

The first regular meeting of the Kingsbury Town Board was conducted on Monday February 10, 2014 at the Kingsbury Town Hall Hudson Falls, NY.

MEMBERS PRESENT: James T. Lindsay, Supervisor
Paul Bromley, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman
William Collins, Councilman

ALSO PRESENT: Michael Graham, Superintendent of Highways
Colleen Adamec, Town Assessor
Ross Cortese, Code Enforcement Officer

The meeting was called to order by Supervisor Lindsay at 7 p.m. and opened for order of business with the Flag Salute led by Councilman Bromley.

Minutes for the January 27, 2014 will be submitted at the next Town Board meeting.

Town Assessor Colleen Adamec addressed the board in regard to Local Law 2 written in 1991, on exemption of solar and wind energy programs. A discussion followed, after which, a **motion** was made by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to update the local law to include solar and wind power exemptions.

Superintendent of Highways Michael Graham read off the bids received on Friday, February 7, 2014 for the new 2014 tandem axle cab and chassis truck. A discussion followed in regard to the Notice to Bidders published in the Post-Star on January 30, 2014. The notice incorrectly stated the bids would be opened at 7:05 on Monday February 10, 2014 at the Kingsbury Town Board Meeting at the Kingsbury Town Hall. The bids were opened on Friday, February 7, 2014 at 3:30 p.m. at the Kingsbury Town Hall. Due to this error the Town Board made a decision to reject all bids. **Motion** made by Councilman Doyle, seconded by Councilman Collins, carried by a vote of 5 ayes to reject all bids.

Supervisor Lindsay discussed the issue with Wheelabrator which has continued for one year. As a result the following resolution was adopted:

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

Resolution No. 1 of 2014

Adopted February 10, 2014

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

Seconded by Councilman Collins

**RESOLUTION APPROVING THE PROTECTIVE ORDER RELATIVE TO
WHEELABRATOR V. TOWN OF KINGSBURY, ET. AL. BEARING**

**WASHINGTON COUNTY SUPREME COURT INDEX NOS. 21450, 20580, AND
22259**

WHEREAS Wheelabrator Hudson Falls, LLC, Petitioner, commenced actions against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located at 61 River Street, Village of Hudson Falls, Town of Kingsbury, New York, bearing tax map identification number 154.9-1-6; and further

WHEREAS it is the desire of the Town of Kingsbury to authorize their current legal counsel on this matter, Meyer & Fuller, PLLC to enter into the Protective Order to enable the disclosure of confidential financial information by the Petitioner pertaining to the facility located at 61 River Street, Village of Hudson Falls, Town of Kingsbury, New York, bearing tax map identification number 154.9-1-6, and

NOW THEREFORE BE IT:

RESOLVED, upon final attorney approval, Meyer & Fuller, PLLC is hereby authorized to execute the Protective Order and all documents pertaining to the handling of confidential information relative to the Article 7 petitions against the property.

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

Those Members Present Were:	Voting
James T. Lindsay, Supervisor	Aye
Paul Bromley, Councilman	Aye
William Collins, Councilman	Aye
Richard Doyle, Councilman	Aye
Henry Freebern, Councilman	Aye

Adopted this 10 day of February, 2014.

In regard to the sale of the Dix Avenue property, Supervisor Lindsay , Jeff Meyer, Attorney for the Town and Councilman Bromley met with Rich Schermerhorn and his attorney Jonathan Lapper last week. The attorneys are working on making some language changes in regard to the sewer and also some planning board issues. Hopefully next week we will have something agreeable to both parties to expedite the sale.

Supervisor Lindsay reported that Comptroller Mary Ordway had completed the Supervisor's Annual Report for 2013.

Supervisor Lindsay spoke about the problems with inclusion in Certified Agricultural Districts. There will be a public hearing on February 21, 2014, at Washington County Office Building B in the Town of Fort Edward. There are three requests in for inclusion in the Town of Kingsbury.

A **motion** was made by Councilman Bromley, seconded by Councilman Freebern, carried by a vote of 5 ayes to set a public hearing on February 24, 2014, at 7:05, at the regular Town Board meeting, regarding the amendment of certain sections of the zoning

local law of the Town of Kingsbury contained in Chapter 80 of the Code of the Town of Kingsbury.

The first week of March there will be a meeting with Recreation Director Debbie Battiste to resolve a problem with the Men's Softball League at Derby Park.

Councilman Bromley made a request that the town purchase trees to plant in the hamlet of Kingsbury. The property is owned by the church, but is treated as a public park. This will be discussed at a future meeting.

A discussion was had about the Christmas decorations in the town. It was determined that our decorations are tired. Superintendent of Highways Graham, has a contact in Rochester for new decorations, Tim Havens offered to make a donation for new decorations for the town.

Superintendent of Highways, Graham gave an update on the new highway garage. Many projects are near completion, hopefully they will move in at the end of February.

Councilman Bromley made a suggestion that we consider putting the current Highway Garage on the market for sale. The site is environmentally clean. When sold the profit will go towards the debt on the new Highway Garage.

PUBLIC COMMENTS:

Jonathan Newell spoke about the revitalization of the Strand Theater, wondering if the Town Board still supports this. Supervisor Lindsay explained that the board supports the project, but the town offices need a new location for the town hall, without raising taxes. The Hudson River Music Theater is willing to exchange their current location at 10 Maple Street with our current office at 210 Main Street, but parking and accessibility to the building's upper levels may be a problem. After much discussion it was decided to form a committee with Jane Havens as committee chairperson. A meeting has been scheduled for February 20, 2014 at Hudson River Music Hall, 10 Maple Street, Hudson Falls to renew public awareness about the re-vitalization of the Strand Theater and to work towards a resolution to moving the town offices.

Stacy Davis was concerned that if the current deal in the sale of the Dix Avenue property fell through, would the selling price change. Supervisor Lindsay responded, based on the decision made by the judge in October the selling price cannot be changed.

With no further business to discuss, a motion was made by Councilman Freebern, seconded by Councilman Bromley, carried by a vote of 5 ayes to adjourn the meeting at 8:55p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk
<http://www.kingsburyny.gov/>