

A workshop of the Town Board of the Town of Moreau was held on May 1, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York for discussing the proposed Sewer District 1, Extension 5.

The Supervisor called the workshop to order at 7:07 p.m.

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilman
Alan VanTassel	Councilman
Gina LeClair	Councilwoman
Kyle Noonan	Councilman
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Don Rhodes and Ron Laberge, Laberge Group; Town Residents and property owners: Lance Hillman, David Deeb, Ed Petrush, Jane Flagler, Bruce Flayer, Reed Antis, Tom Moffitt, Sam Wahnon, Mandi Strassburg, Tom Tierney, Madeline Roland, Rosalie Sutphin, John Kilmer, Preston Jenkins; Harry Gutheil; Village Resident: Brigid Martin

Supervisor Kusnierz welcomed everyone to the workshop and stated that the purpose of the workshop is to discuss the Map, Plan and Report for the proposed Sewer District 1, Extension 5. He stated that there is an intent to take action at this meeting by adopting the Map, Plan and Report and to schedule a public hearing. He stated that if there was enough time after the Board members have had their questions answered, he would open the workshop up for comments from the public. The Supervisor stated that the Map, Plan and Report shows the boundaries of the proposed extension and the locations of the properties contained in the extension of the sewer district. It is comprised of 553 acres consisting of 96 parcels. The estimated cost to extend the sewer district and install the necessary infrastructure is \$16,000,000.00. Financing will consist of the issuance of serial bonds in the amount of \$12,000,000.00 from the NYS Environmental Facilities Corp. and grant funding through the NYS Water Infrastructure Improvement Act Grant Program in the amount of \$4,000,000.00. The Supervisor turned the meeting over to Don Rhodes representing Laberge Group.

Mr. Rhodes stated that this project has been scaled back from the last 2 times it was proposed, which included a much larger district. He stated that it made sense to propose the district where there is support for it. He stated that currently they're looking at a rate mechanism so that vacant lands will pay their fair share toward the system. Mr. Rhodes stated that he would like to address some misconceptions that were brought up after the last meeting.

He stated that there was a news article that compared the Map, Plan and Report costs with the presentation costs, particularly with Lamplighter Mobile Home Park. He stated that Lamplighter MHP's cost for debt service went down and not up. He stated that the comparison was for the total cost and went on to say that the usage costs went up because of the number of homes in the park.

Mr. Rhodes stated that there was never an opt out period. He mentioned that there were two properties that never should have been included because they didn't front on Route 9 and there was 1 parcel owner who approached the Town Board and asked them if they would consider removing his parcel. Mr. Rhodes stated that the parcel didn't have much frontage and it didn't have much acreage, so the Board was agreeable to remove it. In total there were 3 parcels removed from the original plan.

Mr. Rhodes stated that there were some concerns with the scalability of the system. He stated that there were concerns, since they were minimizing the footprint of the project, that the investment is wise and will allow future connections. He commented that the way it's designed, it's scalable.

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Mr. Rhodes stated that there were questions with back-up and redundancies. People were concerned about the power and fail safes. He explained how the pumps would work.

Mr. Rhodes stated that there are no proposed connection fees with this Map, Plan and Report. He stated that they would be stopping at the property line. He stated that it would be up to the owners to choose if they want to connect. If they decide to connect, it would be their cost to connect to the house. He stated that the costs would be variable depending on how close to the road the homes are.

Mr. Rhodes handed out pictures of what the pump stations would look like. He explained that there would be a generator and a control panel next to them. Councilman Hogan asked how big they were and Mr. Rhodes replied that they were generally 10' x 10'.

Mr. Rhodes stated that the next steps will be to take any Town Board comments, schedule a public hearing, address public comments, go through the SEQRA process for the district formation and finalize the buy-in cost from the City of Glens Falls. He stated that there is currently a contract between the Town and the City of Glens Falls and a rate that's based on reserve capacity. The current contract is \$2.70. He stated that they've had an offer back from the City that doesn't match that amount and commented that it needs to be looked at. He stated that we currently have enough reserve capacity that the Town wouldn't need to buy more. He stated that the Board could make a zoning change in that if a new subdivision files an application, they would need to pay a buy in fee. He stated that could be done in parallel with this project.

Mr. Rhodes turned the meeting back over to the Supervisor.

Supervisor Kusnierz gave a brief background of the project. He stated that it consisted of 31,000 linear feet of gravity sewers with 27,400 feet of force main, ranging from 6" to 10" and 6 sanitary sewer lift stations. The annual debt service is proposed to be divided based on a formula that distributes 90% of the cost using assessed value and the remaining 10% using parcel acreage. The ad valorem tax rate is \$6.58/\$1,000 and the acreage rate is \$72.37 per acre.

Councilman Hogan asked about the 10' x 10' pump station and if there was another tank in the ground. Mr. Rhodes stated that the depth gives it the volume. He stated that its 3,000 square feet total.

Councilman Hogan asked if each pump would have its own generator and Mr. Rhodes answered that they would. He also commented that they were figured into the cost.

Councilman Hogan asked about the gravity feed system and if it ties into the force main. Mr. Rhodes stated that the gravity lines run parallel with the force main line.

Councilwoman LeClair stated that the design of the project encompasses a very large area, and not knowing how many people will come on board once it's in place, she asked how they decide how large of a system they'll need. Mr. Rhodes stated that they looked at the zoning and did a theoretical build out and the number of gallons that would go through it. He stated that it was a scientific approach using reasonable projections. He explained how the pumps would work based on current usage and future growth.

Councilman Hogan stated that there are other mobile home parks along the route and asked if they weren't interested. Mr. Rhodes stated that the program went where there was support. He stated that on Bluebird Road there have been some approved subdivisions. If they find that they would want sewer, they would have to petition the Board for an extension. He suggested that any existing mobile home parks that aren't in this district can petition the Board afterwards and ask for an extension as well.

Councilman VanTassel stated that there was another driving factor that was relevant and that was with high perk rates that currently exist. Mr. Rhodes stated that there are 2 motivating factors for the sewer. He stated that number one is economic development. As development occurs, sewer rates will go down. Mr. Rhodes explained the second factor with regard to high perk rates. He stated that with a septic

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system, you're supposed to have a large amount of soil that slowly percolates into the ground and all of the septage gets treated, so you have clear water going into the groundwater. He stated that doesn't occur with high perk rates. He stated that you end up with raw sewage in the ground water. This could be corrected by having sanitary sewage. He also stated that for those with an existing septic system, should they fail, they would have to meet code to get it replaced. They would need a larger area to slow down the perk and in most instances there isn't enough area. In a mobile home park they would have to remove several homes to accommodate the needed space. He stated that it would mean 4-5 people would lose their homes and 4-5 people wouldn't be paying rent.

Councilman Hogan asked, in an industrial section, who monitors the chemicals. And, what happens if it ends up in the City. He thought there was mention of this in the existing contract with the City. He thought it stated that the Town would monitor the sewer and asked how they would take control of it. Mr. Rhodes stated that the Town would make sure that the flows are residential in nature but if there is a concern, would coordinate with the City.

The Supervisor clarified to the public, that when he mentioned ad valorem tax, it was for the debt service. He stated that the Board has been cognizant of making sure there was plenty of public notification and that the public know what the Board is doing, every step of the way. He stated that this Board wants to demonstrate that they're doing their due diligence on this project to make sure they're uncovering any unforeseen issues that may arise, that could be detrimental to the cause or success of the project. He stated that he saw many faces in the audience of those who would be paying for the project. He offered time for those in attendance to speak as they customarily do during a regular meeting, with a 3 minute time limit given. The Supervisor opened the workshop for public comment.

Lance Hillman, 1402 Route 9, asked if the generators would run on propane or natural gas He also asked if the cost was figured in. Mr. Rhodes stated that they would run on natural gas and that the cost was figured in. Mr. Hillman made a comment about State rules regulating that sewer lines have to be 20' from water lines. Mr. Rhodes stated that they were planning on running the lines on the opposite side of the street.

Madeline Roland, Route 9, stated that she has heard about additional charges. She also commented that there is no natural gas at her parcel location. Mr. Rhodes explained the use of natural gas. There was also a discussion of 6 parcels at the end of the line, near Exit 17, which are low pressure and will require grinder pumps. Initially, Mr. Rhodes stated that the homeowner would be responsible for the cost of the pump but Mr. Laberge stated that the pumps were included in the cost. Ms. Roland asked, if others hook into the system, will the rate go down. Mr. Rhodes stated that the rate would go down but those who wish to hook in would need to petition the Town Board.

Mary Strausburg, Motel owner Route 9, asked if the property owners will be billed for 30 years. Mr. Rhodes replied yes, plus the usage fees. She asked how this would be billed and Mr. Rhodes replied that he believed it would be an ad valorem tax.

Jane Flagler asked, if people choose not to hook up, would they still be responsible for the 30 year debt. Mr. Rhodes replied that they would.

Bruce Flayer, Resident who is not in the proposed district, asked about the cost estimate. Mr. Rhodes stated that the costs were based on current projects going on in the Capital District and projected inflation over the next 3 years. Mr. Flayer asked about the cost to use equipment and about the excavation work that would need to be done. Mr. Rhodes stated that the equipment is included in the cost. He also commented that much of the work would be done with conventional drilling, which won't require excavation.

The Supervisor stated that they've reviewed the traffic study done in 2014 and he commented that there would have to be some re-design.

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Preston Jenkins asked if outside users will be allowed, and if so, how they would be taxed. Mr. Rhodes deferred the question to Counsel. Ms. Buettner stated, that it was her understanding, no outside users can be added to the district. She thought they would have to be added by district extension and then possibly down the road, the districts could consolidate. She stated that it's cleaner and easier and the State doesn't prefer added outside user agreements.

John Kilmer, 45 Spier Falls Road (not in the proposed district), asked, as users are added, will they use the same formula to determine costs. Mr. Rhodes stated that the formula would remain the same but the rate would be set by the Town Board. Mr. Kilmer asked if the connection would be at the Industrial Park and Mr. Rhodes replied that the intent is to connect there. Mr. Kilmer asked if there were any estimates with regard to user connections. Mr. Rhodes stated that every connection is different and that it would have to be calculated. Mr. Rhodes also commented that an excavator could be called upon to give a cost estimate. Mr. Kilmer asked if there were any grants that the Town was looking into. The Supervisor stated that it's the Town's intent to seek out New York State Water Construction Improvement Grant funding in the amount of \$4,000,000.00. Mr. Kilmer asked if there were any other additional opportunities. Mr. Rhodes stated that there are two things that the project will rely on. The first being 0% interest. If that doesn't happen the project won't happen. He stated that the other is 25% funding from the NYS Water Grant. He also stated that there is potential for an additional \$1,000,000.00 from Community Development Block Grants, which should be announced soon.

Harry Gutheil, part owner of 3 parcels at the southern end of the project, stated that the project is horribly expensive for the people. He asked what the ad valorem tax rate was. The Supervisor stated that the ad valorem rate for the debt service is \$6.58/\$1,000 and the rate for operation and maintenance is \$1.19/\$1,000. Mr. Gutheil stated that the rate is more than 1/2 of the school tax rate. He stated that he drove the route and found that there are 3.2 miles of pipe, with only one user. He stated that the project will solve a problem that one mobile home park has but is skipping over others. He asked the Town Board if any of the members had gone through the Map, Plan and Report with a fine toothed comb. He commented that it's a \$16,000,000.00 project and wondered where all the people are who support the project. He also asked who would want to buy the properties, knowing what they will have to pay for the sewer.

The Supervisor stated that the impetus of this project wasn't to address mobile home park issues but to primarily focus on economic development. He also commented that the longer they put the project off, the more it will cost. He stated that this Board has worked diligently with the engineering firm to address most of the issues that were raised over the previous two proposed projects.

Reed Antis, resident of the Town and not in the proposed district, asked if the vacant property owned by New York State will be charged. Mr. Rhodes answered that they would be benefitted by the district and would have to pay for it, just like any other special district. Attorney Buettner stated that they're fees not taxes. Mr. Antis asked where the lift stations would be. Mr. Rhodes stated that they have a general idea but haven't done a full survey yet. They'll have to work with owners and NYS DOT before they can pinpoint where they go. Mr. Antis asked, when the system is up and running, what is the minimum number of gallons per day. Mr. Rhodes didn't believe that there was a minimum. Mr. Antis commented that if the City needs improvements to their facility, everyone in the sewer district will have to pay for it. Mr. Rhodes concurred with his statement and stated that they would increase their rates and everyone in the sewer district would have to pay the increased rate. Mr. Antis stated that there is currently no meter and asked how the sewer will be metered. Mr. Rhodes stated that it is currently metered by the force main before it goes to Glens Falls. Mr. Antis stated that there is no meter. It's scheduled to be put in but hasn't yet. Mr. Rhodes stated that there is some idea of usage, by the water that's used.

A woman from the audience asked, who present at the meeting wants the sewer. The Supervisor stated that questions are for the Town Board. He stated that he had been in contact with nearly all the major land owners on Route 9. He stated that letters had been sent out to all property owners within the district and there have been numerous opportunities for the owners to come to the Board with their concerns. A gentleman asked what the percentage is, of those who want to hook up. The Supervisor stated that a majority of the assessment in that district is in favor.

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The Supervisor stated that the next step is for the Board to accept the Map, Plan and Report. He stated that the Board reserves the right on whether to move forward with the financing of the proposed Map, Plan and Report. He did state that they would be creating the district this evening. Attorney Buettner stated that the district is not being created tonight. The Board will be accepting the Map, Plan and Report and setting a public hearing. After the public hearing, the Board will go through the SEQRA process and at that point the Board would do a full resolution to create the sewer extension. She also stated that the resolution would be subject to a permissive referendum, which would give property owners 30 days to submit a petition calling for a referendum vote.

The Town Clerk read the following resolution into the record:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: EXTENSION NO. 5 OF SEWER DISTRICT NO. 1, MAP, PLAN AND REPORT AND PUBLIC HEARING

WHEREAS, the Town Board of the Town of Moreau (“Town Board”) has duly caused to be prepared a map showing the boundaries of a proposed extension to Sewer District No. 1 within the Town of Moreau, to be known as Extension No. 5 of Sewer District No. 1 (“Extension No. 5”), a general plan to serve said Extension No. 5, and a report of the proposed method of operation thereof (“Map, Plan and Report”); and

WHEREAS, said Map, Plan and Report, including an estimate of the cost, was prepared by Laberge Group, competent engineers duly licensed by the State of New York, and has been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, a description of the boundaries of the proposed Extension No. 5 of Sewer District No. 1 and a list of the tax map parcels are annexed hereto and made a part hereof; and

WHEREAS, 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; and

WHEREAS, the Town Board has reviewed the Map, Plan and Report and has further determined that it is appropriate to schedule a public hearing on the formation of Extension No. 5;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Supervisor is authorized to execute the Order and Notice of Public Hearing scheduling a public hearing on the formation of the proposed Extension No. 5 of Sewer District No. 1; and
2. A public hearing is scheduled for _____, 2018 at _____.;
and
3. The Town Clerk is authorized to publish the aforementioned Order and Notice of Public Hearing once in the Glens Falls Post Star newspaper, post the Order and Notice of Public Hearing in the town office building, and post it on the Town’s website. Such publication shall occur not less than 10 days no more than 20 days prior to the public hearing.

Resolution #2018-179

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A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to adopt the above mentioned resolution as read into the record by the Town Clerk.

The Public Hearing was scheduled for May 16, 2018 at 7:00 p.m.

Roll Call vote resulted as follows

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilman VanTassel and seconded by Councilman Noonan to close the workshop for the evening at 8:12 p.m.

Roll Call vote resulted as follows

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk