

A special meeting of the Town Board of the Town of Moreau was held on April 9, 2009 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, regarding Niagara Mohawk, National Grid, etal. Real Property Tax Law Article 7's.

Supervisor Jenkins called the meeting to order at 6:00 p.m.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

Town Board Members Present:

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|-----------------|--------------|
| Tom Cumm | Councilman |
| Bob Prendergast | Councilman |
| Gina LeClair | Councilwoman |
| Todd Kusnierz | Councilman |
| Preston Jenkins | Supervisor |

Town Board Members Absent:

None

Also Present: Jeanne Fleury, Town Clerk; Peggy Jenkins, Assessor; Gordon Woodworth reporter for the Chronicle; Paul Post reporter for the Saratogian; Alex Nunes reporter for the Post Star and Town Resident, Adele Kurtz and Village Resident, Michael Linehan

Supervisor Jenkins stated that he was going to start this meeting by asking for a motion to go into executive session to discuss the proposed settlement of the various pending Real Property Tax Law Article 7 proceedings from 2003 through 2008 involving the assessment of transmission and distribution properties owned by Niagara Mohawk Power Corporation, National Grid, etal.

Councilman Kusnierz asked if they were going to have a pledge to the flag.

Supervisor Jenkins said it is a special meeting, but they could.

Councilman Kusnierz said it was a recognized meeting.

Supervisor Jenkins led the Pledge of Allegiance.

A motion was made Councilman Prendergast and seconded by Councilman Cumm to adjourn to executive session at 6:03 p.m. to discuss the proposed settlement of the various pending Real Property Tax Law Article 7 proceedings from 2003 through 2008 involving the assessment of transmission and distribution properties owned by Niagara Mohawk Power Corporation, National Grid, etal.

Roll call vote resulted as follows:

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|------------------------|-----|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Supervisor Jenkins | Yes |

The Town Clerk did not sit in on the executive session.

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A motion was made by Councilman Prendergast and seconded by Councilman Kusnierz to adjourn the executive session and re-open the special meeting at 6:12 p.m.

Roll call vote resulted as follows:

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|------------------------|-----|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Supervisor Jenkins | Yes |

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to approve the settlement of all the pending Real Property Tax Law Article 7 proceedings from 2003 through 2008 involving the assessment of transmission and distribution properties of Niagara Mohawk Power Corporation as set forth in the stipulation of settlement that has been prepared, and authorizing special counsel for the Town to execute the stipulation of settlement on behalf of the Town.

Councilman Kusnierz stated that there is no question that the issue we are attempting to address here tonight is one of the more significant issues that we as a Board has had to contend with for a long time. He stated that the fact that we are calling a special meeting on it tonight, he would have preferred that their actions have taken place at a regularly scheduled board meeting. In talking with Peggy she received notice from the county that they were looking for changes to the assessment roll by Monday the 13th. To Peggy's credit she the always the first one in the county to submit her rolls in a timely fashion. There are many Towns that don't meet the deadline for getting their rolls to the county and there is no reason we couldn't have provided it to them after Tuesday night's meeting. He spoke to them about this and it wouldn't have been a problem. That way the action taken here tonight would have been done at a 7:00 board meeting when the public expects us to be here. The other thing is that the officer for the Town is going to have to certify to the courts that we followed proper notification to the press and Board Members. The Town Law is very clear that if you are going to have a Special Town Board Meeting the Town Board Members have to be notified of the time and place in writing two days before the meeting. This wasn't done with this meeting. Unless the other Board Members were notified in writing it didn't happen. We don't want to give the courts a reason, on a technicality, not to approve what we are asking them to do.

The Town Clerk stated she did notify three Board Members Tom, Gina and Todd by e-mail on April 7th and the calendars went in all their mailboxes and it went to the press the same day.

Councilman Kusnierz said he did receive an e-mail, but it didn't have the time or date it just said what Attorney Auffredou suggested what we discuss at the meeting. He knew for a fact what the time of the meeting was, because.....(he didn't finish his sentence). He was just saying it was important to adhere to established law so we don't have a problem down the road.

Supervisor Jenkins said he understood what he was saying, but on April 28th in executive session they discussed that if this was done in time that they would have a special meeting so Peggy could get it filed in time. This was done under the advice of both our attorneys. We would like

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Councilman Cumm said he was glad they were having this meeting, because he can't attend Tuesday night's meeting so he wouldn't have had the opportunity to vote Tuesday night.

Roll call vote resulted as follows:

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|------------------------|-----|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | No |
| Supervisor Jenkins | Yes |

Supervisor Jenkins thanked Peggy for all her hard work and for the entire board who contributed to this process to resolve this.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the special meeting at 6:20 p.m.

Roll call vote resulted as follows:

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|------------------------|-----|
| Councilman Cumm | Yes |
| Councilman Prendergast | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Supervisor Jenkins | Yes |

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk