

The second regular meeting of the Kingsbury Town Board was conducted on September 18, 2017 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT:	Dana Hogan, Supervisor Paul Bromley, Councilman William Collins, Councilman Richard Doyle, Councilman Henry Freebern, Councilman
OTHERS PRESENT	Dave Perkins, Champlain Canalway Michael Graham, Highway Superintendent Todd Humiston, Dog Control Officer

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 Doyle.

The minutes of the August 17, 2017 Board Meeting were accepted as submitted by Town Clerk with a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes.

Supervisor Hogan announced Dave Perkins is present at tonight's meeting with an important announcement. Mr. Perkins, a member of the Champlain Canalway Trail Working Group, passed around a photo taken at Dix Bridge, the site of an announcement event proposing to expand and connect bicycle trails in New York State. Andy Beers, the director of the Empire State Trail, announced there will be \$12 million dollars in new funding to complete three sections of the 62-mile Champlain Canalway Trail from Waterford to Whitehall. Mr. Perkins stated we could have a completed trail from Waterford to Fort Ann by 2020. Mr. Perkins explained details for what would directly affect Kingsbury; the longest new section will start at the Feeder Canal Trail in Fort Edward and head north to Fort Ann. The Canal Corporation will install a stone dust surface on the towpath; build two pedestrian/bicycles and an underpass for safe passage under Route 196. Mr. Perkins asked Andy Beers what the cost would be to the Town of Kingsbury. Mr. Beers explained because State agencies were involved they will handle the finances with no liability to the Town. The Town of Kingsbury will receive a 12-mile section from Fort Edward to Fort Ann at no cost to the Town. Signage will be included along the way to get people off the path to businesses and attractions. The trails will be open in the winter time, snowmobiling permitted where it is appropriate. Mr. Perkins stated Fort Ann to Whitehall will be a challenge; a feasibility study must be done to determine the best route.

Councilman Bromley thanked Dave Perkins for his efforts in the Canalway Project. Mr. Perkins stated the rewards give you the motivation to keep on going.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to re-appoint Ann Tougas for a 5-year term to the Board of Assessment Review. The term will be from 10/1/17 to 9/30/2021.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to appoint Joanne Davidson for a 5-year term to the Board of Assessment Review. The term will be from 10/1/2017 to 9/30/2022. Joanne Davidson will replace John Murray who has recently resigned.

#### LEGAL UPDATE:

The Board received a letter in August for a request to change a PILOT project for North Property Holdings, LLC. Attorney Meyer reported he spoke to Attorney Bob Morris who said to disregard the

<http://www.kingsburyny.gov>

letter, it had been blown out of proportion; the only thing they are really looking at is change of tenant, a corporate name change; nothing was sold it was a corporate re-structure. Attorney Meyer requested an executive session to discuss pending litigation.

TOWN CLERK:

Town Clerk would like to adopt the following resolution in regard to receiving a Notice of Claim:

That the Town Board hereby directs the Town Clerk to file the required certificate  
**TOWN OF KINGSBURY**

**RESOLUTION NUMBER 13 OF 2017**

Introduced by Councilman Bromley, who moved its adoption  
Seconded by Councilman Freebern

**WHEREAS** General Municipal Law Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a Notice of Claim; and

**WHEREAS**, General Municipal Law Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

**WHEREAS**, pursuant to General Municipal Law, Section 53-3(1) (a), the applicable time limit for the filing of a notice of claim upon a town is ninety (90) days after the claim arises, or in the case of a wrongful death action, ninety (90) days from the appointment of the decedent's estate;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kingsbury, County of Washington, designates Cynthia A. Bardin, in her capacity as Town Clerk to receive notices of claims served upon the Secretary of State by mail at 6 Michigan Street, Hudson Falls, NY 12839

**BE IT FURTHER RESOLVED** that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him of the Town's designation and applicable time limitation for filing a notice of claim with the Town on or before September 25, 2017

Dated: September 18, 2017

Those Members present were:

Dana Hogan, Supervisor  
Paul Bromley, Councilman  
William Collins, Councilman  
Richard Doyle, Councilman  
Henry Freebern, Councilman

Voting:

Aye  
Aye  
Aye  
Aye  
Aye

The Town Clerk reported she had received a call from a Town resident in regard to obtaining cable service to his home. The Board stated the resident must contact the cable company to obtain service.

#### DOG CONTROL OFFICER:

Todd Humiston reported he had a couple of close calls with emergency care last week. In Kingsbury a dog was hit on Dix Avenue and he was not available; a Washington County sheriff took the dog to Northway Animal Emergency Clinic. The dog had to be euthanized; a service provided by the clinic at no charge to the Town. Two weekends ago there was an incident in Fort Edward where he had to take a dog to the Northway Animal Emergency Clinic. The owner was located at the last minute, if not located Humiston would have to decide what treatment the dog should receive. If the owner was never found the Town would have been charged up to \$350.00 for care for the injured dog. At this time there is no guidance for deciding on treatment and no cap as to how much the Town would spend on a dog that requires treatment when the owner cannot be located.

Humiston presented the Board with a copy of a letter from Northway Animal Emergency Clinic with a pricing list of services provided.

Humiston would like to draft a document (a memorandum of understanding) with guidelines and a cap on the cost for care; to authorize specific people to bring an animal for care when he is not available. Humiston also reported there were two court cases that were issued restitution. One case was in the amount of \$600.00 and the other was in the amount of \$350.00; payment has not been received and technically they are in contempt of court. Attorney Stockwell is concerned with the court costs to the Town to pursue these cases. After discussion the Board agreed the Town should proceed with the two cases.

#### HIGHWAY SUPERINTENDENT REPORT:

Superintendent Graham reported on the status of the sale of the grader which is being advertised on Auctions International. The final bid that came through was \$20,800.00 and he countered the bid with \$35,000.00, which is the amount requested. The bidder countered back at \$28,000.00. Graham asked the Board he should counter at \$30,000.00; the Board agreed \$30,000.00 would be acceptable.

Superintendent Graham reported he had received calls from business owners on Park Road; which was recently paved. They reported Park Road has become a speedway. After discussion the Board agreed 55 mph speed limit signs should be placed on Park Road.

A **motion** by Councilman Bromley seconded by Councilman Collins and carried by a vote of 5 ayes giving permission to Superintendent Graham to rent a screen. The screen should arrive on Wednesday. Superintendent Graham received a call from Rozell Industries with a request to transport four 18 foot high boxes on Town roads to Milton, NY in November. Approval must be sent to Rozell Industries on Town letterhead. Councilman Bromley suggested Superintendent Graham check on the weight of the boxes to be transported.

#### SUPERVISOR REPORT:

Supervisor Hogan read a NYMIR certificate in recognition of Superintendent Graham for attending and participating in a NYMIR Snow & Ice Safety Removal Course. The Board applauded Superintendent Graham.

Supervisor Hogan received a letter from the Laberge Group letting us know Restore New York Grant funding is available to restore run-down properties that are vacant, condemned or abandoned.

Supervisor Hogan announced the project at Lock 8 Way with CRRC railway is no longer a go. Supervisor Hogan would like to re-iterate his confidence in the Board in the fact that they said no to significant pressure to take over the bridge. Supervisor Hogan stated the Board made a good decision not to take the bridge, he fears we would have been hunting in a couple of years for a performance of a contract to pay

for the bridge. Supervisor Hogan stated that it may not make the headlines but the taxpayers were well represented in this matter by their local government. Supervisor Hogan thanked the Board for their efforts.

Todd Humiston asked if there had been any response from the NYS DOT in regard to the requests for speed limit reductions for Michigan, Sunset, Division and Vaughn Roads. Superintendent Graham responded we had not heard and sometimes it takes up to a year. The Town recently received from the NYS DOT permission to lower the speed limit on a portion of County Line Road to 45 mph.

Todd Humiston also stated due to a grant all students in the Hudson Falls School District receive free lunch if they complete the required paperwork.

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

Code Enforcement No fees for August

Dog Control Officer: Complaints/Calls 61; Seizures 4; Unlicensed Dogs 6; Euthanasia 1; Bites Investigated 2; Dangerous Dogs 1; Mileage 450 with 58 charged to Fort Edward & 144 charged to Fort Ann

Town Clerk: Paid to EnCon \$3,393.84; Paid to Supervisor \$3,144.00; Paid to NYS Dept. of Health \$135.00; Paid to the Village of Hudson Falls \$120.00; Paid to Ag & Markets for Population Control \$260.00

Town Comptroller: Receipts \$84,631.95; Disbursements \$185,141.11

Assessor: Sales Reports

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of 5 ayes to enter into executive session at 7:53 pm to discuss pending litigation.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to exit the executive session at 8:10 pm.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 5 ayes to adjourn the meeting at 8:10 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk