

The second regular meeting of the Kingsbury Town Board was conducted on June 17, 2019 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
Henry Freebern, Councilman
William Haessly, Councilman
Dan Washburn, Councilman

OTHERS PRESENT: Michael Graham, Highway Superintendent
Mary Ordway, Town Comptroller
Jeffrey Meyer, Town Attorney
Gwen Craig, Post Star
Jerry Caruso, Craig Herald, Les Macura, 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 for Board Meeting conducted on June 3, 2019 will be prepared for the next meeting on July 1, 2019.

Supervisor re-opened the public hearing for a proposed local law to amend zoning district boundaries and instructed the Town Clerk to read the Public Notice. There being no public comment the public hearing was closed at 7:05 PM. Attorney Meyer reviewed the short environmental assessment form. A **motion** by Councilman Freebern seconded by Councilman Doyle that the proposed action will not result in any significant adverse environmental impacts.

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

Resolution No. 4 of 2019

Adopted June 17, 2019

Introduced by Councilman Doyle

who moved its adoption

Seconded by Councilman Freebern

RESOLUTION ADOPTING PROPOSED LOCAL LAW
AMENDING THE INDUSTRIAL ZONING DISTRICT CONTAINED IN SECTION A286.1 “ZONING DISTRICT
BOUNDARIES” OF THE TOWN CODE OF THE
TOWN OF KINGSBURY

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Sections 264 and 265 of Town Law, the Town Board of the Town of Kingsbury (the “Town”) has the authority to adopt local laws amending the Zoning Local Law of the Town of Kingsbury and the Code of the Town of Kingsbury; and

WHEREAS, the Town Board has consulted with the Planning Board, and the Zoning Administrator, and after due deliberation, finds and determines that certain revisions to the zoning map of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury are necessary and appropriate; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on June 17, 2019 at 7:00 p.m. at the Offices of the Town of Kingsbury, 6 Michigan Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed Local Law amending the zoning map contained in Chapter 280 of the Code of the Town of Kingsbury; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law and Sections 264 and 265 of Town Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board referred the proposal Local Law to the Washington County Planning Board, and that board’s recommendation was found to be a matter of Local Concern; and

WHEREAS, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in

connection with its findings pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted action that will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town. The proposed Local Law is designed to expand the industrial district along State Route 196 in accordance with development trends and the existence of the former Washington County Transfer Station being located in this area, which will foster future development; and be it further

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Clerk is hereby instructed to publish a copy of the Local Law in *The Post Star* and to file a certified copy of the Local Law in the Office of the Secretary of State; and be it further

RESOLVED, the Law shall take effect 10 days after publication and upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Clerk; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT:

Dana Hogan, Supervisor

William Haessly, Councilman

Henry C. Freebern, Councilman

Dan Washburn, Councilman

<http://www.kingsburyny.gov>

Richard J. Doyle, Councilman

AYES: 5

NAYES: 0

ABSENT: 0

{Seal}

Cynthia A. Bardin, Town Clerk

Town of Kingsbury

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

LOCAL LAW NO. 3 OF 2019

**LOCAL LAW AMENDING THE INDUSTRIAL ZONING DISTRICT CONTAINED IN SECTION A286-1 "ZONING
DISTRICT BOUNDARIES" OF THE TOWN OF KINGSBURY TOWN CODE**

Be it enacted by the Town Board of the Town of Kingsbury, as follows:

Section 1. Purpose.

To amend the official “Zoning Map of the Town of Kingsbury” by extending the existing Industrial Zone along NYS Route 196 to include existing industrial uses, to encourage additional industrial uses and to bring uniformity in this area.

Section 2. Zoning District Boundaries.

a. Section A286-1(G) shall be amended as follows:

(2) This zone shall extend two hundred feet along the southern side of NYS Route 196 from the centerline of County Route 42 to the center of Wood Creek as the same winds and turns.

Section 3. Map Amendment.

The location and boundaries of said IND Zone is hereby confirmed and shall be depicted on the Zoning Map of the Town of Kingsbury and is hereby made a part of this chapter and made available at the Office of the Town Clerk.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date.

This Local Law shall take effect 10 days after publication and upon its filing with the Office of the Secretary of State and filing of an affidavit of publication with the Town Clerk.

Superintendent of Highways Michael Graham introduced Ruben and Danna Ellsworth. Mr. Graham explained the Ellsworth's are looking into the possibility of a right-of-way through a pit that is owned by the Town of Kingsbury. Mr. Ellsworth provided maps of the pit and the surrounding area and explained they had purchased two parcels from Washington County approximately two years ago and would like to mine on the property. Mr. Ellsworth could gain access to the purchased property on Rocky Way, but prefers not to disturb the residents on that road with the truck traffic. Mr. Ellsworth explained they would maintain the right of way. A discussion followed. The Supervisor suggested the Highway Committee, Councilman Washburn and Councilman Freebern, meet with Superintendent of Highways, Michael Graham to develop a plan of action.

Supervisor Hogan appointed Rebecca Pomainville to the positions of Budget Officer and Accounting Officer, effective on July 1, 2019, upon the retirement of Mary Ordway. Councilman Doyle will assist in the budget process.

A **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes for Rebecca Pomainville to be the primary administrator of the Town of Kingsbury's Business Online Banking. (Agreement attached)

Supervisor Hogan reported Councilman Washburn has been working with the Chazen Companies on a proposal for professional services associated with the Town's sanitary sewer infrastructure. Chazen would develop a comprehensive map of the existing sanitary sewer system. A **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes to proceed with the Professional Services Proposal from the Chazen Companies with a budget of \$5,000.00.

LEGAL UPDATE:

Attorney Meyer requested an executive session.

TOWN CLERK REPORT:

The scanning project will be complete on time with the deadline being June 28, 2019. Seventy-three boxes are complete; ninety must be complete on the deadline.

ENFORCEMENT & DOG CONTROL OFFICER REPORT:

Todd Humiston is attending a Code Enforcement conference at Valhalla.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported the shoulders on the newly paved roads are complete. On Monday July 8, 2019 Wait Road will be closed for approximately two weeks to install a culvert. Supervisor Hogan asked what formal procedure was used to notify police, etc. of a road closing. Mr. Graham stated he would contact Washington County Patrol, the school district and the nearby residents.

COUNCILMAN REPORT:

Councilman Washburn attended the announcement at Derby Park where the Moran brothers kicked in \$500,000.00 towards the renovation of the park. He commented it was a well-attended event and is great for the community.

SUPERVISOR REPORT:

Supervisor Hogan had a conference call in regard to the sinkhole on Burgoyne Avenue. The status has been changed from "emergency site" to "construction site" and they are currently evaluating options. Mayor Barton reported there has been a drop in business at Lewis' Market and requested they look at the site with a 24/7 approach and not drag it out. The site is being assessed and another conference call is scheduled for Friday.

Supervisor Hogan received correspondence from a resident on Bentley Road who is concerned with speeding traffic and a request to consider a reduction in the speed limit. Supervisor Hogan and Highway Superintendent conducted a conference call with the resident. The Sheriff Department and the State Police will patrol the area. A **motion** by Councilman Washburn seconded by Councilman Freebern and carried by a vote of 5 ayes giving Highway Superintendent Michael Graham permission to request a reduction in the speed limit on Bentley Road to the NYS Department of Transportation.

Supervisor Hogan reported he had been advised that Front Porch Forum is up and running, 50 Town of Kingsbury residents need to register before it will become a live site. The Front Porch Forum mission is to help neighbors connect and build community.

Supervisor Hogan announced Mary Ordway was attending her last public meeting with the Town of Kingsbury and has done a phenomenal job for the taxpayers.

WRITTEN REPORTS:

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

Dog Control Officer: Complaints/Calls 29; Seizures 1; Unlicensed Dogs 7; Mileage 669 with 40 to Fort Edward & 86 to Fort Ann

Town Clerk: Paid to EnCon \$524.33; Paid to Supervisor \$2,416.37; Paid to the Village of Hudson Falls \$170.00; Paid to Ag & Markets for Population Control \$126.00

PUBLIC COMMENT:

Jerry Caruso asked the location of the Town pit. Superintendent of Highways Michael Graham explained the pit is located off from Tripoli Road.

Craig Herald asked about the amendment to the industrial zoning district. Supervisor Hogan explained there will be no impact or change for him, things will remain the same.

Donald Carlino of 108 Dean Road would like to put in an additional driveway and a storage shed 40 x 100 to store his son's business trucks. The business, Adirondack Moving, will continue to be run out of Queensbury. Supervisor Hogan suggests Mr. Carlino contact Enforcement Officer Todd Humiston.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to enter into an executive session at 7:54 PM to discuss legal matters pertaining to the Town. Superintendent of Highways Michael Graham was invited to attend the executive session.

A **motion** by Councilman Haessly seconded by Councilman Freebern and carried by a vote of 5 ayes to exit the executive session at 8 pm.

There being no further business before the Board a **motion** by Supervisor Hogan seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:00 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk