

A continuation of the Public Hearing that was held on May 11, 2010 regarding Water District 1 Extension 2 was held by the Town Board of the Town of Moreau on May 25, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York.

Supervisor Jenkins opened the Public Hearing at 6:00 p.m.

Town Board Members Present

Tom Cumm	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman (arrived at 6:23 p.m.)
Preston Jenkins	Supervisor

Town Board Members Absent

Bob Prendergast	Councilman
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Also Present: Jeanne Fleury, Town Clerk; Joe Patricke, Building Inspector/Code Enforcement Officer; Hal Leonelli, Developer; Garry Robinson, Engineer for Hal Leonelli; Paul Joseph, Highway Superintendent (arrived approximately 6:20 p.m.); Michael Fogel, Attorney from the Gilberti Law Firm, representing Cranesville Aggregate (arrived approximately 7:20 p.m.); Harry G. Gutheil, Jr., Village Resident (arrived approximately 7:20 p.m.); and the following property owners in the area of the proposed Water District 1, Extension 2: Patricia Frederick, Peter & Mary Lou Accardi, Richard & Patricia Hughes, Sheila D'Avignon, Tom Frederick

Garry Robinson, Engineer for Hal Leonelli, Developer, gave a presentation on the proposed Water District 1 Extension 2 project as he did at the beginning of the Public Hearing on May 11th.

Mr. Robinson explained that Hal Leonelli owns an approximate 20 acre parcel off Sisson Road on which he has received approval from the Town of Moreau Planning Board to build a 144 unit apartment complex and this water extension would serve those apartment units.

He further explained that the Town Board asked Mr. Leonelli to include in the extension parcels of property that were receiving public water from Water District 1 and were never part of the water district and some parcels that were partly in the water district and partly outside the water district boundaries.

Patricia Frederick stated that she and her siblings own an approximate 17 acre parcel of land that fronts on Sisson Road and is next to the Leonelli project site and asked why the boundary line was drawn around their property.

Mr. Robinson replied that their parcel has two frontages on Sisson Road and frontage along an existing water district so it was one that was in the middle and the Board thought it should be included in the district.

Mr. Robinson stated that there won't be any charge to the Town or anybody to form this extension 2 to Water District 1. The district is being formed on behalf of the Town. Property owners won't be required to hook up to the water line if they don't want to.

Patricia Frederick stated that right now there is no need to hook up their parcel of land to the water district, but if they want to hook up in the future she asked if they would be allowed to and if there would be a charge.

Supervisor Jenkins replied yes, they would be allowed to hook up to the water district. He further stated that there is another issue that hasn't been discussed and that is that the Town is working on another project that would service this area and water may be going to this area sooner. Anybody that hooks up during the project wouldn't incur any buy-in costs, because it would be covered by grants. It is possible

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that this particular project could be put on hold, but the Public Hearing may be closed. If we have funding available to do this through grants and low interest loans then anyone who hooks up while the project is taking place wouldn't be charged for the hook up. However, if they hook up after the project there would be a cost to the property owner.

Mr. Robinson stated that the water lines within the apartment complex project area would be owned by the developer/property owner at least in the beginning and could possibly be taken over by the Town in the future and any water lines along Sisson Road would be dedicated to the Town right away, so anyone who wants to hook up would deal with the Town and not the developer.

Supervisor Jenkins stated that properties that are already hooked up to Water District 1 wouldn't see any change except the source of the water supply.

Patricia Hughes stated that somebody will have to pay for it.

Richard Hughes asked if it is federal money that will pay for this.

Supervisor Jenkins replied that most of it is federal money that comes through the state.

Mr. Hughes asked who will pay the money back and asked if it would be the people in Water District 1 and the new Water District 7.

Supervisor Jenkins replied, that hasn't been answered yet. The entire project includes a hook up to Saratoga County and a water tower in the Moreau Industrial Park. We will have to look at how to allocate the costs. He told Mr. Hughes that the water rate would be lower than what he was paying now. There wouldn't be any hook up costs.

Mr. Hughes said he wasn't talking about the water rate. He wanted to know who would be responsible for paying back the \$5.2 million for this project and would it be the people in Water District 1 or 7 or the entire Town.

Supervisor Jenkins stated that anybody who is hooked up to municipal water would share in the cost. There will be three water tanks and he told Mr. Hughes that his water could come from any one of the three tanks. The water tank that would go in the industrial park would improve Mr. Hughes water pressure and as for who is going to pay for it he told Mr. Hughes that his rate would be lower than it is now.

Garry Robinson stated that what Supervisor Jenkins was talking about had nothing to do with this Public Hearing tonight it is a totally separate project and district formation.

Mr. Hughes stated that he paid for thirty years on a bond to get water to his house and he is already hooked up to public water and he doesn't want to pay another thirty years on something he already has.

Supervisor Jenkins stated again that he will pay a lesser water rate than he is now and that will include any debt.

Supervisor Jenkins stated that we should know next week if we are going to get funding. Originally we planned on getting a \$2 million grant. If we don't get the grant then we will be borrowing \$4.9 million through an interest free loan for a thirty year period.

Attorney Auffredou asked what action the Town Board planned to take on this tonight, if any.

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Supervisor Jenkins stated we have Water District 7 that is going to be funded by the government and through loans and it will include the area they are discussing tonight. He asked Attorney Auffredou which one comes first. If we go ahead with Water District 7 when the funding comes in will this extension of Water District 1 ever be done and will Water District 1 actually cease and become part of Water District 7. What is the next legal move? If we close the Public Hearing we are not prepared to move ahead with this tonight based on these circumstances. He said we will be receiving funding in the next week or so for Water District 7, which includes this extension of Water District 1.

Attorney Auffredou stated that the Board could close the Public Hearing tonight on this district extension and when funding is received at such time the Board could decide if they wanted to move forward with this area as part of Water District 7 or continue on with extension 2 of Water District 1. If the Board decides on extension 2 of Water District 1 then the Board would complete SEQRA and establish the district extension via resolution that would be subject to a permissive referendum for a 30 day period. Once the 30 day period runs out and if a petition is not filed then the Board could adopt a final order establishing a district. This is action that the Board could take tonight, but he didn't think the Board should given the uncertainty over what could possibly happen with Water District 7.

Supervisor Jenkins asked Attorney Auffredou, what if the Board doesn't make a decision for one to three months would another Public Hearing be required.

Attorney Auffredou replied no. He isn't aware of any provision of law that requires the Board to act within a certain amount of time after a Public Hearing is closed.

Councilman Cumm asked what effect it would have on Water District 7 that would include this area.

Attorney Auffredou replied that when the Board officially decides that Water District 7 is going to include these properties and it is a different formula for cost per user then a map, plan and report would be needed for that. If the Board decides to include the properties that are in this proposed district extension then those properties should be removed from extension 2 of Water District 1 and put in Water District 7. If the costs aren't changing for the district extension the Board could move forward with SEQRA and final completion.

Ms. Frederick asked if the portion of Sisson Road between Bluebird Road and Fort Edward Road would be included in Water District 7.

Supervisor Jenkins replied no.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to close the Public Hearing on proposed extension 2 to Water District 1 at 6:24 p.m.

Roll call vote resulted as follows:

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

Respectfully submitted,

Jeanne Fleury
Town Clerk

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