

A continuation of a public hearing originally held on May 8, 2012 was held by the Town Board of the Town of Moreau on May 22, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of hearing interested persons for against the establishment of Extension 3 of Water District 1.

Supervisor Jenkins opened the public hearing at 6:52 p.m.

The Town Clerk called the roll.

Town Board Members Present

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| Robert J. Vittengl, Jr. | Councilman |
| Gina LeClair | Councilwoman |
| Todd Kusnierz | Councilman |
| Preston Jenkins | Supervisor |

Town Board Members Absent

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| Bob Prendergast | Councilman |
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Also Present: Jeanne Fleury, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director; David Canfield, Post Star Reporter; Dave Meager, Adirondack Insurance; Town Resident and Planning Board Alternate Member Reed Antis; Village Residents: Andre Delvaux, Tom Wade Jr.

The following Notice of Public Hearing was published in the legal ad section of the Glens Falls Post Star Newspaper:

TOWN OF MOREAU
ORDER OF TOWN BOARD SCHEDULING PUBLIC HEARING ON EXTENSION
NO. 3 OF WATER 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 Water District No. 1 in the Town of Moreau.

The Map, Plan and Report was prepared by Burley-Guminiak & Associates, showing the boundaries of the proposed Extension No. 3 of Water District No. 1, the project justification and cost estimates.

The Map, Plan and Report shows the boundaries of the proposed Extension No. 3 of Water District No. 1 and the locations of the property contained in the extension of the water district. Extension No. 3 of Water District No. 1 is comprised of a 33 parcels measuring 1-2 +/-acres identified as Tax Map Nos. 50.-2-106, 50.-2-7.12, 50.-2-96.1, 50.-2-96.2, 50.-2-98, 50.-2-99, 50.-2-21, 50.-2-107, 50.-2-23.2, 50.-2-23.1, 50.-2-24.2, 50.-2-24.4, 50.-2-24.1, 50.-2-20.1,50.-2-20.2, 50.-2-88, 50.-2-25.1, 50.-2-25.2, 50.-2-26, 50.-2-27, 50.-2-28, 50.-2-29, 50.-2-31, 50.-2-30, 50.-2-73.1, 50.-2-73.2, 50.-2-73.3, 65.-1.-16.2, 77.-2-4.12, 77.-2-4.3, 77.-2-4.4, 90.-1-78, 50.-3-28 . A description of the boundaries of the proposed Extension No. 3 of Water District No. 1 is annexed hereto and made a part hereof.

The source of potable water for Extension No. 3 of Water District No. 1 is the Town of Queensbury. The Town of Moreau has an agreement to purchase water from the Town of Queensbury and has constructed a Hudson River crossing to access the source. The Town will incur all costs for the creation/extension proposed water system. These costs would include the preparation of plans, the engineering report and construction of the water system and its appurtenances. According to the Map, Plan and Report, the estimated cost to extend the

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district and install the water transmission mains and necessary water infrastructure is approximately \$181,642.62.

According to the Map, Plan and Report, the estimated total yearly cost for an average residential customer will be approximately \$433.00.

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 continuation of a public hearing for Extension No. 3 of Water District No. 1 on Tuesday, May 22, 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 May 8, 2012.

Dated: May 8, 2012
Preston L. Jenkins, Jr., Town Supervisor

Attorney Buettner stated that this public hearing was a continuation of a public hearing that was originally held on May 8, 2012 and that had to be re-advertised to correct an inaccuracy in the first public hearing notice regarding the source of the water supply. She spoke with Tim Burley the engineer for the Town and they reviewed the map, plan and report. She noted that a letter has been received from SHPO. She also noted that since this district extension was not started by an official petition the establishment of the extension will be subject to a permissive referendum. If the Town Board chooses to establish the district extension tonight then the Town Board can close the public hearing after hearing any and all public comments and then the board can proceed with completing a long form EAF under SEQRA and declare a negative declaration under SEQRA and then resolve to establish the district extension.

Supervisor Jenkins asked if anyone present wished to be heard on this proposed Extension 3 of Water District 1.

There was no response.

Councilman Kusnierz asked how many water users will be in the district extension.

Councilwoman LeClair, Supervisor Jenkins and Attorney Buettner replied. The consensus was that there will be about 23 water users.

Jesse Fish, Water Superintendent, stated that it is important that the Town Board reach out to the property owners in the district extension area and explain to them what will happen down the road if they don't hook up to the water system now and they decide to later. It will prevent a property owner from coming to the Town Board years later and saying that they weren't given the option to hook up. This is occurring now in the current water project and there is a lot of he said, she said going on.

Attorney Buettner said she would get together with Tim Burley and draft a letter that could be given to the property owners explaining everything and the Town Board could approve of the letter first.

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Councilman Kusnierz asked how other municipalities handle this. Do they do a formal outreach? Do they have a record of it that they keep in Town Hall or the Water Department. He said we have had people in other water districts come to the board and say that they were never notified.

Supervisor Jenkins said that is essentially what they are going to hear from people in Water District 5, because that line was put in by the developer. There were some people who said they asked the developer or his contractor about hooking up and were told they couldn't. Some people on the west end of the road had to pay for it themselves. It was a cost of \$1,100.00 back then and now it is \$3,100.00. They will state that they were never offered the opportunity to hook up and they expected someone to contact them. He thought what Councilman Kusnierz was saying was that we should deliver letters by hand to the property owners on Sisson Road and he said he could do that and maybe Councilwoman LeClair would help him and Councilwoman LeClair said she would. The people would at least be aware of it and know what is going on. He said amazingly enough, some of the people who live on Fortsville Road and who were opposed to the water have hooked up to the water system.

Councilman Kusnierz stated that he would like a form drafted that the property owners would sign acknowledging that they don't want to be hooked up and it should be filed in Town Hall and if they don't sign then we assume they want to hook up.

Councilwoman LeClair asked if he was talking about an opt out rather than an opt in and Councilman Kusnierz said yes.

Supervisor Jenkins and Councilman Vittengl agreed with this suggestion.

Supervisor Jenkins asked if anyone else wished to be heard.

There was no response.

Supervisor Jenkins asked for a motion and second to close the public hearing.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to close the public hearing on Extension 3 of Water District 1 at 6:58 p.m.

Roll call vote resulted as follows:

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| Councilman Vittengl | Yes |
| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Councilman Prendergast | Absent |
| Supervisor Jenkins | Yes |

At this point, Attorney Buettner said the board members could proceed with the long form EAF, determination of non-significance under SEQRA and resolution to establish the district extension if they so chose.

Attorney Buettner read the questions in Part II of the long form EAF and the board answered no to all the questions.

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A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair authorizing the Supervisor to sign the EAF and declaring a negative declaration under SEQRA.

Roll call vote resulted as follows:

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| Councilwoman LeClair | Yes |
| Councilman Kusnierz | Yes |
| Councilman Vittengl | Yes |
| Councilman Prendergast | Absent |
| Supervisor Jenkins | Yes |

A motion was made by Councilman Vittengl and seconded by Councilwoman LeClair to adopt the following resolution:

WHEREAS, the Town Board of the Town of Moreau ("Town Board") is considering the creation of Extension No. 3 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. 3 of Water District No. 1; and

WHEREAS, the Extension No. 3 of Water District No. 1 is located along Sisson Road, Moreau Rec. Park Road, Hatchery Road and Fortsville Road, identified as tax map parcels 50.-2-106, 50.-2-7.12, 50.-2-96.1, 50.-2-96.2, 50.-2-98, 50.-2-99, 50.-2-21, 50.-2-107, 50.-2-23.2, 50.-2-23.1, 50.-2-24.2, 50.-2-24.4, 50.-2-24.1, 50.-2-20.1, 50.-2-20.2, 50.-2-88, 50.-2-25.1, 50.-2-25.2, 50.-2-26, 50.-2-27, 50.-2-28, 50.-2-29, 50.-2-31, 50.-2-30, 50.-2-73.1, 50.-2-73.2, 50.-2-73.3, 65.-1-16.2, 77.-2-4.12, 77.-2-4.3, 77.-2-4.4, 90.-1-78, 50.-3-28; and

WHEREAS, the Town Board conducted a public hearing on the creation of Extension No. 3 of Water District No. 1 on Tuesday, May 8, 2012 at 6:50 p.m. at the Moreau Town Hall and continuing on Tuesday, May 22, 2012 at 6:50 p.m. at the Moreau Town Hall; and

WHEREAS, notice of the public hearing was published and posted as required by law; and

WHEREAS, the Town Board finds pursuant to Town Law §209-e that all property and property owners within the proposed district extension are benefitted by the establishment of Extension No. 3 of Water District No. 1; and

WHEREAS, the Town Board finds that all the property and property owners benefitted by the establishment of Extension No. 3 of Water District No. 1 are included within limits and boundaries of Extension No. 3 of Water District No. 1; and

WHEREAS, the Town Board finds that the establishment of Extension No. 3 of Water District No. 1 is in the public interest; and

WHEREAS, the Town Board serving as lead agency under the State Environmental Quality Review Act ("SEQRA") has issued a determination of non-significance under SEQRA; and

WHEREAS, the installation of the necessary infrastructure will be funded in large part through a contingency funds remaining from the current Water District 1 Extension 2 project financed through a thirty year interest free loan through the Environmental Facilities Corporation and other funds the Town has on hand for this purpose;

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NOW, THEREFORE, the Town Board hereby establishes Extension No. 3 of Water District No. 1 in the Town of Moreau as more fully detailed and described in the Map, Plan and Report;

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the construction of the necessary improvements for Extension No. 3 of Water District No. 1 as provided for in the Map, Plan and Report; and

BE IT FURTHER RESOLVED, that this resolution is subject to permissive referendum as provided for in Section 209-e of the Town Law.

Roll call vote resulted as follows:

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| Councilman Kusnierz | Yes |
| Councilman Vittengl | Yes |
| Councilwoman LeClair | Yes |
| Councilman Prendergast | Absent |
| Supervisor Jenkins | Yes |

Respectfully submitted,

Jeanne Fleury
Town Clerk