

The second regular meeting of the Kingsbury Town Board was conducted on October 15, 2018 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

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

ABSENT: Dana Hogan, Supervisor

OTHERS PRESENT: Michael Graham, Highway Superintendent
Mary Ordway, Town Comptroller
Todd Humiston, Dog Control Officer
Jeffrey Meyer, Town Attorney
Jolene & Jerry Caruso, Town Residents
John Aiken, Brian King, Chris Goodness & Walt Sutliff - Kingsbury Volunteer Hose
Ken Grant, Court Security Officer
Ennio Ruggi, Town Resident
Tammy & Steve Chase, Town Residents
Claudia Braymer, Attorney for the Chase's

The meeting was called to order at 6 p.m. by Deputy Supervisor Freebern and opened for the order of business with the Flag Salute led by Councilman Freebern.

Deputy Supervisor Freebern instructed the Town Clerk to read the notice for the Public Hearing for the Fire Protection District Contract and the 2019 Preliminary Budget. Deputy Supervisor opened the Public Hearing at 6:05 p.m. Deputy Supervisor Freebern asked how different the fire district budget was this year compared to last year. Comptroller Mary Ordway explained the difference in our appropriations is a penny per thousand; last year the fire district received \$240,800.00 from the Town which was a decrease in the rate. This year the rate is up to 60 cents per thousand. Members of the Kingsbury Volunteer Fire Company were present at the meeting. Walt Sutliff explained there are funds that are put away each year and this year they will be drawing from those funds to purchase new SCBA air packs. Brian King stated the air packs will cost \$132,000.00, the current air packs are 15 to 16 years old and are nearing the end of their life span. King explained a lot of equipment becomes obsolete and it is difficult to get replacement parts for them. They also need to replace the extrication equipment used to get into cars because the cars are being made of a better metal. Councilman Doyle stated the proposed budget for the Kingsbury Volunteer Fire Company is roughly \$383,000.00 and our proposed budget for the fire district is \$250,500.00 which is a big difference. Walt Sutliff stated they would cash in a CD; their budget is higher than normal due to the purchase of the air bags. Councilman Doyle asked if the \$250,500.00 from the Town, the CD and the proceeds from Bingo would cover the fire district expenses anticipated for 2019. Walt Sutliff said it pretty much would cover the expenses for the year but their costs are always going up. John Aiken stated they had not anticipated the cost of replacing the air conditioning this past year at approximately \$65,000.00 and things are getting old at the facility; the roof is 20 years old and will need repair. Councilman Washburn asked if they are able to save any money annually out of their budget. They have been able to put away \$65,000.00 in their truck fund, \$10,000.00 in their self-contained breathing apparatus fund and \$25,000.00 in the building fund. John Aiken stated that barely keeps up with their 10-year plan on air packs; it costs half a million for a replacement engine and a million dollars to replace a truck. He asked Councilman Doyle if they could sit down earlier in the year to

plan a different budget. Comptroller Mary Ordway stated the budget process starts in July or August and we must remain below the 2% tax cap. A discussion followed, a **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to close the public hearing at 6:20 pm. A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the Fire District Contract for 2019 in the amount of \$250,500.00.

Deputy Supervisor Freebern opened the Public Hearing for the 2019 Preliminary Budget at 6:21 pm. Councilman Doyle asked if the only difference in the Preliminary Budget were salary changes. Comptroller Ordway stated yes and the changes amounted to approximately \$5,000.00, the tax rates were not changed.

There being no public comment the Public Hearing for the 2019 Preliminary Budget was closed at 6:23 p.m. with a **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 4 ayes. A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 4 ayes to adopt the 2019 Preliminary Budget for the Town of Kingsbury.

Deputy Supervisor instructed the Town Clerk to read the notice for the Public Hearing for a Local Law amending certain sections of the Town of Kingsbury Local Law contained in Chapter 280 of the Kingsbury Code. Deputy Supervisor Freebern opened the Public Hearing at 6:24 pm. Councilman Haessly stated he has mixed emotions about the proposed Local Law because no other businesses are required to do anything if they decide to close. There being no public comment the Public Hearing was closed at 6:27 pm on a **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 4 ayes. On a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 4 ayes the Kingsbury Town Board declares lead agency status, reviewed the short environmental assessment and determined there are no significant adverse environmental impacts for the proposed Local Law to amend certain sections of the Town of Kingsbury Local Law contained in Section 280 of the Kingsbury Code.

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

Resolution No. 7 of 2018
Adopted October 15, 2018

Introduced by Councilman Haessly
Who moved its adoption

Seconded by Councilman Doyle

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
AMENDING CERTAIN PROVISIONS CONTAINED IN CHAPTER 280 OF
THE 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, in order to accomplish said intent, found it necessary to amend certain sections of the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury as it applies to the decommissioning and removal solar energy collectors and related equipment as necessary and appropriate at the end of their useful lives; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on October 15, 2018 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 regulation of solar energy collectors contained in Chapter 280 Of the Code of the Town of Kingsbury; and

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

WHEREAS, the Town Board referred the proposed Local Law to the Washington County Planning Board; 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 and protects the public health, safety and welfare. The proposed Local Law Is designed to regulate the decommissioning and removal of solar energy collectors at the end of Their useful life; 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 upon its filing with the Office of the Secretary of State and filing an affidavit of publication with the Clerk; and be it further

RESOLVED, this resolution shall take effect immediately.

Those members present were:

Councilman Doyle

Councilman Freebern

Councilman Haessly

Councilman Washburn

Voting

Aye

Aye

Aye

Aye

**A LOCAL LAW AMENDING CERTAIN SECTIONS
OF THE TOWN OF KINGSBURY ZONING LOCAL LAW CONTAINED IN
CHAPTER 280 OF THE CODE OF THE TOWN OF KINGSBURY**

Local Law No. 2 of 2018

Be it enacted by the Town of Kingsbury as follows:

Section 1. Short Title and Applicability.

This Local Law shall apply to certain provisions of the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury.

Section 2. Declaration of Policy.

The Town Board of the Town of Kingsbury has reviewed the regulations contained in the Zoning Local Law of the Town of Kingsbury contained in Chapter 280 of the Code of the Town of Kingsbury. In this regard the Town Board has consulted with the Planning Board and the Zoning Administrator. After due deliberation, the Town Board believes that certain amendments and updates to the zoning regulations contained in said Chapter 280 of the Code of the Town of Kingsbury are reasonable and necessary to ensure large scale solar arrays are properly decommissioned, disposed, and the property is restored to its preexisting condition. The recommended amendments shall therefore be enacted and authorized pursuant to the provisions of this Local Law.

Section 3. Amendments.

A. Section 280-19.1 D. (5) shall be amended to add the following subparts:

- k) A decommissioning plan. To ensure the proper removal of Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this Plan shall be made a condition of the issuance of a permit under this Section. The Decommissioning Plan must specify that after the Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The Decommissioning Plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The Plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan; and
- l) Financial surety. In addition to the Decommissioning Plan, the Applicant shall

also provide an estimate, prepared by a qualified engineer, setting forth the costs associated with decommissioning the solar energy collectors. The Planning Board shall also establish the amount of such surety to be established by the applicant prior to the issuance of a building permit. The surety may be in the form of escrowed funds, bonds or otherwise, so long as the surety remains in place for the life of the solar energy system and available to the Town to ensure the solar energy system is decommissioned in accordance with the approved Decommissioning Plan. It is the intention of this provision to ensure that the Town has sufficient funds available to remove the installations including all mounting hardware and restore landscaping consistent with this Chapter, in the event the applicant fails to comply with its decommissioning obligations.

Section 4. Authority.

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Sections 264 and 265 of the Town Law of the State of New York.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 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 6. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State, and after such other notices are complied with.

Deputy Supervisor instructed the Town Clerk to read the notice of a Public Hearing for a solar energy system local law. Deputy Supervisor Freebern opened the Public Hearing at 6:29 pm. Town Resident Ennio Ruggi asked the Board “What is the action of the Town of Kingsbury as far as solar energy?” Mr. Ruggi has seen many solar farms in the Town of Whitehall; he does not see the positive attitude in Washington County that he sees in other areas. A discussion followed. Deputy Supervisor Freebern stated the solar energy farms are new for the Town of Kingsbury. Councilman Haessly stated Washington County and the Hudson Falls Central School District have opted out of granting an exemption for solar energy. The Town of Kingsbury has opted in and is willing to grant the exemption. Mr. Ruggi asked if land would be assessed higher with solar cells. Councilman Haessly explained that would be a capital improvement on the land and would increase the assessed value. Mr. Ruggi asked how is it that Whitehall has numerous solar farms if Washington County has opted out of granting an exemption for solar farms. Councilman Haessly explained they are not against it they just are not granting the exemption. Councilman Doyle explained the Board is in favor of granting the exemption to attract solar facilities in Kingsbury. He explained a lot of it is based on location, whether there is a power line there to accept the energy that is generated from the solar facility. In Kingsbury there is one solar farm near the airport which has been approved and is in process. Other interest has been expressed from other developers for a solar facility in Kingsbury. He shares his opinion with Councilman Haessly that it would be a benefit to the Town taxpayers to accept solar facilities in Kingsbury. He explained the Town Board has been working on a pilot program so the solar facilities can determine their cost for the first 15 years in operation. Councilman Freebern stated the Town has not been involved in the solar facilities in Kingsbury and they are trying to look ahead and have questions answered and be prepared if they are suddenly gone. There is a lot of work to decide what should be done if they are suddenly no longer operating. Councilman Doyle stated that was the reason for Local Law #2 that was adopted in regard to the decommissioning of a solar facility. Mr. Ruggi feels there is more encouragement in Warren and Saratoga County. Councilman Washburn stated Kingsbury will encourage the development of solar facilities. Councilman Haessly explained the purpose of the PILOT (payment in lieu of taxes) is to be able to negotiate with the company that will install the solar facilities so they know what to expect what their tax payments will be for the next 15 years so they can plan their investing in the community. In 15 years the facility will be fully assessed at the market rate and go on the tax roll at their assessed value. The solar facilities will also be seeking customers in the Town to provide utility service. Jerry Caruso asked if the infrastructure actually increases the assessed value of the underlying land. Councilman Haessly stated not the underlying value of the land but the parcel itself. The owner of the infrastructure will pay the tax on the infrastructure and the landowner will pay the tax on the land.

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

Resolution Number 8 of 2018
Introduced by Councilman Haessly
Who moved its adoption.

Seconded by Councilman Doyle

**RESOLUTION AUTHORIZING THE ADOPTION OF
THE SOLAR ENERGY SYSTEM PILOT LOCAL LAW
FOR THE TOWN OF KINGSBURY**

BE IT RESOLVED by the Town Board (the “Board”) of the Town of Kingsbury (the “Town”), in the County of Washington on this 15th day of October 2018, as follows:

WHEREAS, IT IS THE INTENTION OF THE Town to insure that the benefits of the Community’s solar energy resource are available to the entire community, by promoting the Installation of solar energy generating equipment through a payment in-lieu-taxes (PILOT), Granting reduced costs to system developers and energy consumers, and providing revenue Stream to the entire community: and

WHEREAS, the Board is considering a proposed Local Law regulating payments in lieu Of taxes for solar energy systems located within the Town a copy of the proposed local law is Attached hereto and made a part hereof: and

WHEREAS, notice of said public hearing was duly posted and then published in the Official newspaper of the Town, pursuant to and in conformance with the Municipal Home Rule Law; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on October 15, 2018 6:15 pm 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; 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 by the Town Board as follows:

RESOLVED, the Town Board, upon due deliberation of the Local Law finds that the adoption Of the same is in the best interest of the Town.

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

RESOLVED, pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter this Local Law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York; and be it further

RESOLVED, this resolution shall take effect immediately.

Those members present:
Councilman Doyle
Councilman Freebern
Councilman Haessly
Councilman Washburn

Voting
Aye
Aye
Aye
Aye

LOCAL LAW NUMBER 3 OF 2018
Solar Energy System PILOT Law

Section 1. Title

This Local Law may be cited as the “Solar Energy System PILOT Law of the Town of Kingsbury, Washington County, New York.”

Section 2. Purpose

This Local Law is adopted to ensure that the benefits of the community’s solar energy resource Are available to the entire community, by promoting the installation of solar energy generating Equipment through a payment in lieu-taxes (PILOT), granting reduced costs to system Developers and energy customers, and providing revenue stream to the entire community.

Section 3. Authority

This Local Law is adopted under the authority granted by

1. Article IX of the New York State Constitution, §20(8),
2. New York State Statute of Local Governments, § 10 (5),
3. New York Municipal Home Rule Law, § 10 (1)(i) and (ii) and § 10 (1)(a)(8), and
4. New York Real Property Tax Law § 487(9)

Section 4. Definitions

1. “Annual Payment” means the payment due under a PILOT Agreement entered into pursuant to Real Property Tax Law § 487(9)
2. “Annual Payment Date” means January 1st of each year
3. “Capacity” means the manufacturer’s nameplate capacity of the Solar Energy System as measured in kilowatts (kW) or megawatts (MW) AC,
4. “Owner” means the owner of the property on which a Solar Energy System is located or installed, or their lessee, licensee or other person authorized to install and operate a Solar Energy System on the property.
5. “Residential Solar Energy Systems” means a Solar Energy System with a nameplate Generating capacity less than 50kW AC in size, installed on the roof or the property of a Residential dwelling (including multi-family dwellings), and designed to serve that dwelling.
6. “Solar Energy Equipment” means collectors, controls, energy storage devices, heat pumps and Pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the Process by which solar radiation is (i) collected, (ii) converted into another form of energy such As thermal, electrical or chemical (iii) stored, (iv) protected from unnecessary Dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment Which are part of the normal heating, cooling, or insulation of a building. It does include Insulated glazing or insulation to the extent that such materials exceed the energy efficiency Standards required by New York State Law.
7. “Solar Energy System” means an arrangement or combination of Solar Energy Equipment Designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar energy and its conversion, storage, protection and distribution.

Section 5. PILOT Required

1. The owner of a property on which a Solar Energy System is located or installed

(including any improvement, reconstruction, or replacement thereof) shall enter into a PILOT Agreement with the Town consistent with the terms of this Local Law, except for

- a. Residential Solar Energy Systems.
 - b. Solar Energy Systems that do not seek or qualify for an exemption from real property taxes pursuant to Real Property Tax Law §487(4)
2. The Lessee or licensee of any owner of a property required to enter into a PILOT Agreement by this section, which owns or controls the Solar Energy System, may enter into the PILOT Agreement on behalf of the owner of the property.
3. Upon receipt of any notification from an owner or other person of intent to install a Solar Energy System, the Supervisor shall immediately, but in no case more than sixty days after receipt of the notification, notify the owner or other person of the mandatory required for a PILOT Agreement pursuant to the terms of this Local Law.
4. Nothing in this Local Law shall exempt any requirement for compliance with state and local codes for the installation of any solar energy equipment or a solar energy system, or authorize the installation of any solar energy equipment or solar energy system. All solar energy systems must file a Real Property Tax Exemption application pursuant to Real Property Tax Law § 487 to receive a tax exemption.

Section 6. Contents of PILOT Agreements

1. Each PILOT Agreement entered into shall include
 - a) Name and contact information of the Owner or other party authorized to act upon behalf of the Owner of the Solar Energy System
 - b) The SBL number for each parcel or portion of a parcel on which the Solar Energy System will be located.
 - c) A requirement for fifteen successive annual payments, to be paid commencing on The first Annual Payment Date after the effective date of the Real Property Tax Exemption granted pursuant to Real Property Tax Law §487
 - d) The Capacity of the Solar Energy System, and that if the Capacity is increased or decreased as a result of a system upgrade, replacement, partial removal or retirement of Solar Energy Equipment, the annual payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.
 - e) That the parties agree that under the authority of Real Property Tax Law § 487 the Solar Energy System shall be considered exempt from real property taxes for the fifteen-year life of the PILOT Agreement.
 - f) That the pilot Agreement may not be assigned without the prior written consent of the Town, which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the Town but without prior consent, assign its payment obligations under the PILOT agreement to an affiliate of the Owner or to any party who has provided or is providing financing to the Owner for or related to the Solar Energy System, and has agreed in writing to accept all payment obligations of the Owner.
 - g) That the Owner, its successors, assigns, licensees and lessee will waive their right to contest the assessed valuation attributable to the Solar Energy System for the duration of the PILOT.
 - h) That a Notice of this Agreement may be recorded by the Owner at its expense, and that the Town shall cooperate in the execution of any Notices or Assignments with the Owner and its successors.

- i) That the annual payment shall be calculated based upon the following:
The baseline payment shall be Two Thousand Dollars (\$2,000.00) per Megawatt (MW) capacity, based upon the total Capacity for the Solar Energy System. The baseline payment shall be adjusted for inflation every five (5) years Commencing January 1, 2024 in accordance with the rates established by the US Bureau of Labor Statistics.
- ii) Applying the baseline payment, the Annual Payment due will be calculated for fifteen (15) years, the life of the PILOT, based upon the percentages of the baseline payment derived from utilizing the inverse double declining balance method for calculating the depreciation of the Solar Energy System over time, resulting in reductions of the actual payment due and owing: calculating the annual payment obligations as follows: year 1 – 30% of the baseline payment, year 2 - 33%, year 3 – 36%, year 4 – 38%, year 5 – 41%, year 6 – 44% year 7 – 47%, year 8 – 49%, year 9 – 52%, year 10 – 60%, year 11 – 68% year 12 – 76%, year 13 – 84%, year 14 – 92%, year 15 – 100%
- j) That if the Annual Payment is not paid when due, that upon failure to cure within thirty days, the Town may cancel the PILOT Agreement without notice to the Owner, and the Solar Energy System shall thereafter be subject to taxation at its full assessed value.

Section 7. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or Invalid, such decision shall not affect the validity of this Local Law as a whole or any part Thereof other than the part so decided to be unconstitutional or invalid.

Section 8. Effective Date

This Local Law shall be effective upon its filing with the Secretary of State in accordance with The Municipal Home Rule Law, and shall apply to all solar energy systems constructed hereafter.

Deputy Supervisor Freebern requested an executive session for Birchwood Drive.

The Board will discuss the Vaughn Cemetery at the next meeting.

The Board will discuss the Washington County Hazard Mitigation Plan at the next Board Meeting.

TOWN CLERK REPORT:

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

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2018 19 Hudson Falls Central School District School Tax Collection

DATE: October 15, 2018

Bank Interest for September	\$70.98
Penalties Collected	\$800.00
Return Check Fees	\$20.00

Total Paid to Supervisor: \$890.78

COMPTROLLER REPORT:

Mary Ordway is requesting permission to attend a conference at Olympic Park in Lake Placid on November 2, 2018; the money is in her budget. A **motion** by Councilman Doyle seconded by Councilman and carried by a vote of 4 ayes giving permission for her to attend the conference.

DOG CONTROL OFFICER:

Todd Humiston reported that Town Attorney Mary-Ellen Stockwell will have a proposed Local Law prepared by the end of the year.

HIGHWAY SUPERINTENDENT:

Michael Graham thanked the Board for their continued support in the adoption of the 2019 Budget. They are busy putting plow frames on the trucks in preparation of winter. Tomorrow they will finish paving Company Bridge Road with help from Whitehall, Hebron, Town of Moreau and Greenwich.

LEGAL UPDATE:

To be discussed in an Executive Session.

The minutes of the September 17, 2018 and the October 1, 2018 Town Board meeting were accepted as submitted by the Town Clerk on a **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes.

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 as follows:

Code Enforcement Officer: Site Plan 1; Total Fees \$200.00
Town Clerk: Paid to EnCon \$4,972.91; Paid to Supervisor \$2,995.12; Paid to NYS Dept. of Health \$112.50; Paid to the Village of Hudson Falls \$30.00; Paid to Ag & Markets for Population Control \$194.00
Assessor Sales Report

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 4 ayes to enter into executive session to discuss pending litigation at 6:50 p.m.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 4 ayes to exit the executive at 7:10 p.m.

Claudia Braymer, attorney for Steve and Tammy Chase stated it had been more than 3 months since Ken Collette had cut trees behind the Chase's home. The Town attorney had sent a letter in mid-July stating that Mr. Collette needed to remedy the situation, and if not he would be subject to fines. Ms. Braymer has seen no indication for Mr. Collette to remedy the situation and the deadline has come and gone. Ms. Braymer is more concerned with trees being planted before winter than Code Enforcement following through with fines to Mr. Collette. Town Attorney Jeffrey Meyer stated a plan of action had been established at the last Board Meeting. He spoke extensively with Attorney Mike Brandi and they are working towards a resolution to reconstitute the buffer zone with trees. At this time they are still negotiating, nothing is public at this time and he is not at liberty to discuss it at this time. Councilman Washburn stated the Board would like to see trees planted. Ms. Chase stated Mr. Collette violated the contract by cutting the trees. Attorney Meyer stated Mr. Collette paying a fine does not re-grow trees and the Town does not have the availability to plant trees on Mr. Collette's property. The Town is trying

to negotiate the planting of trees instead of fining, plant trees. A discussion followed; the Board will keep the Chase's updated.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 4 ayes to adjourn the meeting at 7:23 P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk