

A public hearing was held by the Town Board of the Town of Moreau on May 8, 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 establishment of Water District 1 Extension 3.

Supervisor Jenkins opened the Public Hearing at 6:53 p.m.

The Town Clerk called the roll.

Town Board Members Present

Robert J. Vittengl, Jr.	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; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Steve Gram, Recreation Director; Reed Antis, Alternate Planning Board Members and Town Resident; Karla Buettner, Attorney for the Town; David Osher from the Buck Group; Gerald Fitzgerald and Tony Girard, Village Residents; Town Residents: Tim Raffile, Ed & Barbara Petrush, Kevin & Tammy Varmette, Donna Prout, Mary Jenkins, Bobbi Spaulding, Jim Sears, Ethan Hall, Architect; Jim Mitchell, Engineer for the Town; Adele Kurtz

Tim Burley began by saying that a map, plan and report has been prepared for extension 3, a small extension to Water District 1. The big project that is going on right now is Water District 1 Extension 2. He explained how a developer received approval for an apartment complex off Sisson Road contingent upon his paying for the installation of a water line that would connect the Fenimore area to the Bluebird Road water line so that the Fenimore area could be switched over from water from the Village of South Glens Falls to water from Queensbury. This water line has been included in this district extension. Letters were received from 50% of the people who live on Sisson Road petitioning the board for public water. A long form EAF will have to be completed. The Town Board declared lead agency status on SEQRA and letters were sent to NYS DEC and NYS DOH asking for their comments on the lead agency status. NYS DEC and NYS DOH both responded saying that they concur with the Town being lead agency on this project. A letter was also sent to NYS Office of Parks, Recreation and Historic Preservation (SHPO) and they responded saying that this project will have no impact upon cultural resources in or eligible for inclusion in the State and Natural Register of Historic Places. He noted that there will be no increase in borrowing of funds for this project, because of the amount of users that are being brought on to the system, so there will be no net increase to the people within the extension boundaries.

Gerald Fitzgerald read a statement to the Town Board indicating that he is opposed to Extension 3 of Water District 1 for the reason that the NYS Department of Health has been critical over the adequacy of the water supply from the Village of South Glens Falls. NYS has opined that the village water system is inadequate to supply water to any additional districts outside the village. As a resident who has witnessed the decline in village water quality, it is his opinion that if there is any increase in supply of water to the town there will be a further decline in the quality of the village water.

Supervisor Jenkins interrupted Mr. Fitzgerald's reading of his public statement by advising Mr. Fitzgerald that there won't be any increase of supply from the village water system to outside users. In fact, there will be less supply from the village water system to outside users, because the village won't be supplying Fenimore with water any longer once this extension is formed.

Tim Burley added that the town is switching sources of water supply to the Fenimore area from the Village of South Glens Falls to the Town of Queensbury.

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Mr. Fitzgerald asked if he could finish his statement. He then went on to say that the Town Board is stating that Extension No. 3 of Water District No. 1 is allowable by contract with the village. He does not believe the contract with the village allows for the extension such as proposed by the plan nor the addition of a new water district. Two of the three parcels listed in the plan to receive water from the Village of South Glens Falls (50.-1-2.106 on Sisson Road and 90.-1-78 a 67.94 acre rural/vacant parcel of land on Fortsville Road) and over 7 miles of roads and two water districts separating them. He said that by no stretch of the imagination can this be called an extension to Water District 1. The total increase in acreage in the plan for Water District 1 Extension is probably larger than the whole original total acreage of district 1. He has reviewed the plan and report and could not find any place where it reads that the Village of South Glens Falls is going to supply water for any part of the plan. The proposed water source as stated is Queensbury, yet the newspaper public notice stated the potable water source for extension 3 is the South Glens Falls water supply. He promises that if this plan as proposed by this board goes forward he will request that the NYS DOH and NYS DEC investigate and determine if the plan is valid and if the South Glens Falls water supply is adequate to allow for the increased water supply to the Town.

Supervisor Jenkins responded by saying that the extension of Water District 1 is using water from Queensbury and not the Village and very shortly we will be doing a cross over and we will no longer be using any water from the Village of South Glens Falls.

Tim Burley stated that it is the wording in the notice.

Attorney Buettner stated that the public notice does read that the water comes from South Glens Falls when in fact it comes from Queensbury. She stated that it is her understanding that the Public Hearing is going to be kept open and that no action is going to be taken by the board tonight.

Supervisor Jenkins stated that we will have to re-publish that notice. He said we will not be using South Glens Falls water.

Councilman Kusnierz said if the public notice is in fact inaccurate and it sounds like it is then we would need to re-publish the public notice. He asked Attorney Buettner if the board would have to close the current public hearing and re-open a new public hearing with the second notice.

Attorney Buettner said they have plenty of time to re-publish the public hearing notice for the meeting on May 22nd.

Supervisor Jenkins asked if anyone else wished to be heard.

There being no response he asked if they would leave the public hearing open.

Attorney Buettner replied yes and said it should be noted that the public hearing is being kept open and there will be an amended notice put in the newspaper within the statutory time frame indicating that the potable source of water will be from the Town of Queensbury pursuant to the contract with Queensbury.

The public hearing on Water District 1 Extension 3 was held open.

Respectfully submitted,

Jeanne Fleury
Town Clerk