

A special meeting of the Town Board of the Town of Moreau was held on August 26, 2021 in the Town of Moreau Municipal building, 351 Reynolds Road, Moreau, New York.

The Supervisor opened the special meeting at 5:43 p.m.

The Town Clerk called the roll.

Town Board Members Present

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

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Darren Suarez

The Supervisor led the Pledge of Allegiance.

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to adjourn to executive session at 5:44 p.m. to receive an update on the Erie Boulevard case that the Town and School District are currently involved with, and to discuss contract negotiations for the sale of 61 Hudson Street.

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

Councilmember Hogan	Aye
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 6:02 p.m. The Supervisor reported that there was no action taken in executive session.

The Supervisor asked for discussion on the Erie Boulevard Hydropower assessment litigation. He stated that they were briefed in executive session and there was a recommendation from special counsel as well as from counsel for the Town. He stated, that if the Town Board chooses, they can settle the Article 7 that has been in place from 2014 through 2021, for the three hydro facilities in the Town. The assessment for the three facilities would be \$134,000,000.00 for the years 2021 – 2030. As part of the negotiations, the School agreed to pay \$750,000.00 in refunds, and with the Town not being responsible for any refunds. Councilmember VanTassel stated that they should move forward with the settlement. Councilmember Noonan thought it was a fair settlement and was in favor of moving forward. The Supervisor commented that this was a win for the Town of Moreau as litigation is very costly. He stated that this would set a fixed assessment that can't be challenged for the next ten years. He stated that the Town has spent millions litigating assessments and that this was a very good deal for the Town and the School. He asked that the Town Clerk read the following resolution:

**TOWN BOARD
TOWN OF MOREAU
RESOLUTION**

**SUBJECT: ERIE BOULEVARD HYDROPOWER RPTL TAX ASSESSMENT
LITIGATION**

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WHEREAS, Erie Boulevard Hydropower commenced litigation pursuant to RPTL Article 7 challenging its assessment for tax years 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021 for the following properties located within the Town of Moreau (“Subject Properties”):

Tax Map Number	Facility
61.-1-1.111	Spier Falls
48.-1-5	Sherman Island
49.-1-1	Feeder Dam

WHEREAS, the Town has determined it to be in its best interest to enter into a Consent Order and Settlement Stipulation;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Moreau hereby approves the settlement of the Real Property Tax Law Article 7 proceedings entitled *Erie Boulevard Hydropower, L.P. v. Town of Moreau Assessor, Town of Moreau Board of Assessment Review and the Town of Moreau, Saratoga County, New York* as follows:

1. All proceedings will be discontinued.
2. The Total Assessment for all three properties will be set as \$134,000,000 for assessment years 2021 – 2030.
3. Refunds will be paid to Petitioner from the South Glens Falls Central School District in the amount of \$750,000.
4. No refunds will be paid by the Town of Moreau.

and be it further

RESOLVED, that the Town Board hereby authorizes Lewis & Greer, P.C., Dylan Harris, Esq. and Lou Lewis, Esq., Special Counsel to the Town, to sign the appropriate Consent Order and Settlement Stipulation resolving these matters.

Resolution #2021-268

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

Roll Call:

	Aye	Nay
Councilmember Donohue	X	
Councilmember Hogan	X	
Councilmember Noonan	X	
Councilmember Van Tassel	X	
Supervisor Kusnierz	X	

A motion was made by Councilmember Hogan, seconded by Councilmember Noonan and carried, to close the special meeting at 6:10 p.m.

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

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

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk