

The first regular meeting of the Kingsbury Town Board was conducted on Monday March 14, 2014 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, New York.

MEMBERS PRESENT: Dana Hogan, Supervisor
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman

ABSENT: Paul Bromley, Councilman

OTHERS PRESENT: Michael Graham, Superintendent of Highways
Ross Cortese, Code Enforcement Officer
Margaret Maynard, Matt LaPan, Barb Englert,
James & Sherry Mercurio – Fairview Lane Residents

The meeting was called to order by Supervisor Hogan at 7 p.m. and opened for the order of business with the Flag Salute led by Councilman Collins.

The minutes of the February 8, 2016 and February 22, 2016 Board Meeting were accepted with a **motion** by Councilman Freebern seconded by Councilman Collins and carried with a vote of four ayes.

Supervisor Hogan reported there were special guests at tonight's meeting. Matthew LaPan, Margaret Maynard, James Mercurio, Sherry Mercurio and Barbara Englert residents of Fairview Lane were in attendance to discuss a nuisance neighbor at 37 Fairview Lane. Matt LaPan addressed the Board and stated more residents would have attended but they feared retribution. LaPan explained he cannot have guests at his home and his children cannot go out of the house. The neighbors are drunk, disorderly, obscene language is frequent and in the summertime the police are called at least once a week. Sherry Mercurio reported she could not open her windows in the summertime because the neighbors have fires that smolder all night long and loud music plays all night long. Margaret Maynard reported after talking with a sheriff she was told there was not a nuisance law in the Town of Kingsbury. Councilman Freebern questioned if the owner of the home had ever been contacted. Sherry Mercurio stated she had tried calling the landlord with concerns about the loud music all night long; with no result. She then started calling the police with no result. The problem neighbors have no consideration for any other residents on the street. James Mercurio stated the neighbors had planned an intervention meeting with the landlord and the problem neighbors; but they did not show up. Code Enforcement Ross Cortese reported he had no recent experience on Fairview Lane. Cortese explained the nuisance law in the Village of Hudson Falls addresses nuisance activity and nuisance conditions. Supervisor Hogan asked if the police visits would be an attributable actionable event. Cortese explained the Village nuisance law defines nuisance activities as drug activity, fights and noise. The discussion continued with the residents explaining to the Board the inconsiderate behavior of their neighbor. Supervisor Hogan asked the group if they had formulated a plan as to what they would like the Town of Kingsbury to do. The residents agreed they would like to see a nuisance law put into place. Councilman Doyle stated the Board could assist the residents with the burning issue now. Cortese explained the Village does allow unattended recreational burning. He also mentioned DEC has issued a burn ban in effect from March 16 – May 14. Cortese stated the Town's Code prohibits unattended open burning more than a 3' x 3' x 3' area. Cortese feels if the Town had a nuisance law in place it would be effective in dealing with the nuisance activities on Fairview Lane. The Board discussed what could be done until a nuisance law was in place. Supervisor Hogan will contact Attorney Meyer to draw up a nuisance law, possibly with a noise ordinance.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of four ayes giving permission to Todd Humiston Dog Control Officer to attend the Dog Control Conference on May 10 & 11, 2016 in Guilderand.

Colleen Adamec, Town Assessor, provided the Board with copies of Form RP-7114, a report for Special Franchise Activity. After discussion the Board would like more details about this report.

Mike Gray had talked to Supervisor Hogan shortly before he took office. Gray stated that \$7,500.00 was distributed to the Town of Kingsbury Recreation Department with the intent to repair and re-seal the northern basketball court at Derby Park. The funds had been transferred from the Recreation Department Budget to the General Fund because there was some confusion as to what the funds were for. A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of four ayes to re-appropriate the funds of approximately \$7,500.00 from the General Fund back to the Recreation Department Budget, with the intention of completing the work this year.

Supervisor Hogan received a Verizon bill, a National Grid bill and some sewer bills from Bill Nikas, relating to the infrastructure and the Quarry Pump Station on Quarry Circle. Nikas was obligated to maintain the infrastructure, alarm and power on Quarry Circle for two years. After the two year period the Town of Kingsbury Sewer District would assume ownership and the costs associated with those. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes to pay the bills and to change the billing and the financial address to the Town of Kingsbury Sewer District.

Town Clerk reported Town Attorney Jeffrey Meyer was interested in purchasing the safe in the tax office. After discussion the Board decided to declare the safe surplus and post it for bid on Auctions International to avoid any conflict of interest.

Town Clerk submitted the following report:

TO: Supervisor Hogan
Councilman: Bromley, Collins, Doyle & Freebern

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2016 Town & County Tax Collection

DATE: March 14, 2016

March 4, 2016 – Paid to Supervisor	\$ 2,364.19 – Penalties Collected Feb. 17 – March 3, 2016
	\$122.74 – Bank Interest for February
	\$40.00 – Return Check Fee
	\$2,526.93 --Total

Town Clerk reported Nelson Chase and Sean McLaughlin stopped at Town Hall after visiting Town Historian Paul Loding at Glens Falls Hospital. They reported he had shown signs of improvement.

Code Enforcement Ross Cortese reported he is waiting for an Inter-Municipal Agreement with the Town, Village and the Washington County Planning Department. Supervisor Hogan talked to Dave Armando,

Washington County Code Enforcement Administrator. Armando spoke to Public Safety about the Town/Village continuing to issue the building permits to retain the revenue once the transition is made in June. Supervisor Hogan reported Armando is against that as well as the County Board of Supervisors. Supervisor Hogan and Cortese met with Mayor Barton and have decided to proceed with their plan as it had been structured; with the permits going to the County. The building permit applications would be submitted here and any local issues would be reviewed, then we would sign off and forward the permit to the County. The County will review the structural plans, issue the permit, conduct all the inspections and when it is complete they will notify Cortese to conduct an inspection. The County will also conduct all the fire safety inspections. Cortese will still answer any complaints on property conditions and still enforce the property maintenance code. Cortese also reported he had received an email from Attorney Meyer with confirmation that the DEC had approved Schermerhorn's plans for the septic project; they are waiting for a confirmation letter before returning to the Planning Board.

Supervisor Hogan reported the Town and Village Courts are working closely together and getting ready for the transition once the Village Court is dissolved in April 2016.

Superintendent of Highways Michael Graham reported the net had been installed at Derby Park to stop the baseballs from hitting Betty Webster's house.

Superintendent Graham reported he had received approval from the NYS Department of Transportation to reduce the speed limit to 45 mph on the following roads: Hartman Road, Hendee Road, Stone Schoolhouse Road and Kingsbury Road.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to declare the following as surplus:

- #1. 3 Wisconsin Motors & Various Parts
- #2. Ford 391 Industrial Motor with Automatic Transmission
- #3. Dana Spicer 5 Speed Transmission w/PTO, removed from a DT International Motor
- #4. Craftsman 32" Snowblower / John Deere 14, size 21" cut ,5 h.p. self-propelled
- #5. Hercules Engine - Model 5x4 - D3 Motor, # 2572049, 4 cylinder
- #6. LX 790 Linamar, Model # 11253H, Serial # GO3X324084
- #7. Goodyear 12R 22.5 - 1 rim & 2 tires
- #8. John Deere STX 38 w/ 46" mower deck – bad transmission – 12.5 OHU Kohler Motor
- #9. IH 4 cylinder gas motor, out of air compressor, Model UC – 2 WWL025C, Serial # 38995
- #10. 12 – 21" x 48" screens & 2 – 21" x 48" Storm Windows
- #11. Interior Pine Hollow Doors – 36" x 80"
- #12. 1951 International Harvester Refrigerator w/freezer, Model UA-95, Serial # 0020575
- #13. 1997 Roper Refrigerator
- #14. 1863 Marvin's Vintage Antique Safe w/ rare painting art

Councilman Doyle asked if Graham was going to post the roads. Graham does not feel it is necessary with the mild winter we have had.

Councilman Doyle prepared a cost analysis sheet for the total cost per equivalent paved mile for all the Towns in Washington County. Doyle would like to get the December 2015 actual expenditures for each Town so he could look at what was actually spent. The initial overview of the analysis shows that the Town is above the County average. Councilman Doyle will continue the analysis once he receives the 2015 expenditures of the other Towns.

Councilman Freebern reported the flooring for the new Town Hall will arrive and be delivered tomorrow.

Supervisor Hogan and Code Enforcement Officer Ross Cortese will be painting at the new Town Hall tomorrow. Hogan reported most of the lights are installed in the front half of the building.

Supervisor Hogan received a letter from the United States Department of Interior indicating that the National Park Service has completed its study of the New York State Barge Canal for the purpose of nominating it for the designation of a national historic landmark.

Hogan reported he will be attending a Solar Workshop for public officials on April 19, 2016 from 5pm to 8 pm at the Kingsbury Volunteer Hose Company. Hogan invited the Board to the workshop; the cost will be \$10.00 per person.

Councilman Freebern asked about Layne Darfler who is working on a project for solar energy at the Kingsbury Landfill. Supervisor Hogan reported she is working on Phase III, she needs to speak to National Grid to see what kind of impact it would have on the ability to do solar. Layne also had to get some state permits and permission for site visits.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes to enter into executive session at 8:15 pm to discuss the Strand and personnel issues.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to exit the executive session at 8:50 pm.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to adjourn the meeting at 8:50 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>