

A public hearing was held by the Town Board of the Town of Moreau on April 24, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of hearing all interested persons for or against the creation of Extension No. 3 to Sewer District 1.

Supervisor Jenkins opened the public hearing at 6:55 p.m.

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Supervisor Jenkins	Supervisor

Town Board Members Absent

Gina LeClair	Councilwoman
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Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Steve Gram, Recreation Director; Jim Mitchell, Engineer for the Town; David Canfield, Post Star Reporter; and guests.

The following Order was advertised in the legal ad section of the Glens Falls Post Star Newspaper on April 9, 2012:

TOWN OF MOREAU
ORDER OF TOWN BOARD SCHEDULING PUBLIC HEARING ON EXTENSION
NO. 3 OF SEWER DISTRICT NO. 1 IN THE TOWN OF MOREAU

NOTICE IS HEREBY GIVEN that a Map, Plan and Report has been prepared in a manner and detail as determined by the Town Board of the Town of Moreau and Article 12 of the Town Law, regarding Extension No. 3 of Sewer District No. 1 in the Town of Moreau.

The Map, Plan and Report was prepared by Environmental Design Partnership, showing the boundaries of the proposed Extension No. 3 of Sewer District No. 1, the project justification and cost estimates.

The Map, Plan and Report shows the boundaries of the proposed Extension No. 3 of Sewer District No. 1 and the locations of the property contained in the extension of the sewer district. Extension No. 3 of Sewer District No. 1 is comprised of 3.19± acres consisting of one (1) parcel identified as tax map number 37.-1-19. A description of the boundaries of the proposed Extension No.3 of Sewer District No. 1 is annexed hereto and made a part hereof.

Schermerhorn Residential Holdings, L.P., the owner/developer of the property has received approval from the Town of Moreau Planning Board for a 27 unit apartment complex to be located upon the above described tax map parcels to be known as Harrison Place Apartments.

Pursuant to an existing contract, as amended July 7, 2011, between the Town of Moreau and the City of Glens Falls, wastewater generated from Sewer District No. 1 is treated at the City of Glens Falls Wastewater Treatment Plant. It may be necessary for the Town to secure an amendment to that agreement to include the wastewater generated from the apartment complex.

The developer will incur all costs for the creation of the extension of the proposed system. These costs include the preparation of plans, the engineering report, and construction of the wastewater collection system including sewers, pump station, and modifications to the Town facilities. The estimated cost to extend the District and install the necessary infrastructure is \$40,000.00.

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According to the Map, Plan and Report, the estimated total yearly cost for an average residential customer or unit within the apartment complex will be approximately \$409.30 for the first 10 year period following construction and \$205.00 per unit annually thereafter. It is proposed that these costs will be added to the monthly rental fee for each unit of the apartment complex.

The Map, Plan and Report 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. 3 of Sewer District No. 1 on Tuesday, April 24, 2012 at 6:50 p.m. at the Moreau Town Hall, located at 61 Hudson Street, 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 March 27, 2012.

Preston L. Jenkins, Jr., Supervisor

Attorney Buettner stated that on March 27th the Town Board adopted an Order scheduling the Public Hearing for Sewer District 1 Extension 3 (Schermerhorn Residential Holding, L.P.). Environmental Design Partnership (EDP) created a map, plan and report and Mr. Schermerhorn submitted a petition to create the district extension. The Town declared itself lead agency. Letters were sent to all interested agencies and they have 30 days to respond on the lead agency status. The City of Glens Falls responded that they have no issue with the Town Board acting as lead agency. We are awaiting a response from NYS DEC and NYS DOH. Attorney Buettner stated that the Town Board has an opportunity to open the public hearing since it was properly noticed in the Post Star and on the bulletin board in Town Hall and the Town's website. She acknowledged that Jim Mitchell was present from EDP. She recommended the Town Board open the public hearing to allow the board members and public to comment on the proposed extension. She recommended that the public hearing be kept open until a special meeting of the Town Board is scheduled following the 30 day period for comment from interested agencies or at the next regular Town Board meeting at which time the board could do the SEQRA determination and resolution if it is the board's desire to establish the district.

Supervisor Jenkins asked if anyone from the public wished to comment on proposed Extension 3 of Sewer District 1.

Harry Gutheil said he had a question and it kind of related to his previous question about the monies that developers are paying into the sewer fund and use of the force main that the general fund is paying for. He asked if there is going to be any money coming in to the general fund out of those monies or any monies to help pay for the use of the pipeline that may be owned by the general fund and the taxpayers in general. There is a debt service that is being paid by every taxpayer in the town on the debt, which is around a quarter of a million dollars and it was originally one million dollars. There was a federal grant in the amount of one million dollars for infrastructure. He said it seems prudent that there be some fee charged for use of the pipe.

Supervisor Jenkins replied that the sewer pipe line is owned by the sewer district which is a special district and not the general fund.

Harry Gutheil asked how it can belong to a special district if the town has debt on it and the money is coming out of the general fund.

Supervisor Jenkins replied that it is because that is who owns it by title. He went through this before with Attorney Auffredou and it was his opinion and the opinion of the State Comptroller that it belongs to the

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sewer district and it doesn't belong to the general fund. The general fund monies that were put up were an economic development effort to develop an industrial park.

Harry Gutheil asked how the district got title to it and when.

Supervisor Jenkins said if that happened then it happened before Harry Gutheil was in office.

Harry Gutheil asked "if it happened".

Supervisor Jenkins replied that he could try and follow through on that, but he doesn't see how it belongs to the general fund. The money that the general fund put up was an economic development issue.

Harry Gutheil said it doesn't seem fair that taxpayers are paying debt service and paying back one million dollars for someone else to use the pipe and now he is being told that the general fund doesn't own it and there is still $\frac{3}{4}$ of a million dollars.

Supervisor Jenkins said he would request an opinion from the State Comptroller relating to that issue.

Harry Gutheil said it might pay to search the minutes of meetings to see if the pipe was turned over to the sewer district.

Councilman Kusnierz asked the Town Clerk to search the minutes.

Supervisor Jenkins said that half of it was paid for by federal grant money.

Supervisor Jenkins asked if anyone else wished to be heard regarding proposed Extension 3 to Sewer District 1. There was no response.

Supervisor Jenkins asked if any board members had any comments and there was no response.

Supervisor Jenkins said the public hearing would be left open.

Attorney Buettner replied that the public hearing should be kept open and that it should be indicated that this topic will be on the agenda for the May 8th Town Board Meeting.

Councilman Kusnierz asked if it would be on the agenda for action.

Attorney Buettner said that if it was the board's desire then yes.

Councilman Kusnierz asked that the Town Board not take action until clarification is obtained on the comments made during the public hearing to make sure we are following the letter of the law and general accepted practice of the State Comptroller's Office.

Attorney Buettner asked Councilman Kusnierz if he was referring to the comment from Mr. Gutheil about ownership and Councilman Kusnierz replied yes.

This concluded this portion of the public hearing, but the public hearing was held open for further comment and deliberation.

Respectfully submitted,

Jeanne Fleury, Town Clerk