

The Town Board of the Town of Moreau held a public hearing on 2024 water rates on December 21, 2023, at the Town Hall, 351 Reynolds Road, Moreau, New York.

The Supervisor called the public hearing on 2024 water rates to order at 4:00 PM.

Town Board Members Present

Mark Stewart	Councilmember
Kyle Noonan	Councilmember
Alan VanTassel	Councilmember
John Donohue	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Also present: Dianne Lewis, Deputy Town Clerk; Brenda Hutter, Town Clerk; Lisa Sperry, Confidential Secretary; Chris Abrams, Highway Superintendent; Leah Cronin, IAO, Assessor; Jeremy Brogan, Recreation Director; Anna Labiak, Water Clerk; Bill Ryan, Special Counsel; Alex Portal, Post-Star; Steve Hutter; Brigid Martin; Ann Purdue; Tom Masso; Greg Hewlett; Charlene Hewlett; Erin Trombley; Beth Wadleigh; Travis Mitchell; Dave Rogge; Liz Bennett; Dominic Tom; Rich Schermerhorn; Allyson Phillips; Maureen Dennis; Gina LeClair; Bob LeClair; Harry Gutheil; Preston Jenkins; Mary Jenkins; Tom Masso; Bruce Lant

Supervisor Kusnierz asked the Deputy Clerk to read the Public Notice of the public hearing into the record. She read:

“Notice of Public Hearing, Town of Moreau

Notice is hereby given that the Town Board of the Town of Moreau, County of Saratoga, State of New York, will hold a public hearing on December 21, 2023, at 4:00 p.m. in the Meeting Room at Town Hall, 351 Reynolds Road, Moreau, NY 12828 on establishing the 2024 water rates for the residents in the Moreau Consolidated Water District as follows: capital costs shall be determined based upon a fraction, the numerator for which is the annual debt service for consolidated water district and the denominator for which is the total number of Equivalent Dwelling Units (EDU) within the entire consolidated water district. The EDU schedule is attached to this notice of Public Hearing. Operation and maintenance expenses shall be determined based upon a fraction, the numerator for which is the budgeted operation and maintenance costs derived from the consolidated water district and the denominator for which is the estimated total metered water consumption in gallons and then multiplied by 1,000. All interested parties and citizens will be heard. Written comments may be sent prior to December 21, 2023, to the Town Board, 351 Reynolds Road, Moreau, NY 12828, or email to townclerk@townofmoreau.org. Said hearing may be adjourned and continued from time to time as necessary.

By order of the Town Board of the Town of Moreau
Dated: November 28, 2023”

The floor was then opened to the public for comments.

Allyson Phillips identified herself as an attorney with Young/Sommer, LLC, Attorneys at Law, representing Schermerhorn Residential Holdings. She asked to clarify if the Board would be taking comments on the three public hearings separately. Supervisor Kusnierz answered affirmatively. Ms. Phillips said she had emailed comments earlier in the day and gave a printed copy to the Board. She asked that they be added to the public record for each public hearing. She continued saying that her client had made consistent requests to review his water rate and billing with the Board. She said her client had been overbilled in recent months, and she said the

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Board should address the issue before adopting a new water rate for 2024. She said she would make comments for each Public Hearing.

Greg Hewlett stated that the rates needed to be investigated further because using the published 2024 rates he found inconsistencies. He said he has run numbers for all the water districts but as an example, he offered figures for District 5. He said the estimated EDUs in the district were 635 x 100 gallons per EDU per day, which he said equals \$23,000,177 gallons. He said he then multiplied this number by the cost of water at \$4.09 per 1,000 gallons which came to \$94,793. Calculating it by the estimated cost per EDU of \$129 per EDU per year he said the total was \$82,000, a difference of around 12%. He said all the districts are off between 12% and 18%. He said the math should be investigated further before adopting rates because it is flawed, or add to the resolution that at the end of the year if users have been overcharged, the money can be refunded.

Maureen Dennis wanted to reiterate her comments of September 12, which she said she did not believe were characterized correctly in the meeting minutes. Supervisor Kusnierz stated the hearing was on water rates. Ms. Dennis said the definition of metered usage, according to Town Law 145, is the amount of water passing through the water meter. She said it is and will be her position that Schermerhorn is being charged minimum usage fees on 694 meters when there are only 98. She also said in the draft October 24 minutes there was a \$9000+/- credit from the Town of Queensbury on the last page. She asked if that money would be refunded to taxpayers who paid the overage. She said she found it odd that the credit was included since it was not discussed in the meeting. She also said that they were being charged minimum usage when the rest would be usage. She asked if it made sense, and said that she believes they are due approximately \$55,000 in overcharges.

Supervisor Kusnierz asked the Deputy Clerk if written correspondence had been received. And she answered affirmatively. He asked from whom correspondence had been received. The Deputy Clerk said it was from Ms. Phillips. The Supervisor asked if those comments would be entered into the transcript, and the Deputy Clerk said it would.

ADJOURNMENT

Resolution #2023-380

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel, to close the public hearing.

Asked if all were in favor, the responses were:

Councilmember Stewart	Aye
Councilmember Noonan	Aye
Councilmember VanTassel	Aye
Councilmember Donohue	Aye
Supervisor Kusnierz	Aye

The motion carried 5:0

The hearing was closed at 4:15 p.m.

Respectfully submitted,
Erin Trambley

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Erin Trombley
Town Clerk (July 22, 2024)