

A regular meeting of the Town Board of the Town of Moreau was held on May 8, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins called the meeting to order at 7:09 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 Member and Town Resident; Karla Buettner, Attorney for the Town; David Osher from the Buck Group; Village Resident: Gerald Fitzgerald, Tony Girard, Harry Gutheil; Town Residents: Tim Raffile, Ed & Barbara Petrush, Kevin & Tammy Varmette, Donna Prout, Mary Jenkins, Bobbi Spaulding, Jim Sears, Adele Kurtz; Ethan Hall, Architect; Jim Mitchell, Engineer for the Town; Ron Zimmerman, Planning Board Member and Town Resident; Garry Robinson, Engineer for the Town; Tim Burley, Engineer for the Town; and Sam Wahnon

Supervisor Jenkins led the Pledge of Allegiance.

Supervisor Jenkins welcomed everyone to the meeting and asked that everyone turn off or silence all electronic communication devices.

MINUTES

The following minutes were prepared and distributed to the Town Board in advance of the meeting for their review, comment, correction and approval:

April 24th (Month-End Meeting and Public Hearing)

Corrections:

Page 190, third paragraph from bottom, change the amount of \$1,166.56 to \$1,166.54 and the difference of .41 to .39.

Page 190 – last paragraph – change voucher #72 to #712

Page 191 – last paragraph – delete the words “wrestling coach in the recreation department who was a part-time employee” to “previous assistant building inspector”

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to approve both sets of minutes dated April 24th as corrected.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Absent

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Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

FUTURE MEETINGS/WORKSHOPS SCHEDULED

The Town Board Month-End Audit Meeting was scheduled for May 29th at 7:00 p.m. in the Town Office Building.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis mentioned again that there is still no signage up at the transfer station letting people know about the recycling bin for electronics.

Councilman Prendergast reported that the company has been contacted again today and signs will be up within a week.

Adele Kurtz asked if the EAF that the Buck Group presented was going to change in light of the fact that the Buck Group submitted a revised narrative just before the meeting started. In her opinion some of the changes made in the narrative are applicable to the EAF.

Councilman Kusnierz said that he was confused, because there was a narrative that was given to the Town Board when the Buck Group came before the Town Board originally and then another narrative was given out at the meeting on April 24th and now today in his box there is a third version and right before the meeting he was handed a 4th version. He asked Mr. Osher what version they were working off of, because he hasn't had time to read the 4th version and he has a lot of questions on it.

Supervisor Jenkins told Councilman Kusnierz that he would get to ask his questions in a couple of minutes when they discuss the Buck Group project.

Councilman Kusnierz said he realized that, but felt the public should know that there are four versions of the narrative out there.

Supervisor Jenkins said that in some of the versions the changes are just simple spelling errors and the addition of some additional information that wasn't in the original narrative.

Adele Kurtz asked Supervisor Jenkins if he was going to open up discussion to the public on the Buck Group proposed project and Supervisor Jenkins said he would allow the public to speak for a certain amount of time, but not for long. There have been other public meetings on this project.

Adele Kurtz asked if there is a revised EAF that goes with the new narrative.

Mr. Osher replied no.

Adele Kurtz stated that there are certain things in the PUD code that are required in order for the Town Board to forward the application on to the planning board.

Supervisor Jenkins replied that if three of the board members believe they have received a complete application then they can forward it on.

Adele Kurtz stated that the amount of land to be developed is listed in the EAF as 123 acres, but it doesn't list how much of the land is going to be forested, unforested and undeveloped. It is left blank. She asked if the board would be voting on an EAF that has blanks in it.

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Supervisor Jenkins replied that the numbers in the EAF will be changed after a survey is done. The board isn't going to vote on any form. If they vote it will be on whether or not they want to send it on to the planning board.

Councilman Kusnierz asked Attorney Buettner to clarify what information is required to be submitted to the Town Board under the code.

Supervisor Jenkins asked Councilman Kusnierz what kind of information was submitted for the Palette PUD. It wasn't even a real PUD. It was a bunch of houses. What kind of deal did you make there?

Councilman Kusnierz said he didn't make any deal. They were required to file an EAF.

Supervisor Jenkins asked what Palette did for us and Councilman Kusnierz said we don't have a mine down there. Supervisor Jenkins replied that we have mines elsewhere. He said it isn't really a PUD and told Councilman Kusnierz to read the code.

Councilman Kusnierz said that on the EAF presented the acreage is 122 vs. 123.

Mr. Osher said the 123 reads +/- and Councilman Kusnierz said usually it is +/- within a range of one acre.

Mr. Osher stated that he didn't do the survey and since he doesn't have a complete survey he has to use the terms approximately or +/- until a survey is complete. It is part of planning not concept.

Supervisor Jenkins asked if there were any other comments from the public. There was no response.

BUCK GROUP – MOREAU VILLAGE CENTER RESOLUTION TO SEND TO PLANNING BOARD

Councilman Vittengl recused himself from this portion of the meeting to avoid a conflict of interest. He left the meeting room.

Councilman Kusnierz asked if any board member has any kind of relationship with anybody in this project either business, financial or otherwise.

Supervisor Jenkins replied that Councilman Vittengl just left the room.

Councilman Kusnierz said he was asking if any town board member has an interest with any partner in this project.

The reply from Councilman Prendergast, Councilwoman LeClair and Supervisor Jenkins was no.

Councilman Kusnierz asked Supervisor Jenkins if doesn't he have a partnership with a town board member.

Supervisor Jenkins replied that he owns a piece of rental property with him, but it has nothing to do with this project.

Councilman Kusnierz replied no connection, okay he appreciates that.

Supervisor Jenkins told Councilman Kusnierz that he could review his ethics disclosure statement and Councilman Kusnierz replied that he doesn't need to FOIL that.

Supervisor Jenkins stated that he rents a parcel and Bob Vittengl and he own a corporation, which owns that land. It has nothing to do with this project.

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Councilman Kusnierz said he wasn't sure, because like the old adage it is kind of hard to hit a moving target with our fourth rendition of the narrative.

Mr. Osher stated that there were grammatical errors corrected.

Councilman Kusnierz told Mr. Osher that there are two new partners listed and Mr. Osher replied that they have been partners since the beginning. Councilman Kusnierz said they weren't listed in any document presented previously. He said that because there are two new partnerships listed he wants to know if there is any town board member that may be involved with those partners.

Mr. Osher said there is no one on this town board that has signed any of his contracts.

Councilman Kusnierz asked Mr. Osher to go over the change from what was provided on April 24th with the most recent version of the narrative.

Mr. Osher replied that the only changes were clarifications that were made to clarify the issues raised by Councilman Kusnierz regarding items that may or may not be in one or the other documents. They tried to collect all the information in one place so they could read it and see it and not actually have to do the calculations. They did the math and included it in the document.

Councilman Kusnierz asked if the one that they received in their box today is no longer valid and Mr. Osher replied that was correct.

Supervisor Jenkins said the only changes were to correct spelling errors and Mr. Osher said that was correct, there were grammatical changes.

Councilman Kusnierz said this wasn't true. He said there has been significant changes if they were going to take the 4th version and compare it to the one that was provided to.....Mr. Osher interjected by saying "to the 3rd version" and Councilman Kusnierz said no, he wouldn't know what the 3rd version looks like, because he just got it today. Mr. Osher said he should have picked up his mail earlier, that wasn't his fault. Councilman Kusnierz said he picked up his mail last night. He asked Mr. Osher if he was going to try and tell him he has to come pick up his mail today when he works a full-time job and have time to review it and then vote representing the public.

Councilman Kusnierz asked the board members if they have had time to review today's version that was handed to them at 6:45 p.m.

Supervisor Jenkins stated that it doesn't take much time to review it as it is only 4 pages.

Mr. Osher said it is the same as the 3rd version and Councilman Kusnierz asked him to not compare it to the 3rd version, because the 3rd version was just provided to them today. Mr. Osher said he provided it over a week ago. Councilman Kusnierz asked to whom. Mr. Osher said to the town and then said to the Town Clerk's Office. Councilman Kusnierz asked Supervisor Jenkins if this was true. Supervisor Jenkins said he did drop one off, but he wasn't sure when Terry sent them out. The Town Clerk stated for clarification purposes that it was not dropped off to her office. Mr. Osher said okay then he must have dropped it off downstairs. Councilman Kusnierz said it gives the perception that you are trying to hide something from the town board. Mr. Osher said he wasn't trying to hide anything. He has been upfront with everything he is doing.

Supervisor Jenkins asked Councilman Kusnierz what he hid when he did Palette. He said he would love to hear the answer to that one.

Councilman Kusnierz asked what Palette has to do with the issue tonight and Supervisor Jenkins said it is PUD that is "bull crap".

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Councilman Kusnierz asked what it has to do with tonight and Supervisor Jenkins said it is the same thing and he is making excuses. Councilman Kusnierz said he isn't making excuses he is looking for answers. The public has the right to know the answers to his questions. Supervisor Jenkins said that he should let the public speak then and Councilman Kusnierz told Supervisor Jenkins that he said that it was the board's chance to speak. Supervisor Jenkins said for him to go ahead and enjoy himself and have fun and Councilman Kusnierz said it isn't fun. He said it is very difficult, because he hasn't had the time to digest the information that was just provided to the board.

Councilman Kusnierz asked Mr. Osher if he wanted to go through in detail the differences between what was presented to the board on April 24th and tonight.

Mr. Osher said he could, but he hasn't presented anything different. He clarified issues that were raised by Councilman Kusnierz in the narrative and the drawing from April 24th and in regards to the town's requirements in a checklist for a PUD. He said they tried to make it a clearer understanding of what they were trying to propose and how it met the purpose of a PUD and how it was written.

Councilman Kusnierz asked Mr. Osher if he asked any member of the town board to review the narrative before it was provided to the town board and Mr. Osher replied yes. Councilman Kusnierz asked Mr. Osher which board members and Mr. Osher replied Preston and Joe from the building department to make sure it conformed with the checklist for the PUD so he wouldn't waste too much time tonight. He asked if there was someone else he should have asked. Councilman Kusnierz replied no. The thing that struck him was that there were some items that were in one version and out of another so he doesn't know if they are supposed to be in or out. Mr. Osher said this is it.

Councilman Kusnierz said in one version a dog park was mentioned and he asked if that was still in and Mr. Osher replied yes.

Councilwoman LeClair said it is still in this draft and it is on page 1, 2nd paragraph.

Councilman Kusnierz stated that it was taken out of the 2nd version and that is a significant change.

Councilman Kusnierz said that in comparing the April 24th version to the one before that it read that there were going to be 96 of the 300 apartments dedicated to senior housing. Mr. Osher replied senior oriented. Councilman Kusnierz asked him to elaborate. Mr. Osher said they would be marketed to seniors over 55. They won't be assisted living or a licensed facility. They will be advertised and marketed to a senior demographic. Councilman Kusnierz said that anybody could rent the apartments, but they would be marketed to seniors and Mr. Osher replied that their preference would be to market them to seniors. It is a separate project from the 200 apartments financially. Councilman Kusnierz asked if they were back in with the senior oriented apartments in this version and Mr. Osher replied yes. Councilman Kusnierz said that is a significant change. Mr. Osher said it doesn't impact his financing at all.

Councilman Kusnierz asked Mr. Osher if he would be willing, through lease agreements, as part of his PUD agreement, to dedicate 96 of the apartments to 55 or older. Mr. Osher replied that he would agree to market to them first. Councilman Kusnierz asked Mr. Osher if he would agree as part of his approval process to include language that these apartments would be set aside for seniors. One of the things in our community that we are in need of and it has been expressed to them as town board members is the need for senior places to live, people who no longer want to own a full blown large house in the town, but want to stay active in the community. He said that one thing the board has done through zoning is allow higher density by earmarking a certain portion of the project to be dedicated to 55 or older as part of their purchase agreement.

Mr. Osher questioned the statement about "purchase agreement" and said it is not a for sale product.

Councilman Kusnierz told Mr. Osher that he thinks that he misunderstood. He is pointing out as an example that we have, in an effort to provide housing or lodging to seniors, allowed a higher

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density and changed our code to meet that what we perceived as a need in our community if the developer would dedicate a portion of his project to seniors. He said that he realizes that they aren't going to purchase an apartment, because an apartment is a rental vehicle. He asked Mr. Osher if he would be willing as part of his PUD approval process to earmark and only allow people 55 and older to rent a certain portion of his apartments. Mr. Osher replied that he has identified 96 units in his PUD for senior oriented apartments. Councilman Kusnierz asked Mr. Osher if didn't he say that even though he was going to market them to seniors anybody could rent them and Mr. Osher replied absolutely. Mr. Osher replied that he would have a difficult time financing the project if he cut everyone else off and couldn't lease an apartment for a period of time and he didn't get his occupancy rates that his banks require and he defaulted on his loan. He needs to be able to rent it to whoever he needs to rent it to.

Councilman Kusnierz said that at the last meeting Mr. Osher mentioned that he would be applying for a PILOT. Mr. Osher responded at this meeting saying that he won't need one on the residential portion only on the commercial if it is needed. Councilman Kusnierz told Mr. Osher that historically Saratoga County has never approved a PILOT for a project like this on residential. Mr. Osher said that if there was a compelling reason for them to fight that fight then they would, but they don't think they needed a PILOT on the residential based on the market and taxes. Councilman Kusnierz asked Mr. Osher if he would need a PILOT on the commercial. Mr. Osher replied that they don't know. It is on a project by project basis. They don't control that in every instance. It is a subdivision per town code so if he sells off a parcel to another developer who wants to develop that parcel consistent with the PUD and he wants to go get a PILOT then he can't control that and he doesn't think the town board can control that either. He is not doing a commercial project that he knows of that will need a PILOT right now.

Councilman Kusnierz stated that there was a lot of feedback after the comment at the last meeting about a PILOT and Mr. Osher replied that they won't need one so that ends that. He doesn't want to fight that fight. Councilman Kusnierz said that is good, because it is probably the most sensitive issue to our residents. Mr. Osher replied that he would argue that point, because he is putting a \$3.5 million sewer line. Councilman Kusnierz said that our residents would like to know what their real property taxes are going to be for the next 25 years and that they aren't going to increase and that is not the case.

Councilman Prendergast stated that he has been comparing the new narrative with the previous version as the conversations have been taking place and the only changes he sees are on page one, the last paragraph, where acreage is discussed.

Mr. Osher said he doesn't even know what he is buying. He hasn't closed on the property and won't until he gets his approvals.

Councilman Prendergast noted that earlier there was a comment about the EAF and concern over the fact that a new narrative was submitted and its effect on the EAF. He said that Attorney Buettner started to comment on this concern, but then comments started from the board so she stopped. He said he would like to know what Attorney Buettner was going to say.

Attorney Buettner said that she was just going to say that under the code a full EAF must be submitted. It doesn't talk about the degree to which the EAF is filled out. She explained to the board members that under the code if they feel that the applicant has provided documents to their satisfaction then they don't have any discretion, the referral is required to the planning board. The code reads "shall refer". She said at this point the town board is referring it to the planning board and then it comes back to the town board for final approval to create the PUD.

Councilman Kusnierz asked Attorney Buettner if the EAF has to be complete or can there be blank spaces.

Attorney Buettner replied that the code reads "a long form EAF". It has to be filled out, but if things change during the planning process then it can be amended.

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Councilman Kusnierz stated that there are omissions. He said the applicant is required to list the name of the owner, address, business telephone number, location and these are all blank on the EAF.

Mr. Osher asked if there is room for seven owners and Councilman Kusnierz said he could imagine that an addendum could be attached and it would suffice.

Councilman Kusnierz said it was pointed out earlier about the acreage and Mr. Osher said he couldn't tell him who owns how many acres.

Councilman Kusnierz said there is a question that reads has the site ever been used for the disposal of solid or hazardous waste and somebody checked no. He said that they must know about the history of that site. Mr. Osher said it wasn't used for the disposal of hazardous waste. Councilman Kusnierz said they were getting rid of oil. Mr. Osher asked who was. Councilman Kusnierz said GE or whoever owned the property, he doesn't know. Supervisor Jenkins said DEC did a clean up there. Mr. Osher said they did a cleanup. It was a drag strip and oil was used to be spread on the track. It is not a disposal site. It is a clean up site. He has letters as part of his submission to DEC and the planning board a sign off from DEC as part of the planning process. He said it is not a disposal site, it is a cleanup site and he did talk to counsel about this, there is a difference.

Councilman Kusnierz stated that on the EAF the question about green space was answered non-applicable. Mr. Osher replied that is because it is a PDD. It is 123 acres being developed. That is there understanding of that question. He said there is another question in the EAF about open space and that number he recalled was about 67 acres of the 123 +/- acres that will remain open.

Councilman Kusnierz stated that the question in the EAF about water usage was blank and he thought this information was important and Mr. Osher said he doesn't know the answer. Councilman Kusnierz said that Mr. Osher must have an estimate what the sewage flow will be upon complete build out and he must know what the high end or low end for water usage is going to be. Mr. Osher said he doesn't know the answer. Mr. Osher said the EAF was complete to the best of his ability.

Councilman Kusnierz said he heard him reference this as a subdivision and Mr. Osher said it will be. Councilman Kusnierz asked Mr. Osher why he didn't check the box next to the question in the EAF that reads "does this proposed action involve planning or zoning decision and if yes indicate decision desired" and they checked "site Plan". Mr. Osher said they are asking for a PDD right now and when they ask for a subdivision they will have to complete that question. Councilman Kusnierz asked Attorney Buettner if they will have to submit another EAF. Attorney Buettner said an amended EAF. Mr. Osher stated that each individual project has an EAF that has to be filled out and they have to match the approved EAF for the approved PUD when they get to that point. When he gets ready to do his first commercial project or first residential project he has to fill out another document that further describes the site, the use, the number of toilets, the flow, all that stuff.

Councilman Kusnierz said one of his greatest concerns has been that there are no guarantees that the commercial will come. He asked Mr. Osher if he and his partners would be willing to put up a bond to ensure that commercial development will come that would be refundable as he builds into the commercial. Mr. Osher replied no and then said what would he be bonding? Councilman Kusnierz said he would set aside monies that he will get back. Mr. Osher said no. Councilman Kusnierz asked Mr. Osher if he wasn't willing to give the town the assurance that commercial will come. Mr. Osher said he was spending \$3.5 million on a sewer line and that should be plenty of assurance for most people. Councilman Kusnierz said that Mr. Osher was going to own part of it and he was asking for a public/private entity to operate it. Mr. Osher said until it is completed then the town is going to inspect it before he hands the town the keys. Councilman Kusnierz said he was going to get a return on his investment. Mr. Osher said he wasn't going to make a dime on it. He said there was no return on his investment. It was dollar for dollar. Councilman Kusnierz said he wasn't going to do it for free. Mr. Osher said yes he is. He said he isn't going to make a dime on it. He can't make one dime on it. Mr. Osher said he has to get his money back, that isn't making money. He said that is putting \$3 million out and

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getting \$3 million back. He won't make interest on it or any money on it. The apartments aren't the reason he is in this. He said it is short sighted to think anybody would buy \$5 million worth of land to build 200 apartments. It doesn't work and you can't make it work in any world.

A resident asked him why he was asking the town to allow him to build 200 apartments. Mr. Osher said he was spending the money. The resident said big deal he was asking the town to do this.

Supervisor Jenkins asked the resident to wait until the board was done with their comments.

Councilman Prendergast asked Attorney Buettner if she reviewed the previous narratives and Attorney Buettner replied yes. Councilman Prendergast asked if she should review the one presented tonight. Attorney Buettner said she reviewed it while they were all talking. The differences she noticed were clarifications that she may have brought to the attention of the supervisor and building inspector so that they could bring it to the attention of the Buck Group through the code. She thought they were clarifications as they went through Section 149-27. She said ultimately it is up to the town board.

Councilman Prendergast asked Attorney Buettner if the changes required changes to the EAF. Attorney Buettner replied that she couldn't answer that and then said that the EAF can be a fluid document and it is going to change through planning. At the end of the day it is the board's decision whether there is significance or non-significance. The EAF can always be amended. If the town board wants the applicant to do this prior to referring it to the planning board then the board has the right to do that.

Tim Burley stated that the role of the EAF is a starting point to analyze impacts to the community. He said the board doesn't even know if they are going to be lead agency or not. Due to the size of the project, which is very large, they would suspect that the town would be lead agency. However, due to the close proximity to the Northway the county of Saratoga may want to be lead agency. He said Todd's questions are good and the applicant probably could have taken a swing at the questions in the EAF that were left blank. However, the planning Board is going to take a rigorous review of the project and there are some serious hurdles that the developer is going to have to overcome. There will be the traffic issue and socio-economic impacts that will affect the fire department in regards to the height of the structures. The planning board will act in an advisory capacity and they will send the project back to the town board for determination. There will probably be an EIS required and that is a very expensive document. A trust and agency account with the town will probably be required for engineering review. Additional counsel to review the EIS may be required. A consultant to review the traffic study may be required. He said this is really at the sketch plan stage. This is the tip of the ice berg in the process.

Councilman Prendergast said this is the first tonight that he has heard that if the applicant submits the required paperwork the town board has to send it to the planning board, because the code reads that way. He said that everybody has wanted growth and he said many, many years ago to be careful what you wish for, because someday it may come along and this may be the someday. He said that he was glad to hear tonight that the developer is not going after a PILOT, because that is one thing he heard about from people on the outside. Mr. Osher interjected that they weren't looking to avoid paying taxes in any shape or form. Councilman Prendergast replied that he realized that, but the people feel that they were getting more than they were. He also knows that they are bringing a lot more to the table. He stated that the height of the buildings is a concern and it is not what he prefers. The developer mentioned about this being a green project and Councilman Prendergast said that sounds good and he likes hearing that as does a lot of other people, but when he hears the word green, he isn't thinking about Route 9. He said that if the 67% green space is reduced a percentage by removing one story off the proposed buildings and putting up another building then he would prefer that and he thinks a lot of other people in town would too. He said he would like these comments sent off to the planning board.

Supervisor Jenkins opened up the discussion to the public.

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Tim Raffile of 3 Briarhurst Drive said he was concerned over the height of the buildings. He asked if we really want 200 or 300 apartments. Do we want to be known as the apartment bedroom or do we want to be known as a bedroom community. It seems like we have a lot of high density living in this area already.

Supervisor Jenkins replied that the proposed apartments are going on 33 acres, which is bigger than any apartment complex in town in regards to green space. The density is very close to what it says in the PUD code if you do the math and it also has 75 acres of commercial property, which is certainly going to give us good things in the future. He said if anybody believes that if we put sewers along Route 9, commercial development won't come, then they are living in the dark ages.

Mr. Raffile said he was all for that, but what we wish for and what we get, we have to be careful about.

Supervisor Jenkins replied that he didn't think they were going into this blindly. As a PUD this board gets to make decisions and final decisions.

Mr. Raffile said he hoped that he was looking out for the rest of the citizens and not looking for a quick fix and a quick build just because this guy says he is willing to bring sewer lines down Route 9. Somebody else is going to be willing to do this too. This is the place to be and everybody wants to build here. We should pick and choose and not pick the first guy through the door.

Councilman Kusnierz added that it is the carrot that is before the horse out there. We are going to get sewer, but it is only going to be for part of the Route 9 corridor. There are other ways for the town to secure sewer out there. This isn't the only option we have as a board. There are other ways. We did it with municipal water. We did it with a thoughtful process. We did it through applications that allowed us to get zero interest loans and there may be those opportunities just around the corner. That commercial corridor is going to grow as soon as we get sewer down there and we don't have to rely on this project and that is the way he is viewing this situation. It is not a do or die situation for him, if the Buck Group walks away from this project.

Supervisor Jenkins said he wasn't saying it was a do or die situation and Councilman Kusnierz replied no, but there is an inference there that it is.

Supervisor Jenkins stated that the town has a \$14 million application in right now for sewer.

Councilman Kusnierz said we have seen prices from our engineer, that were half of that amount and he asked Tim Burley if this was correct.

Tim Burley said there have been different scenarios. He stated that right now through the clean water revolving fund there is a different project than just the Route 9 corridor. He said we actually went through the whole town and viewed the sewer sheds and tried to figure out where the town was going in the future recognizing the pace of growth in the town. There has to be a starting point, a backbone. The application with the DWSRF is a very large project and more than just the backbone. Historically the challenge for water and sewer is that when you go to the funding agencies you need to meet the 51% threshold and that is always going to be a challenge for the town. Water District 2 and the smaller lots have different needs than other areas of the town where there are larger lots and he mentioned the Arrowhead project.

Supervisor Jenkins stated that what Tim Burley was really saying was that with the individual projects there was no way to qualify, because there aren't enough users to meet the State Comptroller's stats for cost.

Tim Burley stated that one of the reasons why the project that is in to the DWSRF is because the EDU base was needed to rank the value and to engineer it per each foot of price to get as many users as possible to make it affordable.

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Councilman Kusnierz said that is why our water districts have been sequential. We didn't get water to the entire town all at once. It was a gradual process and we worked with the residents to make it affordable in those districts. The same methodology applies to sewer.

Supervisor Jenkins said if we could join the NYC watershed we'd be able to get all the money.

Ed Petrush stated that at least two years ago he sat in on a meeting at the fire house when sewer was discussed and the engineers were there and it was determined that it was cost prohibitive, because of the number of users. He then recalled thirty years ago when he sat at a town board meeting when Gardner Congdon was supervisor and at that point in time the federal government and the state was going to pay 85% of the cost of water and sewer and Gardner's comment was that we don't have to pay anything GE is going to pay it all. The town hasn't gotten enough from GE to pay the lawyers. He said that the board keeps putting it off. He added that he is one of the property owners that stand to profit from the sale of this property to the Buck Group. He said he had two other buyers on his property who would not get involved in his property, because of the cost of sewers.

Councilman Kusnierz stated that this individual wouldn't be here tonight if we didn't get the municipal water down Route 9 and he asked Mr. Osher if it was fair to say that. Mr. Osher replied that he doesn't know that. He said he wouldn't say it was insurmountable.

Councilman Kusnierz said he was at the meeting at the fire house and it was cost prohibitive, because it was just for that neighborhood.

Sam Wahnnon stated he was one of the landowners and for the 34 years that he has owned 100 acres of land on Route 9 he has come to the town numerous times to find out what he could do with the land and it was always the same answer, have to have sewer and water. We have the water and we have an individual who is willing to bring a commercial complex to this town that is needed and he is willing to put in a sewer line. He asked Councilman Kusnierz what is wrong with that. It should be embraced.

Councilman Kusnierz said he isn't doing it for free and Mr. Wahnnon said of course not, nobody does anything for free. Addressing Councilman Kusnierz he said that he doesn't come here for free. Councilman Kusnierz said he would come here for free. The amount of time he puts in up here is almost for free, but aside from that they are getting something. They are asking to go beyond what our zoning provides for and put a density in there that is unheard of in Saratoga County.

Sam Wahnnon said they could work it out, but to chase him away is the wrong thing to do.

Councilman Kusnierz said they weren't chasing him away and Sam Wahnnon said there are I's to be dotted and T's to be crossed, but to chase him away is the wrong thing to do and he told Councilman Kusnierz that if he does that then he doesn't have the town's interests at heart.

Councilman Kusnierz asked who said he was chasing him away and Sam Wahnnon said he was and Councilman Kusnierz said that was his opinion and Sam Wahnnon said it was and he thought it the opinion of a lot of people. Councilman Kusnierz said everybody has an opinion. Sam Wahnnon said that if he does what the planning board and town board wants and what he is supposed to do then it should be approved. He told Councilman Kusnierz to forget about what he wants and think about what the town wants. Councilman Kusnierz stated that everything he does up here is on behalf of what he thinks the residents want and it is not what he wants and he asked Mr. Wahnnon to please not mischaracterize his role up here. Sam Wahnnon told Councilman Kusnierz that the residents don't want him yelling at this man. He said he is a resident who has owned 100 acres of land for over 30 years almost longer than Councilman Kusnierz has been born. Councilman Kusnierz said he can't help when he was born. Maybe he has a role in that? Sam Wahnnon told Councilman Kusnierz that was not the point and he missed it totally, which is usually the case.

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Mr. Osher stated that the only thing getting approved tonight is the concept. That is what is getting missed. That is all he is asking for. He has to go to the planning board and the amount of work that he has to do they can't fathom. He said he is going to spend probably $\frac{3}{4}$ of a million dollars just to get it so he can come back to the town board and ask the board to please let him do it and then he said the board will give him another hard time, because he didn't answer all the questions. He said he was okay with that, because that is his job. Councilman Kusnierz told Mr. Osher that if he wasn't prepared to have a hard time then he probably shouldn't be here. He said they have serious questions. Mr. Osher said he would answer every one of them as he has since he has been here. Councilman Kusnierz said thank you, but people are finding fault, because he is asking questions. Mr. Osher said he had no problem with his questions.

Councilman Kusnierz asked Mr. Osher what the name of the project is, because it has changed again. Mr. Osher replied the Moreau Village Center and if they looked for the folder on his computer they would look for Moreau Village Center, that is the name on the folder. Councilman Kusnierz told Mr. Osher that he has Moreau-Morgan Planned Unit on the latest narrative. Mr. Osher asked him what he wants it to be called. Councilman Kusnierz said it isn't what he wants. He just wants to know what he is asking for.

Supervisor Jenkins said Moreau Village Center is what they have been talking about the last he knew.

Gerald Fitzgerald told Councilman Kusnierz that he couldn't fault him for wanting to dot the I's and cross the T's and that is all he is trying to do.

Councilman Kusnierz told Mr. Osher that if he wanted things to go a little smoother he couldn't hand the board a document that he wanted them to vote on ten minutes before a meeting. Mr. Osher told him to go by the other one then. Councilman Kusnierz asked if he meant the one that was in his mailbox today. He hasn't had time to review that one either. He was more than prepared to vote on the one from April 24th and he had limited questions on that one. He asked Councilwoman LeClair if she had seen the copy that was just handed to them before the meeting and she hadn't seen it either so he isn't the only board member who hasn't seen what Mr. Osher was asking the board to refer to the planning board tonight. He said it was disingenuous. Mr. Osher said he didn't think so. He asked Mr. Osher if he didn't think it was disingenuous to ask the board to act on a document that they were just handed before the meeting. He did.

Ron Zimmerman stated he was a town resident and a planning board member. He said he was one of the seven members of the planning board who was going to be charged with reviewing this application. He said Mr. Osher was right in that he has a lot of big hurdles and Todd is also correct in his characterization, that the planning board will want it to be as accurate as possible and the I's dotted and T's crossed. This is a huge project, the likes of which this town has never seen before, as well as, Saratoga County. He said that from a planning board member perspective it would be helpful if when the town board takes action tonight to send this to the planning board that the board be as specific as possible on what it wants the response back from the planning board to look like. He said he is sure the town board is going to want a favorable recommendation back from the planning board and it is difficult for the planning board to know what that ought to be, because it is loose in terms of the interaction that goes back and forth between the town board and the planning board. It is left to their interpretation of the minutes that travel with either legal counsel or the building inspector. He asked the town board to be specific as to what they want to see back from the planning board in terms of that favorable recommendation. What would they like to see in terms of phasing, height of structures, green space and any special accommodations that the planning board should or should not consider.

Mr. Osher stated that the way he would like to approach this project after it gets past the town board and onto the planning process is more of a public input process than what is typically required in the planning process. He wants input from the town, because of the size and scale of the project.

Ron Zimmerman said the planning board is going to want some consultation from a traffic expert and help with various aspects. It would be helpful if the town board can describe some of this. He said that

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once it comes back to the town board and they grant and approve the PUD, from there it is going right back to the planning board with a subdivision request and at that point the planning board has very little say over what it is going to look like.

Supervisor Jenkins stated that in this first step, that is not what we should do. The plan we are looking at is what the developer wants to do and what we are going to ask is for the planning board to review it, look at our PUD regulations and make recommendations as to what they think is right, wrong or what they want changed.

Ron Zimmerman asked if that was what was done on the PUD on Bluebird Road.

Supervisor Jenkins stated that when it came back to the board is when changes were made.

Ron Zimmerman stated that at that point it was pretty much set.

Supervisor Jenkins said it changed quite a bit and Ron Zimmerman disagreed by saying it didn't change a lot.

Councilman Kusnierz asked Ron Zimmerman if when this board acts to refer a project like this with parameters of 60' to 80' stories to the planning board is it the planning board's interpretation that the town board agrees with it.

Ron Zimmerman stated that from the planning board's perspective, he was speaking as only one board member, when a project like this is referred to them one of the things the planning board would say is that they want to hear from the emergency response area as to how they feel about it, but at the end of the day the planning board doesn't necessarily feel like they have a lot of input on it. He said it would be helpful if the town board gave the planning board some commentary on what they would like to see in the planning board's response back to the town board.

Ron Zimmerman stated that this is the type of project that we have always said would put the Town of Moreau on the map and this could be it if it is planned well. However, when you drive down Route 9 you are going to see a 60 foot structure. Everyone has the best of intentions on how they would like to move this forward. It would be nice if they had a good collaborative thought process.

Mr. Osher suggested that the town create a design review committee to take it from the town board to the planning board. He recommended that a board member sit on the committee to give input from the board. There should also be someone from the following agencies on the committee: planning, zoning, building, DPW. This way when it comes back to the town board, all the questions are answered.

Councilwoman LeClair stated that she would like to have businesses and no apartments, but nothing is perfect. She would love to hear that Bass Pro or Cabelas is coming to the town. As for the height of the proposed buildings, she has driven by buildings in Clifton Park and there were some that she saw that she didn't have a problem with. She likes green space. When she drives into a town she likes to see green space and not just buildings and blacktop. It feels like a community when there are trees and grass that are well spaced and the buildings are set back off the highway. We don't have a sense sometimes of who we are as a town. Everybody thinks of us as Fort Edward or South Glens Falls. It would be wonderful to have development on the Route 9 corridor that says this is the Town of Moreau. When you come off exit 17 people don't have a clue of who we are. There isn't a town center and she would love to think that this development is the beginning of a feeling of a community town center. Green space is a part of what makes it feel like that. It doesn't feel like that when you pull off exit 19 and there is the mall and there is the new restaurant. She doesn't want that look for the Town of Moreau. She said if they have to go up one more story to have additional trees or more of a sense of a community she would like that.

Councilman Kusnierz replied that it is more than an additional story; our code only allows 38 feet.

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Mr. Osher stated that the buildings will be set back 350 feet from Route 9 with single story buildings in front of them. He said only the tops of the buildings will be visible. There will be no direct line of sight to the apartments.

Supervisor Jenkins stated that the Village of South Glens Falls changed their height to 60 feet. He said if they looked at the 2010 census the Town of Moreau has the lowest % of unoccupied units in the county and the village has the second lowest number. Apartments being built are being filled. Our town survives on sale tax revenues. He isn't sure how he feels about 60 feet. He wants to look at a 60 foot building. He referenced the buildings in Malta that are right on Route 9 and he thinks they are too close to the road. The Town of Malta is trying to form their own village concept. He said it is part of the future. He knows that Mr. Osher has a lot of commercial contacts. He doesn't have any signed contracts yet, but he is close to getting some.

Mr. Osher stated that he had a great day today. He isn't able to comment on it, but it was a good day. The residential portion of his project is easy for him, because he controls it. The commercial comes from knocking on doors. He has three partners who wouldn't spend \$9 million on this project if they didn't have faith in his ability to do his job.

Supervisor Jenkins stated that the village concept is very interesting. There is one being built down in East Greenbush. It has a major supermarket, a Lowes, service type businesses and residential built in. There is 67 acres involved in this project. He stated that if they took the entire frontage on Route 9 available right now there wouldn't be 67 acres to provide commercial space. This will hopefully make people proud to live here and we won't have to change our basic living styles. He said we can make decisions under the PUD law that can control things.

Adele Kurtz asked who the seven owners are.

Mr. Osher replied by giving her the names of the owners. The only names that were audible on the audio were Ed Petrush, Sam Wahnnon, Gerald Abrams, Bob Vittengl, Howard Krantz. He then listed his partners. There are multiple individuals who own 4 parcels.

Adele Kurtz said she looked up the tax map numbers on the county tax records and she said it lists Jason Vittengl and John Schultz. She asked if they are involved in the transaction.

Mr. Osher said he didn't know. He stated that his contract is with Bob Vittengl, Sam, Howard, Janet, Ed and Gerald.

Supervisor Jenkins said the parcel she was referring to was in the middle in the front and next to where Jeep Autoword was and it is not part of this transaction.

Adele Kurtz stated they should review their property numbers then, because 63.3-1-10 is owned by Jason Vittengl and John Schultz.

Supervisor Jenkins said again that it is not part of this deal and Mr. Osher concurred.

Mr. Osher stated that there are three or four parcels of land. Then he said there are two parcels on the tax map the car wash and the Suzuki dealership and that is them. Whoever owns them, his contract is with Bob Vittengl to buy that piece of property. If it is wrong then his attorney and Bob's attorney will figure it out. That is what he knows.

Adele Kurtz stated that they listed the property numbers and if the owners are different than what is listed here Mr. Osher interjected that they aren't. Adele Kurtz asked if he was saying the county records are wrong.

Supervisor Jenkins stated those parcels are not part of the deal.

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Adele Kurtz stated that they are listing them as part of the deal and she read off tax map number 63.3-1-10 that is listed as the parcel that is part of the deal and said that Jason Vittengl and John Schultz are listed as the legal owners on the county records.

Adele Kurtz was told that it would have to be corrected.

Adele Kurtz said she thought that would be appropriate so it would clear which pieces of property they were purchasing.

Supervisor Jenkins started to recognize Bobbi Spaulding who wanted to speak and Adele Kurtz said she had the floor and Supervisor Jenkins said he was going to end it in about three minutes so they could move on with the regular meeting.

Adele Kurtz stated that it gives the appearance of impropriety if it is not correct and Mr. Osher asked why. Adele Kurtz replied because it is hard for the public to know which parcels are being purchased. Mr. Osher said it was defined on the drawings.

Supervisor Jenkins tried to turn the floor over to Bobbi Spaulding to speak and Adele Kurtz told Supervisor Jenkins that he hasn't cut anybody off and she wasn't done and Supervisor Jenkins said she had enough time and Adele Kurtz stated that there aren't time limits. Supervisor Jenkins said it wasn't a public hearing. Adele Kurtz stated that when she stopped her public comment during the 15 minute public comment period she was told that she would have time to ask questions now. Supervisor Jenkins said they have been talking about this for 45 minutes. Adele Kurtz said she had one more question and it was for Tim Burley. Supervisor Jenkins tried to turn the floor over to Bobbi Spaulding when Adele Kurtz kept talking. Supervisor Jenkins asked her to stop or he would ask her to leave the meeting. Councilman Kusnierz said he wanted to hear what she had to say. Supervisor Jenkins told Councilman Kusnierz that he was controlling the meeting and to be quiet. Adele Kurtz was talking and Supervisor Jenkins said she would have to stop or leave the meeting. Councilman Kusnierz said he wanted to hear from the public. He said the board doesn't have a policy on limiting time and that has to be done in order to limit the time people can speak. Adele Kurtz said she had one more question. Supervisor Jenkins said she has been speaking for the last ten minutes. Councilman Kusnierz said she had one question and he had to let her finish. Supervisor Jenkins asked Adele Kurtz what her question was. Adele Kurtz said that at the last meeting it was indicated that a sewer study was done on Route 9 and that 2,000 EDU's were approximate. Is that for the entire Route 9 corridor or just for the section where the sewer line is going between Bluebird Road and Route 197? Supervisor Jenkins replied that was for Route 9 from Exit 17 all the way to the Schermerhorn Project. Adele Kurtz said it was indicated that the cost to tie into the sewer line would be \$2,200.00 for the 2,000 EDU's and that would be for the entire Route 9 corridor. Supervisor Jenkins said it is \$1,750.00 per EDU for infrastructure and \$805.00 per EDU for capacity. He said if you take the \$3.5 million and you divide it by the 2,000 EDU's it comes out to \$1,750.00. Adele Kurtz said that is her question. They aren't going down the entire length of the Route 9 corridor, you are going from Bluebird Road to Route 197. She looked at the tax maps and it shows roughly 85 parcels. She doesn't know if EDU's are the same as parcels. Supervisor Jenkins said a motel unit with 100 rooms may equate to 36 EDU's. EDU's are based on the amount of usage. Tim Burley explained that an EDU uses on average about 200 gallons per day. Adele Kurtz asked if they knew what the cost per EDU would be from Route 197 to Bluebird Road. Mr. Osher stated that the \$2.8 million would take sewer from Bluebird Road to Route 197 and the other \$800,000.00 would take the sewer line from Route 197 to Exit 17. He said the discussions that they are having is how to create the sewer district and what happens at that point with the sewer district and how much of it gets done based on whether they apply collectively or not for state funding to put the sewer line in and he would argue that it would lower the cost by half for any individual who hooked in to the sewer line, because if we get half of the cost then we only need to get half of the money back. The discussion on the sewer line at this point in time as it relates to his project is premature. It is one that they have to have, because he needs to bring the sewer line at least to his project, because he can't do it without sewer. He is okay with the \$2.8 million, but what he doesn't know is if he can get state funding or not to be able to afford to do the balance of the line. He feels that if they go after it collectively, him the developer and maybe Schermerhorn that is the process he would take to get to that end. There is

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a long drawn out process to go get state funding to make a project like this happen. What he is hoping is that they fill out an application and submit it to the state and the state likes what the plan is and they say okay. If that happens then he will go borrow the money. As long as the state tells him they are going to pay then he doesn't care when they pay as long as they pay.

Tim Burley stated that the reason they used the 2,000 EDU's is because when they translated the flow it came out to 400,000 gallons per day. Based on those numbers the town board went to the City of Glens Falls and negotiated 1,000,000 million gallons so they wanted to be conservative on the estimate for potential infill on the commercial. The town was conservative, but they asked for double from the city, because it was available. He said in the agreement there is a little "claw back". He said this project could easily take a year or better. He said there are visual impacts and renderings and socio-economic impacts. At minimum it is an 18 month process.

Bobbi Spaulding stated that she moved to this community 40 years ago and Route 9 looks no different than it did 40 years ago. In other parts of the country this concept is what is being built. She said we have a school district that is starving for tax dollars and this complex would bring tax dollars to the town. She applauds the Buck Group and appreciates them coming to town.

Ron Zimmerman stated that it was discussed about changing the code over time and he said this may be an opportune time to try and establish some sort of theme from an architectural standpoint for this development. If they don't put it in the PUD then we will get whatever we get.

Supervisor Jenkins asked for a motion to send this project on to the planning board.

Councilman Kusnierz asked what the name of the project is.

Mr. Osher replied the Moreau Village Center.

Councilman Kusnierz said that the name Moreau-Morgan Planned Unit Development is incorrect then.

Mr. Osher replied that it was the name of the document not the name of the project. It is a narrative.

Councilman Kusnierz said he wasn't trying to be difficult. He just wanted to know what he was voting on tonight.

Mr. Osher said he didn't know what he was going to call it.

Councilman Kusnierz said that was fine, but he wanted Mr. Osher to tell him the title at the top of the document that he was asking them to vote on. Mr. Osher replied that is the title for this document. Councilman Kusnierz said Moreau-Morgan Planned Unit Development. Mr. Osher said that is the title.

Councilman Kusnierz asked Mr. Osher if he knew that at the bottom of the narrative it reads Janet's V-Corners PUD Project Narrative and Mr. Osher said he didn't know that. Councilman Kusnierz said he didn't know if the name changed by the time you get to the bottom. Mr. Osher said no, it isn't changing and he asked Councilman Kusnierz if he wanted him to change it and resubmit it. Councilman Kusnierz said he just wanted to know what he was voting on that is all. Mr. Osher said okay Todd.

Councilman Prendergast made a motion to send this project on to the planning board. He said he was making the motion because through discussions earlier tonight it was pointed out that the code says it is going to the planning board. Secondly, he is voting to send it to the planning board. He has been on the board for 23 years and 23 years ago he promised the people that he would do something about Route 9 and he hasn't upheld that promise for 23 years, because as it was said tonight, Route 9 hasn't changed in 23 years and some sections may be worse. He has had discussions with people in town recently since this project was brought about and it hasn't been 23 years, but 40 years ago there was opportunity for the board at that time to take some sort of action that would have laid the groundwork to change Route 9 and change the town and we wouldn't be behind compared to the town north of us and the town south of us.

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He was going to make good on his promise that he made 23 years ago and he was going to vote to send this to the planning board. He made his comments on what he would like to see. He doesn't think it was a bad project, he thinks it is a good project. He thinks it is a better project tonight than it was at the last meeting, because there was a turn-around in the tax situation that makes it a better project tonight.

Councilwoman LeClair seconded the motion. She said she was seconding the motion even without the fact that it is in the code. She came to the meeting tonight with the feeling that it is a good project for our town. She doesn't think anybody has ever worked harder to get sewer in town than Preston has over the last 4 ½ years. She has known him for 4 ½ years and one of the first things he said was hi, I am Preston Jenkins, we need to bring sewer to the town to help with the tax base, to help with jobs, to help bring businesses to town. It will help with our sales tax; it will help with our tax base with our schools, with our citizens for our taxes here. She sat at a diner about two months ago when this project first came to town and listened to people and heard how excited they were about the jobs this would create. She said yes, she would second the motion.

Councilman Kusnierz stated that this the most significant proposal to come before the board in the history of the Town of Moreau and at this stage to send this to planning the board is passing up an enormous opportunity to work with the developer to get something that is an excellent fit for our community. As it stands right now they have what he views as an incomplete and inaccurate environmental assessment form. Our code requires that it be complete and counsel spelled out what the code says on that. One council member indicated some changes he would like to see, but other than that no other direction to the planning board. We have enormous power, because this is going to be a PUD, as a town board to designate how this project should proceed and what it will entail and we aren't providing any of that direction at this point in the game to the planning board so they can make these decisions. He was provided, as the other board members have been, with the documents that they were being asked to vote on tonight less than ½ hour before the board meeting and that is a little disingenuous, because he had questions based on what was provided to them at the last meeting. He was ready to have open dialogue and make suggestions. Instead, he found himself reviewing the document while there was dialogue going on between the board and the public, because it was handed to him just before the meeting. Also, it is not accurate and it is premature to vote on it.

Mr. Osher asked what wasn't accurate and Councilman Kusnierz said it reads Janet's V-Corners PUD and Mr. Osher said no it didn't. Councilman Kusnierz said it was on the document. He said somebody from Mr. Osher's office put it on there so it wasn't done accurately. He also stated that the numbers have oscillated between four different versions of the narrative. Two of which they received within the past 24 hours. If the board had more time to work on this before they moved it to planning he thought they could come to an agreement on something that all four board members could agree unanimously on. He wasn't ready to support it the way it was presented to the board.

Supervisor Jenkins stated that six weeks ago he asked the board members to authorize an RFP or hire the LA Group to do a study on Route 9 and he didn't get a lot of support from the board. He said the whole reason for this was based on an e-mail from a planning board member who thought they should do Route 9 from Route 197 to Exit 17 and consider making it all one PUD in that language. He asked for an RFP and asked to use the LA Group who he had a lot of confidence in, because of the work they did on the town's comprehensive master plan. So to say that we haven't looked at it isn't true. He asked for the opportunity six weeks ago and it wasn't approved.

Supervisor Jenkins asked the Town Clerk to call the roll.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Councilman Vittengl	Absent
Supervisor Jenkins	Yes

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This concluded the discussion on the Buck Group project and at this point in the meeting Councilman Vittengl re-entered the meeting and took a seat with the other council members.

CONTINUATION OF PUBLIC HEARING SEWER DISTRICT 1 EXTENSION 3

Attorney Buettner stated that when the public hearing process on Sewer District 1 Extension 3 was started back on April 24th the responses from NYS DEC and NYS DOH regarding the town's lead agency status had not been received yet. These responses have now been received and the involved agencies do not object to the town's lead agency status. She advised that the town board could now close their public hearing and complete the short form EAF, declare a negative declaration under SEQRA and move forward with establishing Extension 3 to Sewer District 1.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast to close the public hearing on Extension 3 to Sewer District 1 at 8:50 p.m.

Roll call vote resulted as follows:

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

Attorney Buettner read the questions in Part II and III of the short form EAF for Extension 3 to Sewer District 1 and the answers given by the board members were as follows:

Part II

- A. No
- B. Yes
- C1. No
- C2. No
- C3. No
- C4. No
- C5. No
- C6. None
- C7. None
- D. No
- E. No

Part III

The box was checked that read "the proposed action will not result in any significant adverse environmental impacts".

Councilman Kusnierz referred to a memo from Attorney Buettner that indicated that the board couldn't move forward on this district extension, because all of the information needed had not been received.

Attorney Buettner advised that since that memo all of the information required to move forward has been received.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to declare a negative declaration under SEQRA and authorizing the supervisor to sign the EAF.

Roll call vote resulted as follows:

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

The Town Clerk read aloud the resolution that establishes the sewer district extension.

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

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

WHEREAS, a public hearing on the establishment of Extension No. 3 of Sewer District No. 1 was duly conducted by the Town Board on April 24, 2012 at 6:50 p.m. at the Moreau Town Hall and was continued to May 8, 2012 at 8:50 p.m. the Moreau Town Hall; and

WHEREAS, the Notice of Public Hearing was published and posted as required by law; and

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

WHEREAS, the Town Board finds that the Petition submitted by Schermerhorn Residential Holdings, L.P., the owner and developer of all property located within the proposed district extension is sufficient and is in compliance with the requirements of Section 191 of the Town Law; and

WHEREAS, pursuant to Section 194 of the Town Law, the Town Board finds that all property and property owners within the proposed district extension are benefitted by the creation and establishment of Extension No. 3 of Sewer District No. 1; and

WHEREAS, pursuant to Section 194 of the Town Law, the Town Board further finds that the creation of Extension No. 3 of Sewer District No. 1 will benefit the property owner within the proposed extension area of the Sewer District which consists of a single parcel (approximately 3.19 acres) located on the south side of Harrison Avenue, approximately one tenth of a mile east of the intersection with Van Buren Street in the Town of Moreau. The parcel which comprises the District extension is more particularly identified as Tax Map Parcel No. 37.-1-19; and

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

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

WHEREAS, the Town Board as lead agency has issued a determination of non- significance under SEQRA for this unlisted action;

NOW, THEREFORE, the Town Board hereby establishes Extension No. 3 of Sewer District No. 1 in the Town of Moreau as more fully detailed and described in the Map, Plan and Report and conditioned upon the following:

1. That the Town of Moreau may, if deemed necessary, enter into an Addendum to the Facility Agreement with the Board of Water and Sewer Commissioners of the City of

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Glens Falls which Facility Agreement is dated September 14, 1994, to provide for additional reserve capacity at the Glens Falls Sewage Treatment Plant particular to the wastewater generated from the District extension parcels. The Supervisor is hereby authorized to enter into any such addendum to the Facility Agreement on behalf of the Town upon the recommendation from the attorney for the Town.

2. That the Town of Moreau may, if necessary, enter into an agreement with Schermerhorn Residential Holdings, LP whereby Schermerhorn Residential Holdings, LP, and its successors and assigns shall be solely and exclusively responsible for paying or reimbursing the Town of Moreau for all reserve sewage capacity purchase payments, use payments, and any other payments that the Town of Moreau is or shall be required to make to the Board of Water and Sewer Commissioners of the City of Glens Falls pursuant to the original Facility Agreement and any Addendum to the Facility Agreement related to the District extension parcel. The Supervisor is hereby authorized to execute such an agreement on behalf of the Town upon the recommendation of the attorney for the Town.
3. All construction and connection costs including all necessary infrastructure associated with Extension No. 3 of Sewer District No. 1 and all maintenance and repair costs (excluding sewer main once dedicated to the Town) shall be the responsibility of Schermerhorn Residential Holdings, LP or its successors and assigns.
4. Upon compliance with Conditions Nos. 1 and 2 above, the construction of the necessary improvements to provide municipal sewer service in Extension No. 3 of Sewer District No. 1 is hereby authorized.

AND BE IT FURTHER RESOLVED, that the Rules and Regulations for Sewer District No. 1 contained in Article 1 of Chapter 115 of the Moreau Town Code shall apply to and be enforced in Extension No. 3 of Sewer District No. 1; and

BE IT FURTHER RESOLVED, that the Supervisor and Town Clerk are hereby authorized to execute and deliver all necessary documents to further the purposes of this Resolution; and

BE IT FURTHER RESOLVED, that pursuant to Section 195 of the Town Law, the Town Clerk shall cause a certified copy of this Resolution to be duly recorded in the Office of the Saratoga County Clerk and shall also cause a certified copy of this Resolution to be filed in the Office of the State Department of Audit and Control.

Harry Gutheil asked who owns the sewer line and why is the general fund paying for it.

Supervisor Jenkins said that the sewer line was turned over to the town and is owned by the sewer district. He said the original one million dollars to install the sewer line to the industrial park was for economic development and the town got a matching grant from the federal government. He said it goes back to before Harry Gutheil was supervisor.

Councilman Prendergast stated that there was a comment in the minutes of the last meeting that Martin Auffredou looked into this when he was the attorney for the town and he thinks that the minutes reflect that it is what it is today and that Martin agreed with it.

Attorney Buettner stated that she spoke with Martin today and that was his recollection as well.

Harry Gutheil stated that he submitted a FOIL request and he doesn't think he has gotten everything that he requested in his FOIL yet.

Councilman Prendergast stated that if he hasn't received a response yet then that is because they are still working on it.

Supervisor Jenkins stated that Terry is working on it, she is struggling to find the information, because it is all over the place. He said they would get Harry the information.

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Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	No
Supervisor Jenkins	Yes

JIM MITCHELL AND ETHAN HALL – MUNICIPAL PROJECT RESOLUTION TO PREPARE PRE-BID CONSTRUCTION DOCUMENTS

Jim Mitchell and Ethan Hall presented a cost estimate on the proposed new municipal center and they wanted to know if the board wanted to proceed with the construction design. The estimate is \$2,250,000.00 to \$2,500,000.00 and this doesn't include a contingency. This is for an 11,000 square foot building with a 2,200 square foot basement. They explained that the reason for the range in estimate is because the price is dependent upon how much the highway department participates with the on-site construction.

Councilman Kusnierz noticed that there was still a separate staff bathroom being proposed and a separate entrance/exit to the building inspector's office. Ethan Hall acknowledged that this was correct.

Supervisor Jenkins stated that Saratoga County is going to be clearing county forest land that is adjacent to the town's property and they are looking into the feasibility of having the contractor do the tree and stump removal for us and we may get some revenue back from that too from the harvesting of the trees.

Councilman Prendergast asked if the 2,200 square foot basement area was large enough to accommodate all the town's records.

The Town Clerk replied yes, but she asked if the plans included fireproofing in the basement and the answer from Ethan Hall was yes the entire building will be fire proofed with a sprinkler system and there is an area that will be set aside in the basement for records storage that will be fire proofed.

The Town Clerk asked if the plan included climate control in the storage area of the basement and Ethan Hall replied yes, that is included in the HVAC portion of the plans.

Councilman Kusnierz said they talked about security and he asked if they included monitoring of ingress and egress and Ethan Hall replied that it is in the electrical portion and then he said it is under fire alarm. He said the fire alarm panel can control the security system. Councilman Kusnierz said it isn't included then and Ethan Hall said no they have it specifically excluded. Councilman Kusnierz said it isn't part of the estimate then, but it will be set up for it. Ethan Hall replied that it is set up to be handled by the fire alarm control system. Councilman Kusnierz asked if that is included in the cost and Ethan Hall replied yes, a fire alarm system is required.

Councilman Kusnierz asked what the reason was for the exterior door in the building inspector's office.

Ethan Hall replied that it is for ease of ingress and egress by the staff in the building department so they don't track dirt into the building when they come back from a job site.

Councilman Kusnierz stated that adds to the cost of the building and Ethan Hall said he didn't think it was a significant cost.

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Councilman Prendergast stated that at the meeting held regarding this project he recalled that comments were given that the door should be removed from the plans and he didn't recall comments in favor of keeping it.

Jim Mitchell stated that he couldn't remember what was said, but felt it could be handled by including in the bid documents and option for this door. Then depending on the cost the board could decide whether to include it or not.

Supervisor Jenkins asked how that door would impact security.

Ethan Hall stated that they would all be locked and monitored if they had a monitoring system.

Supervisor Jenkins said if they opened the door then they would need a code so the alarm system doesn't go off.

Ethan Hall said it could be a card or key system.

Councilman Prendergast said this will take ten seconds, he doesn't think the door should be there.

Councilman Kusnierz said he expressed the same thoughts at the last meeting.

Councilman Prendergast said let's finalize this, it takes ten seconds, if it is going to go it is going to go.

Councilman Kusnierz stated that it is not just a door. If we are going to have close circuit TV then we are going to need one there and that is an added cost.

Ethan Hall said you wouldn't monitor just the door you would monitor that whole side of the building. He said it is just a door and a minor part of the plan and it is easy enough to remove it from the plans and Councilman Kusnierz said he would agree to that.

Councilwoman LeClair said she wanted to see the cost for the door first before she decided whether to remove it or not and she realizes that the cost isn't available tonight.

Councilman Prendergast said now is the time to speak up, do we want the door or not. He doesn't want the door. He said it takes about 10 seconds to decide this.

Councilwoman LeClair stated again that she wants to see the numbers first.

Councilman Kusnierz stated that he thinks that with these figures, when the project is complete it is going to be a tight budget. He agreed with Councilman Prendergast and now is time to remove things that will help us get to the end goal.

Supervisor Jenkins said he would go along with Councilman Prendergast and Councilman Kusnierz, no door.

Jim Mitchell said okay that is three and the door is gone.

Supervisor Jenkins asked for a resolution to allow Jim Mitchell and Ethan Hall to move forward with the required design and preparation bid documents.

Councilwoman LeClair made a motion to allow Jim Mitchell and Ethan Hall to move forward with the required design and preparation of bid documents.

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Councilman Vittengl seconded the motion.

Roll call vote resulted as follows:

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

At this point in the meeting Supervisor Jenkins excused himself from the meeting as he was not feeling well. Deputy Supervisor LeClair handled the meeting from this point on.

HIGHWAY DEPARTMENT REQUESTS

The highway superintendent requested authorization to expend \$75,000.00 for the nova chipping of Mott Road (2,700 feet) and Thornapple Drive (2,800 feet) with Gorman Bros. under county contract 12-PWPA-30R (paved placed surface treatment). There are funds allocated for this in DB5112.493.4 that had a balance of \$435,120.00 as of 4/5/12.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing Gorman Bros. to nova chip 2,700 feet of Mott Road and 2,800 feet of Thornapple Drive under county contract 12-PWPA-30R at a cost not to exceed \$75,000.00.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

The highway superintendent submitted a request to purchase approximately 80 tons of round stone #2 for a cost not to exceed \$650.00 from Jointa Galusha to use for drainage around the new highway garage. This expense would be paid out of account HH1620.2 that had a balance of \$40,814.00 as of 5/3/12.

The highway superintendent submitted the following quotes:

Cranesville	\$14.75 per ton for a total of \$1,180.00
Jointa Galusha	\$7.95 per ton for a total of \$636.00 (Approx. 13 miles from garage)
Charles Friedman Excavating	\$7.95 per ton for a total of \$636.00 (Approx. 21 miles from garage)

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of 80 tons of round stone #2 from Jointa Galusha at a cost not to exceed \$650.00.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

A regular meeting of the Town Board of the Town of Moreau was held on May 8, 2012 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

The highway superintendent submitted a request to purchase approximately 982 tons of rubble amounting to \$6,100.00 from Peckham Materials to be used for the front and rear entrances at the new highway garage under county contract 12-PWCS-5R and for this expense to be paid out of account HH1620.2 that had a balance of \$40,814.00 as of 5/3/12.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the purchase of approximately 982 tons of rubble from Peckham Materials under county contract 12-PWCS-5R at a cost not to exceed to \$6,100.00.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Absent

The highway superintendent submitted a request to purchase asphalt concrete to use for driveway aprons and shimming projects from Peckham Materials, Palette Stone and/or Pompa Bros. under county contract 12-PWAC-3R at a cost not to exceed \$3,000.00 out of account DB5110.493 that had a balance of \$11,632.40 as of 4/5/12.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair authorizing the purchase of asphalt concrete to use for driveway aprons and shimming projects from Peckham Materials, Palette Stone and/or Pompa Bros. under county contract 12-PWAC-3R at a cost not to exceed \$3,000.00.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Supervisor Jenkins	Absent

RECREATION DEPARTMENT REQUESTS

The recreation director submitted a request to purchase fertilizer and pre-emergent combo product for the ball fields in the recreation park.

He submitted the following quotes:

John Deere Landscapes	\$ 1,101.50
Agrium Advanced Technologies	\$ 850.00
Green Management	\$1,164.50

This purchase would be paid for out of account A7140.4 that had a balance of \$49,482.86.

A motion was made by Councilwoman LeClair and seconded by Councilman Prendergast authorizing the purchase of fertilizer and per-emergent combo product from Agrium at a cost not to exceed \$850.00.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
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Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

WATER DEPARTMENT REQUESTS

None

TRANSFER STATION LOADER REPAIRS

Paul Joseph reported that the steps up into the 1986 950 CAT Loader that is used at the transfer station were replaced and three hoses were replaced and one hose was repaired.

Councilman Prendergast asked if this means that a bill will be forthcoming for this work done on the loader and Paul Joseph replied yes and there should have been a bill already submitted.

Councilman Kusnierz stated that the board passed a resolution authorizing some of the work to be done and he asked Paul Joseph if that resolution covered everything that was done to the loader and Paul replied yes.

Councilwoman LeClair said that she and Councilman Prendergast were down to the transfer station and they both agreed that they wanted to thank the highway superintendent and his staff for the inter-departmental cooperation that they all provided to each other.

2011 COURT AUDIT

Fran Thibodeau, Principal Account Clerk, conducted an examination of the Justice Court's financial records for the year ended 12/31/11 and submitted to the town board members an annual audit checklist for each town justice along with the financial report that she compiled as the result of her examination.

Fran asked for the town board to acknowledge that the examination of the justice court records was completed and this resolution will need to be mailed to the Director of Internal Audit at the New York State Office of Court Administration along with a copy of the examination report.

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair acknowledging that the required examination of the Town of Moreau Justice Court's financial records for the year ended December 31, 2011 has been completed and approved by the Moreau Town Board.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

Councilman Prendergast stated that this is just one more good thing about our employees. Fran took this job on her own. Last year or the year before she came to us and thought she could save the town some money if she did this examination on her own and she has taken it upon herself to do it on her own now. Every year she saves the town more and more money.

Councilwoman LeClair said it was several thousands of dollars she saves us every year.

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ACCEPT RESIGNATION FROM LAWRENCE M. LOMONICO FROM ETHICS BOARD

A letter of resignation was received from Lawrence M. LoMonico from the position of Ethics Board Member.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to accept the letter of resignation from Lawrence M. LoMonico from the position of Ethics board Member.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

MOREAU IDA DISSOLUTION LETTER FROM NYS ASSEMBLY

Supervisor Jenkins received a letter from Teresa R. Sayward, Assemblywoman for the 113th Assembly District indicating that legislation has been introduced to dissolve local public authorities that have ceased operation, have dissolved by operation of law or that were never established. The Moreau Industrial Development Agency is on the list of authorities identified to be dissolved. If the Town of

Moreau does not want to dissolve this agency then the town needs to send a letter to Assemblywoman Sayward indicating this by May 14th.

Councilman Kusnierz stated that as a board they should authorize the Supervisor to send a letter to Assemblywoman Sayward informing her that we do not want the Town of Moreau IDA dissolved. His reason for this was that down the road there may be monies available to the town for a project and the Moreau IDA is a vehicle by which the town can accept and disburse those funds and if the Moreau IDA is dissolved then the town would not be able to accept those funds.

It was the consensus of the board to authorize the Supervisor to send a letter to Assemblywoman Sayward asking that the Town of Moreau IDA not be dissolved.

BEACH SEWAGE SYSTEM OPTIONS

Garry Robinson, engineer for the town, reported that he spoke with the NYS DOH and portable toilets may be used at the beach area on a temporary basis for up to one year. Beyond that there needs to be a permanent solution.

Councilman Prendergast added that they also require a wash station and Garry Robinson concurred that this was correct.

Councilman Kusnierz stated that the summer beach season is right around the corner and we need something in the interim down there.

Garry Robinson advised that Jesse Fish, Paul Joseph and Brian Abare have discussed the labor involved in this project and how a trencher will be needed to put the sewer line in vs. a backhoe. A trencher will be quicker than a backhoe. He priced out the rental of a trencher from Action on Route 9 and the cost is about \$800.00 per week.

Councilman Kusnierz asked how much the labor will cost and Garry Robinson replied that to install a force main it will take from 5 to 7 days with four people on the job at an average cost per hour of \$20.00.

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He said that maybe the cost could be split between the village and the town. The village's budget year runs from July 1st to June 30th. He was informed by the village that some of their staff in the DPW is trying to use up their time right now before June 30th so there won't be as many people to help with the labor from the DPW until July.

Garry Robinson also advised that NYS DOH does not allow holding tanks on new projects like this. If we do use them they have to be on a temporary basis.

Councilman Kusnierz said there is a significant cost associated with this project for a facility that is used only for a couple of months during the summer. He added that the town doesn't own the property and is in a partnership with the village to use it. He wondered if the village would cover the cost for the labor and trencher rental since we would be improving their property that they own.

Garry Robinson said he didn't know if Supervisor Jenkins ever spoke with the mayor about this or not.

Councilman Vittengl asked if there was going to be shared labor between the town and village on this project and if we would only have to pay for materials and equipment.

Paul Joseph replied that he didn't have anything in writing from the village.

Joe Patricke stated that Brian Abare the superintendent of the DPW said his staff would do the trenching.

Councilman Vittengl stated that the usage of the beach area grows every year and he doesn't foresee a decline in the use of that area.

A motion was made by Councilman Vittengl to move forward with the installation of a grinder pump and force main for the beach area at a cost not to exceed \$35,000.00 to be paid out of the Town Wide Recreation Capital Project Reserve Fund subject to a current lease agreement being in place.

Councilwoman LeClair seconded the motion.

Discussion followed.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

DISCUSS MEGA CONTRACTS FOR GAS & ELECTRIC

Councilwoman LeClair advised the board that there appears to be a savings to the Town on its electric and gas bills through a proposed contract with the Hess Corporation through the Municipal Electric & Gas Alliance. She advised that Supervisor Jenkins would be discussing this with the board at the next meeting.

NEW HIGHWAY GARAGE CHANGE IN PROPOSALS

The following change in proposals were received from TMG the general and electrical contractor on the job for the new highway garage building:

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Change in Proposal #15 to the General Construction Contract 1 with TMG:

Furnish and install a stainless steel backsplash in the men's restroom \$178.00

Change in Proposal #16 to the General Construction Contract 1 with TMG:

Furnish and install nine (9) overhead door transmitters \$907.00

Change in Proposal #4 to the Electrical Contract 2 with TMG

Furnish and install a breaker for the air compressor \$748.00

Change in Proposal #5 to the Electrical Contract 2 with TMG

Furnish and install a breaker for the hose reels \$487.00

Brief discussion followed on these change in proposals.

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl authorizing the above change in proposals to the General Construction Contract and Electrical Contract with TMG for the new highway garage.

Roll call vote resulted as follows:

Councilman Kusnierz	Yes
Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Supervisor Jenkins	Absent

Councilman Kusnierz asked if there is any money left from this project and Joe Patricke replied about \$30,000.00. He asked Joe if he perceived any other work that would need to be done that would eat away at this amount. Joe Patricke said not that he knows of. Joe then said that a punch list was going to be done this week and next. There are a few things that need to be purchased that were in the budget. One is five fire extinguishers and lockers.

Councilman Prendergast asked how far along they were with parging the walls and Joe answered. Councilman Prendergast stated for the record that he went down to learn more about the parging of the walls and he expressed his feeling before it was done that he changed his mind and didn't think the town should spend \$5,000.00 to parge the walls.

15 MINUTE PUBLIC COMMENT PERIOD

Reed Antis asked what they were doing about signs for the change in hours at the transfer station. He suggested they put signs up at the transfer station, highway garage, town hall and the recreation park where people can see the change in hours.

Councilwoman LeClair said that Nancy Ryan was going to pass out flyers at the transfer station.

Councilman Prendergast asked if it was going to be advertised in the newspaper and the Town Clerk said May 19th.

Councilman Prendergast said he didn't want to spend any more money on it.

(Councilman Kusnierz left the meeting at 10:00 p.m.)

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COMMITTEE REPORTS

None

SUPERVISOR'S ITEMS

None

A motion was made by Councilman Prendergast and seconded by Councilman Vittengl to adjourn the meeting at 10:05 p.m.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Deputy Supervisor LeClair	Yes
Councilman Kusnierz	Absent
Supervisor Jenkins	Absent

Meeting adjourned.

Respectfully submitted,

Jeanne Fleury
Town Clerk