

A special meeting of the Town Board of the Town of Moreau was held on December 16, 2009 at the South Glens Falls Fire Company Station on Route 197 in the Town of Moreau for the purpose of discussing proposed Water District 7.

Supervisor Jenkins called the meeting to order at 6:30 p.m.

### **Town Board Members Present**

Todd Kusnierz	Councilman
Tom Cumm	Councilman
Gina LeClair	Councilwoman
Preston Jenkins	Supervisor

### **Town Board Members Absent**

Bob Prendergast	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Tim Burley, Engineer for the Town from Burley & Guminiak; Jesse Fish, Water Superintendent; Martin D. Auffredou, Attorney for the Town; Nick Reisman, Post Star Reporter; Jason Denno from NYS EFC (New York State Environmental Facilities Corporation) arrived at 6:40 p.m.; the following Town residents signed in: George W. Reynolds III, Michael Chowske, Carol Bromley, Ron LaChapelle, Rick Kubis, Jim Grande, Sandra Nierzwicki Bauer, Tom & Donna Duffy, Sheila D'Avignon, John Benoit, Ed Raab, Jon Johnson, Richard Hughes; other Town residents present that did not sign in were: Nancy Snyder, Adele Kurtz and there were other people who filtered in throughout the meeting who did not sign in to this meeting.

Tim Burley began by giving an overview of the past project Water District 6. He stated that for this project preliminary engineering work is done and funding sought. It is a very competitive process across the State. He spoke about the Intended Use Plan and how Towns are ranked and scored for projects. This year the State got more money from the Federal Government. However, he stated that the funding line has gone down a little since. The plan is to apply for a hardship project and present a project to the public in the spring of 2010.

A handout was available to all who attended the meeting and Tim Burley basically followed the outline of this handout for his presentation.

Tim Burley mentioned Water District 1 and how it would be connected to Water District 7 so it would be supplied with the same source as the other districts. The project also calls for a water tank to be erected in the area of WD 1 and later in the presentation he notes that it will be in the Moreau Industrial Park and the water tank will be 300,000 gallons. The water tank is needed for fire flows. The fire flows in Water District 1 are marginal right now at barely 500 gallons per minute. He also noted that there are five families on Fortsville Road who are in need of public water. Their water supply from a stream has been deemed ground water under direct influence. The water system they use is a shoreline well with no filtration, only chlorination. There is a hydraulic model of all the water lines in Town and new projects can use the model to prepare their engineering reports that they have to submit to NYS DOH to ensure proper pressure and fire flows.

The proposed district consists of 5,600 linear feet of 12 inch ductile iron distribution pipe, 16,500 linear feet of 8 inch ductile iron distribution pipe and 5,250 linear feet of 16 inch ductile iron distribution pipe. There will be hydrants every 600 feet and individual service connections which include running a ¾ inch copper service to the typical residential structure and providing a meter. An easement would be required to run a service onto private property. There will be a redundant supply with the Saratoga County water system. There is a physical limitation to the pipe under the river from Queensbury that services Moreau. If the Town of Moreau continues to grow over the next few years another connection to Queensbury will

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be needed or the Town will have to tie into the county water system. The GE settlement money can be used towards this project and the proposal is to use \$225,000.00 of the GE money. The Town actually received extra points because of the GE settlement money.

The English Village complex has shown a renewed interest in being included in the proposed district.

The portion of Route 32 from Reservoir Road to Bluebird Road will be included. This line would complete looping of some existing water mains in the Town and increase system fire flow capacity with advent of looping.

Route 32 services adjacent to Water District #6 will be included in proposed Water District #7. This portion of the project consists of lateral connections to residents that are located across the street from a newly installed main which is part of Water District #6.

The Water District 1 interconnection will remove Water District 1 from the Village of South Glens Falls water system and connect it to existing nearby distribution system and be served by water from the Town of Queensbury.

Tim explained that currently potable water comes from the Town of Queensbury and water quality is monitored by NYS DOH. The project also creates a redundant connection to the Saratoga County water system for future use.

Estimated project costs are as follows:

Saratoga County water connection	\$1,096,000.00
300,000 gallon water storage tank	\$ 950,000.00
Fortsville Road	\$ 980,000.00
Rt 32 Reservoir to Bluebird	\$ 482,000.00
Rt 32 from Rt 197 to Reservoir Laterals	\$ 76,000.00
District #1 Interconnect	\$ 144,000.00
English Village	<u>\$ 368,000.00</u>
	\$4,096,000.00
10% construction contingency	\$ 409,600.00
Survey & borings	\$ 50,000.00
Engineering fees (15% construction)	\$ 614,400.00
Legal fees	<u>\$ 50,000.00</u>
Total project cost	<u>\$5,220,000.00</u>

An announcement is expected in the spring of 2010 regarding the funding offer at which time the Town will announce to the residents the estimated annual costs. The Town will also at that time have to complete a final application for the DWSF Funding Agency and the Town will have to perform district extension/creation legal work. If supported, construction could start late Fall 2010 and be completed end of 2011.

Tim Burley stated that once the offer is made the Town will have to decide if they are going to stick with the project as proposed or make it smaller. He cautioned everyone to be careful that they don't jeopardize the Town's score by taking out a portion of the proposed project. He said the Town should present their best project the first time.

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Tim advised the public present that he and the Town Board are very interested in their opinions. He also thinks that after the next census round the Town of Moreau won't be hardship eligible and probably won't be able to compete for funding.

He stated that the target service charge is approximately \$535.00 per year and this includes the cost of the loan and O&M (operations and maintenance) for the first year. The USDA target service charge is \$650-\$675 per year.

Tim Burley referred back to the Water District 6 project whereby the Town put laterals in and made final connections inside the homes. They had very few complaints overall during the Water District 6 project based on the number of connections. He said we had a very good contractor for Water District 6. In some cases we may need an easement from the road onto properties 10 feet to 20 feet and he mentioned Route 9.

This concluded Tim's presentation. Public comment was accepted.

Question: Is the yearly charge going to be \$535.00?

Tim Burley replied that the \$535.00 includes the debt and the cost for water for the first year. The amount could change in future years depending on the cost for O&M and as the loan is paid down. The loan will be a zero percent fixed loan.

Question: Will there be a water meter?

Tim Burley responded yes.

Councilman Kusnierz asked Tim Burley to explain to the people what happens if someone doesn't want to be hooked up to the water system.

Tim Burley replied that in Water District 6 the people decided if they wanted to hook up or not, but he estimated that 99% did. As in Water District 6 if you don't hook up at the time the project is going on then you will have to pay for the hook up. Generally a person would pay towards the debt of the district whether they hook up or not. If a person keeps their well then they would not have the cost of water usage.

Supervisor Jenkins stated that the Town Board hasn't decided on this yet for this proposed district.

A resident stated that he recently put in a new well and has good clean, clear well water and he doesn't want the public water. He asked if he would be compelled to hook up.

Tim Burley responded that the Town Board will have to decide that. They will have a zero percent loan to retire.

Question: If I don't use the water do I have to pay taxes on water coming through my property.

Tim Burley replied that there will be a water charge assigned to the people within the boundaries of the district. It is not based on value of the home.

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John Benoit stated that he feels sorry for the people on Fortsville Road, who need the water, but he paid a lot for his well and he doesn't want the public water. He said there are eighteen of his neighbors who don't want it either. He hasn't heard where the people have even tried to drill a well.

One of the residents who are in need of the public water said that her neighbor had to drill down 700 feet to get 2 gallons per minute (gpm) and it cost them \$28,000.00.

John Benoit asked if nobody else on Fortsville Road wants the public water except for the five families who need it how will the Town pay the \$980,000.00 the cost to bring water down Fortsville Road.

Supervisor Jenkins stated that the proposed project includes other areas besides Fortsville Road.

Tim Burley advised Mr. Benoit that he and the other residents on Fortsville Road could petition the Board to be removed from the water district and the annual charge would still be \$535.00. If they were removed from the district it wouldn't jeopardize the project for the other areas.

John Benoit stated that the Town Board should send a letter to all property owners in the proposed district asking if they want the water or not. It would make the Town's job a lot easier.

Tim Burley didn't really agree that it would make their job easier. He said the Town Board doesn't want to work in an arbitrary and capricious manner. If the Town Board directs him to remove them from the district then he will do that. His job is to get the best score for the Town and get the Town the best offer. He said this is the venue for comments.

Statement: If there are people on Fortsville Road who don't want to be part of this project and later sell their property and new owners want to hook up then people who are already hooked up fronted the money.

Tim Burley replied that usually it is a decision of the Board. They would be extending the service beyond the boundary. NYS DOH doesn't like Towns to "willy-nilly" put in laterals. There is a whole process of district extension or new district creation. We don't want more districts we are trying to consolidate them now. He said imagine if there was two miles of water main and five hydrants and ten users and a car hits a hydrant. It would be a pretty expensive for the ten users to cover the replacement of that hydrant. It is nice to have the mass of a large group of users to distribute the costs and ideally a reserve fund.

Councilman Kusnierz stated that the Town could through policy and regulation supply the people who don't want to hook up with a curb box so that if they decide later on to hook up they would pay a buy-in fee that would capture the debt.

Tim Burley stated he has seen in some projects where a tap was installed on vacant properties and they would be considered one EDU.

A resident stated that some of the people haven't decided what they want to do yet. He said right now they have great wells, but for how long he doesn't know. As development continues that could change. A few years ago Cumberland Farms had a gas leak and they have been testing his well ever since. So far it is okay. What is the water going to be like five or ten years from now as Route 9 gets developed.

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Another resident stated that ten years ago they had wonderful water, but it is the development in the area that has caused the water to become less potable.

Another resident stated that he has never tasted any good water that had to be filtered. He has good water now and is 85 years old. Two years ago he paid \$5,000.00 to have a new well put in. He has a nice lawn. He has traumatic stress from World War II and he isn't looking forward to somebody digging his lawn up and working on it for ten years and still not getting it right.

George Reynolds who lives at the corner of Route 32 and Reynolds Road (Route 197) stated he is building a house and he received approval to bore under the road and hook up to the existing Water District 6 and asked if he was going to be in both districts now.

Jesse Fish replied that Mr. Reynolds is considered an outside user of Water District 6 right now and when a new water district is formed he would become part of the new district not the existing one.

Mr. Reynolds said he has paid to have a lateral put in and a line run under the road to his property in the spring and he asked if what he paid would be a reimbursable expense.

Tim Burley said this was a good question, but he didn't have an answer right now.

Mr. Reynolds asked if he should wait. He paid a fee to the Town, but put his own lateral in and will hire someone to bore under the road.

Tim Burley said his initial opinion is that if he paid the municipality then it would be clearly an expense assigned to the district. He would be glad to ask NYS EFC how this would be handled.

Question: If people on Fortsville Road don't tie into the district and there is a fire does it mean they won't get water from the fire hydrants.

Tim Burley replied that every means possible will be used to put out the fire.

Jason Denno from NYS EFC answered the question from Mr. Reynolds regarding reimbursement by saying that if Mr. Reynolds can document the cost and he presents it to the municipality then EFC would probably reimburse the municipality and the municipality could then reimburse him as the property owner.

Councilwoman LeClair stated that perhaps the Town could give a good estimate to a person who doesn't want to hook up what the cost will be down the road if they change their mind. She also asked if the fee would increase as everyone on the district continues to make payments on it.

Supervisor Jenkins stated the fee is going to be \$2,600.00 if a person hooks up after the project is done. This is going to be the water policy. If they hook up during the project there is no cost.

Question: Is the water line going down the east or west side of the road.

Tim Burley replied that was to be determined.

Question: If a road is a mile long and 75% of the property owners along the road don't want the public water then what happens.

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Tim Burley replied that during the last water project the Town Board said to connect the people who want it and about 98% to 99% came onto the water system. He said the worst scenario is to try and put in a project where 51% don't want it. That is why they were here tonight. They want to put the information out there and make an informed decision. We can massage the project a little, but he cannot make a big wholesale change to the project. The point combination would fall out of competition against the other Towns.

Councilman Cumm asked if a good portion of Fortsville Road property owners opt out can the Town pick up other areas to make up for the loss.

Tim Burley replied a little. We can't add another million to the project. The Town has a max dollar project right now. We can make the district smaller or swap areas and probably still stay under the \$500 per year, but they have to make sure the score remains the same. We would want to make the change now, because EFC is going to work hard to underwrite the offer. If we start moving chess pieces in a hardship offer we have to be up front about it.

Jason Denno stated that we need to show the co-funding agencies aggressiveness starting with an approved engineering report (map, plan and report). He calls it a five liner dot com (engineering report, environmental review, bond resolution, legal counsel documentation and all the approvals of easements and OSC approval). The Town wants to be ready in January or February to show NYS DOH and EFC that the Town is ready to go. District boundary changes could have a major effect on the Town's project score.

Mr. Reynolds said he had something to say to the people who may be thinking negatively. He has lived in Clifton Park for almost 35 years and watched his three wells change over that period of time and there was a large amount of development behind his property and the water got worse and worse. The worst thing that can happen is not to have potable water or good fire flows. The \$2,600.00 hook up fee that was mentioned is about half of what he paid to get hooked up to the Town of Clifton Park. He was given the right to hook up to the water supply in Clifton Park due to his hardship. The people here are now being asked to consider this and they may not have a problem right now. He looked at the hydrology on his property in Moreau and he wouldn't want to drill a well. He wouldn't want any surface water infiltrating any type of well that he would put in. A lot of area around Reynolds corner is like that and you would be hard pressed to find a good well with good casing unless you drive the casing straight down completely and the \$2,600.00 is not a bad price. He said the people may want to think about this. Next year could be different for your well.

Question: What is the time line for the Town Board to make a decision?

Tim Burley replied the Town is in the running for the money. The estimates are in. The letters won't be coming out until April or May. We have to do a map, plan and report and then the formal hearing process. In his opinion the Town Board wants to move as fast as they can. He is seeing projects coming in under estimates.

Jason Denno stated that five projects in the North Country have come in under project estimates by \$200,000.00 to \$300,000.00.

In the handout it was mentioned that the Town would consolidate districts with potable water supply and Harry Gutheil asked if this was true.

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Tim Burley replied he was talking about bringing Water District 1 onto the same supplier as the rest of the districts.

Harry Gutheil stated that Hal Leonelli had agreed to pay the cost of hooking up Water District 1 to the Town's water lines as a condition of approval of his apartment project off Sisson Road. He asked if Mr. Leonelli was still going to do this.

Tim Burley replied he assumed so and that it would be the same as with the Michael's Group. They wanted an additional connection and they made a cash payment to the district project and EFC through their accounting. He stated we want to keep it in there in case Mr. Leonelli doesn't foot the bill we still want to get the district 1 connection done at the Town level.

Harry Gutheil asked if it was premature to say the cost of the proposed project was going to be paid by user fees or ad valorem tax.

Tim Burley stated the Town Board still needs to discuss this.

Tim said the ideal scenario for him would have been that this room was full of people so we felt we were polling at least 50% of the users. We would have a better pulse on the silent majority.

Councilman Kusnierz said we as a Board have to make sure that any parcel that is proposed to be included in this district receives notification and an opportunity to comment so that information can be brought back to the Board and engineer so we can formulate an accurate picture of the project.

Harry Gutheil asked if the \$535.00 includes cost overruns.

Tim Burley replied he wasn't sure how it would play out. It will come in \$535.00 or very close. It will be a function of who stays in or minor EDU's. When DOH came back and requested the water tank it effectively came to the Town for free, because even without the water tank it would be very close to \$535.00.

This concluded the meeting on the proposed Water District 7 at 7:55 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk