

September 19, 2022 Meeting Minutes

The second regular meeting of the Kingsbury Town Board was conducted on September 19, 2022, at the Kingsbury Town Hall. 6 Michigan Street, Hudson Falls.

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

ABSENT: William Haessly, Councilman

OTHERS PRESENT: Michael Graham, Highway Superintendent
Rebecca Pomainville, Comptroller
Todd Humiston, Code Enforcement & Dog Control Officer
Jeffrey Meyer, Town Attorney
Jim Chase, Retired Water Superintendent
Town Residents: Jeff Zappieri, Megan Borlang, Lisa Boucher,
Cynthia Roberts

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

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to accept the minutes of the August 15, 2022, Town Board Meeting and the Special Meeting conducted on August 24, 2022, as submitted by the Town Clerk.

Jim Chase reported the Town had gone out to bid for the Burgoyne Avenue Waterline Extension, everything has been approved and one bid was received from Bellamy Brothers. It was bid in two stages; one 600 feet to get to the NYS DOT and the Kingsbury Volunteer Fire House and about 1100 feet to Franklin Street for future expansions and possibly a water tank near the fire house. The bid for the first section came in at \$223,900.00; for the full job it came at \$294,544.00 The Town applied for the grant before Covid, before the doubling of prices on valves and piping. The Comptroller calculated the Town would be short about \$14,000.00 short on the first stage and if the full job is complete the Town would be short \$84,544.00. Supervisor Hogan thought there was a way to take care of this so it would be done and not have to go out to bids in the future. Mr. Chase spoke of the possibility of an added expense because the Town does not know what is at the end of the 12" main, there may be poured concrete in there. He suggests adding \$10,000.00 to cover engineering and other costs to the cost of the full job totaling \$294,544.00.

Mr. Chase spoke with suppliers who stated 3 to 6 weeks for the pipes and the other appliances are in stock.

Supervisor Hogan stated ARPA funds could cover the additional costs. Kathleen Suozzo has reached out to the State of New York and has applied for additional funding because of the cost of living, the cost of inflation and because this project taking too long.

A **motion** by Councilman Lindsay seconded by Washburn and carried by a vote of 4 ayes to accept the bid from Bellamy Brothers for the full job in the amount of \$294,544.00.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 4 ayes to authorize easements from the residents.

Lisa Boucher, Megan Borlang and Cynthia Roberts, Town residents attended the meeting to discuss amendments to the Transitional Zoning Laws. Lisa Boucher stated they are extremely supportive of the Master Comprehensive Plan, the new vision that has come out in the Comprehensive Plan going further, and about preserving our beautiful agricultural community. They agree Route 4 is the correct corridor for commercial growth. They are concerned with the transitional zoning law because there are a few pieces of property on Route 4; if they were allowed to do certain commercial things it would creep into the residential agricultural areas, and this is not what it was intended to do. The transitional law allows some of the commercial zoning to extend into other zones. They are not against that but there are a few lots that are very tiny and may balloon out into the residential agricultural areas; therefore, they may end up putting a commercial enterprise in a residential area. They are proposing some changes to 280-26 D. They added the owner of a lot **may** be allowed to use the entire lot. On 280-26 D4 they would like to increase the buffer to give more space between the commercial and residential properties. Section 6 is about where the entrances and exits would be for a commercial entity. They believe the appropriate thing would be on the commercial road, not allowed on a side road that is residential. Section 7 where 25% or more of the acreage of a lot is located in a residential area, commercial uses will only be allowed to extend 100 feet into the portion of the lot that is located in a residential district.

The residents are open to any questions the Board has and would like the Board to vote on scheduling a Public Hearing to discuss their proposals to amend the transitional zoning law.

Code Enforcement Officer Humiston discussed his concerns with the proposed amendments to the Transitional Zoning Law. The discussion continued. Attorney Meyer recommended the Board look at a map to determine how many properties would be included in the proposed amendments. Supervisor Hogan suggested the Legal/Legislative Committee, Councilman Doyle and Councilman Lindsay and Code Enforcement Officer Humiston meet with the residents to develop a compromise that everybody could agree upon and then schedule a Public Hearing.

Comptroller Pomainville reported Thomas Beadnell has resigned as a Crossing Guard. A **motion** by Councilman Doyle seconded by Councilman Lindsay and carried by a vote of 4 ayes to appoint Brittany Sprague as a Crossing Guard.

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 4 ayes to re-appoint Ann Tougas to the Board of Assessment Review Board for a 5-year term.

Michelle Richardson resigned from the Zoning Board of Appeals due to health problems in 2019 and would like to be re-appointed. A **motion** by Councilman Lindsay seconded by Councilman Doyle and carried by a vote of 4 ayes to re-appoint Michelle Richardson to the Zoning Board of Appeals.

TOWN CLERK REPORT:

The tax collection for the Hudson Falls Central School District is going well.

Due to incidents that have occurred in other municipalities Town Hall is prepared to handle all visitors.

A discussion ensued.

CODE ENFORCEMENT & DOG CONTROL OFFICER REPORT:

The owner of 22 Park Road asked if the Board would consider allowing commercial recreation in the Industrial Park as an accepted use. The owner would like to open an indoor soccer center. Attorney Meyer stated the proper mechanism would be a zoning change.

A dangerous dog hearing is scheduled.

HIGHWAY SUPERINTENDENT REPORT:

Superintendent Graham thanked the Board for the special meeting conducted on August 24, 2022, which gave him permission to purchase a new truck. The truck will arrive this week. The highway crew has been busy hauling sand preparing for the winter ahead.

COMPTROLLER REPORT:

Comptroller Pomainville has been working on the 2023 Budget. The Comptroller is looking at a new website for the Town, sealcoating and striping the parking lots, some interior painting at Town Hall and a backhoe for the Highway Garage.

The Budget request from the Kingsbury Volunteer Fire Co. will be ready tomorrow.

The Board discussed the Highway Whole Town and Part-Time Town budgets. The Comptroller has dropped the estimates for Court revenue; the Town used to take in approximately \$130,000.00 a year; the fines are down to about \$50,000.00.

COUNCILMAN REPORT:

Councilman Doyle and Councilman scheduled a meeting with Town residents for September 28, 2022 to discuss amendments to the Transitional Zoning Law.

Councilman Doyle reported there was no update on the Master Comprehensive Plan. Supervisor Hogan received an email from Lisa Melville stating they are ready to have some discussion on the Comprehensive Plan administration grant. He will schedule a meeting via Webex.

SUPERVISOR REPORT:

The TDI project has received their financing and the project continues to move forward.

WRITTEN REPORTS:

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to accept the reports of certain officer for the month of August as follows:

Code Enforcement: No. Permits : 6 Fire Inspections: 13; Total Fees: \$862.20

Dog Control Officer: Dog Bites: 0; Tickets Issued 7; Written Warning: 1; Verbal Warning 1;

Mileage: 54,944

Town Clerk: Paid to EnCon \$3,852.37; Paid to Supervisor: \$4,694.46; Paid to the Village of Hudson Falls: \$290.00 ; Paid to Ag & Markets for Population Control: \$201.000; Paid to the Department of Health: \$315.00

Town Comptroller: Receipts \$102,332.44; Disbursements: \$764,082.39

Town Justice for July: \$11,662.00 Collected, \$4,143.00 to Town

Assessor Sales

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to enter into an executive session at 7:52 pm to discuss pending litigation.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to exit from the executive session at 8:10 pm; no action was taken.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Lindsay and carried by a vote of 4 ayes to adjourn the meeting at 8:10 pm.

Respectfully submitted,
Cynthia A. Bardin, Town Clerk