

A regular meeting of the Town Board of the Town of Moreau was held on June 22, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

The meeting was conducted via Zoom in accordance with the Governor's Executive Order 202 and all extensions, which allow for municipalities to hold meetings remotely, providing that the public has the ability to view and/or listen to such proceedings.

The Supervisor called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

Kyle Noonan	Councilmember
John Donohue, Jr.	Councilmember
Alan VanTassel	Councilmember
Theodore T. Kusnierz, Jr.	Supervisor

Town Board Members Absent

John Hogan	Councilmember
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Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town

The Supervisor led the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from May 20, 2021, May 27, 2021 (Regular Town Board Meeting) and June 8, 2021 were prepared and presented to the Town Board members in advance of the meeting for their review, comment, correction and approval.

Resolution #2021-222

A motion was made by Councilmember Noonan, seconded by Councilmember VanTassel and carried, to approve the minutes from May 20, 2021, May 27, 2021 (Regular Town Board Meeting) and June 8, 2021 as prepared.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

SET FUTURE MEETINGS AND WORKSHOPS

Resolution #2021-223

TOWN OF MOREAU TOWN BOARD MEETING JUNE 22, 2021

A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING, CONSOLIDATING SIX TOWN OF MOREAU WATER DISTRICTS AND NINE WATER DISTRICT EXTENSIONS, TO WIT: WATER DISTRICT NO. 1; WATER DISTRICT

A regular meeting of the Town Board of the Town of Moreau was held on June 22, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

NO. 1, EXT. NO. 1; WATER DISTRICT NO. 1, EXT. 2; WATER DISTRICT NO. 1, EXT. NO. 3; WATER DISTRICT NO. 2; WATER DISTRICT NO. 3; WATER DISTRICT NO. 4; WATER DISTRICT NO. 4, EXT. NO. 1; WATER DISTRICT NO. 4, EXT. NO. 2; WATER DISTRICT NO. 5; WATER DISTRICT NO. 5, EXT. NO. 1; WATER DISTRICT NO. 5, EXT. NO. 2; WATER DISTRICT NO. 6; WATER DISTRICT NO. 6, EXT. NO. 1; AND WATER DISTRICT NO. 6, EXT. NO. 2 INTO ONE CONSOLIDATED WATER DISTRICT SUBJECT TO THE COMPLETION OF PROCEEDINGS PURSUANT TO ARTICLE 17-A OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK AND FURTHER APPROVING AND AUTHORIZING THE EXECUTION OF A JOINT CONSOLIDATION AGREEMENT.

WHEREAS, there exists within the Town of Moreau six water districts and nine water district extensions, to wit: Water District No. 1; Water District No. 1, Ext. No. 1; Water District No. 1, Ext. 2; Water District No. 1, Ext. No. 3; Water District No. 2; Water District No. 3; Water District No. 4; Water District No. 4, Ext. No. 1; Water District No. 4, Ext. No. 2; Water District No. 5; Water District No. 5, Ext. No. 1; Water District No. 5, Ext. No. 2; Water District No. 6; Water District No. 6, Ext. No. 1; and Water District No. 6, Ext. No. 2; and,

WHEREAS, the aforesaid six water districts and nine water district extensions have been created for a similar purpose; and,

WHEREAS, the Town Board is desirous of conducting a Public Hearing pursuant to the provisions of Article 17-A of the General Municipal Law for the purpose of hearing all persons upon the question of consolidating the six Town of Moreau water districts and nine water district extensions, to wit: Water District No. 1; Water District No. 1, Ext. No. 1; Water District No. 1, Ext. 2; Water District No. 1, Ext. No. 3; Water District No. 2; Water District No. 3; Water District No. 4; Water District No. 4, Ext. No. 1; Water District No. 4, Ext. No. 2; Water District No. 5; Water District No. 5, Ext. No. 1; Water District No. 5, Ext. No. 2; Water District No. 6; Water District No. 6, Ext. No. 1; and Water District No. 6, Ext. No. 2 into one consolidated water district subject to the completion of proceedings pursuant to Article 17-A of the General Municipal Law of the State of New York and further approving and authorizing the execution of a joint consolidation agreement by the Supervisor of the Town of Moreau; and,

WHEREAS, a map, plan and report prepared by Laberge Group, competent engineers, describing the proposed consolidation has been filed in the Town Clerk's Office; and,

WHEREAS, in the event of consolidation, all expenses for any existing debt and future debt repayment and capital charges for the aforesaid six water districts and nine extensions shall be determined based upon a fraction, the numerator for which is the annual debt service for all districts and extensions less the rent received from the cellular tower and the denominator for which is the Equivalent Dwelling Units within the entire consolidated district; and,

WHEREAS, in the event of consolidation expenses for operation and maintenance for the aforesaid six water districts and nine water district extensions shall be determined based upon a fraction, the numerator for which is the operation and maintenance costs derived from all districts and extensions from 2019 and the denominator for which is the 2019 total metered water consumption in gallons, and then multiplied by 1000.

NOW, THEREFORE, IT IS,

ORDERED that the Town Board of the Town of Moreau shall meet and hold a Public Hearing at the Town Hall, 351 Reynolds Road, Moreau, New York, at 6:50 o'clock p.m. on the 13th day of July, 2021, to consider the consolidation of the six Town of Moreau Water Districts and nine water district extensions, to wit: Water District No. 1; Water District No. 1, Ext. No. 1; Water District No. 1, Ext. 2; Water District No. 1, Ext. No. 3; Water District No. 2; Water District No. 3; Water District No. 4; Water District No. 4, Ext. No. 1; Water District No. 4, Ext. No. 2; Water District No. 5; Water District No. 5, Ext. No. 1; Water District No. 5, Ext. No. 2; Water District No. 6; Water District No. 6, Ext. No. 1; and Water District No. 6, Ext. No. 2 into a single consolidated water district, known as the Town of Moreau

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Consolidated Water District No. 1; to consider the execution and approval of a Joint Consolidation Agreement; and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as shall be required or authorized by law, and it is further,

ORDERED, the Joint Consolidation Agreement proposes to consolidate the six Town of Moreau Water Districts and nine water district extensions pursuant to the provisions of Article 17-A of the General Municipal Law and that as of January 1, 2022 it is proposed to consolidate the six aforesaid water districts and nine water district extensions located within the Town of Moreau pursuant to Article 17-A of the General Municipal Law of the State of New York, and it is further,

ORDERED, the proposed Joint Consolidation Agreement is on file in the Town of Moreau Town Clerk's Office at 351 Reynolds Road, Moreau, New York. A copy of the proposed Joint Consolidation Agreement and a summary thereof are also displayed upon and available for public inspection on the Town of Moreau's Town Clerk's Bulletin Board, at the Town Clerk's Office at the Town of Moreau Town Hall, 351 Reynolds Road, Moreau, New York, and on the Town of Moreau website; and it is further,

ORDERED, that a copy of the Summary of the Joint Consolidation Agreement is attached to this resolution as Exhibit A, and that a description of the geographic boundaries of the proposed consolidated water district is attached to this resolution as Exhibit B.

The foregoing was moved by Councilmember Noonan and seconded by Councilmember VanTassel.

The adoption of the foregoing order was duly put to a vote, and upon roll call, the vote was as follows:

Roll Call:

	<u>AYES</u>	<u>NOES</u>	<u>ABSENT</u>
Councilmember Hogan			X
Councilmember Noonan	X		
Councilmember Donohue	X		
Councilmember VanTassel	X		
Supervisor Kusnierz	X		

Carried: June 22, 2021

Dated: Moreau, New York
June 23, 2021

LOCAL LAW 1 OF 2021 – TOWN CODE CHAPTER 70 – FENCES

The Supervisor stated that they had the public hearing earlier this evening. No comments were made from the public and the meeting was closed. He stated that the Town Board could take action if they chose to. Attorney Buettner was asked to give a synopsis of what the Local Law will do. She stated that it will clarify three areas.

- #1. It will clarify how corner lots are viewed.
- #2. It will grant approval and enforcement authority to the Zoning Administrator.
- #3. It will add a variance procedure.

Attorney Buettner was asked to read through questions #1 - #11 of the Short Environmental Assessment Form. All answers were responded to as "No". The Town Board determined, that the proposed action will not result in any significant adverse environmental impacts.

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The Supervisor read the following resolution aloud:

RESOLUTION
TOWN BOARD
TOWN OF MOREAU

SUBJECT: ADOPTION OF LOCAL LAW 1 OF 2021, AMENDING CHAPTER 70 "FENCES" OF THE CODE OF THE TOWN OF MOREAU

WHEREAS, the Town Board of the Town of Moreau ("Board") is considering the adoption of Local Law No. 1 of 2021, which, if adopted as proposed, would amend Chapter 70 "Fences" to (1) grant approval and enforcement authority to the Zoning Administrator, (2) clarify application to corner lots and (3) add a variance procedure, and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

WHEREAS, the Board finds that the adoption of Local Law No. 1 of 2021 is a necessary and proper exercise of authority by the Board; and

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

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 1 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on June 22, 2021 at the Town Municipal Complex and via remote streaming pursuant to Executive Order 202.1 et seq; and

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

WHEREAS, the Board, serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 1 of 2021; and

WHEREAS, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 1 of 2021, which amends the law as stated above; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

Resolution #2021-224

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution as read into the record by the Supervisor.

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Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

PETITION TO EXTEND R-5 ZONING

The Supervisor gave a recap from the previous Town Board meeting. The potential property owners of 516 Selfridge Road and 359 Gansevoort Road Rear had requested a zoning change. It was believed that all of the 516 Selfridge Road property had been zoned R-5 at one time but currently a small portion of that parcel is zoned R-2. To allow for agricultural purposes, the prospective purchasers are requesting that the entire parcel be zoned R-5. The Supervisor stated that it would require a Local Law for this to happen. He stated that he was fully in support of the request. Councilmember Noonan agreed with the Supervisor.

Resolution #2021-225

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to set a Public Hearing for July 13, 2021 at 6:45 p.m. for the purpose of considering the adoption of Local Law 3 of 2021, in relation to parcels, 516 Selfridge Road (77.-1-29) and 359 Gansevoort Road (77.-1-28.5).

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

RECREATIONAL TRAILS PROGRAM

Councilmember VanTassel spoke in regard to the trail project. He stated that they could hopefully schedule the LA Group for the next meeting because they would like to give a presentation. He stated, that because of the timing with the dates for grant applications, they'll need to have a discussion to engage the services of the LA Group to write and submit the grant. He stated that there's significant grant money available, which they're looking for to complete the final design and construction of a new recreational trail loop known as Phase 1 of the Big Bend Trail. The trail would begin at Nolan Road and would bring the existing natural path surface and walkability up to ADA standards. Phase 1 consists of a trailhead, primary waterfront loop, fishing piers, and kayak launch. There is a grant available through NYSOPRHP Recreational Trails Program, with maximum funding of \$250,000.00. The due date for the grant is July 30, 2021. The total cost of Phase 1 is \$850,000.00. Councilmember VanTassel stated that the grant request will be for \$250,000.00, which will have a \$50,000.00 in-kind match from BOCES. He stated that they can also apply for \$10,000.00 in trail funds through Saratoga County. The cost to write the grant is \$3,500.00. The Supervisor stated that they had been successful in receiving funds from Saratoga County for this same project. His recommendation, because of the time sensitivity, and because they would need to use money from the HT fund, which is subject to permissive referendum, was that they move forward with the proposal from the LA Group to write the grant.

The Supervisor read the following resolution aloud:

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**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: TOWN-WIDE RECREATIONAL CAPITAL RESERVE FUND EXPENDITURE

WHEREAS, by resolution dated December 13, 2011, the Town Board of the Town of Moreau duly established a capital reserve fund designated as the Town-Wide Recreational Capital Reserve Fund for the purpose of funding the acquisition and development of lands within the Town of Moreau for recreational use, including capital improvements on lands presently owned, in fee or otherwise, leased or hereinafter acquired in fee or otherwise or leased by the Town; and

WHEREAS, the Town-Wide Recreational Capital Reserve Fund has a present balance of approximately One Hundred Eighty-Six Thousand Six Hundred Seventeen and 80/100 (\$186,617.80), and

WHEREAS, the Town Board of the Town of Moreau is dedicated to providing a diverse number of recreational activities for the local community, and

WHEREAS, the Town Board of the Town of Moreau is interested in applying for a grant for a recreational trail loop known as the Big Bend Trail on the Hudson River beginning at Nolan Road, and

WHEREAS, the aforementioned grant and project as set forth above are a purpose for which the Town-Wide Recreational Capital Reserve Fund was established; and

WHEREAS, the Town Board desires to fund the engagement of the LA Group to write and apply for the grant for the recreational trail loop as set forth above out of the Town-Wide Recreational Capital Reserve Fund; and

WHEREAS, the Town Board having deliberated upon this matter;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the expenditure of funds, not to exceed Three Thousand Five Hundred and NO/100 Dollars (\$3,500.00), from the Town-Wide Recreational Capital Reserve Fund, a capital reserve fund, for payment to the LA Group to write and apply for the grant for the development of a recreational trail loop as set forth above, and it is further

RESOLVED, that the Supervisor and/or Deputy Supervisor is authorized to execute any documents necessary to effectuate the purchase identified above; and it is further

RESOLVED, that this resolution is made pursuant to General Municipal Law Section 6-c and is subject to a permissive referendum, as permitted by law.

Resolution #2021-226

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution as read into the record by the Supervisor.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

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Councilmember VanTassel asked that the LA Group be added to the next meeting agenda. He stated that there's a tremendous amount of information they'd like to give the Town.

HIGHWAY DEPARTMENT

The Supervisor stated that the Town Board has received a notice of retirement from Maureen Leerkes, who has worked in the Highway Department for 23 years. On behalf of the Town, the Supervisor thanked Ms. Leerkes for her commitment and dedication to the Town. He wished her well with all her future endeavors. The Supervisor also commented that Ms. Leerkes served as the Town's Stormwater Management Officer and that they'll need to look at that position as well.

Resolution #2021-227

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to accept the resignation/retirement of Maureen Leerkes effective August 12, 2021.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

TRANSFER STATION

The Supervisor reported that an individual had been hired as a laborer for the Transfer Station, who would have been a great addition. Unforeseen circumstances have arisen that will keep him from taking the position. The Supervisor asked the Personnel Committee to go back and look at applications again.

WINTERBERRY LANE

The Supervisor stated, that at a previous meeting, there was a request for a speed limit reduction for Winterberry Lane. The Town Clerk reported that a resolution was needed in order for her to submit the request.

Resolution #2021-228

A motion was made by Councilmember Noonan, seconded by Councilmember Donohue and carried, authorizing the Town Clerk to request a reduction of the speed limit on Winterberry Lane, from 30mph to 20mph.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that there was a discussion at the last Town Board meeting with regard to Town property that borders some of the residences in Winterberry Lane. He stated that Councilmember Noonan has been working closely with the property owners. Councilmember Noonan was asked to give an update. He first thanked everyone who had worked on this. He stated that he thought it would have been a simple process to use a portion of the Town's property for excavation purposes to finish off the landscaping and correct the safety issues for the property owners. In order for everything to be done correctly, there were legal avenues that needed to be followed. He stated that lots of busy people were able to spend a significant amount of time, over a short amount of time, to see this project through. He believed, that as of

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today, they have all the necessary approvals except for the Town Board. Attorney Buettner stated that they hadn't heard from the excavator but also that she believed it was coming. Attorney Buettner stated that the Town Board would need to pass a resolution and enter into an agreement with Charles Friedman to allow access to the Town's property for removal of certain trees, and for grading work on the Town's property to help the property owners with potential erosion issues. Attorney Buettner stated that the project will be done at zero cost to the Town of Moreau and that it would be paid for by the three property owners.

The Supervisor read the following resolution aloud:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: AUTHORIZING ACCESS TO AND WORK UPON TOWN PROPERTY AND EXECUTION BY SUPERVISOR

WHEREAS, the Town is the owner of property located at 239-241 Fort Edward Road, Town of Moreau, tax map parcel 50-3-13 (the "Property") and;

WHEREAS, the Property abuts certain property located in the Winterberry Subdivision, and

WHEREAS, the Town was approached by the owners of three parcels in the Winterberry Subdivision (hereinafter the "Owners") regarding concerns with trees and grading on the Town's Property and the potential for damage to their Property from the Town's Property; and

WHEREAS, the Owners offered to have the Winterberry Subdivision contractor, Friedman, perform the necessary grading and tree removal work and seeding/remediation so as to protect their Parcels from damage and protect the Town from incurring potential liability for future damages that could occur as a result of the grading and tree location on the Property; and

WHEREAS, the Owners offered to pay any and all charges related to the work to remove the trees and grade the Property, with no cost to be paid by the Town; and

WHEREAS, Friedman has agreed to perform the work and receive payment by the Owners and not the Town; and

WHEREAS, Friedman represents that it has all of the necessary state and/or federal licenses, permits and certificates to complete the services and that it is professionally capable of carrying out the services which are the subject matter of this Agreement; and

WHEREAS, Friedman requires access to the Property and the right to perform the work thereon

NOW, THEREFORE, BE IT

RESOLVED: That the Town hereby grants access to Friedman Excavating, Inc. for the sole and discreet purposes of tree removal, grading, and seeding/remediation of a section of the Property as identified in the plan; and be it further

RESOLVED: That the Town will incur no costs and be responsible for no payments to any party with respect to the work performed; and be it further

RESOLVED: That the Attorney for the Town is authorized to prepare an agreement providing access to and permission to perform said work; and be it further

RESOLVED: That the Town Supervisor is hereby authorized to execute the agreement.

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Resolution #2021-229

A motion was made by Councilmember Noonan, seconded by Councilmember Donohue and carried, to adopt the foregoing resolution as read into the record by the Supervisor.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

WATER/SEWER DEPARTMENT

The Supervisor stated that the Town had received a request from a property owner on VanBuren Street to have the water main extended to his property. He stated, that when the water district was extended, the water main didn't go down to those parcels that were within the district. He stated that the property owner is entitled to receive municipal water because he's in the district. He stated that there's a proposal from the Town's engineer, Laberge Group, to assist the Town with the proposed VanBuren Street water main extension. The Supervisor stated that they're looking to extend approximately 700' of water main. The proposal outlined the scope of services, which include: Field Survey, Design & Permitting, Bidding Services, and Contract Administration & Construction Observation. The proposal, inclusive of reimbursable expenses, was for a total contract amount of \$16,400.00.

Resolution #2021-230

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing the Supervisor to engage the services of the Laberge Group for professional services, in the amount of \$16,400.00, for the VanBuren Street Water Main Extension, per the proposal outline dated June 18, 2021. The Supervisor is authorized to sign the agreement. The expense will be paid from Water District I (18310.4).

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that he's had conversations as recently as today with the Mayor of the Village of South Glens Falls regarding the request that the Town extend the IMA agreement, which provides water to the Village under certain circumstances. The Town Board had originally authorized the agreement and authorized the Supervisor to sign the agreement (Resolution 2021-202). He stated that the Town doesn't legally have the ability to meet the requirements of the IMA. He stated that they've looked at the water usage of the Village for the past few weeks and they've averaged 70,000 gallons. He stated that the engineer has reviewed the data and believes we can meet the needs of the Village with 140,000 gallons per day. Attorney Buettner stated that the Town Board needs to rescind the prior resolution (2021-202), which stated 800,000 gallons. The second step will be to adopt a resolution authorizing the Town to purchase additional capacity from the Town of Queensbury. And, the third step is to adopt a new resolution to sell water to the Village for emergency purposes.

Resolution #2021-231

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A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to rescind Resolution #2021-202.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

The Supervisor read the following resolution into the record:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: AMENDING INTERMUNICIPAL AGREEMENT WITH QUEENSBURY FOR PURCHASE OF WATER CAPACITY

WHEREAS, the Town of Moreau entered into an Intermunicipal Agreement (IMA) with the Town Board of the Town of Queensbury on behalf of the Queensbury Consolidated Water District on the 1st of February 1999; and

WHEREAS, Section IX of the aforementioned IMA grants the Town of Moreau the right to purchase additional Capacity from Queensbury;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Moreau purchase additional Capacity of 150,000 gallons per day from Queensbury in an amount not to exceed \$159,000, to be paid pre-audit and from all six water districts in the Town of Moreau.

Resolution #2021-232

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution as read into the record by the Supervisor.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

The Supervisor read the third resolution aloud as follows:

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: AUTHORIZING SALE OF WATER TO VILLAGE FOR EMERGENCY WATER USE

A regular meeting of the Town Board of the Town of Moreau was held on June 22, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

WHEREAS: The Village of South Glens Falls has requested that the Town of Moreau enter into an Intermunicipal Agreement (IMA) to provide water to the Village for emergency use only; and

WHEREAS: The Town is agreeable to enter into such agreement which allows for the sale of a maximum of 140,000 gallons of water per day, not to exceed 4,200,000 gallons in one month;

NOW, THEREFORE, BE IT

RESOLVED, that the Town will enter into an agreement with the Village of South Glens Falls, which agreement provides for the sale of a maximum of 140,000 gallons of water per day, not to exceed 4,200,000 gallons in one month for emergency use only; and be it further

RESOLVED, that the cost for the water usage is \$4.00 per thousand gallons; and be it further

RESOLVED, that the Agreement will be for a term of six months; and be it further

RESOLVED: That the Supervisor is hereby authorized to execute the Agreement.

Resolution #2021-233

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to adopt the foregoing resolution as read into the record by the Supervisor.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

SEWER

The Supervisor stated that the Town Board had requested to purchase additional capacity from the City of Glens Falls at the rate that was in the contract. He stated that he had received correspondence back from the Mayor indicating, that it's their determination, the contract that was agreed to had expired. Therefore, they wouldn't entertain a dollar amount any lower than a \$6.00 rate, with the possibility of the rate being higher. He stated, from his point of view, the discussion is at a standstill. He stated, after running the numbers with the new fee schedule, the Town will have to seriously consider other options. One of the options would be to have the Town participate in the Saratoga County Sewer District. He stated that their Sewer District currently serves the development at Exit 16. He stated that our options are to build our own plant, which is cost prohibitive, or, to look into the feasibility of constructing a line and tie in with the County. The Supervisor stated that he's had conversations with the County and that they have the capacity to meet the Town's needs. He suggested that it would be prudent for the Town Board to look into the feasibility of that option, which would require some engineering. He stated that they've received a proposal from the Town's engineers (Laberge Group) to do the leg work. The Supervisor read the proposal from Laberge Group dated June 21, 2021. The amount of the proposal is a lump sum fee of \$35,000.00, plus reimbursable expenses for travel and reproduction. The Supervisor stated, that if the Town Board wishes to proceed, funds would need to be transferred from the General Contingent Account to the Economic Development Account. The Contingent Account has a current balance of \$62, 052.00 as of May 31, 2021. He stated that the Economic Assistance Account has a balance of just over \$19,000.00. He stated that they'll need to move approximately \$15,500.00. The Supervisor stated, that it was his belief, that they need to be fiscally responsible and look at alternatives. Councilmember Noonan thought it was smart to look at the options and supported moving forward with the proposal from Laberge Group.

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Councilmember VanTassel agreed. The Supervisor stated that there could be cost savings realized by resizing and relocating certain sized pipe as part of the ongoing project.

Resolution #2021-234

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, that \$15,500 be transferred from account A1990.4 – General Contingent and, that \$15,500 be transferred to A6460.4 – General - Economic Assistance To increase funds in Economic Development to assist in the evaluation of alternative sewer treatment.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

Resolution 2021-235

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, authorizing contract addendum #2021075-00, dated June 22, 2021, between the Town of Moreau and Laberge Group, which will increase the contract by \$35,000.00, plus reimbursable expenses for provision of additional services related to the alternative sewer treatment options as stated in the proposal dated June 21, 2021.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

SUPERVISOR ITEMS

The Supervisor stated that he had received a report for mortgage tax receipts for the period from May 1, 2021 through May 31, 2021. The Town of Moreau will be receiving \$98,134.50. He stated that it's the fourth largest amount in the County.

The Supervisor stated that he received correspondence from the New York State Tax Department stating, that on June 16, 2021, they established a final 2021 class equalization rate for the Town of Moreau, which was 100%. The final rate certificate impact statement data report is on file in his office if anyone would like to take a look at it. He stated that the 100% is good news for the Town and commented that sales tax received by the towns is based partly on that formula.

The Supervisor stated that he had received correspondence from the New York State Canal Corporation in relation to the Earthen Embankment Integrity Program, which was a notice of the release of the draft Generic Environmental Impact Statement. The Supervisor read from the correspondence he had received, which stated that the study was available for review by the public. The Canal Corporation is also releasing a Draft Management Maintenance Guidebook, which is the primary governance document for implementation of the EEIP. Two virtual public comment sessions will be held on July 14, 2021 at 10:00

A regular meeting of the Town Board of the Town of Moreau was held on June 22, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

a.m. and 7:00 pm. to accept verbal comments from the public. Written comments can be made no later than August 5, 2021, either by mail to Mr. James Candiloro, PE, 30 South Pearl Street, 10th Floor, Albany, NY 12207 or by email @ NYSCC-Embankments@bergmannpc.com or on-line at www.canals.ny.gov/Earthen_Embankment The Supervisor stated that anyone looking for more information can reach out to his office.

COMMITTEE REPORTS

Councilmember VanTassel gave an update from the Recreation Leader.

- #1. The expanded drainage for the splash pad has been completed and they don't anticipate any issues. Councilmember VanTassel thanked the Water and Highway Departments for their help.
- #2. Parking lot signage has been ordered. They're waiting on the Town Board with some final decisions regarding the striping of the parking lot. The Recreation Committee will be bringing that before the Town Board soon.
- #3. They're focusing on finishing up the Disc Golf Course and are presently putting in metal ground sleeves for the baskets. He stated that once the course is up and running, they'll see a lot of activity.
- #4. Flyers have gone out to the schools for the summer programs that are being offered: Basketball and the Nature Camp (July 26th – July 30th and August 2nd – August 6th). Flag Football flyers will be going out soon.

Councilmember Donohue stated that he had spoken with Mike Hastings at the Transfer Station. He's willing to come in on Wednesdays, when the Transfer Station is closed, to replace the compactor roof. The cost of materials shouldn't be more than \$900.00. The Supervisor asked Councilmember Donohue if he knew what account code they would be using for the supplies. Councilmember Donohue stated that he had just spoken with Mr. Hastings and didn't have that information yet. The matter was tabled until the next regular Town Board meeting.

Councilmember Noonan stated that there are EV Charging Stations at the Recreation Park and here at Town Hall. It was brought to his attention that people are using these stations as parking spaces. He suggested there be signage that they are for charging of electric vehicles only.

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan to adjourn to executive session at 8:15 p.m. to discuss the work performance of an unnamed employee(s).

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

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

The Town Board returned from executive session at 9:08 p.m. and it was reported that there was no action taken in executive session.

A regular meeting of the Town Board of the Town of Moreau was held on June 22, 2021 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Resolution #2021-236

A motion was made by Councilmember Noonan, seconded by Councilmember Donohue and carried, authorizing the Town Clerk to advertise for the position of Full-time laborer for the Water/Sewer Department.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

A motion was made by Councilmember VanTassel, seconded by Councilmember Noonan and carried, to close the meeting for the evening at 9:10 p.m.

Asked if all in favor, the following responses were given:

Councilmember Hogan	Absent
Councilmember Noonan	Aye
Councilmember Donohue	Aye
Councilmember VanTassel	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

Chapter 70

Fences

§ 70-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE

Any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FRONT YARD

Applies to that portion of the yard in front of the rear building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as a "front yard" for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

HEIGHT

The distance measured from the existing grade to the top of the fence.

§ 70-2 Approval required.

No fence, wall or other type of construction shall be erected without the approval of the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer. The Building Inspector and/or Code Enforcement Officer shall secure approval of the Superintendent of Highways and the Bureau of Fire Prevention, where applicable.

§ 70-3 Application for permit; issuance.

Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer on a form provided by the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer. Said application shall be accompanied by a scaled plan or sketch showing the proposed location of any fence, the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the town, and be accompanied by an appropriate fee. Upon approval by the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer, a permit shall be issued which will be in effect for a period of one year from the date thereon. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper town officials.

§ 70-4 Height limitations.

No fence shall be more than eight feet in height at the rear yard or side yard of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the front building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 48 inches. This restriction shall not apply to construction in all zoning districts.

§ 70-5 Location restrictions.

Any fence erected under this chapter shall be placed at least six inches from any property line. Any fence

erected in a front yard shall be placed at least one foot back from the sidewalk, but in no event may it be less than one foot back from the front line and/or property line.

§ 70-6 Materials and composition.

- A. Any fence, wall or similar structure as well as shrubbery which unduly cuts off light or air which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to combating fires which may affect public safety is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.
- B. The following fences and fencing materials are specifically prohibited in all zoning districts except in the R-3, R-4, and R-5 Zoning Districts:
 - (1) Barbed wire.
 - (2) Short, pointed fences.
 - (3) Canvas fences.
 - (4) Cloth fences.
 - (5) Electrically charged fences.
 - (6) Poultry fences.
 - (7) Turkey wire.
 - (8) Temporary fences such as snow fences.
 - (9) Expandable fences and collapsible fences, except during construction of a building.
- C. All chain link fences erected shall be erected with the closed loop at the top of the fence. All other fences shall be erected with the finished side facing the nearest adjacent property line, where applicable.
- D. All entrances or gates shall open into the property.
- E. Notwithstanding the provisions of this section, the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer may issue a permit for the construction of a security fence for commercial and industrial properties, upon due application to and approval by the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer of the Town of Moreau. The Building Inspector, Zoning Administrator, and/or Code Enforcement Officer may deny such application if it is found that the application for such fence is not appropriate and is unnecessary. Upon such denial, the applicant may appeal the decision of the Building Inspector and/or Code Enforcement Officer to the Planning Board of the Town of Moreau by notice to the same within 30 days of such denial. In the event that the Planning Board substantiates the denial of the Building Inspector and/or Code Enforcement Officer, the applicant may resort to proper legal proceedings according to the statutes of the State of New York.

- F. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on private or public property.

§ 70-7 Variances.

Any variance to this chapter shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in §149-59 A. for area variances. In granting a variance, the Zoning Board of Appeals may impose conditions to protect the best interest of the surrounding property, the neighborhood and the town as a whole

§ 70-8 Authority of town officials.

The Building Inspector, Zoning Administrator, Code Enforcement Officer, Superintendent of Highways or Bureau of Fire Prevention shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Building Inspector, Zoning Administrator, Code Enforcement Officer or Superintendent of Highways or Bureau of Fire Prevention shall be guilty of a violation of this chapter and shall be subject to its penalties.

§ 70-9 Applicability.

The provisions of this chapter shall not apply to any fences erected pursuant to any other legislation of the town.

§ 70-10 Penalties for offenses.

Any person, firm or corporation or his or her or its agent, servant, workman or employee violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.

EXHIBIT “A”

SUMMARY OF THE JOINT CONSOLIDATION AGREEMENT

The Joint Consolidation Agreement is to be entered into by the Town of Moreau with WATER DISTRICT NO. 1; WATER DISTRICT NO.1, EXT. NO. 1; WATER DISTRICT NO.1, EXT. 2; WATER DISTRICT NO. 1, EXT. NO. 3; WATER DISTRICT NO. 2; WATER DISTRICT NO. 3; WATER DISTRICT NO. 4; WATER DISTRICT NO.4, EXT. NO. 1; WATER DISTRICT NO. 4, EXT. NO. 2; WATER DISTRICT NO. 5; WATER DISTRICT NO. 5, EXT. NO. 1; WATER DISTRICT NO. 5, EXT. NO. 2; WATER DISTRICT NO. 6; WATER DISTRICT NO. 6, EXT. NO. 1; AND WATER DISTRICT NO. 6, EXT. NO. 2. The Town will as of January 1, 2022, be consolidating these six water districts and nine water district extensions into one consolidated water district. All property of the six water districts and the nine water district extensions will be transferred to the consolidated water district and any liabilities paid from the consolidated water district balances. Any existing and future bonded indebtedness and any capital improvements of the consolidated water district will be paid for based upon the following formula: a fraction, the numerator for which is the annual debt service for all districts less the rent received from the cellular tower and the denominator for which is the Equivalent Dwelling Units (EDU) within the entire consolidated water district. The annual debt service charge shall be \$36.47 per EDU during the first year of consolidation and then adjusted annually thereafter. Annual operation and maintenance expenses for the consolidated water district will be determined by the following formula: a fraction, the numerator for which is the operation and maintenance costs derived from all districts and extensions from 2019, and the denominator for which is the total 2019 total metered water consumption in gallons, and

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then multiplied by 1000. Operation and maintenance costs will be billed at \$2.60 per 1,000 gallons during the first year of consolidation and then adjusted annually thereafter.

A public hearing upon the consolidation will be held by the Town Board at Moreau Town Hall, 351 Reynolds Road, Moreau, New York, not less than 35 days or more than 90 days after May 27, 2021. Notice of the date and time of the public hearing will be posted and published pursuant to Section 754 of the General Municipal Law of the State of New York.

A copy of the Joint Consolidation Agreement, this summary and the map, plan and report describing the consolidation may be reviewed at the Town Clerk's Office, 351 Reynolds Road, Moreau, New York, on the Town Clerk's bulletin board or on the town's website.

Moreau, New York
May 27, 2021

EXHIBIT "B"

TOWN OF MOREAU

PROPOSED CONSOLIDATED WATER DISTRICT

BOUNDARY DESCRIPTION

MAY 2020

BEGINNING AT A POINT at the South West Corner of Parcel No. 90.-1-1.1. Thence Easterly a distance of 1,626± feet along the Southern boundary of said parcel. Thence Southerly a distance of 567± feet along the Western boundary of Parcel No. 90.-1-1.1. Thence Easterly a distance of 917± feet along the Northern boundary of Parcel No. 90.-1-69 to a point. Said point being the North East corner of Parcel No. 90.-1-69. Thence Easterly a distance of 75± feet to a point. Said point being the South West corner of Parcel No. 90.-1-2. Thence Easterly a distance of 451± feet along the Southern boundary of Parcel No. 90.-1-2, crossing Fortsville Road, to a point. Said point being along the Western boundary of Parcel No. 90.-1-78. Thence Northerly a distance of 99± feet along the Western boundary of Parcel No. 90.-1-78 to a point. Said point the South West corner of Parcel No. 90.-1-4.112. Thence Easterly a distance of approximately 928± feet to a point. Said point being the South East corner of Parcel No. 90.-1-4.112. Thence Northerly a distance of 397± along the Eastern boundary of Parcel No. 90.-1-4.112 to a point. Said point being the North East corner of Parcel No. 90.-1-4.112. Thence Easterly a distance of 95± feet along the Southern boundary of Parcel No. 90.-1-77 to a point. Said point being the South East corner of Parcel No. 90.-1-77. Thence Northerly a distance of 229± feet along the Eastern boundary of Parcel No. 90.-1-77 to a point. Said point being the North East corner of Parcel No. 90.-1-77. Thence Easterly a distance of 1,644± feet along the Southern boundary of Parcel No. 90.-1-3 to a point. Said point being the South East corner of Parcel No. 90.-1-3. Thence Northerly a distance of 1,585± feet along the Eastern boundaries of Parcel No. 90.-1-3 and Parcel No. 77.-2-30.11 to a point. Said point being the North East corner of Parcel No. 77.-2-30.11. Thence Westerly a distance of 1,127± feet along the Northern boundary of Parcel No. 77.-2-30.11 to a point. Said point being the South East corner of Parcel No. 77.-2-43. Thence Northerly a distance of 757± feet along the Eastern boundary of Parcel No. 77.-2-43 to a point. Said point being the North East corner of Parcel No. 77.-2-43. Thence Easterly a distance of 457± feet

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along the Northern boundary of Parcel No. 77.-2-4.4 to a point. Said point being along the Southern boundary of Hatchery Road. Thence Northerly a distance of 2,452± feet, crossing Hatchery Road and along the Eastern boundaries of Parcel No. 77.-4-16.2, Parcel No. 77.-4-26, Parcel No. 77.-4-27, and Parcel No. 77.-4-30.1 to a point. Said point being the North East corner of Parcel No. 77.-4-30.1. Thence Westerly a distance of 662± feet along the Northern boundary of Parcel No. 77.-4-30.1 to a point. Said point being the South West corner of Parcel No. 77.-4-38.2. Thence North Easterly a distance of 534± feet along the Western boundary of Parcel No. 77.-4-38.2 to a point. Said point being the North corner of Parcel No. 77.-4-38.2. Thence South Easterly a distance of 563± feet along the Eastern boundary of Parcel No. 77.-4-38.2 to a point. Said point being the South East point of Parcel No. 77.-4-38.2. Thence Easterly a distance of 3,064± feet along the Northern boundaries of Parcel No. 77.-4-15.1 and Parcel No. 77.-4-10 to a point. Said point being the North East point of Parcel No. 77.-4-10. Thence Northerly a distance of 770± feet along the Western boundary of Parcel No. 77.-1-65.1 to a point. Said point being the North West corner of Parcel No. 77.-1-65.1. Thence Westerly a distance of 72± feet along the Southern boundary of Parcel No. 77.-1-105 to a point. Said point being a point along the Southern boundary of Parcel No. 77.-1-105. Thence Southerly a distance of 652± feet to a point. Thence Westerly a distance of 3,092± feet along the Southern boundary of Parcel No. 77.-4-7 to a point. Said point being the South West corner of Parcel 77.-4-7. Thence North Westerly a distance of 524± feet to a point. Said point being the South East corner of Parcel No. 77.-4-34. Thence Westerly a distance of 1,170± feet to a point. Said point being the South East corner of Parcel No. 77.1-1-12. Thence North Easterly a distance of 1,758± feet along the Western boundary of Parcel 77.-4-34 to a point. Said point being the South West corner of Parcel No. 77.1-1-3. Thence North Easterly a distance of 476± feet along the Southern boundary of Parcel No. 77.1-1-3 to a point. Said point being the South East corner of Parcel No. 77.1-1-3. Thence Southerly a distance of 895± feet along the Western boundary of Parcel No. 77.-4-3 to a point. Said point being the South West corner of Parcel No. 77.-4-3. Thence Easterly a distance of 941± feet along the Southern boundary of Parcel No. 77.-4-3 to a point. Said point being the North East corner of Parcel No. 77.-4-35. Thence North Easterly a distance of 433± feet along the Eastern boundary of Parcel No. 77.-4-4 to a point. Said point being the South East corner of Parcel No. 77.-4-36.2. Thence North Westerly a distance of 658± feet along the Western boundary of Parcel No. 77.-4-36.2 to a point. Said point being the North West corner of Parcel

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No. 77.-4-36.2. Thence North Easterly a distance of 727± feet along the Northern boundary of Parcel No. 77.-4-36.2 to a point. Said point being the North East corner of Parcel No. 77.-4-36.2. Thence South Easterly a distance of 497± feet along the Eastern boundary of Parcel No. 77.-4-36.2 to a point. Said point being the South East corner of Parcel No. 77.-4-36.2. Thence North Easterly a distance of 542± feet along the Southern boundary of Parcel No. 77.-4-36.11 to a point. Said point being the South West point of Parcel No. 77.-4-41. Thence Northerly a distance of 372± feet along the Western boundary of Parcel No. 77.-4-41 to a point. Said point being the North corner of Parcel No. 77.-4-41. Thence South Easterly a distance of 266± feet along the Eastern boundary of Parcel No. 77.-4-41 to a point. Said point being the South East corner of Parcel No. 77.-4-41. Thence North Easterly a distance of 541± feet along the Southern boundaries of Parcel No. 77.-4-42, Parcel No. 77.-4-44, and Parcel No. 77.-4-45 to a point. Said point being the South East corner of Parcel No. 77.-4-45. Thence Southerly a distance of 83± feet along the Western boundary of Parcel No. 77.-4-46 to a point. Said point being the South West corner of Parcel No. 77.-4-46. Thence Easterly a distance of 251± feet along the Southern boundary of Parcel No. 77.-4-46 to a point. Said point being the South East corner of Parcel No. 77.-4-46. Thence Northerly a distance of 162± feet along the Eastern boundary of Parcel No. 77.-4-46 to a point. Said point being the South West corner of Parcel No. 63.18-1-1.2. Thence Easterly a distance of 336± feet along the Southern boundaries of Parcel No. 63.18-1-1.2, Parcel No. 63.18-1-1.1, and Parcel No. 63.18-1-2 to a point. Said point being the South East corner of Parcel No. 63.18-1-2. Thence Northerly a distance of 74± feet along the Eastern boundary of Parcel No. 63.18-1-2 to a point. Said point being the South West corner of Parcel No. 63.18-1-3. Thence Easterly a distance of 1,088± feet along the Southern boundaries of Parcel No. 63.18-1-3, crossing Coriander Drive, along the Southern boundaries of Parcel No. 63.18-1-4, Parcel No. 63.18-1-5, Parcel No. 63.19-1-1, and Parcel No. 63.19-1-2 and crossing Michael Road to a point. Said point being along the Western boundary of Parcel No. 63.19-1-3. Thence Southerly a distance of 85± feet along the Western boundary of Parcel No. 63.19-1-3 to a point. Said point being the South West corner of Parcel No. 63.19-1-3. Thence Easterly a distance of 277± feet along the Southern boundaries of Parcel No. 63.19-1-3, Parcel No. 63.19-1-21.1, and Parcel No. 63.19-1-21.2 to a point. Said point being the South East corner of Parcel No. 63.19-1-21.2. Thence Southerly a distance of 508± feet along the Western boundaries of Parcel No. 63.4-2-3 and Parcel No. 63.4-2-56 to a point. Said point being the South West corner of Parcel No. 63.4-

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2-56. Thence Easterly a distance of $277\pm$ feet along the Southern boundary of Parcel No. 63.4-2-56 to a point. Said a point being the South East corner of Parcel No. 63.4-2-56. Thence Northerly a distance of $607\pm$ feet along the Eastern boundary of Parcel No. 63.4-2-56 to a point. Said point being the South West corner of Parcel No. 63.4-2-5. Thence Easterly a distance of $1,563\pm$ feet along the Southern Boundaries of Parcel No. 63.4-2-5, Parcel No. 63.4-2-6, Parcel No. 63.4-2-7, Parcel No. 63.4-2-8, Parcel No. 63.4-2-9, Parcel No. 63.4-2-10, Parcel No. 63.4-2-11, Parcel No. 63.4-2-12, Parcel No. 63.4-2-13, Parcel No. 63.4-2-14, Parcel No. 63.4-2-15, Parcel No. 63.4-2-16, Parcel No. 63.4-2-17, and Parcel No. 63.4-2-18 to a point. Said point being the South East corner of Parcel No. 63.4-2-18. Thence Southerly a distance of $629\pm$ feet along the Western boundaries of Parcel No. 63.4-2-54 and Parcel No. 63.-2-2.12 to a point. Said point being the South West corner of Parcel No. 63.-2-2.12. Thence Easterly a distance of $832\pm$ feet along the Southern boundary of Parcel No. 63.-2-2.12 to a point. Said point being the South East corner of Parcel No. 63.-2-2.12. Thence Northerly a distance of $651\pm$ feet along the Eastern boundary of Parcel No. 63.-2-2.12 to a point. Said point being the North East corner of Parcel No. 63.-2-2.12. Thence Easterly a distance of $535\pm$ along the Southern boundaries of Parcel No. 63.4-2-23, Parcel No. 63.4-2-24, Parcel No. 63.4-2-25, Parcel No. 63.4-2-26, and Parcel No. 63.4-2-27 to a point. Said point being the South East corner of Parcel No. 63.4-2-27. Thence Southerly a distance of $1,053\pm$ feet along the Western boundaries of Parcel No. 63.4-2-50.12 and Parcel No. 63.4-2-50.111 to a point. Said point being the South West point of Parcel No. 63.4-2-50.111. Thence North Easterly a distance of $197\pm$ feet along the Southern boundary of Parcel No. 63.4-2-50.111 to a point. Said point being the South West corner of Parcel No. 63.4-2-51.1. Thence Northerly a distance of $499\pm$ feet along the Western boundary of Parcel No. 63.4-2-51.1 to a point. Said point being the North West corner of Parcel No. 63.4-2-51.1. Thence Easterly a distance of $286\pm$ feet along the Northern boundary of Parcel No. 63.4-2-51.1 to a point. Said point being the North East corner of Parcel No. 63.4-2-51.1. Thence North Westerly a distance of $30\pm$ along the Western boundary of Parcel No. 63.4-2-57 to a point. Said point being the North West corner of Parcel No. 63.4-2-57. Thence North Easterly a distance of $216\pm$ along the Northern boundary of Parcel No. 63.4-2-57 to a point. Said point being the North East corner of Parcel No. 63.4-2-57. Thence South Easterly a distance of $48\pm$ feet along the Eastern boundary of Parcel No. 63.4-2-57 to a point. Said point being the North West corner of Parcel No. 63.4-2-49. Thence North Easterly a distance of $368\pm$ feet along the Northern boundary of Parcel No.

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63.4-2-49 to a point. Said point being the North East corner of Parcel No. 63.4-2-49. Thence Southerly a distance of 264± feet along the Eastern boundary of Parcel No. 63.4-2-49 to a point. Said point being the South East corner of Parcel No. 63.4-2-49. Thence North Easterly a distance of 626± feet along the Southern boundaries of Parcel No. 63.4-2-30, Parcel No. 63.4-2-31.1, Parcel No. 63.4-2-32.1, and Parcel No. 63.4-2-33 to a point. Said point being the South East corner of Parcel No. 63.4-2-33. Thence North Easterly a distance of 209± feet, parallel to the Southern boundary of Parcel No. 63.4-2-33, crossing Reynolds Road, to a point. Said point being along the Southern boundary of Parcel No. 63.4-4-47.2. Thence North Easterly a distance of 214± feet along the Southern boundary of Parcel No. 63.4-4-47.2 to a point. Said point being the South East corner of Parcel No. 63.4-4-47.2. Thence South Easterly a distance of 67± feet, crossing Gansevoort Road, to a point. Said point being the South West corner of Parcel No. 64.-1-31. Thence Easterly a distance of 456± feet along the Southern boundaries of Parcel No. 64.-1-31, Parcel No. 64.-1-29.111, and Parcel No. 64.-1-29.112 to a point. Said point being the South East corner of Parcel No. 64.-1-29.112. Thence Northerly a distance of 194± feet along the Western boundary of Parcel No. 64.-1-30 to a point. Said point being the North West corner of Parcel No. 64.-1-30. Thence Easterly a distance of 191± feet along the Northern boundary of Parcel No. 64.-1-30 to a point. Said point being the North East corner of Parcel No. 64.-1-30. Thence Southerly a distance of 130± feet along the Eastern boundary of Parcel No. 64.-1-30 to a point. Said point being the South East corner of Parcel No. 64.-1-30. Thence North Easterly a distance of 179± along the Eastern boundary of Parcel No. 64.-1-29.111. Thence Westerly a distance of 70± feet along the boundary of Parcel No. 64.-1-29.111. Thence North Easterly a distance of 638± feet along the Eastern boundary of Parcel No. 64.-1-29.111 to a point. Said point being the North East corner of Parcel No. 64.-1-29.111. Thence North Westerly a distance of 542± feet, crossing Parcel 64.-1-33, to a point. Said point being the South East corner of Parcel No. 63.4-4-39. Thence North Easterly a distance of 190± feet to a point. Said point being the North East corner of Parcel No. 63.4-4-39. Thence North Westerly a distance of 207± feet, crossing Parcel No. 64.-1-34, to a point. Said point being the South East corner of Parcel No. 64.-1-35. Thence Northerly a distance of 957± feet along the Eastern boundaries of Parcel No. 64.-1-35, Parcel No. 64.-1-36.1, and Parcel No. 64.-1-36.2 to a point. Said point being the North East corner of Parcel No. 64.-1-36.2. Thence North Westerly a distance of 229± feet, crossing Parcel No. 64.-1-37, to a point. Said point being the South West point of Parcel No. 64.1-2-16.

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Thence Northerly a distance of 144± feet along the Western boundaries of Parcel No. 64.1-2-16 and Parcel No. 64.1-2-17, crossing Centerbar Heights, to a point. Said point being the North West corner of Parcel No. 64.1-2-17. Thence Easterly a distance of 300± feet along the Northern boundary of Parcel No. 64.1-2-17 to a point. Said point being the North East corner of Parcel No. 64.1-2-17. Thence Northerly a distance of 203± feet along the Eastern boundary of Parcel No. 64.1-2-23 to a point. Said point being the North West corner of Parcel No. 64.1-2-19. Thence Easterly a distance of 294± feet along the Southern boundary of Parcel No. 64.1-1-26 to a point. Said point being the South East corner of Parcel No. 64.1-1-26. Thence Northerly a distance of 462± feet along the Eastern boundary of Parcel No. 64.1-1-26 to a point. Said point being the North East corner of Parcel No. 64.1-1-26. Thence Westerly a distance of 403± feet along the Northern boundary of Parcel No. 64.1-1-26 to a point. Said point being along the Northern boundary of Parcel No. 64.1-1-26. Thence Northerly a distance of 444± feet along the Western boundaries of Parcel No. 64.1-1-25, Parcel No. 64.1-1-24, Parcel No. 64.1-1-44, and Parcel No. 64.1-1-21. Thence Easterly a distance of 26± feet. Thence Northerly a distance of 103± feet along the Eastern boundary of Parcel No. 64.1-1-21 to a point. Said point being the North East corner of a Parcel No. 64.1-1-21. Thence Easterly a distance of 601± feet along the Southern boundary of Parcel No. 64.1-1-11 to a point. Said point being the South East corner of Parcel No. 64.1-1-11. Thence Northerly a distance of 1,035± feet along the Eastern boundaries of Parcel No. 64.1-1-11 and Parcel No. 64.1-1-8.12 to a point. Said point being the North East corner of Parcel No. 64.1-1-8.12. Thence Easterly a distance of 3,070± feet along the Northern boundary of Parcel 64.-1-2 to a point. Said point being the South East corner of Parcel No. 50.-3-24.11. Thence North Easterly a distance of 668± feet to a point. Said point being along the Eastern boundary of Parcel No. 50.-3-24.11. Thence North Easterly a distance of 3,024± feet crossing Parcel No. 50.-3-20 and along the Eastern boundary of Parcel No. 50.-3-19 to a point. Said point being the North East corner of Parcel No. 50.-3-19. Thence South Easterly a distance of 1,112± feet along the Southern boundaries of Parcel No. 50.-3-16.3, Parcel No. 50.-3-16.2, Parcel No. 50.-3-16.1, and Parcel No. 50.-3-17 to a point. Said point being the South East corner of Parcel No. 50.-3-17. Thence North Westerly a distance of 75± feet to a point. Said point being the South West corner of Parcel No. 50.-3-18. Thence Easterly a distance of 92± feet to a point. Said point being the South East corner of Parcel No. 50.-3-18. Thence Northerly a distance of 277± feet along the Eastern boundary of Parcel No. 50.-3-18 to a point. Said point being the North

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East corner of Parcel No. 50.-3-18. Thence South Easterly a distance of 197± feet along the Southern boundary of Fort Edward Road to a point. Said point being along the Northern boundary of Parcel No. 50.-2-68. Thence Northerly a distance of 339± feet along Parcel No. 50.-2-32.11, crossing Fort Edward Road, to a point. Said point being the North West corner of Parcel No. 50.-3-32.11. Thence Easterly a distance of 1,569± feet along the Northern boundaries of Parcel No. 50.-2-32.11, Parcel No. 50.-2-32.122, and Parcel No. 50.-2-32.2 to a point. Said point being the North East corner of Parcel No. 50.-2-32.2. Thence South Easterly a distance of 1,148± feet along the Western boundary of Parcel No. 50.-4-12 to a point. Said point being the South West corner of Parcel No. 50.-4-12. Thence North Easterly a distance of 954± feet along the Southern boundaries of Parcel No. 50.-4-12 and Parcel No. 50.-4-11, crossing Farnan Road, to a point. Said point being the South East corner of Parcel No. 50.-4-11. Thence Northerly along the Eastern boundaries of Parcel No. 50.-4-11, Parcel No. 50.-4-9, Parcel No. 50.-4-8, Parcel No. 50.-4-5, Parcel No. 50.-4-95, and Parcel No. 50.-4-3 to a point. Said point being the North East corner of Parcel No. 50.-4-3. Thence Westerly along the Northern boundaries of Parcel No. 50.-4-3, Parcel No. 50.-4-98, Parcel No. 50.-4-92.3, and Parcel No. 50.-4-35 to a point. Said point being the North West corner of Parcel No. 50.-4-35. Thence Southerly a distance of 98± feet along the Eastern boundary of Parcel No. 50.-4-1.2 to a point. Said point being the South East point of Parcel No. 50.-4-1.2. Thence South Westerly crossing Parcel No. 50.-4-1.31 and along the Northern boundary of Parcel No. 50.-4-34 to a point. Said point being the North West point of Parcel No. 50.-4-34. Thence Easterly a distance of 93± feet crossing Farnan Road to a point. Said point being the North East corner of Parcel No. 50.-4-31. Thence Easterly a distance of 16± feet to a point. Said point being the North West corner of Parcel No. 50.-4-31. Thence Easterly a distance of 150± feet parallel to the Northern boundary of Parcel No. 50.-4-31 crossing Parcel No. 50.-4-93 to a point. Said point being along the Eastern boundary of Parcel No. 50.-2-105. Thence Northerly a distance of 213± feet along the Eastern boundary of Parcel No. 50.-2-105 to a point. Said point being the South East corner of Parcel No. 50.-2-2.1. Thence North Westerly a distance of 507± feet along the Eastern boundaries of Parcel No. 50.-2-2.1 and Parcel No. 50.-2-100.3 to a point. Said point being the South East corner of Parcel No. 50.-2-15. Thence South Westerly a distance of 110± feet along the Southern boundary of Parcel No. 50.-2-15 to a point. Said point being the South West corner of Parcel No. 50.-2-15. Thence North Westerly a distance of 143± feet along the Western boundary of Parcel No. 50.-2-15 to a point. Said point

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being the North West corner of Parcel No. 50.-2-15. Thence North Westerly a distance of 60± feet parallel to the Western boundary of Parcel No. 50.-2-15 crossing Bluebird Road to a point. Said point being along the Southern boundary of Parcel No. 50.-2-100.5. Thence South Westerly a distance of 505± feet along the Southern boundaries of Parcel No. 50.-2-100.5, Parcel No. 50.-2-100.4, and Parcel No. 50.-2-102 to a point. Said point being the North East corner of Parcel No. 50.-2-2.1. Thence Westerly a distance of 289± feet along the Northern boundary of Parcel No. 50.-2-2.1 to a point. Said point being the South East corner of Parcel No. 50.-2-12. Thence Northerly a distance of 118± feet along the Eastern boundary of Parcel No. 50.-2-12 to a point. Said point being the North East corner of Parcel No. 50.-2-12. Thence Easterly a distance of 29± feet along the Southern boundary of Parcel No. 50.-2-11 to a point. Said point the South East corner of Parcel No. 50.-2-11. Thence Northerly a distance of 313± feet along the Eastern boundaries of Parcel No. 50.-2-11 and Parcel No. 50.-2-10 to a point. Said point being the North East corner of Parcel No. 50.-2-10. Thence Easterly a distance of 74± feet along the Southern boundary of Parcel No. 37.-1-12 to a point. Said point being the South East corner of Parcel No. 37.-1-12. Thence Northerly a distance of 367± feet along the Eastern boundary of Parcel No. 37.-1-12 to a point. Said point being the North East corner of Parcel No. 37.-1-12. Thence North Easterly a distance of 450± feet along the Northern boundaries of Parcel No. 50.-2-100.4, Parcel No. 50.-2-100.5, and Parcel No. 50.-2-100.6 to a point. Said point being the North East corner of Parcel No. 50.-2-100.6. Thence South Easterly a distance of 553± feet along the Eastern boundary of Parcel No. 50.-2-100.6 to a point. Said point being the South East corner of Parcel No. 50.-2-100.6. Thence North Easterly a distance of 2,641± feet along the Southern boundaries of Parcel No. 50.-4-1.31, Parcel No. 37.-1-10.13, and Parcel No. 37.-1-10.14 to a point. Said point being along the South East boundary of Parcel No. 37.-1-10.14. Thence South Easterly a distance of 71± feet perpendicular to the Southern boundary of Parcel No. 37.-1-10.14 to a point. Said point being along the Eastern boundary of Parcel No. 37.-2-11.5. Thence South Westerly a distance of 75± feet along the Eastern boundary of Parcel No. 37.-2-11.5. Thence South Easterly a distance of 571± feet along the southern boundary of Parcel No. 37.-2-11.5 to a point. Said point being along the Southern boundary of Parcel No. 37.-2-11.5. Thence South Easterly a distance of 177± feet crossing Parcel No. 37.-2-11.4, Parcel No. 37.-2-11.6, and Parcel No. 50.-4-1.2 to a point. Said point being along the Eastern boundary of Parcel No. 50.-4-1.2. Thence North Easterly a distance of 617± feet crossing Parcel No. 37.-2-6, Parcel 37.-2-7, and Hudson

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Falls Road to a point. Said point being along the Southern boundary of Parcel No. 37.-2-10.1 Thence Easterly a distance of 612± feet along the Northern boundary of Hudson Fall Road to a point. Said point being the Southern corner of Parcel No. 37.-2-8.1. Thence North Easterly a distance of 1,371± feet along the Western boundary of Parcel No. 37.-2-8.1 to a point. Said point being the Northern corner of Parcel No. 37.-2-8.1. Thence Northerly a distance of 572± feet along the Western boundary of Parcel No. 37.-2-6 to a point. Said point being the North East corner of Parcel No. 37.-2-10.1. Thence North Westerly a distance of 231± feet along the Northern boundary of Parcel No. 37.-2-10.1 to a point. Said point being the North East corner of Parcel No. 37.-2-4.12. Thence following a 400 foot offset from Ferry Blvd and Grant Road to a point. Said point being 1,600± feet West from the intersection of Ferry Blvd and Culver Lane and 1,360± feet North of the intersection of Ferry Blvd and Sisson Road. Thence South perpendicular to Sisson Road, maintaining a 400± foot offset, to a point. Said point being 400± feet North of Harrison Ave. Thence Westerly a distance of 1,911± feet to a point. Said point being the North East corner of Parcel No. 37.3-1-6. Thence North Westerly a distance of 625± feet along the Northern boundaries of Parcel No. 37.3-1-6, Parcel No. 37.3-1-7, Parcel No. 37. - 1-31.2, Parcel No. 37.3-1-17, and Parcel No. 37.3-1-1 to a point. Said point being the North West corner of Parcel No. 37.3-1-1. Thence South a distance of 1,348± feet along the Western boundaries of Parcel No. 37.3-1-1, Parcel No. 37.3-1-4, Parcel No. 37.3-1-5.12, Parcel No. 37.3-1-5.13 and Parcel No. 37.3-1-14, crossing Harrison Ave, to a point. Said point being the South East corner of Parcel No. 37.72-1-9. Thence Westerly a distance of 731± feet along the Southern boundaries of Parcel No. 37.72-1-9 and Parcel No. 37.63-1-32 to a point. Said point being the North West corner of Parcel No. 50.-2-2.1. Thence South Easterly a distance of 1,318± feet along the Western boundaries of Parcel No. 50.-2-2.1, Parcel No. 65.-1-16.2, and Parcel No. 50.-2-2.1 to a point. Said point being the South East corner of Parcel No. 37.79-1-41. Thence South Westerly a distance of 1,057± feet along the Southern boundary of Parcel No. 37.79-1-41 to a point. Said point being the North West corner of Parcel No. 50.1-1-7. Thence South Easterly a distance of 172± feet to a point. Said point being along the Western boundary of Parcel No. 50.1-1-7. Thence a distance of 4,704± feet along the centerline of William Street to a point. Said point being 216± feet West from the intersection of Feeder Dam Road and Saratoga Road. Thence Northerly a distance of 34± feet to a point. Said point being along the Southern boundary of Parcel No. 50.37-1-6. Thence South Westerly a distance of 2,101± feet along the Northern

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boundary of Feeder Dam Road to a point. Said point being the South West corner of Parcel No. 49.43-2-20. Thence North Westerly a distance of 2,179± feet along the Eastern boundaries of Parcel No. 49.43-1-12, Parcel No. 49.43-1-34, Parcel No. 49.43-1-9, Parcel No. 49.43-1-8, Parcel No. 49.43-1-7, Parcel No. 49.43-1-6, Parcel No. 49.43-1-5, Parcel No. 49.43-1-4, Parcel No. 49.35-1-10, Parcel No. 49.35-1-9, Parcel No. 49.35-1-8, Parcel No. 49.35-1-7, Parcel No. 49.35-1-6, Parcel No. 49.35-1-5, Parcel No. 49.-1-2.2, and Parcel No. 49.-1-2.4 to a point. Said point being the North East corner of Parcel No. 49.-1-2.4. Thence Westerly along the Northern boundaries of Parcel No. 49.-1-2.4 and Parcel No. 49.-1-1 to a point. Said point being the Northern corner of Parcel No. 49.-1-1 located approximately 310± feet North and 104± feet East of the North East corner of Parcel No. 49.-1-54.2. Thence North a distance of 337± feet to a point. Said point being along the County line. Thence along the County line until a point. Said point being at the projected intersection of the Northern boundary of Parcel No. 49.-1-70.1 and the County line. Thence South Easterly a distance of 1,028± feet to a point. Said point being along the boundary of Parcel No. 49.-1-70.1. Thence Southerly along the Western boundaries of Parcel No. 49.-1-70.1, Parcel No. 49.-1-62, Parcel No. 49.-1-64, Parcel No. 49.-1-61.1, Parcel No. 49.-1-48, Parcel No. 49.-1-47, Parcel No. 49.-1-46, Parcel No. 49.-1-45, Parcel No. 49.-1-44, Parcel No. 49.-1-72, Parcel No. 49.-1-67, Parcel No. 49.-1-69, Parcel No. 49.15-3-1.1, Parcel No. 49.19-3-1, Parcel No. 49.19-3-30, Parcel No. 49.19-3-29, Parcel No. 49.19-3-28, Parcel No. 49.19-3-26, Parcel No. 49.19-3-25, and Parcel No. 49.19-3-24 to a point. Said point being the South West corner of Parcel No. 49.19-3-24. Thence Southerly a distance of 195± feet along the Western boundary of Parcel No. 63.-1-9. Thence South Easterly a distance of 72± feet to a point. Said point being along the Western boundary of Parcel No. 63.-1-46. Thence South Westerly a distance of 1,302± feet along the Western boundary of Parcel No. 63.-1-46 to a point. Said point being the North West corner of Parcel No. 63.-1-8. Thence South Easterly a distance of 460± feet along the Eastern boundary of Parcel No. 63.-1-8 to a point. Said point being the North East corner of Parcel No. 63.-1-8. Thence South Westerly a distance of 1,788± feet along the Eastern boundary of Parcel No. 63.-1-8 to a point. Said point being the South East corner of Parcel No. 63.-1-8. Thence South Easterly a distance of 964± feet along the Eastern boundary of Parcel No. 63.-1-7 to a point. Said point being the South East corner of Parcel No. 63.-1-7. Thence Westerly a distance of 1,920± feet along the Southern boundary of Parcel No. 63.-1-7 to a point. Said point being a North West corner of Parcel No. 63.-1-46. Thence Southerly a distance of 578±

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feet along the Eastern boundary of Parcel No. 63.-1-25 to a point. Said point the South East corner of Parcel No. 63.-1-25. Thence Easterly a distance of 2,054± along the Northern boundary of Butler Road to a point. Said point being along the Northern boundary of Butler Road. Thence South Easterly a distance of 48± feet, crossing Butler Road, to a point. Said point being along the Northern boundary of Parcel No. 63.-4-1.11. Thence Westerly a distance of 2,020± feet along the Northern boundary of Parcel No. 63.-4-1.11 to a point. Said point being the North East corner of Parcel No. 63.-4-1.311. Thence Southerly a distance of 74± feet along the Eastern boundary of Parcel No. 63.-4-1.311 to a point. Said point being the South East corner of Parcel No. 63.-4-1.311. Thence South Westerly a distance of 1,222± feet along the Southern boundaries of Parcel No. 63.-4-1.311 and Parcel No. 63.-4-16 to a point. Said point being South East corner of Parcel No. 63.-4-17. Thence North Westerly a distance of 305± feet along the Southern boundaries of Parcel No. 63.-4-17 and Parcel No. 63.-4-1.32 to a point. Said point being the South West corner of Parcel No. 63.-4-1.32. Thence North Westerly a distance of 399± feet along the Western boundary of Parcel No. 63.-4-1.32 to a point. Said point being the North East corner of Parcel No. 63.-4-9.111. Thence Westerly a distance of 279± feet along the Northern boundary of Parcel No. 63.-4-9.111 to a point. Said point being the North West corner of Parcel No. 63.-4-9.111. Thence South Westerly a distance of 1,996± feet along the Western boundaries of Parcel No. 63.-4-9.111, Parcel No. 63.-4-1.11, Parcel No. 63.-4-9.112, and Parcel No. 63.-4-9.12 to a point. Said point being the Northern corner of Parcel No. 63.-4-8.13. Thence South Easterly a distance of 480± feet along the Western boundary of Parcel No. 63.-4-9.112 to a point. Said point being the Eastern corner of Parcel No. 63.-4-8.13. Thence South Westerly a distance of 672 feet along the Southern boundary of Parcel No. 63.-4-8.13 to a point. Said point being the Western corner of Parcel No. 63.-4-8.13. Thence South Westerly a distance of 1,850 feet along the Western boundaries of Parcel No. 63.-4-14.2 and Parcel No. 63.-4-14.1 to a point. Said point being along the Western boundary of Fawn Road. Thence South Easterly a distance of 1,305± feet along the Eastern boundary of Parcel No. 62.-1-44 to a point. Said being the South East corner of Parcel No. 62.-1-44. Thence Westerly a distance of 2,403± feet along the Southern boundaries of Parcel No. 62.-1-44 and Parcel No. 76.-3-15, crossing Interstate 87, to a point. Said point being the Easternmost point of Parcel No. 76.2-2-8. Thence North Westerly a distance of 670± feet along the Eastern boundaries of Parcel No. 76.2-2-8, Parcel No. 76.2-2-6, and Parcel No. 76.2-2-5 to a point. Said point being the North East corner of Parcel No. 76.2-2-5. Thence South Westerly a

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distance of 1,250± feet along the Northern boundaries of Parcel No. 76.2-2-5, Parcel No. 76.2-2-4, Parcel No. 76.2-2-3, Parcel No. 76.2-2-2, and Parcel No. 76.2-2-1 to a point. Said point being the North East corner of Parcel No. 76.2-2-1. Thence North Westerly a distance of 702± feet along the Northern boundaries of Parcel No. 76.2-2-1, crossing Briarhurst Drive, along the Northern boundaries of Parcel No. 76.2-1-2, Parcel No. 76.-2-22, and Parcel No. 76.-2-23 to a point. Said point being the North West corner of Parcel No. 76.-2-23. Thence North Easterly a distance of 2,147± feet along the Eastern boundary of Parcel No. 76.-2-21.1 to a point. Said point being the North East corner of Parcel No. 76.-2-21.1. Thence South Westerly a distance of 1,626± feet along the Northern boundary of Parcel No. 76.-2-21.1 to a point. Said point being the North West corner of Parcel No. 76.-2-21.1. Thence South Easterly a distance of 1,833± feet along the Western boundary of Parcel No. 76.-2-21.1, crossing Spier Falls Road, along the Western boundary of Parcel No. 76.-3-1 to a point. Said point being the South West corner of Parcel No. 76.-3-1. Thence Easterly a distance of 262± feet along the Southern boundaries of Parcel No. 76.-3-1 and Parcel No. 76.-3-2 to a point. Said point being the South East corner of Parcel No. 76.-3-2. Thence Southerly a distance of 264± feet along the Western boundary of Parcel No. 76.-3-5.212 to a point. Said point being the South West corner of Parcel No. 76.-3-5.212. Thence Easterly a distance of 552 along the Southern boundaries of Parcel No. 76.-3-5.212, Parcel No. 76.-3-5.211, and Parcel No. 76.-3-5.22 to a point. Said point being the South East corner of Parcel No. 76.-3-5.22. Thence Southerly a distance of 313± feet along the Western boundary of Parcel No. 76.-3-6 to a point. Said point being the South West corner of Parcel No. 76.-3-6. Thence Easterly a distance of 332± feet along the Southern boundary of Parcel No. 76.-3-6 to a point. Said point being the South East corner of Parcel No. 76.-3-6. Thence Northerly a distance of 288± feet along the Eastern boundary of Parcel No. 76.-3-6 to a point. Said point being the South West corner of Parcel No. 76.-3-82.1. Thence Easterly a distance of 576± feet along the Southern boundaries of Parcel No. 76.-3-82.1 and Parcel No. 76.-3-82.2 to a point. Said point being the South East corner of Parcel No. 76.-3-82.2. Thence South Easterly a distance of 611± feet along the Western boundary of Parcel No. 76.-3-9.11 to a point. Said point being the South West corner of Parcel No. 76.-3-9.11. Thence North Easterly a distance of 1,070± feet crossing Parcel No. 76.-3-89 and Interstate 87 to a point. Said point being the South West corner of Parcel No. 76.-3-17.2. Thence South Westerly a distance of 450± feet along the Western boundaries of Parcel No. 76.-3-17.1 and Parcel No. 76.-3-25.2 to a point. Said point

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being the North West corner of Parcel No. 76.-3-25.2. Thence South Easterly a distance of 453± feet along the Western boundary of Parcel No. 76.-3-25.2 to a point. Said point being the South corner of Parcel No. 76.-3-25.2. Thence Easterly a distance of 137± feet along the Southern boundary of Parcel No. 76.-3-17.1 to a point. Said point being the North West corner of Parcel No. 76.-3-20. Thence South Easterly a distance of 699± feet crossing Interstate 87 to a point. Said point being the South West corner of Parcel No. 76.-3-23. Thence Southerly a distance of 74± feet along the Western boundary of Parcel No. 77.-3-21 to a point. Said point being the North corner of Parcel No. 76.-3-24. Thence south Easterly a distance of 425± feet along the Eastern boundary of Parcel No. 76.-3-24 to a point. Said point being the Eastern corner of Parcel No. 76.-3-24. Thence South Westerly a distance of 265± feet along the Southern boundary of Parcel No. 76.-3-24 to a point. Said point being the Southern corner of Parcel No. 76.-3-24. Thence South Westerly along the Western boundary of Parcel No. 77.-3-7.1 to a point. Said point being the South West corner of Parcel No. 77.-3-7.1. Thence Easterly a distance of 1,603± feet along the Southern boundary of Parcel No. 77.-3-7.1 to a point. Said point being the South East corner of Parcel No. 77.-3-7.1. Thence Southerly along the Western boundary of Parcel No. 77.-3-10 to a point. Said point being the South West corner of Parcel No. 77.-3-10. Thence Easterly a distance of 315± feet along the Southern boundary of Parcel No. 77.-3-10 to a point. Said point being the North West corner of 77.-3-23. Thence South Westerly a distance of 1,333± feet along the Western boundary of Parcel No. 77.-3-23 to a point. Said point being the North East corner of Parcel No. 77.-3-24. Thence Westerly a distance of 956± feet along the Northern boundary of Parcel No. 77.-3-24 to a point. Said point being the North West corner of Parcel No. 77.-3-24. Thence Southerly a distance of 473± feet along the Western boundary of Parcel No. 77.-3-24 to a point. Thence Westerly a distance of 245± feet along the boundary to Parcel No. 77.-3-24 to a point. Thence Southerly a distance of 1,394± feet along the Western boundaries of Parcel No. 77.-3-24 and Parcel No. 90.-1-1.1 to the point or place of origin.

LESS AND EXCEPT beginning at a point at the North East corner of Parcel No. 76.-3-18. Thence North Westerly a distance of 69± feet along the Eastern boundary of Parcel No. 76.-3-17.1 to a point. Said point being along the Eastern boundary of Parcel No. 76.-3-17.1. Thence South Westerly a distance of 412± feet to a point. Said point being the North East corner of Parcel No. 76.-3-20. Thence a distance of 476± feet along the Northern boundary of Parcel No. 76.-3-20 to a point. Said point being along the Northern boundary of Parcel No. 76.-3-20. Thence

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North Westerly a distance of 74± feet, perpendicular to the Northern boundary of Parcel No. 76.-3-20, to a point. Thence North Easterly a distance of 476± feet, parallel to the Northern boundary of Parcel No. 76.-3-20. Thence South Easterly a distance of 167± feet along the Eastern boundary of the Northern boundary of Parcel No. 76.-3-20 to a point. Said point being the North West corner of the Northern boundary of Parcel No. 76.-3-19. Thence North Easterly a distance of 388± feet to the point or place of origin.

LESS AND EXCEPT beginning at a point at the North West corner of Parcel No. 63.-4-1.11. Thence North Easterly a distance of 84± feet crossing Reservoir Road to a point. Said point being the South East corner of Parcel No. 63.2-1-20. Thence North Easterly a distance of 1,683± feet along the Northern boundary of Reservoir Road to a point. Said point being the South West corner of Parcel No. 63.2-2-12. Thence South Westerly a distance of 101± feet, parallel to the Western boundary of Parcel No. 63.2-2-12, crossing Reservoir Road to a point. Said point being along the Northern boundary of Parcel No. 63.2-2-11. Thence South Westerly a distance of 1,488± feet along the Southern boundary of Reservoir Road to the point or place of origin.

LESS AND EXCEPT beginning at a point at the North West corner of Parcel No. 63.-1-43. Thence South Easterly a distance of 782± feet along the Southern boundaries of Parcel No. 49.4-2-4 and Parcel No. 49.84-1-34 to a point. Said point being the South East corner of Parcel No. 49.84-1-34. Thence Northerly a distance of 138± feet along the Eastern boundary of Parcel No. 49.84-1-34 to a point. Said point being the South West corner of Parcel No. 49.84-1-33. Thence Easterly a distance of 548± feet along the Southern boundaries of Parcel No. 49.84-1-33 and Parcel No. 49.84-1-22 to a point. Said point being within the boundaries of Parcel No. 50.-3-31.3. Thence Northerly a distance of 390± feet along the Eastern boundary of Parcel No. 49.84-1-40 to a point. Said point being the North East corner of Parcel No. 49.84-1-40. Thence Easterly a distance of 69± feet along the Southern boundary of Parcel No. 49.84-1-41.1 to a point. Said point being the South East corner of Parcel No. 49.84-1-41.1. Thence Northerly a distance of 276± feet along the Eastern boundaries of Parcel No. 49.84-1-41.1, Parcel No. 49.84-1-17, and Parcel No. 49.84-1-42 to a point. Said point being along the Eastern boundary of Parcel No. 49.84-1-42. Thence South Easterly a distance of 87± feet to a point. Said point being along the Western boundary of Parcel No. 49.84-1-11. Thence Southerly a distance of 98± feet along the Western boundary of Parcel No. 49.84-1-11 to a point. Said point being the South West corner of

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Parcel No. 49.84-1-11. Thence Westerly a distance of 158 feet along the Southern boundaries of Parcel No. 49.84-1-11 and Parcel No. 49.84-1-10 to a point. Said point being the South East corner of Parcel No. 49.84-1-10. Thence Northerly a distance of 98 feet along the Eastern boundary of Parcel No. 49.84-1-10 to a point. Said point being along the Eastern boundary of Parcel No. 49.84-1-10. Thence Easterly a distance of 542 feet along the Southern boundary of Parcel No. 49.84-2-9 and crossing Parcel No. 50.-3-31.3 to a point. Said point being along the Western boundary of Parcel No. 50.-3-30. Thence Southerly a distance of 84± feet along the Western boundary of Parcel No. 50.-3-30 to a point. Said point being the South West corner of Parcel No. 50.-3-30. Thence Easterly a distance of 314± feet along the Southern boundary of Parcel No. 50.-3-30 to a point. Said point being along Parcel No. 63.-4-1.11. Thence South Westerly a distance of 4,430± feet along the Northern boundary of Parcel No. 63.-4-1.11 to a point. Said point being the North East corner of Parcel No. 63.2-1-20. Thence Westerly a distance 414± feet along the Northern boundary of Parcel No. 63.2-1-20 to a point. Said point being the South East corner of Parcel No. 63.2-1-15. Thence North Easterly a distance of 392± feet along the Eastern boundary of Parcel No. 63.2-1-15 to a point. Said point being the North East corner of Parcel No. 63.2-1-15. Thence Westerly a distance of 127± feet along the Northern boundary of Parcel No. 63.2-1-15 to a point. Said point being the South East corner of Parcel No. 63.2-1-14.2. Thence North Easterly a distance of 719± feet along the Eastern boundaries of Parcel No. 63.2-1-14.2, Parcel No. 63.2-1-14.11, and Parcel No. 63.2-1-14.12 to a point. Said point being the North East corner of Parcel No. 63.2-1-14.12. Thence South Easterly a distance of 294± feet parallel to the Northern boundary of Parcel No. 63.2-1-14.12 to a point. Said point being within the boundaries of Parcel No. 63.-1-44. Thence North Easterly a distance of 850± feet parallel to Saratoga Road to a point. Said point being within the boundaries of Parcel No. 63.-1-44. Thence North Westerly a distance of 250± feet to a point. Said point being the South East corner of Said point being within the boundaries of Parcel No. 63.-1-13.2. Thence North Easterly a distance of 375± feet along the Eastern boundary of Parcel No. 63.-1-13.2 to a point. Said point being the North East corner of Parcel No. 63.-1-13.2. Thence North Westerly a distance of 76± feet along the Northern boundary of Parcel No. 63.-1-13.2 to a point. Said point being the South East corner of Parcel No. 49.4-2-12. Thence North Easterly a distance of 625± feet along the Eastern boundaries of Parcel No. 49.4-2-12, Parcel No. 49.4-2-11, Parcel No. 49.4-2-10, and Parcel No. 49.4-2-12 to the point or place of origin.

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LESS AND EXCEPT Parcel No. 49.4-1-1, Parcel No. 63.-1-47, and Parcel No. 77.1-1-62.1.

LESS AND EXCEPT beginning at a point at the North West corner of Parcel No. 63.-1-47.

Thence North Westerly a distance of 1,476± feet along the Eastern boundary of Parcel No. 63.-1-46 to a point. Said point being along the Eastern boundary of Parcel No. 63.-1-46. Thence Easterly a distance of 87± feet crossing Parcel No. 63.-1-12 to a point. Said point being the South West corner of Parcel No. 63.-1-11. Thence North Easterly a distance of 434± feet along the Southern boundary of Parcel No. 63.-1-11 and crossing Parcel No. 63.-1-12 to a point. Said point being along the Southern boundary of Parcel No. 49.19-1-23. Thence South Easterly a distance of 522± feet along the Southern boundaries of Parcel No. 49.19-1-23, Parcel No. 49.19-1-22, Parcel No. 49.19-1-21, and Parcel No. 49.19-1-20 to a point. Said point being the Southernmost point of Parcel No. 49.19-1-20. Thence South Westerly a distance of 1,322± feet to the point or place of origin.

LESS AND EXCEPT beginning at a point at the South East corner of Parcel No. 50.3-2-5.

Thence Northerly a distance of 1,060± feet along the Eastern boundaries of Parcel No. 50.3-2-5, Parcel No. 50.3-2-4, Parcel No. 50.3-2-3, Parcel No. 50.3-2-2, Parcel No. 50.3-2-1, crossing Parcel No. 50.-3-29.2, and along Parcel No. 50.3-2-10 to a point. Said point being the North East corner Parcel No. 50.3-2-10. Thence North Easterly a distance of 678± feet along the Southern boundary of Parcel No. 63.-4-1.11 to a point. Said point being the South West corner of Parcel No. 50.-3-32.1. Thence North Easterly a distance of 591± feet along the Southern boundary of Parcel No. 50.-3-32.1 and crossing Parcel No. 50.-3-29.2 to a point. Said point being along the Western boundary of Parcel No. 50.70-1-1. Thence South Easterly a distance of 1,176± feet along the Western boundary of Parcel No. 50.-3-29.2 to a point. Said point being the North East corner of Parcel No. 50.-3-28. Thence South Westerly a distance of 988± feet along the Northern boundary of Parcel No. 50.-3-28 to a point. Said point being the Southernmost point of Parcel No. 50.-3-29.2. Thence Westerly a distance of 785± feet along the Northern boundary of Parcel No. 50.-3-28 to the point or place of origin.

LESS AND EXCEPT beginning at a point at the South East corner of Parcel No. 50.-3-28.

Thence South Easterly a distance of 78± feet along the Western boundary of Parcel No. 50.-3-24.11 to a point. Said point being the North East corner of Parcel No. 64.-1-1. Thence Westerly a distance of 1,833± feet along the Northern boundary of Parcel No. 64.-1-1 to a point. Said point

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being the North West corner of Parcel No. 64.-1-1. Thence Northerly a distance of 75± feet crossing Parcel No. 50.-3-24.2 and Moreau Rec Road to a point. Said point being the South West corner of Parcel No. 50.-3-28. Thence Easterly a distance of 1,785± feet to the point or place of origin.

LESS AND EXCEPT beginning at a point 383± feet East from the North West corner of Parcel No. 37.19-2-3 along the Northern boundary of Parcel No. 37.19-2-1. Thence Easterly a distance of 2,229± feet along the Southern boundary of Harrison Ave Extension to a point. Said point being within Harrison Ave Extension, 47± feet South of the North West corner of Parcel No. 37.-1-10.2 and 18± feet East of the North West corner of Parcel No. 37.-1-10.2. Thence North Westerly a distance of 64± feet to a point. Said point being along the Northern boundary of Harrison Ave Ext. Thence Westerly a distance of 68± feet along the Northern boundary of Harrison Ave Ext to a point. Said point being the South West corner of Parcel No. 37.4-2-29. Thence Northerly a distance of 610± feet along the Western boundary of Parcel No. 37.4-2-29 to a point. Said point being the North West corner of Parcel No. 37.4-2-29. Thence North Easterly a distance of 1,462± feet along the Eastern boundary of Parcel No. 50.-4-1.31 to a point. Said point being along the Eastern boundary of Parcel No. 50.-4-1.31. Thence Westerly a distance of 107± feet crossing Parcel No. 50.-4-1.31 to a point. Said point being along the Eastern boundary of Parcel No. 37.4-1-26. Thence South Westerly a distance of 1,218± feet along the Eastern boundaries of Parcel No. 37.4-1-26 and Parcel No. 37.4-1-27 to a point. Said point being the Southern point of Parcel No. 37.4-1-27. Thence Northerly a distance of 1,194± feet to a point. Said point being along the Western boundary of Parcel No. 37.4-1-27. Thence North Westerly a distance of 870± feet, parallel to and maintaining a 400 foot offset from Ferry Blvd to a point. Said point being within the boundaries of Parcel No. 37.-1-33, 868± feet West of the North West corner of Parcel No. 37.4-1-27 and 343± feet South of the North West corner of Parcel No. 37.4-1-27. Thence Southerly a distance of 606± feet, parallel and maintaining a 400 foot offset from Culver Lane to a point. Said point being within the boundaries of Parcel No. 37.-1-33, 855± feet West of the South West corner of Parcel No. 37.4-1-27 and 610± feet North of the South West corner of Parcel No. 37.4-1-27. Thence South Westerly a distance of 1,297± feet to a point. Said point being within the boundaries of Parcel No. 37.-1-33, 1,125± feet North of the North West corner of Parcel No. 37.-1-33 and 313± feet West of the North West corner of Parcel No. 37.-1-

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33. Thence Southerly a distance of 1,398± feet crossing Parcel No. 37.-1-33 and Harrison Ave Extension to the point or place of origin.