

A special meeting was held by the Town Board of the Town of Moreau on February 6, 2017 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The purpose of the meeting is to consider and act upon a resolution rescinding the resolution approving Extension No. 5 of Sewer District No. 1 and the resolution setting the referendum on the establishment of Extension No. 5 of Sewer District No. 1 and further cancelling the sewer vote.

The Deputy Supervisor called the meeting to order at 7:02 p.m.

Town Board Members Present

Bob Prendergast	Councilman
Alan VanTassel	Deputy Supervisor
Todd Kusnierz	Councilman
Gina LeClair	Councilwoman [arrived at 7:07 p.m.]

Town Board Members Absent

Gardner Congdon	Supervisor
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Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Elizabeth Lanfear, Supervisor's Confidential Secretary; Kathleen Moore, Post Star Reporter; Reed Antis, Planning Board Member and Town Resident; Town Residents and Business Owners: Kim Bovee, Bill Glode, Bruce Flayer, Betty Wimette, Daniel Brouillette, Karen & Dennis Butler, David Rogge, Greg Hewlett, Lester Chadwick, Sherry Rivers, Angela Wadsworth, John Trembley, Bob Vittengl, Cynthia Green; Village Residents: Harry Gutheil, Jr., Brigid Martin, Peter Lemery; April O'Hearn, Hudson Falls; Rodney Congdon, Lake George

Deputy Supervisor VanTassel led the Pledge of Allegiance.

The following notice of Special Meeting appeared in the legal section of the Post Star Newspaper on February 4, 2017:

**NOTICE OF SPECIAL MEETING
TOWN BOARD
TOWN OF MOREAU**

NOTICE IS HEREBY GIVEN that a special meeting of the Town Board of the Town of Moreau ("Town Board") will be held at the Town Municipal Center, 351 Reynolds Road, Moreau, New York on Monday, February 6, 2017, at 7:00 P.M. for the following purposes:

1. To consider and act upon a resolution rescinding the resolution approving Extension No. 5 of Sewer District No. 1 and the resolution setting the referendum on the establishment of Extension No. 5 of Sewer District No. 1 and further cancelling the sewer vote.

Leeann McCabe
Town Clerk
February 3, 2017

Deputy Supervisor VanTassel gave a history of how the Sewer Project began and progressed. He stated that after a public hearing, a resolution was passed that set the referendum. Since the public hearing, the Town Board has worked tirelessly to explore the concerns of the public. He stated that there were some good questions that were posed to the Board. He stated that the goal tonight is for the Board to have discussion on a decision as to whether or not they will rescind their previous resolutions or not.

Deputy Supervisor VanTassel stated that they don't have public comment scheduled at this meeting as there had already been a public hearing and discussion throughout the period of time that has passed and the Board has heard those public comments. He stated, that at the end of the meeting, depending on what direction the meeting is going in, there might be an opportunity for some discussion.

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Deputy Supervisor VanTassel stated his position. He stated that the current Map, Plan and Report had too many flaws that can't be overcome. They've had conversations with a variety of engineers as well as Legal Counsel and they could find no way to modify the Plan in a way to move forward. He stated that his plan is to cancel the vote but also stated that it doesn't mean they will stop exploring affordable sewer for the Town of Moreau. He stated that he was encouraged by the involvement of the public, for and against the sewer. He encouraged the involvement of those people, who were actively involved, to stay involved. He stated that their intentions are to move forward immediately to look for more opportunities for sewer. He stated that there is clearly support for the sewer and economic development along the Route 9 corridor and the advantages that can be brought to the Town. He stated that it's unfortunate that the possible favorable money afforded by EFC might go away but that doesn't mean that there isn't other money out there and it doesn't mean that they can't pursue that. He stated that regarding environmental issues, the Town Board is still trying to resolve them regarding of the sewer district. He stated that the Supervisor has already begun discussion with those property owners who are affected and he's committed to see those problems resolved.

Councilman Kusnierz echoed Councilman VanTassel's position. He stated that his Board viewed the project as a means to address environmental issues. He also stated that the project had an economic component, that being the construction along the Route 9 corridor. He stated that Boards before them had the foresight to zone Route 9 as commercial, with the reason being that it was close to the interstate, easy access and a gateway to our community. They thought that was where they should have commercial development. He stated that you can't have commercial development without infrastructure. He stated that the Board addressed this, not only to address the environmental issues, but to address the economic issue of infrastructure. He stated that the Board has a responsibility to present the best and most accurate information to the public as they go through their due diligence. His position is that they couldn't get to a point where they provided accurate information with this project. He stated that he thought it was prudent for the Board to vote to suspend the referendum and re-evaluate how next to move forward to address all of their environmental issues. He agrees with Councilman VanTassel's comments.

Councilman Prendergast stated that this is very disappointing on one hand and on the other hand necessary. He stated that the issues they're trying to address in the Town remain the same. He stated that sewer is the next step. This Board realizes it and previous Boards had realized it and as opportunities presented themselves, Boards have felt that it was their duty to examine it and not let it slip away. He stated that along with these opportunities come time lines that don't help the process. He stated that all of the meetings and public comment have been helpful to them. He stated that every hurdle they tried to overcome, the public pointed out new ones. He stated that it has come to their realization that there are some hurdles they can't get over. He stated that it's very disappointing but necessary for the Board to do this. He agrees with the other Board members to rescind the resolutions. He also agreed with the Board members, that as long as he's sitting here, they will continue to look for opportunities and to do their best to bring sewer in. He stated that he had a call from a business owner on Route 9 and she had two concerns. What would happen tonight and she doesn't want them to stop looking into sewer. He assured her that this wouldn't stop them and they will bring sewer in. It won't be tomorrow but they will do it. He stated it will be the right plan and they will get over the hurdles and will bring in the public for more help.

Councilwoman LeClair stated that a lot has been said and she didn't want to repeat. She agreed that it is very disappointing. She stated that there were those against but thought they weren't against sewer and more against the plan. She stated that if they can work together and come up with a better plan and listen to the public's ideas, she would like to step forward and start to do that soon. She stated that costs for construction won't go down so she hopes to move forward. For those who were against the plan or for it, she thought would support the right plan. She hopes to work together to make this happen. She stated that there is a lot of potential along that corridor and it would be nice to have the jobs. She thanked everyone for their ongoing interest.

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A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to approve the following resolution read aloud by the Town Clerk:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

**SUBJECT: RESOLUTION RESCINDING THE RESOLUTION
CONDITIONALLY ESTABLISHING EXTENSION NO. 5 OF SEWER
DISTRICT NO. 1 WITHIN THE TOWN OF MOREAU DATED DECEMBER 20,
2016 AND RESOLUTION PROVIDING FOR SUBMISSION OF A
PROPOSITION AT A SPECIAL ELECTION TO BE HELD ON FEBRUARY 21,
2017, AND THE RESOLUTION APPOINTING ELECTION INSPECTORS
DATED JANUARY 24, 2017, AND FURTHER CANCELLING THE PUBLIC
REFERENDUM SCHEDULED FOR FEBRUARY 21, 2017**

WHEREAS, the Moreau Town Board previously determined that Extension No. 5 of Sewer District No. 1 had public support, was technically feasible, and was in the public interest, and after having received input thereupon from the public, the Town Board authorized the preparation of a Map, Plan and Report (the “MPR”); and

WHEREAS, a MPR was prepared and presented to the Town Board for the formation of Extension No. 5 of Sewer District No. 1; and

WHEREAS, after following the required procedures of Town Law Article 12-A, the Town adopted a resolution setting a public hearing on the establishment of Extension No. 5 of Sewer District No. 1 for December 20, 2016; and

WHEREAS, pursuant to the required procedures of Town Law Article 12-A, the Town Board duly conducted a public hearing and SEQRA review on the establishment of Extension No. 5 of Sewer District No. 1 on December 20, 2016; and

WHEREAS, at the close of the public hearing, the Town Board adopted a resolution entitled “RESOLUTION ESTABLISHING EXTENSION NO. 5 OF SEWER DISTRICT NO. 1 WITHIN THE TOWN OF MOREAU,” (“Conditional Resolution of Establishment”) conditionally approving the formation of Extension No. 5 of Sewer District No. 1 pursuant to Town Law 209-e; and

WHEREAS, by resolution dated December 20, 2016, the Town Board adopted a resolution entitled “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,” scheduling the special town election (“Referendum”) for the date indicated therein; and

WHEREAS, by resolution dated January 24, 2017, the Town Board appointed election inspectors for the purpose of conducting the Referendum, and

WHEREAS, subsequent to the scheduling of the referendum, certain potential errors and/or omissions in the MPR were identified, which warrant further study, review and possible revision of the existing MPR and project; and

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WHEREAS, the Town Board has determined it to be in the Town’s best interest to conduct further study, review and possible revision of the existing MPR and the project as a whole;

NOW, THEREFORE, BE IT

RESOLVED, that the prior Resolutions of the Town Board dated December 20, 2016, being the “RESOLUTION ESTABLISHING EXTENSION NO. 5 OF SEWER DISTRICT NO. 1 WITHIN THE TOWN OF MOREAU” and the “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” and the “RESOLUTION APPOINTING ELECTION INPSECTORS” adopted January 24, 2017, be and hereby are rescinded, and as a consequence thereof, and pursuant to Town Law 93 (and other applicable provisions of law), there is no need for a referendum by special election at this time; and it is further

RESOLVED, that all Town employees, Officers and other involved with the district extension formation process, cease and discontinue any further efforts to form or obtain approval of Extension No. 5 of Sewer District No. 1 pending review of the MPR and the project; and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to certify a copy of this Resolution and file a copy of the same with the Saratoga County Board of Elections and further is hereby authorized and directed to publish this at least once in the Town’s official newspaper, and to post on the signboard of the Town maintained pursuant to Town Law 30(6) and further to post same on the Town’s website.

This Resolution shall take effect immediately.

Roll call vote resulted as follows:

Councilman Van Tassel	Aye
Councilman Prendergast	Aye
Councilwoman LeClair	Aye
Councilman Kusnierz	Aye
Supervisor Congdon	Absent

Deputy Supervisor VanTassel stated that they’re disappointed but committed to move forward. He’s proud of the way good government played out and feels that they’re making the right choice for the public and for the Town. He stated that they are fully committed to explore sewer for the Town of Moreau and they are strongly encouraging the involvement of people both for and against. He stated that there will be a sign-up sheet on the table after the meeting and encouraged those to sign up, who are interested in being contacted by representatives of the Town to hear their concerns in case they weren’t already heard. He also stated that there will be a press release by early tomorrow morning, if not tonight and will post the release on the Town’s website by tomorrow morning.

Councilwoman LeClair urged the public to complete and return the income survey that will be circulated. She stated that they will need this information in order to apply for grant funding or lower interest loans.

Deputy Supervisor VanTassel stated that the Board will have adversities but the true test of leadership is how well they react. He stated that this is a mild setback but a hurdle they can get over.

The Deputy Supervisor stated that they would allow public comment for 2 minutes each and asked that those speaking, stay on subject. He commented that this is not an interrogation.

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Terry Clark asked if they will be going after the engineer for the information that was given. Deputy Supervisor VanTassel replied that he wouldn't comment on any legal action that the Town would take but stated that there are two ways to view the information. He stated that there is a lot of good information in there, which has good value and it helped them through the process and the Board will take into consideration his point for appropriate action.

Greg Hewlett asked if it was the restrictive nature of the loan and the specific action of the engineer that put us in this position and no flexibility going forward or was it a failure in communication at the Town level. The Deputy Supervisor answered by stating that they moved quickly through the process that was bound by timelines that were very tight. He stated that there was a lot of information that they got out of the Map, Plan and Report that was favorable. They will take advantage of the favorable aspects.

Rich Morris stated, that going forward, it would be a benefit to form a committee of tax payers who would look at the project along with the Board members and possibly an engineer who the Board chooses in the future. He stated that it would be productive to keep this moving forward. He asked if the sign-up sheet was for those who want to be on a committee or is it just for questions. The Deputy Supervisor stated that the sign-up sheet is for those who want to participate as Mr. Morris is suggesting. The Board's intent is to engage as many people from the public as they can. He stated that they will continue to use the Town's website to share information.

A motion was made by Councilman VanTassel and seconded by Councilman Kusnierz to close the meeting at 7:28 p.m.

Asked if all in favor, the following responses were given:

Councilman Prendergast	Aye
Councilwoman LeClair	Aye
Councilman Kusnierz	Aye
Deputy Supervisor VanTassel	Aye
Supervisor Congdon	Absent

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk