

March 6, 2023 Town Board Meeting Minutes

The first regular meeting was conducted on March 6, 2023, at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls.

PRESENT: Dana Hogan, Supervisor
Richard Doyle, Deputy Supervisor
James Lindsay, Councilman
Dan Washburn, Councilman

ABSENT: William Haessly

OTHERS PRESENT: Michael Graham, Highway Superintendent
Todd Humiston, Code Enforcement & Dog Control
Jeffrey Meyer, Town Attorney
Shane Reynolds, Water Superintendent
Kingsbury Firefighters: Scott Purdy, Gerald Kearns & John Aiken

The meeting was called to order by Supervisor Hogan at 6:30 pm and opened for the order of business with the Flag Salute led by Councilman Doyle.

The minutes of the February 6, 2023, Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 4 ayes.

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 4 ayes to accept the following quote for trash removal services:

965-24957 KINGSBURY TOWN OF – NEW HWY 437 VAUGHN RD

4YD Dumpster for Trash
Serviced every other week
\$84.20/Month

965-29287 KINGSBURY TOWN OF – NEW TOWN H 6 MICHIGAN ST

2 YD Dumpster for Trash
Serviced every other week
\$48.33/Month

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 4 ayes to accept the following Notice of Award to Bellamy Construction for the Burgoyne Avenue Water Main Extension Project: (see attached document)

LEGAL UPDATE:

Attorney Meyer provided the following resolution approving the stipulation of settlement and order relative to Allenstbizpk LLC versus Town of Kingsbury. Attorney Meyer explained anything the owner does there will be subject to an increase to the assessment in the future. (see attached document)

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TOWN CLERK REPORT:

TO: Supervisor Hogan
Councilman: Doyle, Haessly, Lindsay & Washburn

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2023 Town & County Tax Collection

DATE: March 6, 2023

Paid to Supervisor: January 11, 2023: \$1,044,798.20
January 19, 2023: \$574,717.10
January 25, 2023: \$201,317.02

Total: \$1,820,832.32

Penalties Collected: February 17, 2023: \$678.29
March 1, 2023: \$1,486.05

Total: \$2,164.34

Interest Credit Paid to Town: \$10.91

DOG CONTROL OFFICER REPORT:

Dog Control Officer Humiston has been contacted to speak at the DCO Conference to be conducted in April.
The enumeration for dog licensing will be conducted in June 2023; at that time there will be a rabies clinic at the Washington County DPW on June 17, 2023.

COMPTROLLER REPORT:

The bank reconciliation has been completed for February.
The NY Class interest rate is around 4%; the comptroller is analyzing the Central Bank Account balance to see how much she can shift to NY Class without incurring low balance fees with Glens Falls National.

HIGHWAY SUPERINTENDENT REPORT:

Superintendent Graham thanked his staff for a job well done cleaning up after a snowstorm over the past weekend.
Washington County emailed a mowing contract. After discussion it was decided that the Town would do their own mowing.
A resident contacted Superintendent Graham requesting that Underwood Road be posted. Superintendent Graham explained to the resident it probably would not do much good because trucks still run on posted roads. The Sheriff's and the State Troopers cannot write a ticket; the only one who can issue a ticket is the DOT. Last summer there was a lot of traffic on Underwood Road due to the

construction on Route 4 which has been completed. The Superintendent does not see much truck traffic on Underwood Road.

Supervisor Hogan stated the Town cannot enforce posted roads. Councilman Lindsay stated he believes it is not a good idea to make laws you can't enforce.

COUNCILMAN REPORT:

Councilman Doyle opened a discussion on the County doing away with their highway department; each Town would pick up the County Roads in their domain, then the County would reimburse the Towns. There would not be duplicate equipment needs. Councilman Lindsay stated it has been looked at for 15 years. Supervisor will make a comment that a Board member would move to look at the dissolution of a County Highway Department. The discussion continued. Supervisor Hogan commented he does not know what other Towns would be facing, if they could take on the additional role.

Councilman Doyle has nothing to report on the Comprehensive Master Plan.

WRITTEN REPORTS:

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to accept the following reports:

Town Clerk for January: Paid to Supervisor: \$2,302.63; Paid to the Village of Hudson Falls: \$260.00; Paid to Ag & Markets for Population Control: \$112.00; Paid to the Department of Health: \$22.50

Comptroller for December 2022: Receipts: \$168,114.82; Disbursements: \$391,043.76

Comptroller for January 2023: Receipts: 1,897,187.40; Disbursements: \$497, 344.53

Dog Control: Seizures 1; Tickets 1; Mileage 56,399

Code Enforcement: No. Permits 4; Fire Inspections 3; Total Fees \$375.00

Assessor Reports

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to adjourn the meeting at 7:05 pm.

Respectfully submitted,



Cynthia Bardin, Town Clerk

NOTICE OF AWARD

DATED: **February 27, 2023**

TO: **Bellamy Construction**

ADDRESS: **6684 Amsterdam Road, Scotia, NY 12302**

OWNER'S CONTRACT NO.: **TK-G -2021 - 1**

CONTRACT FOR: **General Construction-Town of Kingsbury, New York
Burgoyne Avenue Water Main Extension Project-Phases I and II**

You are notified that your Bid dated **September 12, 2022** for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for the construction of the new water main along NYS RT 32-Burgoyne Avenue, Phase I and Phase II, from the intersection of Burgoyne Avenue with Michigan Street to the intersection with Franklin Street.

The Contract Price of your contract is: **Two Hundred Ninety-Four Thousand Three Hundred Fifty Dollars**

\$294,350

Two (2) copies of the Contact Documents (project drawings) will be forwarded to you after this Notice of Award has been executed for your use during the work. Maintain one set as project record copy for transmittal to ENGINEER at completion of work for development of Record Drawings.

You must comply with the following conditions precedent within fifteen calendar, non-holiday days of the date of this Notice of Award that is by **March 15, 2023**

1. You shall deliver to the OWNER acceptable Certificate of Insurance, Performance Bond (in the amount equal to 100% of the contract) and Labor and Material Bond (in the amount equal to 100% of the contract). If acceptable, OWNER will integrate these items, and the Notice to Proceed, to form the execution copy of the contract and forward three copies of the contract for your execution.
2. Following receipt of the execution copies of the Contract, Bellamy Construction shall execute the Agreement and return the copies marked "OWNER" and "ENGINEER" to the ENGINEER, and maintain the copy marked "CONTRACTOR" for your files.

3. List other conditions:
 - **Compliance with the NYSDOT Grant Financing Conditions, as detailed in the attached NYSDOT “Capital Project Agreement, Project ID#1761.94.301” and OSC Contract No. D040172.**
 - **These terms and conditions will be integrated into the Construction Contract.**

4. Other conditions contingent with the Pre-Construction meeting:
 - Provide Project Schedule
 - Provide Submittals for Review

Failure to comply with these conditions within the time specified will entitle OWNER to consider your bid in default, to annul this Notice of Award and to declare your Bid Security forfeited.

Within ten days after you comply with the above conditions, OWNER will return to you one fully signed counterpart of the Agreement with the Contract Documents attached.

OWNER’S AWARD

(OWNER) **TOWN OF KINGSBURY**

BY _____
(AUTHORIZED SIGNATURE)

(TITLE) **SUPERVISOR**

ACCEPTANCE OF AWARD

(CONTRACTOR) **BELLAMY CONSTRUCTION, LLC**

BY: _____
(AUTHORIZED SIGNATURE)

(TITLE) _____

(DATE) _____

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

**Resolution No. 1 of 2023
Adopted March 6, 2023**

**Introduced by Councilman Lindsay
who moved its adoption.**

Seconded by Councilman Washburn

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT AND ORDER
RELATIVE TO ALLENSTBIZPK LLC V. TOWN OF KINGSBURY, ET. AL. BEARING
WASHINGTON COUNTY SUPREME COURT
INDEX NO. EC2021-33107 AND EC2022-34197**

WHEREAS, ALLENSTBIZPK LLC, Petitioner, commenced an action against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification number: 154.17-1-52; and

WHEREAS, the litigation called into dispute the 2021 and 2022 tax assessments and the assessed value of the subject premises; and

WHEREAS, it is in the interests of all parties to resolve this proceeding at this time and in this manner and thereby avoid potential refunds and significant costs and delay that would otherwise be incurred with continued, protracted litigation; and

WHEREAS, it is the desire of the Town of Kingsbury to authorize their legal counsel on this matter, Meyer, Fuller & Stockwell, PLLC to sign and accept the Stipulation of Settlement and Order relative to the reduction of assessment pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification numbers 154.17-1-52 in accordance with the proposed Stipulation and Order that is attached.

NOW THEREFORE BE IT:

RESOLVED, the Town Board, upon due deliberation, finds that it is in the best interests of the residents of the Town of Kingsbury to approve and enter into the terms of settlement as detailed above subject to final review and approval of the specific language contained in the stipulation by counsel; and be it further

RESOLVED, that Meyer, Fuller & Stockwell, PLLC is hereby authorized to execute any and all documents pertaining to the settlement of the Article 7 petition reducing the assessment

on property bearing tax identification number: 154.17-1-52, in accordance with the RPTL Section 727 to establish the assessment rates for the ensuing years and in accordance with the terms included herein.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Adopted this 6th day of March, 2023.