

The first regular meeting of the Kingsbury Town Board was conducted on February 3, 2020 at the Kingsbury Town Hall on 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor  
Richard Doyle, Councilman  
William Haessly, Councilman  
Jane Havens, Councilwoman  
Dan Washburn, Councilman

OTHERS PRESENT: Jeffrey Meyer, Town Attorney  
Michael Graham, Highway Superintendent  
Rebecca Pomainville, Town Comptroller  
Irene Weizenhofer, Deputy Town Clerk  
Jeff Zappieri, Patty Nicolls, Jerry & Jolene Caruso, Town

Residents

The meeting was called to order at 7 P.M. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilman Washburn.

The minutes of the Organizational Meeting conducted on January 2, 2020 were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes.

Supervisor Hogan has a map of Lock 8 Way and will give a summary of what is going on there at the end of the meeting. Supervisor Hogan reported Dave O'Brien, Chairman of the Warren Washington IDA has requested an update on the Lock 8 Way Resolution that was adopted in April 2017 by the Town Board. Mr. O'Brien requested the Board remove any specific language in the resolution naming any specific company. Supervisor Hogan recommends the Board take no action at this time due to the fact that things are changing on a weekly basis. The Town will be charged each time the Town Attorney is asked to make a change to the resolution. He recommends that no updates are made until they receive in writing a request for more specific changes.

Highway Superintendent Michael Graham obtained quotes for the purchase of an excavator. The 2020 John Deere 190 had one of the best prices and is on state contract as well at \$214,653.00. The purchase of the excavator was included in the budget for 2020. The old excavator is almost 40 years old and it is getting difficult to find parts when repair is necessary. Councilman Doyle asked if we tried to sell the old excavator. Superintendent Graham stated Fort Edward is interested in purchasing it at \$10,000.00. Once the new excavator arrives in approximately 60 - 90 days, Fort Edward will purchase the old excavator. Superintendent Graham is hoping it will arrive by May when the season begins to get busy. Councilwoman asked the make and model of the old excavator. Superintendent Graham stated it is a Caterpillar 214. Councilwoman Havens asked if this was bidding or if it is on state contract for the John Deere 190. Superintendent Graham replied it is on state contract so he did not have to go out to bid; but he did get pricing from Cat to do a comparison and John Deere was considerably cheaper than Caterpillar. Councilwoman Havens asked if he priced any others; Superintendent Graham also priced

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Case. Councilwoman Havens asked if he knew the model numbers; Superintendent Graham stated the Cat was 314 and he cannot recall Case.

Councilman Doyle asked how much was in the equipment account. Comptroller Rebecca Pomainville stated about \$410,000.00 and \$210,000.00 was budgeted for a new excavator; leaving a balance of approximately \$200,000.00. Councilman Doyle asked when the Town would have to purchase their next truck. Superintendent Graham said it would probably be about two years and that will give them a chance to build the fund; a new truck costs between \$210,000.00 to \$230,000.00.

Councilman Washburn asked how long it takes to build the fund. Superintendent Graham stated usually \$50,000.00 is added to contractual if the Town makes a purchase and \$50,000.00 is added to the reserve. Each year at budget time. The reserve has been backed down to \$30,000.00 bringing the total of \$80,000.00

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes for a letter of intent to purchase a 2020 John Deere 190 excavator at \$214, 653.00 on NYS contract be sent to Nortrax.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by 5 ayes giving permission for Highway Superintendent Michael Graham to go out to bid for gravel crushing for approximately 7,500 yards. There is money in his budget to cover this expense.

The Board discussed a resolution for the acceptance of a new portion of the Town Highway. Attorney Meyer reviewed SEQR; the Board determined the proposed action will not result in any significant adverse environmental impacts with a **motion** by Councilman Washburn seconded Councilman Doyle and carried by a vote of 5 ayes.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the following resolution:

**TOWN BOARD OF THE TOWN OF KINGSBURY**

**COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 1 of 2020

Adopted February 3, 2020

Introduced by Councilman Doyle

who moved its adoption.

Seconded by Councilman Washburn

**RESOLUTION ACCEPTING DEDICATION OF**

**NEW PORTION OF TOWN HIGHWAY**

**QUARRY CIRCLE FROM THE QUARRY, LLC**

**WHEREAS**, The Quarry, LLC, a New York Limited Liability Company with its principal place of business at 116 Oak Street, Village of Hudson Falls, Washington County, New York, has offered to

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dedicate a certain road named Quarry Circle in the Town of Kingsbury (hereinafter the "Town) to the Town for the use and enjoyment of the public and the residents of the Town as a town highway, which parcel is depicted and described in the survey, a copy of which is attached hereto; and

**WHEREAS**, the Town Superintendent of Highway and Water has inspected said road and the utilities contained thereunder and has recommended the acceptance thereof; and

**WHEREAS**, the road is not yet completed, and The Quarry, LLC has proposed a Letter of Credit in the sum of \$18,500 to cover the cost of completing the road and related improvements, and the Town Highway Superintendent has confirmed that said sum will reasonably cover the costs of said improvements; and

**WHEREAS**, the due to the issues presented when the infrastructure was originally installed The Quarry, LLC and William L. Nikas, individually, has agreed to personally guaranty that it is and will remain free from defects for no less than two years; and

**WHEREAS**, the estimate and deposit provided by The Quarry, LLC, shall not be construed to be a limit of any and all costs to complete said road, it being the intention of the parties that The Quarry, LLC shall complete the construction of said road and improvements and after the Town Highway Superintendent verifies the completion of same, the Town will release the deposit; and

**WHEREAS**, the form of the deed and title to the road offered for dedication herein will be reviewed and approved by Town Counsel, Meyer, Fuller & Stockwell, PLLC; and

**WHEREAS**, the dedication of the road by The Quarry, LLC has been approved by resolution of the sole member of said LLC.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF KINGSBURY THAT** the Town hereby accepts and approve the dedication of Alexander Way to the public and the conveyance thereof to the Town of Kingsbury; and

**BE IT RESOLVED** that the Town Supervisor is hereby authorized and approved to execute, sign and affix the Town seal to any and all documents necessary to complete the transaction; and

**BE IT RESOLVED** that The Quarry, LLC shall enter into an agreement in a form and content acceptable to Town Counsel and shall submit a Letter of Credit the sum of \$18,500 prior to the execution of the deed and related documents by the Town Supervisor; and

**BE IT RESOLVED** that The Quarry, LLC and William L. Nikas, Individually, shall enter into an agreement in a form and content acceptable to Town Counsel for the ongoing maintenance and the personal guaranty that the infrastructure will be free of defects for no less than two years; and

**BE IT RESOLVED** that upon the execution of all documents, The Quarry, LLC is authorized and directed to record the deed in the Washington County Clerk's office, with a copy of any and all documentation to be provided to the Town Clerk; and

**BE IT RESOLVED** that the Town Clerk is directed to add the road to the official inventory of Town Highways as follows:

Name of Road/Highway: Alexander Lane

Location: Off Dean Road, Town of Kingsbury

Description: As per attached survey

and be it **FURTHER RESOLVED** that this resolution shall take effect immediately.

Highway Superintendent Michael Graham, Enforcement Officer Todd Humiston, Planning Board Chairman Dingman, Engineer Tom Jarrett and an engineer representing Bill Nikas met to discuss Phase II of the Quarry Circle project. The Phase II project would be using the upper end of Dean Road where there is a separate entrance which is actually a stone driveway. When Phase II comes out on Dean Road it loops around and would potentially exit onto Alexander Way; Graham prefers not to use that as an exit due to the traffic that will be created by the proposed 200 apartment units through a quiet neighborhood. It must be determined if the road to the Phase II project will eventually become a Town road or remain a private road.

**TOWN CLERK REPORT:**

The Town Clerk introduced Irene Weizenhoferr the new part-time Deputy Clerk.

The Town Clerk submitted the following report:

TO: Supervisor Hogan  
Councilman: Doyle, Haessly, Washburn &  
Councilwoman Havens

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2020 County/Town Tax Collection

DATE: February 3, 2020  
Payments to Town: January 6, 2020 - \$150,037.22  
January 14, 2020 - \$ 628,917.10  
January 24, 2020 - \$830,009.46

Total to Supervisor: \$1,608,963.78

The next Board Meeting is scheduled for March 2, 2020; there is not a meeting scheduled for February 17, 2020 due to the observance of President's Day.

The Town Clerk will contact The Chronicle in regard to publishing the announcement of future regularly scheduled Town Board Meetings; the Post Star no longer publishes these announcements without charging the Town a fee. The Town Clerk will publish the announcement of Public Hearings and any Special Meetings scheduled in the Post-Star.

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes giving permission for the Town Clerk to attend the Town Clerk Conference in Albany from April 26 – 29; the money is in her budget.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes giving Enforcement Officer Todd Humiston to attend a Code Enforcement Conference at Lake Placid.

#### COMPTROLLER REPORT:

Rebecca Pomainville reported the Recreation Budget was under \$18,000.00 with the transfer of the administration to the Hudson Falls Central District.

Express Computer has been hired to work on working updating the computers.

#### COUNCILMAN REPORT:

Councilman Washburn reported Chazen had completed the mapping of the Town sewer system; copies were provided to the Board.

Councilwoman Havens would like to start a “good news about town”. She will check with businesses, people and churches and add a “moment” into the history book of the minutes of events that are happening around our Town.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes and one abstain from Councilwoman Havens due to research conducted by Jane Havens to accept the report of a certain officers as follows:

Enforcement for December 2019: No. Permits: 1; Site Plans 2; Research Fees: 2; Total Fees: \$500.00

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes to accept the reports of certain officers for the month of December as follows:

Town Clerk: Paid to EnCon: \$86.91; Paid to Supervisor: \$2,017.37; State Share of Bingo \$450.00; State Share of Games of Chance: \$30.00; Paid to the Village of Hudson Falls: \$50.00; Paid to Ag & Markets for Population Control: \$72.00

Town Justice: Fees Collected: \$12,050.00

#### SUPERVISOR REPORT:

Supervisor Hogan and Councilwoman Havens attended a meeting in at Washington County in regard to Lock 8 Way. There were approximately 55 people in attendance including Congresswoman’s Stefanik’s office, Senator Betty Little’s staff, Assemblywoman Carrie Woerner, the Regional Director of he EPA, Canal Corp Director Bryan Stratton , all Supervisors from Washington County, Representatives of WCC, the Economic Development Coordinator, Deb Donahue the County DPW Superintendent, the Fort Edward LPDC, Matt Traver, Attorney Matt Fuller and a hand full of concerned citizens.

Supervisor Hogan proceeded to update the Board and attendees on the discussion conducted during the meeting.

At the meeting there was a discussion on how to move forward with WL Plastics gaining temporary access to the former de-watering site which must be negotiated between the EPA and Canal Corp. They are also looking for a plan of permanent access and durability thereafter. The Town will hold its position with a resolution that was adopted by the Board in April 2017 stating they will not accept Lock 8 Way as a town road until a new bridge replaces the temporary bridge and right of ways owned by WCC are transferred to the Towns and the Counties. At this time even if funding or grants were available to build

a permanent bridge there is no access to it because WCC still has control the right of ways. The discussion continued.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into an executive session at 7:55 PM to discuss negotiations associated with Lock 8 Way and the employment of a particular person.

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes to exit the executive session at 8:30 PM.

There being no further business before the Board a **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of ayes to adjourn the meeting at 8:30 PM.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk