

The first regular meeting of the Kingsbury Town Board was conducted on Monday, August 12, 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: Colleen Adamec, Sole Assessor  
Francis Cortese, Code Enforcement Officer  
Michael Graham, Highway Superintendent  
Kevin Elnicki, CEO – Earth, Waste and Metals

The meeting was called to order by Supervisor Lindsay at 7:00 p.m and opened for order of business with the Flag Salute led by Councilman Doyle.

**Motion** by Councilman Freebern, seconded by Councilman Bromley and carried by a vote of 5 ayes accepting the minutes of the meetings held on July 22, 2013 and August 2, 2013 as submitted by the Deputy Town Clerk and the Town Clerk.

Supervisor Lindsay reported the Town Clerk is in receipt of the application for a junkyard license from New England Quality Service, Inc. d/b/a Earth, Waste and Metal. They are the company that is currently leasing the Washington County Transfer Stations. Kevin Elnicki was present at the meeting. He has an application in for the junkyard, as well as a building permit for a scale house building and he has run into a couple of problems in obtaining the permit. Mr. Elnicki stated he is currently operating under the DEC permit that was issued to Washington County. He needs to have a salvage permit (junkyard license) from the Town. He has a 7 million dollar insurance policy in place. Code Enforcement Officer Ross Cortese stated he is waiting for a letter from the County regarding the building permit because Mr. Elnicki technically does not own the property. The Transfer Station is located in a commercial zone and in order to comply with the Town's Zoning Ordinance, a junkyard has to be located in an Industrial Zone. The Town Board will either have to change the zoning in that area or Mr. Elnicki will have to obtain a use variance. Supervisor Lindsay stated that a lot of the requirements in our junkyard license are covered in his lease agreement with the County. Mr. Elnicki stated he took over the transfer stations and currently is operating under the County's DEC permit. He has the option to purchase the recycling facilities within 1 to 5 years. Supervisor Lindsay stated that prior to Mr. Elnicki taking the transfer station over, that he would need to apply for salvage permit for recycling. The metal from all the transfer stations goes to the Kingsbury station. He has made application for the junkyard license to have his permits in place when he decides to purchase the transfer station. Councilman Bromley asked what exactly he would be taking out there. Mr. Elnicki stated they would take anything that had value, e-waste, computer waste, cars, appliances, old roofing tin, brass, copper, aluminum; anything that comes under metal recycling. He does not take cars at the station currently. He brings cars to one of his other 13 locations where they can

properly drain the fluids so they can recycle the fluids. In his Middlebury Vermont location he has a chopper that is indoors that chops electrical wire, car wire so they can recycle everything including the plastics and the coating. Councilman Bromley asked if Mr. Elnicki would need a separate permit from DEC to process cars. Mr. Elnicki stated that he would have to obtain a DEC permit once he purchases the property. He is currently operating under the County's DEC permit. Councilman Bromley stated that East Side Auto has a separate permit to crush cars from DEC and questioned whether or not Mr. Elnicki would need a similar license. Mr. Elnicki invited the town board members to come and visit his site at any time. He stated he is a transparent company. He stated he needs a permit from DEC for MSW, recyclables and other items in the future. Supervisor Lindsay stated that this is one of the reasons that Mr. Elnicki opted to lease the transfer station instead of purchasing outright because of the permitting process.

On a **motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes scheduling a public hearing on the application for a junkyard license on September 9, 2013 at 7:05 p.m. A discussion was had.

**Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes rescinding the previous motion and rescheduling the public hearing on August 26, 2013 at 7:05 p.m.

Highway Superintendent Michael Graham reported that the footings are  $\frac{3}{4}$  of the way completed and should be finished by the end of this week. He stated the steel would be delivered on Friday morning. He and Councilman Bromley have had contractor meetings and everything seems to be on schedule.

Supervisor Lindsay stated he had received notification from Washington County Real Property that Judy Johnson's term of office on the Board of Assessment Review was due to expire on September 30. He has contacted Judy and she wishes to continue on as a member of the BAR. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes reappointing Judy Johnson as a member of the Board of Assessment Review with her term of office being October 1, 2013 through September 30, 2018.

Supervisor Lindsay stated that the term of the Sole Assessor Colleen Adamec was due to expire on September 30. A discussion was had. The Town Board members thanked Colleen for the excellent job she has done for the Town. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes reappointing Colleen Adamec as the Sole Assessor with her term of office being October 1, 2013 through September 30, 2019.

Supervisor Lindsay reported the Tony Luciano 5K Run would be held on Sunday, August 18 and sponsored by the Rotary Club. The proceeds of this race will go to scholarships for local students. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes recognizing the Tony Luciano Race and authorizing the use of town roads for the race.

Supervisor Lindsay stated he was in receipt of the resolution our town attorneys have prepared for the elimination of the position of Receiver of Taxes for the November election.

Supervisor Lindsay supplied the board members with a cost sheet relating to the reconstruction at the Queensbury Water Plant.

The Town Clerk reported that the monthly reports for June had not been accepted at the previous meeting. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes accepting the reports of certain town officers for the month of June as follows:

Code Enforcement Officer: No. Permits 10; Research Fees 1; Total Fees \$876.00.

Dog Control Officer: Complaints/Calls 37; Seizures 3; unlicensed dogs 18; Summons issued 4; Mileage 200.

Town Clerk: Paid to EnCon \$380.74; Paid to Supervisor \$2,631.17; Paid to NYS Dept. of Health \$112.50; Paid to Village Of Hudson Falls \$66.00; Paid to Ag and Markets for Population Control \$132.00

Town Comptroller: Receipts \$69,739.30; Disbursements \$154,161.24

Town Justice: Fees Collected: \$9,407.00

The Town Clerk reported she was working on opening the polls for the September Primary. All three polling sites will be open with one district at each site. Three inspectors will be working the polls from noon to 9:00 p.m. The Board of Elections will be consolidating the election districts into one book for this election.

Highway Superintendent Michael Graham reported the water pit has been installed on Park Road and Queensbury Avenue. The highway department is doing the prep work on the taps and manhole for the next pit, which will be located on Casey Road and Queensbury Avenue. Lewis Crane will move the old switching station from the Hudson Falls Water Tower property over to our property on Dix Avenue and the third pit will then be completed. Department of Health has been very cooperative with the Town regarding the construction of the pits and the chlorination building. Mr. Graham stated everything would be complete before winter. At that time, the town board will have to have a discussion about how they will bill the commercial businesses in the industrial park.

Councilman Bromley asked Code Enforcement Officer Cortese whether or not he had heard anything about Dave McDonald and Mike Spirowski obtaining power to their new building in the industrial park. Mr. Cortese stated he had not been contacted regarding that matter.

Councilman Doyle asked the status of RWS. Code Enforcement Officer Cortese stated that July had been a good month with only a few complaints. August has started off in the shady zone. Mr. Cortese is going to run some sound testing during the evenings.

Councilman Bromley asked if Mr. Cortese had any new information about the storm water inspections from East Side Recycling.

#### PUBLIC COMMENTS:

Mr. Frederick Gage from Martindale Avenue stated he had been to Mrs. Webster's' home regarding the baseballs hitting her house from Derby Park. He stated that a net could be run between the green poles at Derby Park by using a pulley system. Supervisor Lindsay stated there is one week left of baseball and he and Debbie Battiste will be working on this problem for next year and have money in the budget to fix the problem

Mr. Gage stated he is against Earth, Waste and Metal leasing the county transfer stations. He is very concerned about them using the County's DEC permit and is familiar with their operation in Castleton. He stated that East Side received the short end of the stick due to the pollution of the land that was done prior to them taking over the business and that the school's bus barn was never cited for pollution. He stated we cannot allow special consideration to companies using the county transfer station.

There being no further business to come before the Town Board, **motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Holly E. Mabb, RMC/CMC

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