

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The Supervisor called the meeting to order at 7:00 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, Laberge Group; Jeffrey McCabe, Town Justice; Timothy Alden, Town Justice; Paul Joseph, Highway Superintendent; Jesse Fish, Water Superintendent; Kathleen Moore, Post Star Reporter; Town Residents and Property Owners: Jeff Riggi, Laura King, Howard & Cheryl Cross, Brian McKenzie, Jim Wilson, Preston Jenkins, Reed Antis, Bob Vittengl, Harry Gutheil, Ed Petrush, Dave Carson

The Supervisor welcomed everyone to the meeting and asked that one of the Veterans in attendance lead the Pledge of Allegiance.

Supervisor Kusnierz commented that one of his colleagues and a member of the Board of Supervisors had passed away in a farm accident last Friday. He stated that Paul Lent had been very active in Saratoga County. He had begun his career as a Deputy in the Saratoga County Sheriff's Department and then became Director of Emergency Services in Saratoga County. The Supervisor stated that he had made many contributions to public safety in the County. He was instrumental in instituting the first 911 system for Saratoga County and then in 2009, he was responsible for the Digital Trunked Radio System. The Supervisor offered a moment of silence for Paul Lent.

### **APPROVAL OF MINUTES**

The minutes from May 30, 2018, June 12, 2018 and June 21, 2018 were prepared and presented to the Town Board in advance of the meeting for their review, comment, correction and approval.

### **Resolution #2018-250**

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to approve the minutes from May 30, 2018 as prepared.

Roll call vote resulted as follows:

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

### **Resolution #2018-251**

A motion was made by Councilman VanTassel and seconded by Councilman Noonan to approve the minutes from June 12, 2018 as prepared.

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Roll call vote resulted as follows:

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

The approval of the June 21, 2018 minutes was tabled until the next regular meeting as they had just been received on Monday and the Town Board hadn't had an opportunity to review them.

### **SET FUTURE MEETINGS AND WORKSHOPS**

The Supervisor scheduled a Town Board workshop for July 17, 2018 at 6:00 p.m., for discussion with the Saratoga County Prosperity Partnership. He stated that they're putting together an economic development plan for the Town.

### **TABNER, RYAN & KENIRY, LLP**

#### **Resolution #2018-252**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to engage the services of Tabner, Ryan & Keniry, LLP as Special Counsel for the Town, at an hourly rate of \$225.00 per hour.

Councilman Hogan asked if this was Special Counsel for the Sewer District and the Supervisor replied that it was.

Roll call vote resulted as follows:

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

### **WORKPLACE TRAINING**

Supervisor Kusnierz stated, as a result of an action on the part of the State Legislature, open governments are now required to have mandatory annual sexual harassment training and establish a written anti-harassment policy. Beginning October 9, 2018, employers will be required to distribute a written anti-harassment policy and provide annual sexual harassment training to all employees. The Supervisor stated that the State Department of Labor and the State Division of Human Rights is developing a training program and a model sexual harassment policy. He also stated that a municipality may develop its own policy and training program as long as it meets the standards established by the State agencies and the law. He stated that the policy must include a complaint form that can be used by employees. The training must include an explanation of sexual harassment, examples of prohibited harassment, supervisor's responsibilities, State and Federal anti-harassment laws, including remedies provided by each, an explanation of employee's rights and a form to which complaints can be made. The Supervisor stated that his office had reached out to NYMIR and was told that they have a sample handbook that the Town can use. He asked that the personnel committee work on this and at the Town's earliest convenience, they can get the policy in place.

### **BINGO JULY LICENSE**

#### **Resolution #2018-253**

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A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair authorizing the Supervisor to sign the Bingo License Renewal for the Moreau Community Center.

Roll call vote resulted as follows:

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

Following the vote, the Supervisor read the questions from the Findings and Determinations Form (BC-4) and all questions were answered "yes".

### **RECREATION DEPARTMENT REQUESTS**

The Recreation Program Director has requested to purchase T-shirts for the Summer Recreation Programs. Due to timeliness, the Town Board had been polled and now it needs to be memorialized. She had received quotes as follows:

Northeast Promotional	\$5.00 each, no set up fee and they will print front and back \$5.75 each, with a rush charge.
Arca Ink	\$5.00 each, 2 week turnaround, no option to rush and a \$30.00 set up charge.
Northwind Graphics	\$5.00 each, they will only print on the front of the T-shirt and the Town would be responsible for picking them up in Clifton Park. \$15.00 set up charge, 2 week turnaround, no option to rush.

### **Resolution #2018-254**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to memorialize a vote in which authorization was given to purchase T-shirts from Northeast Promotional at a cost not to exceed \$862.50. The purchase will be paid from account A7310.4, which has a current balance of \$5,860.02.

Roll call vote resulted as follows:

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

### **Resolution #2018-255**

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair that Dale Baker be hired as a Seasonal Lifeguard for the Recreation Department and be compensated at a rate of \$12.00 per hour. The Town Board was polled, and this is to be effective June 15, 2018, subject to successful completion of a background check and pre-employment physical within a 3 week period.

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Roll call vote resulted as follows:

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

### **COURT REQUEST**

#### **Resolution #2018-256**

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to accept the resignation of Kenneth Powers effective June 1, 2018.

Roll call vote resulted as follows:

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

The Supervisor wanted to wish Ken all the best wishes on his future endeavors on behalf of the Town Board.

#### **Resolution #2018-257**

A motion was made by Councilwoman LeClair and seconded by Councilman Noonan that Edward Scalo be hired as a part-time Clerk to the Town Justice for the Justice Court and be compensated at the rate of \$12.00 per hour. This is to be effective June 27, 2018.

It is further RESOLVED, that Edward Scalo continue to serve as Court Officer for the Justice Court at the rate of \$15.40 per hour.

Roll call vote resulted as follows:

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

### **HIGHWAY REQUESTS**

#### **Resolution #2018-258**

A motion was made by Councilman VanTassel and seconded by Councilman Hogan authorizing an open purchase order in the amount of \$10,000, for the purchase of gasoline from the 2018 budget year, from Global Montello Group, which is under State Contract #PC66690. The purchase will be paid from account DB5142.460, with a balance of \$22,465.64 as of June 4, 2018.

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Roll call vote resulted as follows:

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

### **NATIONAL GRID/JAMES BUONO**

The Supervisor reported that there had been a presentation at the last Town Board meeting by James Buono of Potentia Management, who is working with National Grid as a sub-contractor regarding LED lighting. The Supervisor stated that they don't have complete information from the financial side but should have for the next Town Board meeting. Therefore, this agenda item was tabled until the next Town Board meeting. Councilman Hogan asked where the lights were being changed. The Supervisor stated that the change to LED lighting wouldn't occur at the current Town Hall building but for the Recreation Park, the Annex Building and the 3 buildings at Highway. The Supervisor also commented that the hold up with the financials is on National Grid's end and not on Mr. Buono's. He stated that it will be up to the Board to decide if they want to finance or not finance the project.

### **GLENS FALLS SYMPHONY ADVERTISEMENT**

The Supervisor reported that there was a request from the Glens Falls Symphony for an advertisement. He stated that the Town has done this in the past. The ad can be anywhere from 1/4 page up to a full page. In the past, the Town has paid for a 1/4 page ad. The cost was \$205.00 last year. He stated that there is \$220.00 budgeted for ads this year. The Supervisor commented that a sample 1/4 page ad had been drafted.

### **Resolution #2018-259**

A motion was made by Councilman VanTassel and seconded by Councilman Hogan to move forward with the expenditure, in support of the Glens Falls Symphony, for an advertisement not to exceed \$220.00.

Roll call vote resulted as follows:

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

### **PRIVILEGE OF THE FLOOR**

Reed Antis spoke regarding the proposed change to LED lighting. He stated that the biggest account is the bridge account and it's not being addressed. He also commented that if the bulbs get changed, they become the Town's responsibility to change them out. He stated that the Town needs to be more aware because after 15-25 years, the lights will become the Town's responsibility.

### **SUPERVISOR'S ITEMS**

The Supervisor stated that he had received correspondence dated June 18, 2018 from Christopher Harrington, Queensbury Water Superintendent. The Supervisor read the letter aloud. In summary, the cost to produce water for the Town was less than what the Town had been charged, which resulted in a credit being issued in the amount of \$43,702.56. The credit will be reflected on the fall bill from the Town of Queensbury.

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The Supervisor reported that a complaint has been received from Julie Leskovec regarding handicapped access to the Town Hall. She stated that there is poor placement of the curb cut and lack of accessibility.

The Supervisor stated that he had met with the Director of Moreau Lake State Park. He stated that they're looking to partner with the Town for the expansion of some of the trails we have in the community. Also, with the possibility of some land transactions down the road, which would be beneficial to both the Town and the State Park.

The Supervisor stated that he and Councilmember VanTassel had met with GTM Payroll Services this week to consider a proposal they have for the Town regarding outsourcing of payroll. They will need additional information from the Town. The Supervisor stated that he will refer the matter to the IT Committee for their thoughts. He stated that this should be seriously looked at, if they can make more efficient use of personnel and save money for the tax payers.

### **COMMITTEE REPORTS**

Councilman Hogan stated that there had been a workshop regarding Field Usage Fees on June 21, 2018. He asked if it was appropriate to address the fees at this meeting. Supervisor Kusnierz suggested, that because the minutes haven't been approved, it should be taken up at the next meeting. Councilman Noonan stated that he had spoken with some of the people that run programs at the Park and thought there should be some more discussion.

The Supervisor stated that he was remiss in not stating under his Supervisor's items that he had received a notification from the Saratoga County Clerk, regarding Crandall Public Library. He stated that Reed Antis was nominated to fill the vacant position for the Town of Moreau, expiring on December 31, 2019. He was sworn in at a regular meeting of the Board of Trustees on May 30, 2018. The Supervisor stated that he has a record of his original Oath of Office. He thanked Mr. Antis and told him that he hoped he would be able to report back to the Town regularly.

Councilwoman LeClair stated that she has met with Ted Monsour, Supervisor at the Transfer Station, on some of the items that need to be taken care of down there. She stated that Ted is working on getting some quotes for signage. She'll meet with him as soon as he has more information.

Councilwoman LeClair stated, now that Rec is slowing down, maybe they can meet and see what their recommendations are.

The Supervisor stated that the next agenda item was the Public Hearing on Sewer District 1 Extension 5, which was advertised for 8:00 p.m. this evening. He advised that they would be standing at ease until 8:00 p.m. The regular meeting was paused at 7:37 p.m.

### **PUBLIC HEARING – DEWER DISTRICT 1 – EXTENSION 5 (REVISED)**

**Members of the Public in Attendance of the Public Hearing:** Howard and Cheryl Cross, Brian McKenzie, Jim Wilson, Preston Jenkins, Bob Vittengl, Ed Petrush, Harry Gutheil Jr., Laura King, Rusty Saunders, Nicholas Quinn, Tori Riley, Bruce Flayer, David Rogge, John Munter, Brigid Martin, Veena & Deepak Bakhru, John Naja, Jane Flagler, Chris Abrams, Mary Ellen Stevens, Tom Tierney, Madeline Roland, George Sutphin, Rosalie Sutphin, Mary Strassburg, Patty Moffitt, Tom Moffitt, Sam Wahnnon, Heidi Milborn, John Kilmer, Reed Antis, Lance Hillman, David Carson, Jeff Riggi, Ann Friedman, Virginia Livsey, Steve Bhatti, Jan Kropp, Charles Rowson, Leonard Crispino

Supervisor Kusnierz called the Public Hearing to order at 8:00 p.m.

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Kusnierz welcomed everyone to the Public Hearing and asked the Town Clerk to read the following Public Hearing notice that was published in the Post Star newspaper on June 14, 2018:

**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 modified Map, Plan and Report dated May 2018 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 modified Map, Plan and Report dated May 2018 were prepared by Laberge Group, showing the boundaries of the proposed Extension No. 5 of Sewer District No. 1, the project justification and cost estimates.

The modified Map, Plan and Report dated May 2018 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 535 acres consisting of 86 parcels.

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 dated May 2018 hereinbefore described. The estimated cost to extend Sewer District No. 1 and install the necessary infrastructure is \$16,000,000.

The proposed method of financing the cost of said improvements consists of the issuance of \$16,000,000 in serial bonds from the New York State Environmental Facilities Corporation (“EFC”) maturing in annual installments over a period not exceeding thirty (30) years.

The estimated total yearly cost for each property in the proposed district is identified in Appendix M of the Map, Plan and Report dated May 2018 and is broken down into debt service and operation maintenance cost components.

The Map, Plan and Report dated May 2018 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 June 26, 2018 at 8:00 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 June 12, 2018.

Dated: June 12, 2018

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Theodore Kusnierz, Supervisor

The Supervisor gave a brief overview of the project. He stated that the Town Board has made economic development and job creation one of their top priorities. He stated that the Town can’t get the needed growth in the community without infrastructure along the commercial corridor. He stated that if they could get that, there is no doubt that low taxes can be maintained. He stated that the Town has put forth a Map, Plan and Report and a public hearing was held in May. The Town Board heard from many individuals, primarily residential property owners who were concerned with the affordability within the proposed district. He stated that the Town Board was responsive to those concerns and at a later meeting of the Town Board, they directed the Town engineers to modify the Map, Plan and Report, and pull out

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the 10 residential properties. He stated, that prior to that meeting, the Town Board had held several meetings, with discussion on sewer infrastructure installation along the Route 9 corridor, including a workshop that was dedicated to a discussion on sewer. Members of the public were able to question the Town Board members and Town engineers. He stated that this is what has helped guide them to where they are this evening, in putting the revised proposal together. He stated that he had also sent letters to the property owners, going back to March, regarding the proposed district. He has kept the property owners updated every step of the way and commented that the Town has been exceedingly transparent. All the information the Town has, has been made available to the public. He commented, that no other Board has been as transparent and forthright, providing encouragement from the public to be involved and to provide their input. He stated that after the close of the public hearing, they made modifications, which has led to this public hearing this evening. He stated that the Town is required to have this public hearing under Article 12A of the Town Law. He stated that this time period will be exclusively for the public and it will be their opportunity to be heard. He stated that the Town Board has the option to create the district and not move forward, if they believe they don't have an affordable project, if they don't receive the necessary financing, which is projected in the proposal. He stated that it wouldn't cost the taxpayers anything to create the district but that it would get the ball rolling with enormous opportunities for the land owners in the district.

The Supervisor went over the ground rules for the public hearing. He stated that they've used the sign in sheet for those who wished to speak at this meeting. He asked, that when a speaker is presenting before the Town Board, they should come up to the podium and state their name and address, and whether they're in the proposed district or outside the proposed district. Preference will be given to those within the district before moving on to those outside of the district. He stated that there would be a 5 minute time limit and once everyone has had an opportunity to speak, they will come back around to anyone who wishes to speak again. He asked that all comments be germane to the Map, Plan and Report. He then turned the public hearing over to the Town Engineer, Don Rhodes of Laberge Group to give an overview of the project and how they got to where they are tonight.

Don Rhodes gave a brief presentation and stated that there is an environmental benefit associated with the project and an economic component. He explained what the benefits were. He went on to explain what the changes were to the revised plan. He stated that the 1, 2 & 3 family homes had been removed from the Map, Plan and Report, which consists of (8) parcels. He gave a quick slide show presentation with an overview of the proposed project. He stated that nothing would prevent those from connecting with a future project but also stated that if they were added now, it would increase the project costs. Mr. Rhodes went over the rates and how they were calculated. He stated that there would be an ad valorem rate to cover the costs to construct the system and to recover a fixed annual cost for operation and maintenance, which would probably add a person to the sewer department. 10% of that would be based on acreage to recover the debt service. He stated that there would also be a usage rate to cover the cost of electricity and the treatment costs to Glens Falls. Those costs would be based on the flow to the City of Glens Falls. Mr. Rhodes stated that there wouldn't be a connection or usage charge if not connected and, he stated that the Town isn't requiring connection. Mr. Rhodes explained the financing of \$16,000,000 and stated that if the grant and 0% financing don't happen, the project is no longer affordable. Mr. Rhodes stated that the rate went up approximately \$0.20 per 1,000 of assessed value for debt service due to the removal of the 1, 2 & 3 family homes. He stated that the usage rate wouldn't change because that's based on overall use. Mr. Rhodes went on to say that Hudson Headwaters has committed to an approximate \$10,000,000 project and once they come on line the ad valorem debt service rate will go down by \$1.80 and operation and maintenance will go down by \$0.18. Mr. Rhodes stated that the next step will be for the Town Board to process some resolutions and commented that nothing can be done until the district is formed. Once the district is formed the Town will need to bring together the plan for financing. Mr. Rhodes stated that the income survey was being used to position the Town for funding and financing. He stated that it was complete and no additional surveys will be needed. He stated that it was a successful survey and that the Town is well positioned to apply for funding.

Supervisor Kusnierz thanked Mr. Rhodes for his presentation. He stated that he wanted the public to have the most recent information and keeping with that comment, he stated that the Town of Moreau and the Saratoga County Economic Development Corp., as well as multiple property owners in the proposed



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sewer district, have been working collectively for some time to bring in commercial development. The Supervisor stated that he had learned this evening from SEDC representatives and land owners in the proposed district that a national name brand company has expressed interest in purchasing several parcels totaling 125 acres in the proposed district. He stated that the interest is serious enough that the company has asked their developer to work through getting control of the land. He stated that part of what they're working to, is understanding the infrastructure improvements that the Town is attempting to make this evening. He stated that this is a fast cycle development that would need to be operational by the end of 2019. What this means to this project, is our community has the potential for hundreds of jobs and tens of millions of dollars in assessed value that can be included in this proposal. This would significantly reduce sewer costs for land owners within the district.

The Supervisor opened the floor to the public and called upon Bob Vittengl.

Bob Vittengl – Didn't state if he was in or outside the district. He was in favor of the project.

Tori Riley – SEDC - Hopes that the Town will consider the expansion.

Lance Hillman – Property Owner within the district – 1402 Route 9 – He wasn't against having sewer but was not in favor of this project due to the affordability.

The Supervisor stated that he had received prior testimony from Cheryl Cross and asked if she wanted her testimony read into the record or asked if she would like to speak. She stated that she would like some more time to reconsider her thoughts.

Reed Antis – Town resident, not within the district – Not for or against the project but was concerned for the sewer plant itself. He asked that the Town Board be concerned as well.

Rusty Saunders – 1445 Route 9 – Was in favor of having sewer but not in favor of this project due to the cost.

Harry Gutheil – Property owner within the district – Wasn't against having sewer but was not in favor of this project due to the cost. He read a prepared statement, which will be attached to this set of minutes.

Laura King – Town of Moreau resident and not within the district – Stated that she has worked in the municipal water and wastewater industry for 16 years. She gave her opinion of the expenses involved to maintain the infrastructure. She asked that the Town Board vote no on the project.

Jane Flagler – 1269 Saratoga Road – declined comment

Mary Strassburg – Stated that the project is not affordable.

Leonard Crispino – In the district – Stated that he was in favor of the project.

The Supervisor had no other members of the public, who had indicated on the sign in sheet that they wished to speak. He asked if there was anyone in the audience who hadn't already spoken, that wished to make comment.

Preston Jenkins – Property owner within the district – Was for having sewer but was against this project due to the cost. He read a prepared statement, which will be attached to this set of minutes.

Ed Petrush – Property owner within the district – Was in favor of the project.

John Munter – Property owner within the district – Was in favor of the project.

Patty Moffitt – Property owner within the district – Not in favor of the project due to the cost.

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A woman spoke who didn't give her name – She was not in favor of the project.

John Naja – Property owner in the district – Was in favor of having sewer but was not in favor of this project due to the cost.

Sam Wahnon – Property owner within the district – Was in favor of the project.

There were no new members of the audience who wished to speak. The Supervisor asked if anyone who had already spoken, wished to be heard a second time.

Harry Gutheil – Property owner within the district – Finished reading his prepared statement.

Ed Petrush – Property owner within the district – Spoke a second time and still in favor of the project.

Jan Kropp – Resident of the Town, outside the district – Had concerns with traffic should the project go through.

Madeline Roland – Property owner within the district – Was not in favor of the project.

John Kilmer – Resident of the Town, outside the district – Was not in favor of the project.

There were no further comments.

A motion was made by Councilman VanTassel and seconded by Councilwoman LeClair to close the public hearing at 9:18 p.m.

Roll call vote resulted as follows:

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

The regular meeting resumed at 9:18 p.m.

The Supervisor asked the Board members if they wanted to move forward with the creation of the district. All members, including the Supervisor, were in support.

The Supervisor turned the floor over to Attorney Buettner to explain the SEQRA process. She stated that the Town had undertaken a SEQRA review back in 2016. She stated that the original study area was larger and contained significantly more proposed infrastructure and higher costs. She stated that the current project is smaller, less costly and contains less infrastructure. All of the letters received from involved agencies (NYS DOT, NYS DEC), from the prior proposed project, do encompass this proposal. She stated that by resolution in 2016, the Town Board made certain findings and determined that there was no significant adverse environmental impacts and issued a negative declaration. She stated that the Town Board can reaffirm the resolution of no significant adverse environmental impact. She stated that there was a resolution before the Town Board setting the specifics.

The Town Clerk was asked to read the following resolution into the record:

**Resolution #2018-260**

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

**RESOLUTION DATED JUNE 26, 2018  
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 with the projected cost of \$16,000,000; and

**WHEREAS**, the Town Board considered a similar project in 2016; and

**WHEREAS**, the project in 2016 encompassed the area included in the current project, along with additional areas within the Town and was for a larger projected project cost; and

**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) was prepared and presented and circulated at the Town Board’s December 20, 2016 special meeting and public hearing for the prior project; and

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

**WHEREAS**, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) and the New York State Department of Transportation (hereafter “NYSDOT”) were the involved agencies as that term is defined in 6 NYCRR Section 617.2(s) for the prior project and continue to be involved agencies; and

**WHEREAS**, by resolution dated December 20, 2016, the Town Board made certain findings and determined that there was no significant adverse environmental impacts and issued a negative declaration; and

**WHEREAS**, the current project is wholly within the original SEQRA study area and contains less proposed infrastructure and less cost, resulting in a reduction in the project scale when compared in total to the original environmental review; and

**WHEREAS**, being that the current project encompasses a portion of the same area as the prior project, involves the same agencies, and the environmental impact has already been thoroughly reviewed by the Town Board, the Town Board desires to reaffirm the Resolution of No Significant Adverse Environmental Impact of December 20, 2016; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Moreau hereby reaffirms the Resolution dated December 20, 2016 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;

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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.

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

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Councilman Van Tassel	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that the next order of business would be to pass a resolution establishing the district. He asked the Town Clerk to read the following resolution into the record:

**Resolution #2018-261**

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”)

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as described in the Map, Plan and Report that has been prepared for Extension No. 5 of Sewer District No. 1 and which has been filed with the Town Clerk of the Town of Moreau in accordance with the requirements of the Town Law; and

**WHEREAS**, an order was adopted by the Town Board of the Town of Moreau on June 12, 2018, reciting the filing of the map, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

**WHEREAS**, the order set June 26, 2018 at 8:00 p.m. at the Moreau Town Complex, 351 Reynolds Road, Moreau, New York as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and

**WHEREAS**, a public hearing on the establishment of Extension No. 5 was duly conducted by the Town Board on June 26, 2018 at 8:00 p.m. at the Moreau Town Complex; and

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

**WHEREAS**, the Town Board 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

**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 538.4 acres encompassing 86 total parcels, as is more fully detailed and described in the Map, Plan and Report dated May 2018 and on file in the Town Clerk's Office; and be it further

**RESOLVED**, that the maximum amount proposed to be expended for the construction of Extension No. 5 is estimated to be \$16,000,000 and the plan of financing includes the issuance of \$16,000,000 in serial bonds from 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 annual debt service cost to the property owner is based upon a benefit basis and will be spread across the properties within Extension No. 5 on both an ad valorem basis and a parcel area basis such that the tax rate shall equal \$17.64/\$1,000 on the ad valorem rate and that the parcel area rate shall equal \$194.55/\$1,000 for the first year after District formation; and be it further

**RESOLVED**, that operation and maintenance expenses are projected to be \$169,000.00 in the first year and allocated on a use basis at a rate of \$4.61 per 1,000 gallons as measured by existing water meters, and at an ad valorem rate of \$1.22/\$1,000 of assessed value; 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

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

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 deliver 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 required with respect to Extension No. 5 because the estimated cost of Extension No. 5 to the Typical Property (as defined in the Town Law) is 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 Town 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 shall be subject to a mandatory referendum to be voted on by the property owners of Extension No. 5 to be held on August 27, 2018.

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

Councilman Hogan had a question regarding how the tax rates would be affected by future growth. Attorney Buettner stated that they were voting on the Map, Plan and Report that had been presented. She then answered his question about the effects of future growth to the tax rate.

Supervisor Kusnierz stated that the Board has been sensitive and cognizant to the fact that they don't have to pay for this project. Because of that, he believed that it was this Board's intention, to put the decision in the hands of those who would have to pay for the district. He believed, that in doing that, the Board would move forward with a mandatory referendum. He stated that there will be a vote, and that they don't want to make those within the district expend energy and leg work to maybe get it to a vote. He stated that this would have a tremendous impact, financially, on those within the proposed district. The Board members were all agreeable to a mandatory referendum.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Councilman Van Tassel	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that the next step would be to pass a resolution setting the special election. He asked that the Town Clerk read the following resolution aloud for the record:

**Resolution #2018-262**

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

SUBJECT: RESOLUTION OF THE TOWN OF MOREAU, NEW YORK, ADOPTED JUNE 26, 2018, PROVIDING FOR SUBMISSION OF A PROPOSITION AT A SPECIAL ELECTION TO BE HELD ON AUGUST 27, 2018, TO APPROVE THE RESOLUTION HERETOFORE ADOPTED BY THE TOWN BOARD OF SAID TOWN ON JUNE 26, 2018

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 August 27, 2018, 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 eligible 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 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 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  
AUGUST 27, 2018

NOTICE IS HEREBY GIVEN that a Special Election will be held on August 27, 2018, 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 eligible 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 \$16,000,000 BE APPROVED?

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

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

FIRST: RECITING that a general Map, Plan and Report dated May 2018 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 dated May 2018 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 June 12, 2018, reciting the filing of said Map, Plan and Report dated May 2018, 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 June 26, 2018, 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.

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 \$16,000,000 and the plan of financing includes the issuance of \$16,000,000 in serial bonds from 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 required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is 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 June 26, 2018, the Town Board made it subject to mandatory referendum; and

SEVENTH: STATING that said Proposition shall appear on the ballots 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 \$16,000,000 BE APPROVED?

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

Dated:

Leeann McCabe  
Town Clerk



A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, 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.

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

Attorney Buettner stated that in Section #4 it references “voting machines”. She stated that the County doesn’t use voting machines for this type of special election and asked that the words “on voting machines” be removed from the section. The Board was agreeable to the change.

Attorney Buettner also stated that on the second page (Notice of Special Election), at the end of the first paragraph, it states “to enable the voters then present”. She stated that it should read “to enable the eligible voters then present”. The Board was agreeable to the change.

Attorney Buettner also stated that on the next page, paragraph #7, it references voting machines again. She asked that the words “voting machine” be removed and to add the word “ballots”. The Board was agreeable to the change.

Roll call vote, following the above noted changes, resulted as follows:

Councilman Hogan	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Councilman Van Tassel	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that the final item that needs to be addressed is the bond resolution. Attorney Buettner stated that this resolution is necessary to move forward with financing. The resolution doesn’t require the Board to take any money, it just authorizes \$16,000,000 in serial bonds. She stated that the bond resolution is not subject to permissive referendum.

The Supervisor asked the Town Clerk to read the following resolution into the record:

**Resolution #2018-263**

SERIAL BOND RESOLUTION DATED JUNE 26, 2018  
A RESOLUTION AUTHORIZING THE ISSUANCE OF \$16,000,000  
SERIAL BONDS OF THE TOWN OF MOREAU, SARATOGA COUNTY,  
NEW YORK FOR THE CONSTRUCTION OF SEWER DISTRICT NO. 1 EXTENSION NO. 5 IN THE  
TOWN OF MOREAU, AND ALL NECESSARY INFRASTRUCTURE, EQUIPMENT, APPARATUS, SITE  
WORK, AND RELATED SITE WORK.

**WHEREAS**, on June 26, 2018, the Town Board of the Town of Moreau adopted a resolution authorizing the construction of Sewer District No. 1, Extension No. 5 in the Town of Moreau, and all necessary infrastructure, equipment, apparatus, site work, and related site work and to provide for the financing thereof, at a maximum cost of \$16,000,000, or so much thereof as may be necessary to be paid from the proceeds of the obligations issued pursuant to the Local Finance Law; and

**WHEREAS**, the Town Board intends to apply for funding for the project through the New York Clean Water and State Revolving Fund (“CWSRF”) and the New York State Environmental Facilities Corporation (“EFC”); and

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

**WHEREAS**, in order to fulfill the requirements of the CWSRF application, the Town is required to pass a bond resolution authorizing the issuance of serial bonds to finance the project through CWSRF and EFC; and

**WHEREAS**, the maximum cost of the project is estimated to be \$16,000,000, with the sum of \$16,000,000 to be paid from the proceeds of grants and/or obligations issued pursuant to the Local Finance Law; and

**WHEREAS**, the Town Board desires to authorize such payment and to provide for the financing thereof through the CWSRF and EFC;

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Town Board of the Town of Moreau, Saratoga County, New York, hereby authorizes the construction of Sewer District No. 1, Extension No. 5 in the Town of Moreau and all necessary infrastructure, equipment, apparatus, site work, and related site work located in the Town of Moreau at a maximum cost of \$16,000,000, subject to the results of the referendum on the establishment of the district to be held on August 27, 2018.

2. The specific object or purpose for which obligations are to be issued pursuant to this resolution is the construction of Sewer District No. 1, Extension No. 5 in the Town of Moreau and all necessary infrastructure, equipment, apparatus, site work, and related site work located in the Town of Moreau, New York.

3. The current maximum cost of the aforesaid specific object or purpose is \$16,000,000, and shall be financed by grants and/or the issuance of a maximum of \$16,000,000 serial bonds. The issuance of serial bonds of the Town of Moreau in the amount of \$16,000,000 is hereby authorized to be issued pursuant to the Local Finance Law. Such serial bonds are to be payable from amounts which shall be paid from the users of Sewer District No. 1 in the Town of Moreau and/or ad valorem rates and/or amounts which shall be annually levied on all of the taxable real property in said Town, subject to the exceptions provided in Section 305(5) of the Agriculture and Markets Law, and the faith and credit of the Town of Moreau, Saratoga County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision 4 of Paragraph a of Section 11.00 of the Local Finance Law of the State of New York.

5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor of the Town of Moreau, the chief fiscal officer, or in his absence, the Deputy Town Supervisor, who is the substituted chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be determined by said Town Supervisor or Deputy Town Supervisor pursuant to and consistent with the provisions of the Local Finance Law.

6. This resolution is not subject to a permissive referendum pursuant to Section 35 of the Local Finance Law and Article 7 of the Town Law of the State of New York, but is subject to the referendum scheduled for August 27, 2018.

7. The validity of such bonds and bond anticipation notes may be contested only if:

a. Such obligations are authorized for an object or purpose for which said Town Board is not authorized to spend money; or

A regular meeting of the Town Board of the Town of Moreau, as well as a public hearing regarding Sewer District 1 Extension 5, were held on June 26, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

b. The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

c. Such obligations are authorized in violation of the provisions of the Constitution.

8. This notice and resolution shall be published in full within ten (10) days after its adoption in the Post Star, which is hereby designated as the official newspaper of the Town for such purpose, together with a notice of the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

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

Attorney Buettner stated that on paragraph #8, second sentence, because this is not subject to permissive referendum, she asked that the sentence be removed. The Board was agreeable to the change.

Roll call vote, following the above noted change, resulted as follows:

Councilman Hogan	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Councilman Van Tassel	Aye
Supervisor Kusnierz	Aye

The Supervisor thanked his Confidential Secretary, Lisa Sperry and Deputy Town Clerk, Tammy Daley for their help getting the public signed in at the public hearing.

The Supervisor thanked those from the public who attended the meeting.

A motion was made by Councilwoman LeClair and seconded by Councilman VanTassel to close the regular meeting for the evening at 9:52 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