

A special meeting of the Town Board of the Town of Moreau was held on August 30, 2011 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of considering and possibly adopting Local Law No. 4 of 2011 and to consider and possibly adopt a resolution increasing the budget for the Water District 1 Extension 2 project.

The special meeting commenced at 6:46 p.m.

Town Board Members Present

Tom Cumm	Councilman
Bob Prendergast	Councilman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

Town Board Members Absent

Gina LeClair	Councilwoman
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Also Present: Jeanne Fleury, Town Clerk; and guests

This special meeting was preceded by a Public Hearing at 6:30 p.m. on Local Law No. 4 of 2011 regarding a proposed amendment to Section 136-38, Schedule IX "Parking Prohibited at all Times" of Chapter 136 "Vehicles and Traffic" of the Moreau Town Code.

The first item of business scheduled for this special meeting was the adoption of Local Law No. 4 of 2011.

The Town Clerk read aloud the questions in the Short Form Environmental Assessment Form (EAF) that was prepared for this local law and the proposed answers to the questions in the EAF.

Part I of the Short Form EAF describes the project.

In Part II there are questions that once answered determine if there will be any environmental impacts or not if the local law is adopted. All the questions in Part II of the Short Form EAF were answered "no".

In Part III of the Short Form EAF the box was checked that indicates that this local law will not result in any significant adverse environmental impacts.

The Town Clerk stated that if the Town Board Members agree with how the Short Form EAF was completed and if they agree with the answers to the questions, then a motion would be in order to authorize the Town Supervisor to sign the Short Form EAF as completed.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the Town Supervisor to sign the Short Form EAF as completed.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

Councilman Kusnierz suggested that the fine for violating the no parking law be included on the no parking signs that will be erected.

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The Town Clerk stated that the next step was for the Town Board to authorize the issuance of a negative declaration under SEQRA.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm authorizing the issuance of a negative declaration under SEQRA for Local Law No. 4 of 2011, which is an unlisted action under SEQRA.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

The Town Clerk then read aloud the proposed resolution that adopts Local Law No. 4 of 2011.

The Town Clerk stated that a motion would be in order to adopt Local Law No. 4 of 2011.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adopt the following resolution:

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the adoption of Local Law No. 4 of 2011, which would, if adopted, amends Chapter 136 — "Vehicles and Traffic" of the Moreau Town Code and specifically Section 136-38, Schedule IX: "Parking Prohibited at All Times" thereof, to create three (3) new parking restricted at all times areas; the first, Tanglewood Drive, the second, North Road and the third, Hudson Drive, as more detailed in the proposed local law; and

WHEREAS, as a result of impacts to the surrounding neighborhoods presented by parking, the Town Board finds that it is necessary to establish the restricted parking zones; and

WHEREAS, the Town Board finds that the adoption of Local Law No. 4 of 2011 is a necessary and proper exercise of authority by the Town Board; and

WHEREAS, the authority of the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of local law number 4 of 2011 was duly conducted on August 30, 2011 at 6:30 p.m. at the Moreau Town Hall; and

WHEREAS, the Town Board has considered the public comments made at the public hearing; and

WHEREAS, the Town Board, serving as Lead Agency for this unlisted action under SEQRA, reviewed a Short Environmental Assessment Form and determined that the action does not present any adverse environmental impacts; and

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WHEREAS, after thorough review and deliberation, the Town Board proposes to adopt Local Law No. 4 of 2011; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing Local Law No. 4 of 2011 with the Secretary of State including the text of the law itself; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board adopts and authorizes the filing of a Negative Declaration under SEQRA; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts Local Law No. 4 of 2011 annexed hereto and Chapter 136 is hereby amended; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor, Town Clerk and Attorney for the Town to make such minor modifications to the Local Law documents as they may deem necessary, and thereafter, are directed to execute and file the said documents as required by law and to take all the necessary actions for the promulgation thereof; and

BE IT FURTHER RESOLVED, that the Highway Superintendent is hereby authorized to take all necessary actions to implement this local law, including acquisition and installation of necessary signage.

Roll Call Vote Resulted as Follows:

Councilman Kusnierz	Yes
Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

The next item of business was the amendment to the serial bond resolution adopted by the Town Board back in January 2011 for Water District 1 Extension 2. This was to increase the cost of the Water District 1 Extension 2 project from \$5,222,000.00 to \$5,311,943.06.

The Town Board had before them a Full Environmental Assessment Form (EAF) for their consideration that was prepared by Martin D. Auffredou, Attorney for the Town. The Full EAF consists of 21 pages and the Town Clerk asked the Town Board Members if they wanted to waive the reading of the questions and answers in the Full EAF and the Town Board Members were agreeable to this.

Councilman Kusnierz noted two changes that he recommended be made to the EAF as follows:

Page 5 – Under B (3) (a) – The question is “Will disturbed areas be reclaimed?” - The answer is “Yes” – If the answer is yes then the box under (a) is supposed to be filled in to answer the question: “If yes, for what intended purpose is the site being reclaimed”.

The Town Board Members agreed that this box should be filled in with the following wording: “Restore the area to its original state before construction.”

Page 9 – Question #7 – “What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?”

The answer given in this box is: “Land use is primarily residential throughout proposed service area.”

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Councilman Kusnierz recommended that the answer be changed to include: "and agricultural" in order to be consistent with Page 3 of the EAF. The Town Board Members agreed and the answer to question #7 on page 9 will read: "Land use is primarily residential and agricultural throughout proposed service area."

The Town Clerk stated that if the Town Board Members were comfortable with the answers to the questions in Part I and Part II of the Full EAF then a motion could be entertained authorizing the Town Supervisor to sign Part I and Part II of the Full EAF and authorizing the issuance of a Negative Declaration under SEQRA.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adopt the following resolution:

WHEREAS, on September 14, 2010 the Town Board of the Town of Moreau ("Board") established Water District No. 1 - Extension No. 2 of the Town of Moreau; and

WHEREAS, the establishment of Water District No. 1 - Extension No. 2 of the Town of Moreau was the subject of a review under SEQRA and issuance of a Negative Declaration; and

WHEREAS, the Board is considering the adoption of amended serial bond resolution to finance, in part, the cost of the construction of Water District No. 1 - Extension No. 2 (the "project") in the amount of Four Million Nine Hundred Ninety Five Thousand Dollars (\$4,995,000) through a thirty (30) year, zero percent (0%) DWSRF loan; and

WHEREAS, the total Project cost has been increased from \$5,220,000 to \$5,311,943.06 with \$316,942.06 paid through a General Electric Settlement Fund; and

WHEREAS, the Board as Lead Agency for this Type 1 Action has reviewed a Full Environmental Assessment Form,

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1 The Board hereby authorizes the Supervisor to execute the Full Environmental Assessment form.
- 2 Having found that the adoption of the amended serial bond resolution and the financing of the project presents no potential adverse environmental impacts, the Board hereby authorizes the issuance and filing of a Negative Declaration under SEQRA.

Roll Call Vote Resulted as Follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Absent
Councilman Kusnierz	Yes
Councilman Cumm	Yes
Supervisor Jenkins	Yes

The Town Clerk then stated that the Town Board could entertain a motion to adopt the Amended Serial Bond Resolution.

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A motion was made by Councilman Kusnierz and seconded by Councilman Cumm to adopt the following resolution:

WHEREAS, on September 14, 2010 the Town Board of the Town of Moreau (hereinafter "Town Board") established Extension No. 2 of Water District No. 1 within the Town of Moreau as described in the map, plan and report that has been prepared for Extension No. 2 of Water District No. 1 and is on file at the Moreau Town Hall; and

WHEREAS, the infrastructure and improvements for Extension No. 2 of Water District No. 1 include the installation of approximately 5,250 linear feet of 16" diameter main, a redundant water supply interconnection with the Saratoga County Water Authority, approximately 5,600 lineal feet of 12" diameter main and approximately 16,500 lineal feet of 8" diameter distribution main, associated service connections and hydrant valves and appurtenances to provide potable domestic water and fire flow water service in the Town of Moreau, Saratoga County, New York. a 250,000 gallon elevated water tank proposed in the existing Industrial Park on Town owned parcel (hereinafter the "project"); and

WHEREAS, on September 14, 2010, the Town Board of the Town of Moreau issued a final Order establishing Extension No. 2 of Water District No. 1; and

WHEREAS, the Town Board has applied for funding for the project through the New York State Drinking Water and State Revolving Fund ("DWSRF") and

WHEREAS, the project is on the readiness list of the intended use plan issued by the State of New York Department of Health and Environmental Facilities Corp. ("EFC") and is identified as project number 17543; and

WHEREAS, by Serial Bond Resolution adopted on January 11, 2011, the Town Board determined that the total project cost to be \$5,220,000; and

WHEREAS, the total project cost has increased to \$5,311,943.06; and

WHEREAS, the Town is eligible for a DWSRF grant in the amount up to \$4,995,000 in interest-free financing for a term of 30 years for the project; and

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

WHEREAS, the maximum cost of the project is estimated to be \$5,311,943.06, with the sum of \$4,995,000 to be paid from the proceeds of 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 DWSRF and EFC; and

NOW, THEREFORE, BE IT RESOLVED:

1. The specific object or purpose for which obligations are to be issued pursuant to this resolution is the formation of Extension No. 2 of Water District No. 1 and more specifically the installation of approximately 5,250 linear feet of 16" diameter main, a

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redundant water supply interconnection with the Saratoga County Water Authority, approximately 5,600 lineal feet of 12" diameter main and approximately 16,500 lineal feet of 8" diameter distribution main,

associated service connections and hydrant valves and appurtenances to provide potable domestic water and fire flow water service in the Town of Moreau, Saratoga County, New York, a 250,000 gallon elevated water tank proposed in the existing industrial park on a Town owned parcel.

2. The current maximum cost of the aforesaid specific object or purpose is \$5,311,943.06, \$316,942.06 of which shall be paid for through a General Electric Fund, and the balance thereof or \$4,995,000 shall be financed through a 30 year-zero percent DWSRF loan in the amount of \$4,995,000. The issuance of serial bonds of the Town of Moreau in the amount of \$4,995,000 is hereby authorized to be issued pursuant to the Local Finance Law. Such serial bonds are to be paid from the water consumption rates of water users and/or ad valorem rates in Extension No. 2 of Water District No. 1 and the full faith and credit of the Town of Moreau is hereby pledged for the payment of said bonds.

3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to subdivision 1 of Paragraph a of Section 11.00 of the Local Finance Law of the State of New York. The final redemption date of said serial bonds to be issued will not extend beyond thirty (30) years from the date of their initial issuance.

4. 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 renewal of such notes, is hereby delegated to the Supervisor of the Town of Moreau, as the chief fiscal officer, or in his absence, the Deputy Supervisor of the Town of Moreau, 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 Supervisor, pursuant to and consistent with the provisions of the Local Finance Law of the State of New York.

5. 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 is not authorized to spend money; or
- 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.

6. Pursuant to Section 35.00 of the Local Finance Law, this resolution is not subject to a permissive referendum.

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7. This resolution takes effect immediately and shall be published in full in the Post-Star which is hereby designated as the official newspaper 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.

Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilwoman LeClair	Absent
Supervisor Jenkins	Yes

At this point in the meeting Supervisor Jenkins asked for a motion to go into executive session to discuss a possible franchise arrangement with a businessman.

Councilman Kusnierz asked if they could do this.

Supervisor Jenkins replied yes and said he went over it with Martin, and because this person is in negotiations that have to be kept secret, they were allowed to do this according to Martin.

The Town Clerk asked if it involved possible contract negotiations and Supervisor Jenkins replied yes, it is contract negotiations.

A motion was made by Councilman Prendergast and seconded by Councilman Cumm to adjourn to executive session at 7:14 p.m. on the grounds stated above.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilwoman LeClair	Absent
Councilman Cumm	Yes
Supervisor Jenkins	Yes

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

As it turned out the businessman that the Town Board Members were going to meet with in executive session did not show up to meet with the Town Board.

No action was taken in or as the result of the executive session.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the executive session, re-open the regular meeting, and adjourn the regular meeting at 7:20 p.m.

All Town Board Members were in favor.

Regular meeting adjourned at 7:20 p.m.

Respectfully submitted,

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Jeanne Fleury
Town Clerk