

A public hearing was held on August 10, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of considering the establishment of Extension 2 to Water District 1 and to allow all interested persons to be heard for or against the establishment of Extension 2 to Water District 1.

Supervisor Jenkins called the public hearing to order at 6:30 p.m.

The Town Clerk called the roll, which resulted in the following Town Board Members being present or absent:

**Town Board Members Present**

Todd Kusnierz	Councilman
Gina LeClair	Councilwoman
Bob Prendergast	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

Tom Cumm	Councilman
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**Also Present:** Jeanne Fleury, Town Clerk; Martin D. Auffredou, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Joe Patricke, Building Inspector/Code Enforcement Officer; Tim Burley, Engineer for the Town from Burley & Guminiak; Jason Denno from the EFC; Post Star Reporter; and the following Town Residents: Richard & Patricia Hughes, Vince Rosati, Nancy Rosati, John Benoit, Minnie Rosati, Carol Bromley, Thomas & Donna Duffy, Helen Johnson, Edward Raab, Roy McQuain, Dave Kenny, James Johnson, Lydia Wheeler, Sheila D'Avignon, Elaine Moore, Sylvia Hanson, Robert Mulcahy, Michelle Linendoll, Tom Johnson, Carol DiBattiste, Eugene Raimo, Joe Galusha, Ron LaChapelle, David Duffany, Art Boucher, Steven Sorano, Lynne Duffany, Pam Passino, Jessie Passino, Frank Leahy, Richard Morgan, George W. Reynolds III, Bruce Lanphear, R. Wayne Arnold, Maria Bollinger, William Bollinger, Rick Kubis, Sandra Bauer, Sharon Danielsen

Supervisor Jenkins led the Pledge of Allegiance.

Tim Burley began by recapping a handout he distributed at the public hearing as follows:

He explained the ranking and rating system used that enabled the Town to receive an offer for a zero percent loan for 30 years for this proposed water district extension project. He explained how the project was bundled and how the application was submitted that got the Town the funding offer. The ultimate decision whether or not to proceed with this project lies with the Town Board.

He stated that one of the reasons the board was considering this water district extension was that there was a documented need for water in a portion of the Town that has water quality and quantity problems. Another reason is fire protection. Also, there is affordable funding available.

Tim explained why existing Water District 1 was being considered as part of this extension. One reason was that it would result in one potable water supply for the Town with two connections to large regional water suppliers (Queensbury and Saratoga County). The Village water system currently serves Water District 1. The Village is undergoing upgrades to their system and once completed the water rate structure will change and the rates in Water District 1 will increase. Also, the existing water system in district 1 has marginal fire flows and hook up to this extension will increase fire protection for that area.

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He went on to explain about the different sizes of water pipes that are proposed to be installed and where. He mentioned the five homes on Fortsville Road that are on a shore line well system with no filtration and only chlorination and how this system has confirmed coliform and e-coli hits and how this extension will alleviate their water quality and quantity problems.

Tim described the areas that are in the proposed water district extension as follows:

A portion of Fortsville Road, English Village Apartment Complex off Fawn Road, Route 32 between Reservoir Road and Bluebird Road, Route 32 on the west side of the road between Route 197 to Bluebird Road, Spier Falls Road, Sisson Road from Bluebird and tie in with existing Water District 1 water lines.

Tim explained how the GE settlement resulted in the creation of Water District 4 and some of the additional funds left over from the project were used in the Water District 5 project and provided laterals along Route 9. There were still monies left so a request was made to DEC asking if the Town could use these funds towards Extension 2 of Water District 1. DEC said it would agree to this request as long as the funds would be used to benefit all the water districts and not just this proposed extension. A new water storage tank would benefit all the water districts. Also, a proposed 16 inch water line that currently ends at the NYS DOT garage on Route 9 could be extended up Spier Falls Road and hooked into the Saratoga County water line and DEC would deem this an eligible expense. The hook up with the Saratoga County water lines would give the Town a redundant water supply.

The total cost of the proposed water project is estimated at \$5,220,000.00 minus \$225,000.00 from the GE settlement funds equals \$4,995,000.00 that would be financed over a 30 year period at zero percent interest with a DWSRF loan. The projected loan payment per EDU (Equivalent Dwelling Unit) calculated using the municipal finance rule is \$309.69 plus the first year water cost (O&M) based on 72,000 gallons of usage times the rate of \$2.00 per 1,000 gallons used equals \$144.00 for a total of \$452.69 per EDU cost for the first year.

Tim then explained how the EDU's were derived.

As part of the project laterals will be installed and each house connected to the system. This includes the water main, curb stop, tap, laterals and any bores through walls that are needed to make the final connection.

He explained the process that took place to get to this stage. He also advised that the State Comptroller has been pushing consolidation efforts involving all local government services. Another advantage to consolidation of water districts is that if there were to be a water main break in Water District 1 for instance then all the water districts, once consolidated, would share in the cost of the repair whereas right now only the users in Water District 1 would bear the cost of the repair. A water tank was installed in Water District 6 and Water District 6 is paying for it, but it also serves all the other water districts. Consolidation would result in shared resources. After the current census that is taking place the Town more than likely will not qualify for any hardship programs any longer. Consolidation would also put infrastructure into a sustainable mode and would allow for smart growth.

Supervisor Jenkins stated that the numbers being presented here tonight are only engineering calculations. It is his intent to charge \$3.50 per 1,000 gallons at the maximum in this district extension. However, the entire board has to vote on this. The Village is facing a doubling of their water rates once their upgrades are complete. It is his intent to bill based on usage and there won't be any ad valorem tax

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on the tax bills for this extension. If a person chooses not to hook up to the water system then they won't have to pay anything. However, if a person chooses to hook up after the project is complete then they will have to pay for the hook up.

Councilman Kusnierz stated he will not support a mandatory hook up.

Art Boucher from 248 Ferry Blvd. stated he is already hooked up to Water District 1 and is already supplied with water from the Village of South Glens Falls. He currently pays \$147.00 per year and even if the Village doubles this amount to \$300.00 a year it would still be cheaper than the projected cost of \$452.00 that was noted in a June 13<sup>th</sup> letter he received. He also received a letter dated June 30<sup>th</sup> that indicated the cost would be \$536.00.

Supervisor Jenkins advised him that those numbers are only calculations and will never apply to anyone. He stated again that the rate he expected was \$3.50 per 1,000 and the reason he says this is because that is the highest rate any user in any district pays in Town.

Art Boucher said he surveyed the residents in Fenimore and none of them want the water. He also questioned the cost of \$144,000.00 for 1,000 feet of pipe or less to hook them up to the Town's water system. He stated he has 100 pounds of head pressure, good water service and yet the Town wants him to pay for other things that are going on in the Town.

Supervisor Jenkins stated again that the Village rate is going to be higher in another year and at \$3.50 per 1,000 gallons of water used it won't amount to \$500.00 per year.

Art Boucher stated that the calculations were based on a median household income of \$40,000.00 and most of the people in Fenimore are retired and don't make that kind of money anymore. He then asked when they could have a public hearing on this on a night that is dedicated solely for discussing this topic.

There wasn't any audible reply to his last question re: a public hearing.

Tom Johnson from 424 Fortsville Road asked if he will have to connect to the water system and Supervisor Jenkins replied no, but if he chose to connect after the project was complete then the cost would be \$3,100.00 plus the cost of a plumber to make the final connection inside the house.

Tim Burley advised that a curb stop will be left at the property line of any person who does not want the water.

Tom Duffy spoke about the gasoline leak that occurred at the Cumberland Farms Gas Station on Route 9 and how the additives in the gasoline made their way into the water and have migrated to his house and into his well. He stated that if it made it to his house then it would probably go farther. It was his opinion that Cumberland Farms should assist financially to help defray the costs of this project.

David Duffany from 161 Ferry Blvd. stated that this extension would cost him more money and yet he wouldn't be getting any more services for his money. He then asked if Schermerhorn was tying into the sewer lines and Supervisor Jenkins replied yes and Schermerhorn paid for installation of sewer lines and a pumping station and will pay for sewer usage.

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David Duffany stated that Fenimore lost out on sewer when they lost their access road. If they are going to be charged more they should get sewer. The Town is going to charge him for capital improvement costs and he isn't getting any capital improvements.

Supervisor Jenkins stated that there aren't any homes in the Town that are hooked up to sewer except for Schermerhorn apartments and they paid for it. The Town will own the lines and eventually we will be able to use them.

According to David Duffany Schermerhorn was using non-union labor and not paying prevailing wage rates and if the Town is going to take over the sewer lines for \$1.00 and use them then the jobs should be at prevailing wage rates. Brief discussion on this topic ensued.

Rodney Renz of 526 Gansevoort Road asked when the "use it or lose it date" was for this project.

Tim Burley replied June 2, 2012 and Jason Denno added that the EFC ideally would like the hardship application submitted no later than December 2, 2011.

John Benoit from 438 Fortsville Road stated he strongly opposes this project. He read in the newspaper where the Town Board said it was their job to get water to the five homes on Fortsville Road. He stated that before the Town Board asked him to pay for this they should have asked the five property owners to attempt to drill wells first. Originally the Town was going to get a grant so the project wouldn't cost the Town anything and then at the informational meeting he found out that opportunity was gone and now it is going to cost everyone \$300.00 plus per buildable lot. Also there is now mention of a \$200.00 hook up fee in a letter he received. He said that if the Town Board persists on going through with this project then he is going to request reimbursement of the \$4,000.00 he paid for his well.

Supervisor Jenkins advised Mr. Benoit that nobody is going to be forced to sign on to the water system. Councilman Kusnierz just said he wouldn't support that. Ultimately it will be a board decision.

John Benoit said he heard the board was doing this to help five homes and he believes that the Town had to do this for the five homes in order to qualify for the hardship loan. He had a petition signed by people on Fortsville Road expressing their opposition to the project that he said he would file with the Town Board before the end of the meeting.

Councilman Kusnierz asked Mr. Benoit if this project didn't impact him financially how would he feel about it.

John Benoit replied that if he was left alone he wouldn't care.

Rick Kubis of 401 Fortsville Road stated he sympathized with those who have to drill a well, but he doesn't want to be one of the "Fortsville Five". He stated that a well pipe taps into the aquifer and is interconnected at the end. It is not a question of if a well will become contaminated, but rather when. It seems a hair short sighted to him to say that a well is clean when it may not be the case and may not always be the case.

George Reynolds the III from 426 Gansevoort Road said the Town has a lot of permeable soil in it and a very high water table and it only takes one neighbor who has a contaminated well to contaminate those

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around them. He stated that in the area of the contamination from the gasoline it was his opinion that people in that area will eventually have to hook up to the water system. He further stated that he has been trying for a year now to get a bore under Route 32 so he could hook up to Water District 6. If he gets hooked up before this extension goes through can he get reimbursed for the expense?

Supervisor Jenkins replied that the board would have to look into this.

Tim Burley and Jason Denno replied that if it is within the scope of services then generally reimbursement could be given.

Art Boucher talked to the board about the water table and gray water and asked if the board gave any thought to where all the water was going.

Tim Burley suggested that if the people in Fenimore wanted sewer then they should petition the Town Board for it.

Art Boucher claimed that the day the industrial park was developed the Fenimore residents were told they would get sewer.

Eugene Raimo from 379 Fortsville Road asked if the contamination was in the ground water or deep wells and Supervisor Jenkins replied the water table.

Eugene Raimo asked if he doesn't hook up to the water system will he get charged and Supervisor Jenkins replied again that he wouldn't get charged.

A question was asked if they hooked up, but didn't use the water would there be a charge and the answer was that they would have to pay the minimum water usage fee whatever that was and right now Supervisor Jenkins stated it would be \$35.00 per billing period.

Pat Hughes asked the board if they could guarantee her that she wouldn't be charged the \$400.00 per year.

Supervisor Jenkins said he could and stated that she would only have to pay for the water she used.

Pat Hughes said it appears then that too big a deal was made over the \$300.00 + and the answer from Tim Burley was that under Town Law they had to present the numbers the way they did.

Pat Hughes asked if since she is already hooked up to a water source if in fact there would be no charge for a hook up and Supervisor Jenkins nodded that this was correct.

Tim Burley advised Mrs. Hughes that she may get a new water meter, but there would be no charge to her for this meter.

Steve Sorano from 543 Gansevoort Road said he was in favor of the project. He has a driven point well and if he needs to replace it, it is going to cost him a lot. Also, it will help to sell his house if he ever chooses to sell.

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Another resident present who was unidentified stated that he had a well put in for \$5,000.00 and he has beautiful water. He asked if he was going to have to pay for the pipe going past his property.

Supervisor Jenkins replied no. If he doesn't hook up he won't have to pay.

Harry Gutheil cautioned the board on Water District 6. He has been following it for a few years now. The last he knew it was being funded with money from fund balance, which is borrowed money. He is hearing tonight that there are people who don't want to be hooked up to the water system and if they don't then somebody else is going to have to pick up the tab. Water District 6 is going to hit the wall and he has been saying that for three years. If the board keeps funding it with money from fund balance then that district is going to be in the red.

Supervisor Jenkins replied that Water District 6 is paying for the water tower all by itself. We are going to hook up to Saratoga County and that will provide the Town with a secondary source of water for the next century. He stated that a gallon of water in the store costs more than a gallon of gas. Water is a precious commodity and the fact that we are going to prepare for the future is an important issue. There is no reason this new district should bear the cost to hook up to the county all by itself when all the other water districts are going to benefit. The board is going to look at how to allocate the expense based on total usage.

Harry Gutheil stated the biggest benefit of the water tower is going to go to the industrial park and the way it sits now they won't be paying anything and they are the biggest beneficiary of the water tower. If you only go by users there and don't have an ad valorem tax then they still won't pay anything until the park is developed and by then the bond may be paid off.

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

A motion was made by Councilman Prendergast and seconded by Councilwoman LeClair to close the public hearing at 8:20 p.m.

Roll call vote resulted as follows:

Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Councilman Cumm	Absent
Supervisor Jenkins	Yes

Public hearing closed at 8:20 p.m.

Respectfully submitted,

Jeanne Fleury  
Town Clerk