

The first regular meeting of the Kingsbury Town Board was conducted on Monday, March 11, 2013 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY.

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

ALSO PRESENT: Michael Graham, Highway Superintendent
Francis Cortese, Code Enforcement Officer

The meeting was called to order by Supervisor Lindsay at 7:02 p.m. and opened for order of business with the Flag Salute led by Councilman Collins.

Motion by Councilman Doyle, seconded by Councilman Bromley and carried by a vote of 5 ayes to accept the minutes of the meeting held on February 25, 2013 as submitted by the Town Clerk.

Barbara Kulani and Lynn Clothier came before the Town Board to discuss Agenda 21. They are attempting to educate residents what Agenda 21 is. Gov. Cuomo is proposing a Capital Region Sustainability Program, which will affect your budget, your land, your family and your life style. They handed out pamphlets with information regarding this Agenda 21. This program came from the United Nations many years ago and was reopened in 1992.

Mrs. Betty Webster of 53 Coleman Avenue, Hudson Falls, stated her property is being damaged from the men's softball teams at Derby Park. She has dents in her siding and dents in her car from the softballs going over the fence. The village owns the park but our Recreation Program operates the men's softball league. She feels a net is needed to prevent the balls from going over the fence onto her property. She will appreciate anything that is done to prevent any further damage to her property.

The Town of Harrison submitted a request for the town to pass a similar resolution regarding vacant homes. Supervisor Lindsay had spoken with Assemblyman Jordan who suggested putting this resolution on hold at this time. There are some good parts of the resolution but there are also several problems with the resolution as well.

Supervisor Lindsay stated that Supervisor Suprenant from the Town of Fort Edward requested our Town pass a resolution relating to the proposed cut in rail service for the Fort Edward Rail Station. A discussion as had.

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

RESOLUTION NUMBER 4 OF 2013

ADOPTED MARCH 11, 2013

**INTRODUCED BY COUNCILMAN FREEBERN, WHO MOVED ITS
ADOPTION,
SECONDED BY COUNCILMAN COLLINS.**

**RESOLUTION SUPPORTING PRESERVATION OF
RAIL SERVICE IN WASHINGTON COUNTY**

WHEREAS, the Adirondack/Glens Falls Transportation Council is designated by the Governor of New York State as the Metropolitan Planning Organization (MPO) for the Glens Falls Urbanized Area; and

WHEREAS, the Planning and Programming area of the Adirondack/Glens Falls Transportation Council includes the entirety of Warren and Washington Counties and the Town of Moreau in northern Saratoga County; and

WHEREAS, the MPO is committed to preserving and expanding multimodal transportation options that contribute positively towards regional quality of life, economic vitality, marketability, and tourism access; and

WHEREAS, the existing passenger rail transportation services as provided by the Adirondack and Ethan Allen AMTRAK routes provide essential access for residents of and visitors to eastern New York and central Vermont and benefit not only those communities directly served but the surrounding metropolitan area of Glens Falls and adjacent southern Adirondacks as well; and

WHEREAS, A/GFTC acknowledges the efforts of the New York State Department of Transportation and the Vermont Agency of Transportation to expand rail transportation services to potential riders in eastern central New York and southwestern Vermont as part of the ongoing New York-Vermont Bi-State Intercity Passenger Rail Study; and

WHEREAS, “improvements to existing intercity passenger rail services in eastern central New York State” is noted as a purpose of the study; and

WHEREAS, an alternate service configuration for the Ethan Allen route has been developed that would eliminate that route’s service to Fort Edward, Whitehall and Saratoga Springs, effectively cutting the total passenger rail service to those destinations in half and severely compromising the overall viability and utility of passenger rail; and

WHEREAS, rerouting service away from Saratoga Springs would negatively impact the operations of the Saratoga and North Creek Railway;

WHEREAS, other alternatives that would not compromise existing passenger rail service to Fort Edward, Whitehall, Saratoga Springs and the surrounding metropolitan areas have also been developed by the study team and are under consideration;

NOW BE IT THEREFORE RESOLVED, that the Adirondack/Glens Falls Transportation Council strongly supports the advancement and implementation of passenger rail service alternatives that either preserve or expand existing service levels to Fort Edward, Whitehall and the surrounding Glens Falls, Lake George region; and

BE IT FURTHER RESOLVED that A/GFTC contends that the primary purpose of the study, to “benefit unserved and underserved communities”, cannot and should not be accomplished through the elimination of services to other underserved communities, including those in the Fort Edward, Whitehall and the Glens Falls-Lake George region.

Those members present were:
James T. Lindsay, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman

Voting:
Aye
Aye
Aye
Aye
Aye

Supervisor Lindsay reported that Adirondack Gateway Council has come up with enough money to put out RFQ’s for sewer and broadband infrastructure. The Adirondack Gateway Council has to provide 10% in kind services for these grants. The sewer grant amounts to \$85,000 and \$55,000 for broadband services.

Supervisor Lindsay reported that the Town Attorney’s went to Court on Tuesday, March 5 regarding the Royal Wood Shavings Manufacturing litigation. He gave a brief synopsis of what happened and we are now waiting to hear the Judge’s decision.

Supervisor Lindsay stated the attorneys appeared in court on behalf of the Town of Thursday, March 7 regarding the Dix Avenue property. Judge Clark reserved her decision.

Councilman Bromley asked where Mr. Stratford head of the Canal Corporation got his information from as far as 40,000 tons of freight going up the barge canal. Mr. Bromley stated there is no grain coming past his property and there has been no navigational dredging done to allow large boats to get through that area.

A discussion was had regarding a resolution exempting matters of local concern from the County Planning and Zoning Board Review Agreement.

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

**RESOLUTION NUMBER 3 OF 2013
ADOPTED MARCH 11, 2013**

**INTRODUCED BY COUNCILMAN FREEBERN, WHO MOVED ITS
ADOPTION.
SECONDED BY COUNCILMAN COLLINS.**

**EXEMPTION OF MATTERS OF LOCAL CONCERN FROM
COUNTY PLANNING REVIEW**

WHEREAS, the Washington County Planning Board was created by the Washington County Board of Supervisors as provided by Article 12B of the General Municipal Law; and

WHEREAS, the provisions of General Municipal Law Article B, Section 239 l and m (GML 239) require local municipal bodies in Washington County to submit certain planning and zoning actions to the Washington County Planning Board for said Board's review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern; and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239; and

WHEREAS, having such an agreement for exception of matters which are not of an inter-municipal or county-wide concern is not detrimental to the County or the *Town of Kingsbury Town Board*; and

WHEREAS, the Washington County Planning Board has established a process for exempting matters and actions of local concern from the referral requirements of GML 239, now, therefore, be it

RESOLVED that the attached agreement entitled "*Exemption of Matters of Local Concern from County Planning Review Agreement*" shall exist between the County Planning Board and the Town of Kingsbury Town Board; and be it further

RESOLVED that said agreement shall apply to zoning reviews and action of the Town of Kingsbury Town Board; and be it further

RESOLVED that a copy of this resolution with the attached agreement shall be provided to the Washington County Planning Board; and be it further

RESOLVED, that this agreement shall take effect immediately.

Those members present were:

Voting:

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

Aye
Aye
Aye
Aye
Aye

Supervisor Lindsay stated we had received a petition from area residents of State Route 196 for cable service. He had contacted Brenda Emmel at Time Warner and he is waiting to hear further information.

Supervisor Lindsay stated he had contacted National Grid regarding the Vaughn Road natural gas line but has not received an answer.

Councilman Doyle stated that Tom Darfler has completed the first edition of the Town's website. The Town Clerk reported she had contacted Mr. Darfler regarding corrections to the first edition. He requested the Town Clerk put out a memo to all the department heads to review their portion of the site and make suggestions for additions or corrections.

Highway Superintendent Graham requested authorization to post the following town roads: Bentley Road, County Line Road, Crowley Road, Dean Road, Geer Road, Green Barn Road, Hartman Road, Hendee Road, Mud Pond Road, Pattens Mills Road, Rock City Road, Sanford Ridge Road, Stone Schoolhouse Road and Underwood Road.

Motion by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes authorizing the posting of the above noted roads.

Highway Superintendent Graham stated we were ready to go out to bid for well drilling at the new highway garage property. Bid openings will be on Friday, March 22 at 3:40 p.m. to offer Mr. Graham opportunity to review the bids prior to award. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the advertisement for bids for the well drilling.

Superintendent Graham spoke with Pat Sullivan on Friday and he said things are progressing. The architects have the drawings now and things will move along fairly quickly. We are hoping to have Pat and Dan give a presentation on the building. It will then be reviewed and go out to bid sometime in April.

The Town Clerk stated she had received information from the Recreation Director for bids for the t-shirts for the Recreation Programs. She requested authorization to advertise for bids for t-shirts with a bid opening on Monday, March 25, 2013 at 7:05 p.m. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes authorizing the clerk to place the ad for t-shirt bids.

The attorney for East Side Recycling dropped off the applications for renewal of their junkyard license. However, there was an error on the check so a new one will be issued.

Public Comments:

Mr. Frederick Gage of Martindale Avenue questioned the BAN on the highway barn and what the amount of the BAN was. At this point, the town has not obtained a BAN for the highway barn. He also questioned the expenditure of the additional \$4,800 for the architect. He was informed that the additional monies were spend to cover 2 additional plans and CAD drawings showing the layout and cost of the addition at village hall.

Mr. Gage also applauded Councilman Bromley's statement in the Post Star.

There being no further business to come before the Town Board, **motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

Holly E. Mabb, RMC/CMC
Kingsbury Town Clerk

<http://www.kingsburyny.gov>