

December 18, 2023 Meeting Minutes

The second regular meeting of the Kingsbury Town Board was conducted on December 18, 2023, at 6 Michigan Street, Hudson Falls, NY.

MEMBERS PRESENT:

Dana Hogan, Supervisor  
Richard Doyle, Councilman  
William Haessly, Councilman  
James Lindsay, Councilman  
Dan Washburn, Councilman

OTHERS PRESENT:

Jeffrey Meyer, Town Attorney  
Michael Graham, Highway Superintendent  
Todd Humiston, Dog Control & Code Enforcement Officer  
Sean Akins, Councilman Elect  
Mike LaRose, Highway Employee  
Nicole Allen, Laberge Group

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

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the minutes of the Town Board Meeting conducted on November 20, 2023, as submitted by the Town Clerk.

Supervisor Hogan reported the Town Board was hoping to adopt the Master Comprehensive Plan this evening, but it will not happen. The Washington County Planning Board must have the opportunity to review the Plan or have 30 days; they have not reviewed the Plan at this time. There being no Public Comment Supervisor Hogan closed the Public Hearing at 6:33 pm.

The Board discussed how many copies of the Comprehensive Plan would be needed. Nicole Allen suggested that all Town Board, Planning and Zoning Board members, and the Comprehensive Plan Committee receive copies. Councilman Doyle stated the Comprehensive Plan Committee had disbanded and would not need copies. The Board decided 30 copies would be needed.

Nicole Allen commented that the Washington County Planning Board was meeting tomorrow.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes for Supervisor Hogan to sign the following agreement with the Barnstormers as follows:

Club Name/Address:
Kingsbury Barnstormers POB 121 Hudson Falls, NY 12839

To Town of Kingsbury

Re: Proposed Snowmobile Trail  
Town of Kingsbury

Dear Municipal Official.

On behalf of the Kingsbury Barnstormers SMC we are writing to inform the Town of Kingsbury of our desire to utilize a strip of land owned by Niagara Mohawk Power Corporation, which runs through the Town of Kingsbury for the purpose of a snowmobile trail. Our club has been in contact with Niagara Mohawk concerning this possibility and they have expressed their willingness to consider our request. If approved, Niagara Mohawk will be granting a License to our club to authorize the use of their property for this purpose. It should be understood that this will be for winter use only by snowmobiles (no ATV's or wheeled vehicles will be allowed at any time). Our club will also be responsible for addressing any concerns that may arise from this use and provide insurance on this trail.

Prior to granting any such authorization, Niagara Mohawk has asked for confirmation that the municipalities through which our proposed trail will operate upon Niagara Mohawk's land have no objections. Therefore, we hereby respectfully request that the appropriate municipal official indicates that your municipality does not object to having our trail on Niagara Mohawk property by affixing his/her signature where indicated below, or in lieu please provide alternative written documentation that we can present to Niagara Mohawk as evidence of such municipal lack of objection. It should be noted that Niagara Mohawk will not grant said License without written confirmation of the municipality's lack of objection.

Any correspondence, questions or concerns regarding this request should be directed to: Keith Elms, President 518-232-7733.

Sincerely,

Keith Elms, Club President

Date: \_\_\_\_\_

Dana Hogan, Town Supervisor  
Town of Kingsbury

Date: \_\_\_\_\_

A **motion** by Councilman Haessly seconded by Councilman Lindsay and carried by a vote of 5 ayes for Supervisor Hogan to sign the agreement with Barks & Rec. (Agreement attached)

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes for the following Budget Transfer:

FUND	DESCRIPTION	GL	AMOUNT
<b>GF/WT</b>	FROM: STATE RETIREMENT	1.9010.8	\$6,569.50
	TO: AUDITOR CONTRACTUAL	1.1320.4	\$6,569.50
	PURPOSE: TROY & BANKS CHARTER AUDIT FEES RECEIVED \$13,139 ADDITIONAL REVENUE FROM AUDIT RESULTS		

A **motion** by Councilman Lindsay seconded by Councilman Doyle and carried by a vote of 5 ayes for the following Budget Transfer:

<b>GF/WT</b>	FROM: JUSTICES – PERSONAL SERVICES	1.1110.1	\$500.00
	TO: JUSTICES – CONTRACTUAL	1.1110.4	\$500.00
	PURPOSE: SUPPLIES LINE IS UNDER FUNDED		

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 5 ayes for the following Budget Transfer:

<b>HWY/PT</b>	FROM:	BRUSH & WEEDS PERSONAL SERVICES	4.5140.1	\$1,000
	TO:	BRUSH & WEEDS CONTRACTUAL	4.5140.4	\$1,000
<b>PURPOSE:</b>		SUPPLIES LINE IS UNDER FUNDED		

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes granting permission to the Highway Superintendent, Michael Graham, to publish a notice for no parking on Town roads as follows:

**NOTICE TO KINGSBURY RESIDENTS**

There is no parking on the public highways or within eight (8) feet from the shoulder of the road from 6 p.m. to 6 a.m. commencing December 19, 2023, through March 31, 2024. By Order of the Kingsbury Highway Superintendent, Michael A. Graham

**Published December 19, 2023**

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to re-appoint Cynthia Bardin, Town Clerk, as Registrar of Vital Statistics for the Town of Kingsbury as required by the New York State Department of Health.

The Organizational Meeting for 2024 will be scheduled for January 2, 2024, at 6:30 pm.

**LEGAL UPDATE:**

Attorney Meyer provided a revised Zoning Amendment which removes the reference to recreational uses within the Industrial Park; it is strictly limited to storage. The same language used previously you can store boats, vessels, and equipment. There are rules governing how they are stored; they should be partially screened; if the use is allowed, they would still have to go before the Planning Board for Site Plan Review. After discussion a **motion** by Councilman Lindsay seconded by Councilman Haessly and carried by a vote of 5 ayes for the Town Board will schedule a Public Hearing on February 5, 2024, for a proposed Local Law for water and recreation storage.

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes for a resolution approving the stipulation of settlement and order relative to Baldwin/Hudson Falls and Baldwin/Martindale LP V. the Town of Kingsbury. (Document attached)

**TOWN CLERK REPORT:**

The Town Clerk provided copies of a tentative schedule for 2024 Town Board Meetings. The Town recently purchased parkas for the Crossing Guards, they love their new jackets.

**DOG CONTROL & CODE ENFORCEMENT OFFICER REPORT:**

The funds for the de-commissioning of solar panels for the Hillview Solar Project have been received and are held in an escrow; they should be breaking ground soon. Supervisor Hogan asked who was holding the funds. Attorney Meyer and Todd responded the Town holds the funds. Supervisor Hogan asked if the Town could invest on their behalf.

Code Officer Humiston sent an ask for any recommendation for any Local Law updates or reviews. He is preparing a document for the January Planning/Zoning Board Meetings for their review and suggestions. There has not been an update to the Town Code in a long time.

**HIGHWAY SUPERINTENDENT REPORT:**

Superintendent Graham signed a document from NYMIR which contained a list of the Town's larger truck descriptions, making sure they had a battery disconnect.

The Board approved the purchase of two pick-up trucks, Supervisor Graham will seek bids which will be due January 16, 2024.

Superintendent Graham congratulated Councilman Doyle on his retirement from the Town Board; it has been a pleasure working with him the last 14 years. There were many new projects, a new Highway Garage, a new Town Hall, and great equipment.

A full-time employee started this morning and a part-time employee started last week. They are currently fully staffed.

**COUNCILMAN REPORT:**

Councilman Washburn thanked Councilman Doyle for his dedication to the community and stated it has been a pleasure serving with him.

Councilman Lindsay reminded people of Councilman Doyle's tenure at the Town; the many things that the Town has accomplished. The infamous East Side Auto and all these things were not a 3- or 4-month deal, some took years. Another being the Dix Avenue Drive-in which was finally sold and back on the tax rolls. The building of a new Highway Garage and a new Town Hall and the sales of the old ones. The most memorable would be the dissolution study in the Village and the Village Court consolidation. On a serious note, anything Councilman Doyle attempted the job got done.

Councilman Doyle thanked the Board; it has been an honor and privilege for him.

Councilman Haessly thanked Councilman Doyle for all his time spent on the zoning regulations.

Supervisor Hogan read the following proclamation:

**PROCLAMATION FROM THE TOWN OF KINGSBURY  
IN RECOGNITION OF RICHARD DOYLE  
FOR HIS DEDICATED SERVICE TO  
THE TOWN OF KINGSBURY**

**Whereas, Richard Doyle has served the Town of Kingsbury since 2009**

**In his position of Town Councilman, and**

**Whereas, Richard Doyle will retire from his position effective December 31, 2023; and**

**Whereas, Richard Doyle devoted years to our community during a period of time that projects**

**Were initiated through his leadership which will continue to have a revitalizing and growing impact on our community far beyond his term of office; and**

**Whereas, Richard has, with enthusiasm and effectiveness, made an excellent constructive Contribution to our community and was instrumental in updating the Comprehensive Master Plan; and**

**Now, therefore express our deep appreciation and thanks to Richard Doyle for his**

**Services rendered to our community while serving as a member of  
The Kingsbury Town Board as Councilman and Deputy Supervisor.**

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**Dana Hogan, Supervisor**

**SUPERVISOR REPORT:**

The Union Cemetery has agreed to take over the administration of the Moss Street Cemetery. Supervisor Hogan, Todd Kilmer, and Terry Gould met last week. The Moss Street Cemetery Association is working through the process of dissolving. They will notify the Association of Cemeteries that they are dissolving, and it will then become Town property. It is still a functional cemetery; the Union Cemetery will manage the administration of the sales. They are in the process of figuring out some of the details. Attorney asked where their money would go. Supervisor Hogan will talk with the Comptroller about setting up a separate capital account. The Moss Street Cemetery also has shares of stock; rather than transfer they may sell the shares of stock, take the cash proceeds, and contribute it to the Town. Supervisor Hogan thanked the Code Enforcement Officer for suggesting the Union Cemetery to administer the Moss Street Cemetery.

**WRITTEN REPORTS:** A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the following reports from certain officers for the month of November as follows:

Code Enforcement Officer: No. Permits 6; Total Fees \$1,005.10

Dog Control Officer: Seizures 3; Tickets 3; Mileage 58,841

Town Clerk: Paid to EnCon \$790.85; Paid to Supervisor \$3,372.89; State Share of Bingo \$270.00; Paid to the Village of Hudson Falls \$60.00; Paid to Ag & Markets for Population Control \$86.00; Paid to the Department of Health \$67.50

Town Comptroller: receipts \$270,732.03; Disbursements \$385,828.93

Town Justice for October: Fees Collected \$12,536.50

Assessor Sales

A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to enter into an executive session at 7:04 pm to discuss pending litigation; no action is anticipated. Councilman-elect Sean Akins and Highway Superintendent Michael Graham were invited to attend.

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes to exit the executive session at 7:17 pm. There being no further business the meeting was adjourned.

Respectfully submitted,



Cynthia Bardin, Town Clerk

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

**Resolution No. 10 of 2023  
Adopted 12/18, 2023**

**Introduced by Councilman Haessly  
who moved its adoption.**

**Seconded by Councilman Doyle**

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT AND ORDER  
RELATIVE TO BALDWIN/HUDSON FALLS LP AND BALDWIN/MARTINDALE LP  
V. TOWN OF KINGSBURY, ET. AL. BEARING WASHINGTON COUNTY SUPREME  
COURT INDEX NOS. 26155/2016, 27548/2017, 100109/2018, EC2019-30595, EC2020-  
31914, EC2021-33099, EC2022-34192, EC2023-35581**

WHEREAS, BALDWIN/HUDSON FALLS, LP and BALDWIN/MARTINDALE LP, Petitioner, commenced an action against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification number: 154.10-4-24 and 154.10-4-25.1; and

WHEREAS, the litigation called into dispute the tax assessments for the years 2016-2023 and the assessed value of the subject premises; and

WHEREAS, it is in the interests of all parties to resolve this proceeding at this time and in this manner and thereby avoid potential refunds and significant costs and delay that would otherwise be incurred with continued, protracted litigation; and

WHEREAS, it is the desire of the Town of Kingsbury to authorize their legal counsel on this matter, Meyer, Fuller & Stockwell, PLLC to sign and accept the Stipulation of Settlement and Order relative to the reduction of assessment pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification numbers 154.10-4-24 and 154.10-4-25.1 as follows.

<b>Property Address</b>	41 Juckett Dr	
<b>Tax ID Number</b>	154.10-4-24	
<b>Assessment Year</b>	<b>Prior Assessment at Full Value</b>	<b>Revised Assessment at Full Value</b>
2016	\$1,033,800	No Change
2017	\$1,178,100	No Change

2018	\$931,900	No Change
2019	\$931,900	No Change
2020	\$1,103,800	No Change
2021	\$1,360,400	No Change
2022	\$1,000,800	No Change
2023	\$1,000,800	\$700,000

<b>Property Address</b>	42 Martindale Ter	
<b>Tax ID Number</b>	154.10-4-25.1	
<b>Assessment Year</b>	<b>Prior Assessment at Full Value</b>	<b>Revised Assessment at Full Value</b>
2016	\$1,131,300	No Change
2017	\$1,220,800	No Change
2018	\$824,900	No Change
2019	\$824,900	No Change
2020	\$814,200	No Change
2021	\$1,485,900	No Change
2022	\$1,183,100	No Change
2023	\$1,183,100	\$700,000

**NOW THEREFORE BE IT:**

**RESOLVED**, the Town Board, upon due deliberation, finds that it is in the best interests of the residents of the Town of Kingsbury to approve and enter into the terms of settlement as detailed above subject to final review and approval of the specific language contained in the stipulation by counsel; and be it further

**RESOLVED**, that Meyer, Fuller & Stockwell, PLLC is hereby authorized to execute any and all documents pertaining to the settlement of the Article 7 petition reducing the assessment on property bearing tax identification number: 154.10-4-24 and 154.10-4-25.1, in accordance with the RPTL Section 727 to establish the assessment rates for the ensuing years and in accordance with the terms included herein.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Adopted this 18<sup>th</sup> day of December 2023.

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

**Resolution No. 10 of 2023  
Adopted 12/18, 2023**

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who moved its adoption.

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2016	\$1,033,800	No Change
2017	\$1,178,100	No Change



**AGREEMENT BETWEEN THE  
TOWN OF KINGSBURY  
AND  
BARKS RECREATION VETERINARY, LLC**

AGREEMENT made by and between the TOWN OF KINGSBURY, acting by and through its Supervisor, hereinafter called the "TOWN" and BARKS RECREATION VETERINARY, LLC, with an address of 270 Queensbury Avenue, Queensbury, New York, acting through James Keller, D.V.M., hereinafter called the "VETERINARIAN".

**WITNESSETH**

WHEREAS, the Town, pursuant to the Article 7 of the Agriculture and Markets Law of the State of New York, desires to enter into a contract with the VETERINARIAN, whereby the VETERINARIAN will furnish services to the people of the Town of Kingsbury in the nature of impounding lost or stray dogs and

WHEREAS, the VETERINARIAN desires to enter into a contract with the Town of Kingsbury to furnish such services to the people of the TOWN,

**NOW, THEREFORE**, be it agreed as follows:

1. The VETERINARIAN agrees to furnish services for the impoundment of lost or stray dogs according to the following fee schedule:

a.	Annual Administrative Fee	\$1,250
b.	Daily Impoundment Fee	40
c.	Flea Treatment (capstar)	7
d.	Emergency Examination	120
e.	Daily Hospitalization Rate (plus med.)	50
f.	Euthanasia, & Transportation	100
g.	Cremation (dep. on weight)	65 – 150
h.	Spay/Neuter	150
i.	Rabies Vaccination	79

Every impounded dog will receive a flea treatment.

Daily impound fee begins with the day the dog is brought in.

Ex: Dog is brought to the VETERINARIAN at 11:30 a.m. on October 1 and is redeemed at 4:00 p.m. on October 1, one day impound fee will be charged.

Ex: Dog is brought to the VETERINARIAN at 2:00 p.m. on October 1 and is redeemed at 9:30 a.m. on October 2, two days impound fee will be charged.

8. In accordance with the provisions of Section 109 of the General Municipal Law, VETERINARIAN, is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this Agreement, or its power to execute this agreement, to any other person or corporation without the previous consent in writing to the Town.
9. Should any dispute arise between the TOWN and VETERINARIAN regarding the manner or sufficiency of the performance of the services to be rendered hereunder, the disputed matter shall be settled by arbitration in accordance with the laws of the State of New York. There shall be three arbitrators, one of whom shall be selected by each of the parties here to, and the third by the two arbitrators so selected. If the selection of any arbitrator is not made within fifteen (15) days of the time that either party has notified the other of the name of the arbitrator it has selected, then the arbitrator or arbitrators not selected be appointed in the manner provided by the laws of the State of New York. The work shall not be interrupted or delayed pending such decision.
10. The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town of Kingsbury, at a meeting thereof held on December 18, 2023, Dana Hogan, Supervisor of the Town, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an agreement on behalf of the Town. VETERINARIAN represents that it is his signature which appears hereafter and he is duly authorized and empowered to execute this instrument and enter into such an agreement. This instrument shall be executed in duplicate. At least one copy shall be permanently filed, after execution thereof, in the office of the Town Clerk.
11. Any and all notices and payments required hereunder shall be addressed as follows, or to such other address as may hereafter be designated as follows, or to such other address as may hereafter be designated in writing by either party hereto:
  - To: Town of Kingsbury, Kingsbury Town Hall, 6 Michigan Street, Hudson Falls, New York 12839.
  - To James Keller, D.V.M., Barks Recreation Veterinary, LLC, 270 Queensbury Avenue, Queensbury, New York 12804
12. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.