how much capacity the Town owns. He's seen a document that had a figure of 150,000 which was crossed out and 190,000 was written in. He asked what the status of the contract was. He stated that there's a fee of \$867,000.00 for next year that's not in the budget. Mr. Feuka stated that they've included a capacity charge which will have to be finalized when the district is approved. Mr. Gutheil asked if the \$867,000.00 is for capacity for this project and Mr. Feuka replied no. Mr. Gutheil asked if this project is buying capacity for someone else. Mr. Feuka stated that they're buying capacity based on what the projected flow is.

Mr. Gutheil stated that there's a letter from DEC stating that we'll be crossing a class CD stream and he asked where the stream is. Mr. Feuka didn't have an answer nor did any of the Board members when asked the same question.

Mr. Gutheil asked where the undersized lots are that are having difficulty meeting DOH requirements referenced in the map, plan and report and asked how many there are. Mr. Feuka didn't have an answer at this time.

Mr. Gutheil asked why Bluebird Knolls and Tuck-A-Way mobile home parks weren't included in the district. Mr. Feuka stated that with the time available, they couldn't look at all the possibilities. They went with the ones that made the most sense. He stated that EFC had told them, there couldn't be any significant changes to the original plan.

Mr. Gutheil stated that he feels the same as Mr. von Linden in that we're rushing the project. In getting the low interest rate, we could be making some big mistakes and not building the best project that we could.

Mr. Gutheil asked if there aren't enough users hooked up, will there be enough liquids to pull the solids to the pumps. Mr. Feuka stated that there's always that possibility. They don't have a sewer design to an exact grade. That's something that's part of the final design process. They'll be designing based on their best judgement of the district.

Mr. Gutheil stated that the last time, 286 parcel benefitted and it was voted down. He stated that he voted against the project himself. He stated that he would like to see sewer on Route 9 but asked, where do you stop and what is a reasonable number. He questioned whether the project is sustainable. He stated that you can't do projects like this without grant money.

Mr. Gutheil stated that he feels there are only 1158 1/2 of the 1555 listed EDU's existing now in this proposed district. Mr. Feuka stated that the numbers are based on the current status of the property. Mr. Gutheil gave an example of a parcel listed as Va Va Voom with 247 EDU's and a shovel hasn't been put in the ground. Mr. Feuka stated that any property that has an approved site plan, with an intent to develop are being assessed that charge. Mr. Gutheil stated that their debt payment would be \$94,378.00 per year and if they tie into O&M it will be approximately \$130,000.00 per year. Mr. Gutheil stated that if you don't have those 247 EDU's, you've shot a hole in the budget. He stated that the figures are based on

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speculation. Mr. Feuka stated if there's a property that has an approved site plan, that developer can turn around and sell the property for an increase value. They'll be assess at those rates because they have those approvals. Mr. Gutheil stated that the Town is going to bankrupt people. Mr. Gutheil made mention that the taxpayers will be picking up for the cost of the Highway Garage. He asked if anyone knew how many EDU's they are to be charged. He stated that there are 4, so the Town Highway budget is going to have to pick up the \$3,300.00 per year for sewer. He listed the EDU's for the school, which the taxpayers will be responsible for.

Mr. Gutheil had a huge concern and questioned the legality of the inclusion of 933 EDU's from the existing district and extensions. He asked if they were going to impose debt payments on these people for 30 years and that they won't have a vote. Mr. Feuka replied "correct". Mr. Gutheil stated that if it's not illegally wrong, it's immorally wrong. Mr. Gutheil explained the figures for the Supervisor from the map, plan and report.

A woman from the audience voiced her concern as to how the public hearing was being run. She stated that they were talking about the entire sewer district rather than just the proposed extension #5. She felt it was too much information being put before her and didn't feel they should be hearing everything. She stated that it was mind boggling.

Mr. Gutheil stated that he had one more question. Does the Town have to pledge the full faith and credit of the whole Town for an obligation like this? The Supervisor stated that he believe they would. Attorney O'Hara believed that they would as well. Mr. Gutheil stated that this should have been gone over with a fine tooth comb and it hasn't been.

Ed Petrush stated that he lives in Queensbury but owns property on Route 9. He stated that Mr. Gutheil did a great deal of work but that the thing he's missing is that there's unbelievable growth in the area that we're not getting the chance at. We get nothing, because without sewers and infrastructure, we're not going to get anything. He stated that we're losing out on sales tax revenue and property tax money. Everything is contingent on having sewer. Mr. Petrush stated that for a single family home to put in a new septic system would cost between \$10,000.00 - \$12,000.00. Mr. Petrush stated that there's no business in the Town and you need that to grow. The Supervisor stated that the Town of Moreau is the 2<sup>nd</sup> or 3<sup>rd</sup> highest in sales tax revenue in Saratoga County. Mr. Petrush stated that some areas are at their maximum growth rate and that ours is coming. The Supervisor stated that he wants to be factual in looking at sales tax revenues. Mr. Petrush stated that they would have more sales tax revenue by providing industry.

Councilman Kusnierz stated that he had been silent during the meeting but wanted to re-confirm that people have lost focus on what a public hearing is all about. He stated that a public hearing is based on a proposal that's presented by the engineer and the roll of the Board this evening is to listen to the public. He stated that it's not an arena for a debate between the Board members and the audience. He stated that he wanted to hear from every member of the public before the evening ends.

Len Crispino stated that he has property on Route 9 and that he's listened to everything that's gone on. He stated that he's come to the conclusion that the proposal has flaws and isn't perfect but he doesn't know if there will ever be a perfect plan. He stated that we need to stand back and look at the big picture. He asked if we will move forward or stand back. He stated, from what he can see, the Town is growing beautifully residentially but is not commercially. He stated that it's not growing commercially because of the lack of infrastructure. He was of the opinion, that once this project gets started, business will come in. He stated that the State put the cloverleaf in at exit 17 because they knew there would be development in this area. He stated that this is something that has to happen and if it doesn't now, it will in the future. He stated that they didn't take the last proposal and now this one is \$22,000,000.00 and asked what we're waiting for. He stated that eventually, we're going to have to jump on this. He stated that compared to exit 15 and exit 19, our businesses are junk. He stated that business contributes to the community, it brings in jobs and working people who can pay taxes. He stated that when your septic system fails, you would have to pay for that. If you bring in sewer, your property is worth more and the community becomes more stable. He stated that this is something they need to look to in the future.

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Ms. Bush asked when you would start paying if the Town opts to proceed with the project. Do you start paying right away or when the sewer is hooked up? Mr. Feuka stated that there is no required date that you start paying. He stated that most communities don't start collecting until they're close to or done with construction but that it would have to be determined by the Town Board. She stated that she's 85 years old and doesn't want to be paying for 2 years on something that she wouldn't get a benefit from.

Preston Jenkins stated that about 3 years ago, the State completed a study. He stated that there were 3 issues reflected in the study and the first being a growth issue, which would put a middle lane down Route 9 as a turn lane. The 2<sup>nd</sup> plan was to expand that more and the 3<sup>rd</sup> plan would be a 4 lane road and to change some of the exits on the interstate. He stated that if nothing happens here, nothing will happen to the road. He stated that the transportation issue will be solved if it grows. Mr. Jenkins stated that there was a 27 acres parcel that just sold a couple weeks ago, where the driving range is. He stated that there are two plans, the first plan for development is for a supermarket, a sports store and a restaurant. He stated that if the sewers don't happen, from what he read in Capital District Business Digest, there would be some kind of a strip operation instead of major development. He stated that will make a difference in the number of jobs that would be created and the amount of property tax collected on those properties. He stated that it was a 1.6 million dollar purchase and they're serious about building it.

John Munter, along with his brother Mike, addressed the Board and stated that he and his brother are Saratoga County residents from Middle Grove. Their dad started a construction company in the early 1970's and they have since taken it over. They've been involved in property development from Albany to the Canadian border, involving commercial projects to heavy manufacturing. They had interest in the exit 17 parcel (Grandy property) for several years. He stated that they made this transaction happen because they see potential in this corridor. He stated that business after business is leaving Moreau and the tax base is diminishing. He stated that the sewer would be an immediate spark and bring it alive. He stated that people will follow what they did. If this sewer line doesn't happen, it will remain as you see it. They have an idea of what they want to build and said that Mr. Jenkins had it right. There will be a potential for jobs, sales tax increase and for interesting things that will serve the community. They will benefit the community a lot less than if the sewer comes in. He stated that he couldn't guarantee if a supermarket or drug store would go in but the potential is there if there's sewer. Councilman Kusnierz thanked him for investing in the Town of Moreau.

Brian McKenzie addressed the Board by stating that he owns 4 lots in and is a resident of the Town of Moreau. He stated that sewer would help him bring tenants in. He stated that he has other properties that he wants to develop but he's waiting for sewer. He stated that he does stand to gain more than a residential homeowner but that he's invested in the Town. He stated that he's pro-sewer and is asking for help from the Town.

Bob Vittengl, Town resident and former business owner, stated that Moreau is the largest Town in Saratoga County and that Saratoga is the fastest growing County in the State. He stated that we've missed out on growth because of the infrastructure. He stated that we have 6 water districts with 3 towers and that we're in great shape. He stated that things will grow with sewers and that there's a very strong chance that the Town will get the 0% funding and if that happens, it will reduce the debt payment. He stated that the demand is here, we have water and fiber now all we need is sewer.

John Kilmer of Spier Falls Road stated that he's lived in the Town his entire life. He was here at this same meeting 3 years ago. He asked what the lead time to get notified of the loan was. Mr. Feuka stated that the draft plan for State financing was issued during the summer and the list wasn't finalized until late October. He stated that the deadline date is March 1, 2017. He stated that the biggest issue, according to Town law, is the Board deciding to go with a mandatory referendum. If that is decided tonight the vote will have to be set and it has to be a minimum of 60 days before that can take place. He stated that last time it was subject to a permissive referendum, meaning that if 5% of the property owners didn't want the project, they needed to sign a petition to put it to a vote. This time, the Board thought, if this is a go, there's enough time built in to let the property owners voice their opinion and be able to meet the March



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1, 2017 deadline to submit the paperwork. Mr. Kilmer stated that the owners have 60 days to decide if they want to spend \$22,000,000.00 on a project that associates to 336 parcels. He stated that it was quite a bit of pressure. Mr. Feuka stated that the maximum is 75 days, so Town law only gives you an extra 15 days. Councilwoman LeClair wanted to clarify that when the words Town law are mentioned, it's not Town of Moreau law, it's New York State law that applies to towns. Mr. Kilmer stated that the Town needs the infrastructure to increase the tax base but there's only 2 months to decide. Councilwoman LeClair stated that the time frame will always be the same; it's the way the laws are. Mr. Feuka stated that our interest rate right now is 1.40% and may go lower. He stated that some communities go with Federal funding (USDA), which would give you 38 years to pay back but the rate is 2%. He also stated that it's always a gamble, you never know what the rates are going to be. If you wait, the rates could go up.

Preston Jenkins stated that these are Federal funds passed through the states and that no decisions can be made before October 1<sup>st</sup>. Mr. Feuka stated that a portion of the funding is from the Federal government. Every year they put a % in to keep the programs going and the State has to match the amount.

Terry Clark stated that he had heard earlier that the laterals will be the responsibility of the property owners and Mr. Feuka replied "beyond the right of way". Mr. Clark stated that they had just gone through this with a water project and the Town is responsible for 30 years on the water line. He asked why this would be any different, it should be guaranteed for 30 years and they should be responsible to where it ties into the residence.

Bruce Flayer of Burt Road asked if there have been any studies on the infrastructure. He stated that if you try to widen Route 9, it would take acquisitions and that could take ages. He stated that sewer can come in and business will start coming in but it will create a traffic mess because nobody has thought of the next step of the development of the area. He asked if there has been a master plan of the Town considering the growth. He stated that this should be planned out in steps to avoid problems down the line. Mr. Feuka stated that NYS DOT is going to require a highway work permit and once they've reviewed the plans, they'll be able to coordinate. Mr. Flayer asked if there was a timeline for that and Mr. Feuka replied "no". Mr. Flayer stated that the sewers could come in and business could come in and you would still be waiting on DOT. Mr. Feuka stated that they want to get the sewer in first so that they aren't cutting the roads up twice. Mr. Flayer stated that he's lived in a number of communities where the politicians have stated that we need to increase the tax base and we need to build. They built malls and commercial districts. Taxes went up and crime went up. Whatever taxes they had coming in were offset by the cost of additional law enforcement, fire protection and road clearing services as necessary and the tax payers paid for it.

Harry Gutheil spoke again and stated that he supports sewer but said it needs to be done when it's affordable. He mentioned a mobile home park, which if hooked up would pay \$200,000.00 per year. All of those who live in the park would see an increase in their lot rents. He mentioned another smaller park that would pay \$9,000.00 per year, English Village (if the EDU's are correct) would pay \$67,000.00 per year. Mr. Gutheil stated that they need to look at the businesses and what they are going to be paying. Some of them can't afford this and you'll see them close. For some of the jobs you gain, you also be losing jobs.

The Supervisor questioned whether or not some of the renters in Lamplighter would be able to vote as they are listed on the tax rolls. Mr. Feuka stated that the Lamplighter property owner would have the vote per Town law. The Supervisor stated that one vote dictates that of 380 residents who are going to pay for it. The Supervisor stated that he didn't think this was fair and could never vote to support a mandate telling one person that 380 people will have to pay another \$500.00 per year. He stated that there is now way that he could endorse this concept. He stated that if this is the law, he wants to go on record stating that he can't support the project any further.

Thomas Quinn stated that he's heard both sides of the argument and both have made valid points. He stated that it's mentioned that business and jobs will come in but will only pay \$9, \$10, \$12 per hour. They don't pay their fair share of taxes due to waivers and such and all of this is passed on to the tax payers. He stated that he's not against development but that you would see an increase in the lighting

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districts, fire districts, police patrol. He stated that under the Diamond administration in the City of Glens Falls, they've seen increases in water and sewer rates. Taxes for homeowners have gone up considerably. He stated that 20 – 30% of business in the City doesn't pay their fair share of taxes. He asked, if the Town is going to go through with the project, that they look at the up-front costs and how much it will cost down the road.

A gentleman asked if he was correct in that the entire Town can't pay for the project because of a Town law. If it benefits everyone, he doesn't see the equity and it doesn't make sense to him. Mr. Feuka stated that there are 2 ways that NYS Town law allows you create a district. An ad valorem tax based on property values and the second way was inaudible. He asked if you are allowed only 1 vote if you own multiple properties and the answer was yes.

Brian McKenzie stated that he owns 4 properties and he is only allowed 1 vote. Mr. Feuka stated that Town law dictates that there can only be one vote. He also stated that if more than one person owns a property, they can all vote but only once if they own multiple properties.

Mr. Quinn asked if there was any potential in the Industrial Park and the Supervisor replied that there was nothing happening.

Reed Antis stated that we've been here twice because of the EFC funding and asked why the Town board hasn't created a district by an ad valorem tax and get the funding we want with how we want it. He stated that they know they want sewer down Route 9 into the Village. He asked why they aren't creating a district with what they need and not have such a rush. Councilwoman LeClair asked where we would get the money and Mr. Antis replied, municipal bonds and at least you would have a district that people want. He's hearing that the burden is on a lot of people that don't want the district. There is a need on Route 9 and those people want the sewer. He asked if there was another mechanism for financing. Mr. Feuka stated that there's money available through the USDA Rural Development and other grants through the Federal government that are based on job creation. There's also municipal bonding but those are usually shorter term limits.

A gentleman asked, if as a Town, they could be more proactive in designing where we want the infrastructure so when the opportunity does arrive, we're not scrambling around trying to re-design it. He stated that we did this 3 years ago and now the money becomes available again and we're scrambling. He stated that we know we want Route 9, so why isn't that plan in place when the funding is available. The Supervisor stated that there was a time frame with this proposal. He also stated that this is why they have public hearings. He mentioned again that he couldn't support the plan. The gentleman stated that they haven't done a thorough job with the plan because they're scrambling. The Supervisor stated that he should talk to State Representatives and find out why they have these rules that have to be followed. The gentleman stated that the rules are arbitrary to having a plan already in place. The gentleman stated that you know you want Route 9 and that the Town should have done their leg work ahead of time. The Supervisor stated that it was mentioned earlier that in order to move forward, they could only make modest changes to the plan and that's how they moved forward. The Supervisor stated that, that limited what they could do to meet the criteria set up by the State of New York.

Virginia Livsey stated that she heard one of the mobile home parks on Route 9 wasn't included because there wasn't enough time. She asked, why not do a study and have it ready so that when an opportunity comes up, we can pull it out and it's something that people want. Councilwoman LeClair stated that EFC has to do with environmental, we can't tell them that we don't want it to go to the houses and only to Route 9. She stated that they wouldn't have funded us. Ms. Livsey stated that it was mentioned that there was another route they could have taken to include the mobile home park on Bluebird Road by going down Route 9 to William Street. She stated that the Town should find out what they want to do and then when funding comes up, they'll be prepared, instead of scrambling. Councilwoman LeClair stated that no matter what the Town does, there will always be another idea out there that may look better. Councilman VanTassel asked Mr. Feuka to answer the question as there are variables in play that allow us to get access to this affordable money. Mr. Feuka was of the understanding that the last time this went to a vote, it was not supported by only 2 votes or some very small number. The Board has a very delicate balance of what is

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the right time to jump and what is the most supportive. He stated that you can spend quite a bit of money evaluating that scenario. He stated that even under this scenario, not everyone on Route 9 was supportive of it. Mr. Feuka was corrected in that the vote failed by 7 votes. Mr. Feuka stated that it was the intent of the Board, that if it failed by only a small margin last time and it was a higher interest rate and we have a chance of getting a smaller interest rate, it was a judgement call to try and look at it again. He stated that it's not a funding offer, it's a pre-qualification to say that you might qualify for a fixed rate loan. He stated that it's the best opportunity they have based on the feedback. The call was to take this chance before the interest rates and costs continue to rise. Ms. Livsey stated that she's heard the word jump and she felt that it shouldn't be a jump but rather be prepared.

Mr. Petrush spoke again stating that a significant amount of money has been spent on engineering and asked if this doesn't go through, will the Town have to start all over again. Mr. Feuka replied "no". He also asked the Attorney for the Town, why absentee ballots wouldn't be allowed for those that are out of Town. Attorney O'Hara stated that New York State Town law has no provision for an absentee ballot for special elections.

April O'Hearn asked if you have to be a New York State resident to vote. Attorney O'Hara stated that all property owners in the district are allowed to vote. They are not prohibited because they don't live in the Town under Town law. It was stated that they can't participate by proxy.

Scott Fialkovich of Bluebird Road stated that there is a lot of "if you build it, they will come" mentality. He mentioned the Industrial Park, which has water and sewer and there's only one tenant out of several lots that are available. He stated that there's an Ace Warehouse and a Target Warehouse both at exit 16 and there's no sewer there. He asked why the Town wouldn't market to a company like that to bring something in and invest in our Town rather than asking the residents to invest in it for the company's sake. He stated that you're asking him to pay for sewer that will benefit other people, if they come. His other concern was not only having to pay for the sewer itself but that it would increase the value of his property and his taxes would go up as well.

It was mentioned that there is no development in the Industrial Park because the trucks can't get to it from Bluebird Road. There was some inaudible conversation that took place.

Mr. Fialkovich asked if by putting sewers in, will it change the zoning. The Supervisor stated that anything is possible. He asked if they will allow truck traffic on Bluebird Road. The Supervisor stated again that it's possible and would be subject to a public hearing.

It was asked where the pumping stations would be and how big. Mr. Feuka stated that they'll be located off the right of ways, which would be a typical green enclosure lower to the ground. He asked about the locations. Mr. Feuka stated that the preliminary engineering is the map, plan and report. There's a map that has little red boxes and these signify the stations but it's preliminary, not final until a survey is done and they have a final design.

It was also asked again to verify, that they'll be hooking up the piping to the homes where the existing piping is now. Mr. Feuka stated that it was their intent and that they don't really want to have to dig another hole in the foundation wall. He stated that easements will also have to be signed and the roads will have to be surveyed.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to close the public hearing at 10:04 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes

A Special Meeting and a Public Hearing were held by the Town Board of the Town of Moreau on December 20, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The Public Hearing on Extension #5 of Sewer District #1 and the Special Meeting to pass any resolutions and to conduct any other business that may come before the Board.

Councilman Prendergast	Absent
Supervisor Congdon	Yes

It was asked that if there are any questions, they should reach out to the Town Clerk @ [townclerk@townofmoreau.org](mailto:townclerk@townofmoreau.org) and she can relay the questions to the Engineer and Town Attorney.

Attorney O'Hara stated that Part 1 of the Environmental Assessment Form has already been completed and announced that the Engineer has Part 2 of the form to go over with the Board. The Supervisor stated that there should be a meeting to analyze the information they heard and discuss to see if they want to continue to spend money in this direction. Councilman Kusnierz stated that his position is that they met the goal of lowering the cost below \$600.00 on a project that went from \$14,000,000.00 to just under \$23,000,000.00. He stated that he has an obligation to provide an opportunity to the residents in the proposed district to give them access to this infrastructure and to ensure that the funding stays alive by doing their due diligence. He believes that the Town has done this by working closely with the Engineer, Counsel and EFC. He stated that at the end of the day, it's not up to him as to whether this district is approved or disapproved but he'll give the residents an opportunity to make their decision and in doing that, he's supportive of moving forward. Councilwoman LeClair agreed. Councilman VanTassel stated that they get to vote and it's the Town's job to give them enough information and time to make that decision. Councilman Kusnierz stated that it's not a perfect process and he respects those that are for the project and he respects those that are against it. There was a rather lengthy discussion as to whether to proceed with the SEQRA process at this meeting or to wait until the next regular Town Board meeting. Mr. Feuka went over the time line if they waited until December 27, 2016 to handle this and by his calculations, it would be a day too late. The Supervisor wanted to wait and hear feedback from the residents. Mr. Feuka stated that the Town would be posting the feedback along with FAQ's that will be updated as they come in. Attorney O'Hara stated that they should at least go through the SEQR process. Mr. Feuka stated that by completing the SEQRA it won't be an obligation to the Town it's just part of the requirement.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair to move forward with the SEQRA process.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Supervisor Congdon	No

Mr. Feuka read Questions 1 through 18 of Part II of the Environmental Assessment Form. All questions were answered "No" and the explanations were read aloud.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair for the issuance of a negative declaration in the establishment of Sewer District 1, Extension 5 with the following Resolution read into the record.

**RESOLUTION DATED DECEMBER 20, 2016  
TOWN BOARD OF THE TOWN OF MOREAU  
SEQRA RESOLUTION REGARDING THE CREATION OF EXTENSION NUMBER 5 TO  
SEWER DISTRICT NUMBER 1 AND THE CONSTRUCTION OF SEWER INFRASTRUCTURE  
THEREIN**

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the creation of Extension Number 5 to Sewer District Number 1, wherein in the Town proposes to construct a sanitary sewer extension project; and

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WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter "SEQRA", the Town Board must determine whether such proposal may have a "significant impact on the environment" and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the Town Board's December 20, 2016 special meeting and public hearing; and

WHEREAS, pursuant to Part 617, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter "NYSDEC") and the New York State Department of Transportation (hereafter "NYSDOT") are the involved agencies as that term is defined in 6 NYCRR Section 617.2(s); and

WHEREAS, no further review is required under SEQRA;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Moreau as follows:

1. Based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such further investigation as the Town Board has deemed appropriate, no potential significant adverse impacts are known;
2. Consent to proceed with the project will not cause a significant impact on the environment, and the Town Board will not require the preparation of an environmental impact statement;
3. A negative declaration is to be prepared; and
4. The Town Clerk of the Town of Moreau is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the Clerk shall mail copies, return receipt requested, to:

Office of the Commissioner  
Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

and Environmental Notice Bulletin  
NYSDEC – Attn: Jack Nasca  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-1750

and, NYSDOT  
50 Wolf Road  
Albany, NY 12232

5. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

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Roll Call:

Councilman Van Tassel	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	No

Attorney O'Hara stated that the next step would be for a motion to establish the District and then a motion to establish the special election. Mr. Feuka went over the time line if the Board chose to do this on December 27, 2016 and stated that it would be 1 day too late.

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair establishing Extension 5 of Sewer District 1.

Councilman Kusnierz asked that the Town Clerk read the prepared resolution into the minutes.

The Town Clerk didn't have the correct resolution and read it incorrectly. The intent was to pass the following resolution which had been prepared in advance of the meeting and given to the Town Board:

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

SUBJECT: RESOLUTION ESTABLISHING EXTENSION NO. 5 OF SEWER  
DISTRICT NO. 1 WITHIN THE TOWN OF MOREAU

**WHEREAS**, the Town Board of the Town of Moreau ("Town Board") is considering the establishment of Extension No. 5 of Sewer District No. 1 within the Town of Moreau ("Extension No. 5") as described in the Map, Plan and Report that has been prepared for Extension No. 5 of Sewer District No. 1; and

**WHEREAS**, a public hearing on the establishment of Extension No. 5 was duly conducted by the Town Board on December 20, 2016 at 7:00 p.m. at the Moreau Town Complex; and

**WHEREAS**, the Notice of Public Hearing was published, posted and filed as requires by Law, and is otherwise sufficient; and

**WHEREAS**, the Town Board has considered the comments made at the public hearing; and

**WHEREAS**, all the property and property owners benefited included within the proposed Extension No. 5 are benefited thereby; and

**WHEREAS**, all the property and property owners benefited are included within the limits of the proposed Extension No. 5; and

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**WHEREAS**, it is in the public interest to establish the proposed Extension No. 5; and

**WHEREAS**, the Town Board as lead agency has issued a determination of non-significance under the State Environmental Quality Review Act (“SEQRA”) for this Type I action;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the establishment of the proposed Extension No. 5 is hereby approved, as hereinafter described, and said Extension No. 5 shall be designated and known as Sewer District No. 1, Extension No. 5 in the Town of Moreau, and shall consist of 1,280 acres, include 336 parcels as is more fully detailed and described in the Map, Plan and Report, and as identified by tax map parcel number in **Schedule A** attached hereto; and be it further

**RESOLVED**, that the maximum amount proposed to be expended for the construction of Extension No. 5 is estimated to be \$22,867,800.00 and the plan of financing includes the issuance of \$22,867,000.00 serial bonds from the Clean Water State Revolving Fund (“CWSRF”) and the New York State Environmental Facilities Corporation (“EFC”) maturing in annual installments over a period not exceeding thirty (30) years; and be it further

**RESOLVED**, that the Town of Moreau may, if deemed necessary, enter into an Addendum to the Facility Agreement with the Board of Water and Sewer Commissioners of the City of Glens Falls to provide for additional reserve capacity at the Glens Falls Sewage Treatment Plant particular to the wastewater generated from the Extension No. 5 parcels, and the Supervisor is authorized to enter into any such addendum on behalf of the Town upon recommendation from the attorney for the Town; and be it further

**RESOLVED**, that the Rules and Regulations for Sewer District No. 1 contained in Article 1 of Chapter 115 of the Moreau Town Code shall apply to and be enforced in Extension No. 5; and be it further

**RESOLVED**, that the Supervisor and Town Clerk are hereby authorized to execute and delivery all necessary documents to further the purposes of this resolution, including the filing of this Resolution in the Office of the Saratoga County Clerk and the Office of the State Department of Audit and Control; and be it further

**RESOLVED**, that the permission of the State Comptroller is not required with respect to Extension No. 5 because the estimated cost of Extension No. 5 to the Typical Property (as defined in the

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Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Clerk will file a certified copy of this Order with the State Comptroller as required by the Town Law; and be it further

**RESOLVED**, that this resolution will be voted on by the electorate in a referendum to be held on February 21, 2017.

The Supervisor stated that they resolved that there is no adverse environmental impact but that if the sewer goes in, he felt that there would be. He stated that he would like to see a real evaluation. Mr. Gutheil stated that they've already passed SEQRA and that this resolution is to establish the district. Mr. Gutheil stated again that he's concerned with the number of EDU's listed that have nothing built on them. He asked the Board not to put themselves in a position where you intend to deceive creditors. Mr. Feuka stated that when the financing application is put through, EFC will evaluate all the information carefully. Mr. Gutheil stated that it's not fair to tell people it's going to cost a certain amount and then when they find that they don't have the EDU's they thought they had, the price will go up. He stated that he can see the direction they're going and wanted them to know he gave them fair warning.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Supervisor Congdon	No

A motion was made by Councilman Kusnierz and seconded by Councilwoman LeClair establishing that a Special Election be held on February 21, 2017 to approve the Resolution passed before the Town Board on December 20, 2016.

The resolution reads as follows:

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

SUBJECT: RESOLUTION OF THE TOWN OF MOREAU, NEW YORK, ADOPTED DECEMBER 20, 2016, PROVIDING FOR SUBMISSION OF A PROPOSITION AT A SPECIAL ELECTION TO BE HELD ON FEBRUARY 21, 2017, TO APPROVE THE RESOLUTION HERETOFORE ADOPTED BY THE TOWN BOARD OF SAID TOWN ON DECEMBER 20, 2016

RESOLVED BY THE TOWN BOARD OF THE TOWN OF MOREAU, IN THE COUNTY OF SARATOGA, NEW YORK, AS FOLLOWS:

Section 1. A Special Election shall be held on February 21, 2017, at the Town of Moreau Municipal Complex, 351 Reynolds Road, Moreau, New York, at 12:00 PM, and the polls shall remain open until 8:00 PM or as much longer as may be necessary to enable the voters then present to cast their votes.

Section 2. The Town Clerk shall cause the Notice of such Special Election to be published at least once in The Post Star, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to



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subdivision 6 of section 30 of the Town Law, said publication and posting to be at least ten (10) days before such Special Election.

Section 3. The Town Clerk is hereby authorized and directed to include in the Notice of Special Election, notice that the Town Board will submit at the said Special Election, a Proposition for approval or disapproval of the Resolution hereinafter referred to in such Notice.

Section 4. At said Special Election, the vote upon the said Proposition shall be by separate ballot on voting machines and the only persons qualified to vote upon said Proposition shall be the owners of taxable real property situate in the proposed District as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of said corporation, or such other duly authorized person designated by an appropriate resolution of such corporation.

Section 5. Said Notice shall be in substantially the following form:

TOWN OF MOREAU, NEW YORK  
NOTICE OF SPECIAL ELECTION  
DECEMBER 20, 2016

NOTICE IS HEREBY GIVEN that a Special Election will be held on February 21, 2017, in the Town of Moreau, in the County of Saratoga, New York, at the Town of Moreau Municipal Complex, 351 Reynolds Road, Moreau, New York, and voting will be limited to owners of taxable real property situate in the proposed Extension No. 5 of Sewer District No. 1, as shown upon the latest completed assessment roll of the Town, including corporations which, for such purpose, shall be entitled to one vote to be cast by an officer or agent of such corporation, or such other duly authorized person designated by an appropriate resolution of such corporation, and the polls shall remain open from 12:00 PM to 8:00 PM, or for such longer period of time as may be necessary to enable the voters then present to cast their ballots. At said Special Election, the following Proposition is to be voted upon:

PROPOSITION

SHALL the resolution entitled: "Resolution Establishing Extension No. 5 of Sewer District No. 1 Within the Town of Moreau," with the maximum amount of the project as proposed in the amount of \$22,867,800 BE APPROVED?

An abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that a general Map, Plan and Report for the proposed establishment of Extension No. 5 of Sewer District No. 1, in the Town of Moreau, in the County of Saratoga ("District" and "Town," respectively), consisting of the installation of sewer infrastructure as more specifically identified in the Map, Plan and Report on file in the Town Clerk's Office, including land or rights in land, original equipment, machinery, furnishings, services, appurtenances, related site work and ancillary costs (the "Sewer Improvement"); that an Order was duly adopted by said Town Board on December 8, 2016, reciting the filing of said Map, Plan and Report, the description of the boundaries of the District in a manner sufficient to identify the lands included therein, the maximum amount proposed to be expended for the construction of said Sewer Improvement, the Town's proposed method of financing, and specifying the time and place of a public hearing to hear all persons interested in the subject thereof concerning the same, that a certified copy of such Order was duly published, posted and filed, that said public hearing was duly held on December 20, 2016, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of Public Hearing was published, posted and filed as required by law, and is otherwise sufficient; (b) all the property and property owners included within the proposed establishment of the District are benefited thereby; (c) all the property and property owners benefited are included within the limits of said proposed establishment of the District; and (d) it is in the public interest to establish the District.

A Special Meeting and a Public Hearing were held by the Town Board of the Town of Moreau on December 20, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The Public Hearing on Extension #5 of Sewer District #1 and the Special Meeting to pass any resolutions and to conduct any other business that may come before the Board.

THIRD: APPROVING the establishment of the District and the construction of improvements therein as described; DESIGNATING the District as Extension No. 5 of Sewer District No. 1 in the Town of Moreau and DESCRIBING the District in a manner sufficient to identify the lands included therein;

FOURTH: RESOLVING that the maximum amount proposed to be expended for the construction of Extension No. 5 is estimated to be \$22,867,800.00 and the plan of financing includes the issuance of \$22,867,800.00 serial bonds from the Clean Water State Revolving Fund (“CWSRF”) and the New York State Environmental Facilities Corporation (“EFC”) maturing in annual installments over a period not exceeding thirty (30) years;

FIFTH: FURTHER RESOLVING the permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller; and

SIXTH: STATING that in the resolution dated December 20, 2016 the Town Board made it subject to mandatory referendum; and

SEVENTH: STATING that said Proposition shall appear on the voting machines to be used for voting at said Special Election in substantially the same form:

PROPOSITION

YES

NO

SHALL the resolution entitled: “Resolution Establishing Extension No. 5 of Sewer District No. 1 Within the Town of Moreau,” with the maximum amount of the project as proposed in the amount of \$22,867,800 BE APPROVED?

By order of the Town Board of the  
Town of Moreau  
in the County of Saratoga, New York

Section 6. Forthwith after the Special Election is held, pursuant to section 209-e of the Town Law, the Town Clerk shall prepare and file a certificate stating that a referendum was held pursuant to the provisions of said section and certifying the results of the voting on the Proposition submitted at such Special Election in the office of the County Clerk of Saratoga County and in the office of the Department of Audit and Control in Albany.

Section 7. This resolution shall take effect immediately.

Roll call vote resulted as follows:

Councilman VanTassel	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	No

Reed Antis asked where the vote will take place and he was advised that it will be held at the Town Hall from 12:00pm to 8:00pm.

Councilwoman LeClair asked for approval to send out information to all of the property owners.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel authorizing letters to be sent to each landowner letting them know where they are going to vote and to let them know that they can contact the Town Clerk with any questions and also giving them directions to the Town’s website for more information.

A Special Meeting and a Public Hearing were held by the Town Board of the Town of Moreau on December 20, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The Public Hearing on Extension #5 of Sewer District #1 and the Special Meeting to pass any resolutions and to conduct any other business that may come before the Board.

Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Supervisor Congdon	Yes

Councilman Kusnierz thanked Kevin Feuka for working within the time frame to keep the funding alive and to make this a viable option for some of the residents in the community. He also thanked the Board for working together to do the same. He stated that they all did a good job answering questions here tonight. Not only was he able to keep the funding alive, but he was able to access additional funding. He stated that it's now in the hands of the voters. The Town can't actively support or oppose the project.

Councilman VanTassel stated that a lot of the concerns brought before the Board were valid and that they will continue to post the FAQ's on the Town's website.

Kevin Feuka recognized Karla Buettner for her work done on this project. He suggested that any questions that he isn't able to answer get funneled through to the Attorney. He'll have all of the questions posted weekly so that the public is informed.

Councilman Kusnierz thanked the public for bringing up some very good questions on both sides of the issue.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to close the Special Meeting at 10:55 p.m.

Roll call vote resulted as follows:

Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman VanTassel	Yes
Councilman Prendergast	Absent
Supervisor Congdon	Yes

Meeting adjourned.

Respectfully submitted,

Leeann McCabe  
Town Clerk

The above minutes are not a complete transcript of the special meeting or the public hearing. To hear the full audio, please visit the Town's website at: [www.townofmoreau.org](http://www.townofmoreau.org)