

The second regular meeting of the Kingsbury Town Board was held on August 15, 2016 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT:

Dana Hogan, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman

ABSENT:

Henry Freebern, Councilman

OTHERS PRESENT:

Joe Allen, Retired Town Justice
Jeffrey Meyer, Town Attorney
Ross Cortese, Code Enforcement Officer
Michael Graham, Highway Superintendent
Todd Humiston, Dog Control Officer

Town Residents & Property Owners: Diane Santa Croce, Barb

Trombley, Jerry & Jolene Caruso, James & Sherry Mercurio, Mr. & Mrs. Tucker, Dave & Diane Howard & Ed Lowell

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

The minutes of the August 1, 2016 Board Meeting will be reviewed at the next Town Board Meeting.

Supervisor Hogan introduced Retired Town Justice Joseph Allen. Mr. Allen stated he is still certified by the State of New York as a marriage officer. Mr. Allen would like permission to perform marriage ceremonies in the Court Room at 6 Michigan Street. A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 ayes to provide a key to Town Hall to Mr. Allen to perform marriage ceremonies in the Town Court Room.

Supervisor Hogan instructed the Town Clerk to read the Notice to Bidders for gravel crushing. Supervisor Hogan proceeded to open the bids received, with the results as follows:

Jenkinsville Sand & Gravel, LLC - \$4.95 per cubic yard

Palette Stone Corp. - \$5.25 per cubic yard

Ron Jameson Contractor, LLC - \$8.89 per cubic yard

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 4 ayes to award the low bid to Jenkinsville Sand & Gravel, LLC for gravel crushing and screening @ \$4.95 per yard, of 1.5" minus material not to exceed the total amount of \$40,000.00.

Supervisor Hogan re-opened the Public Hearing to adopt a Local Law for Nuisance Properties at 7:10 p.m. Hogan reported there was not a re-draft of the proposed Local Law; the Board would like to hear more public comment. Councilman Doyle reported on August 2, 2016 the committee had met to discuss the changes to be made to the original draft of the law. Councilman Doyle had met with Washington County Sheriff Jeff Murphy who suggested the Town remove the specific citations to various Penal Code sections and Town Code section and state any violation of State Penal Code or Town Code is a violation and determine the point value. In regard to violations to Town Law, the Town does not have a noise ordinance at this time; the Board will enact a noise ordinance in conjunction with the proposed nuisance law. Multi-unit buildings will be defined as having more than 4 dwellings. Any dwelling with four units or

less will be classified as a single structure for purposes of this law. The Board must determine when violations occur in the multi-unit buildings; if points will be charged to the tenant or to the landlord. The Board will propose to increase the point total for violations to reflect the number of people living in a multi-unit building. The original draft proposed violation of the nuisance law would occur in a single family structure if you received 12 points in a 6 month period and 18 points in a 12 month period; the new proposal would increase them to 15 & 21. The Board is recommending in cases where the occupancy is revoked, the case will be reviewed by the Supreme Court Justice.

A discussion followed with the Board, Town residents and owners of rental property. Attorney Meyer has some concern about all violations of the Penal Code being included in the proposed law for nuisance properties and will speak to Sheriff Murphy of this concern. There was no further public comment at 7:45 pm; the public hearing will remain open.

LEGAL UPDATE:

Attorney Meyer reported 5 Article 7's had been filed against the Assessor, the Board of Assessment Review and the Town as follows: Baldwin/Hudson Falls LP, Commercial Net Lease, Keylock LLC, Paul & Wayne Hurd and Karen Garewal.

Attorney Meyer is in the process of putting a noise ordinance together based on hours of the day, location of property and levels in residential and commercial zones, including barking dogs.

The sale of the former Dix Avenue Drive-In is progressing and Attorney Meyer is hopeful the closing will occur before the next Town Board Meeting.

The closing of the Strand may possibly occur within the next 30 days.

Code Enforcement Officer Ross Cortese reported the Phase I is complete at the East Side facility located on Route 149 but has not received a report with the results. During the Phase I it was noted there is a lot of debris on the property. Cortese is attempting to contact Anthony Marro to determine if he is in the process of cleaning up the property.

Supervisor Hogan reported he had a visit from a sales rep from Prime Link. The rep had a VISA gift card for the Town as an incentive for new customers. After discussion the Board made a decision to decline the gift card.

REPORTS:

Town Clerk reported the Town had received a letter from the Feeder Canal Alliance thanking the Town for their support with an enclosure of their paid annual insurance bill for 2016, in the amount of \$1,047.00.

Code Enforcement Officer Ross Cortese received a quote to complete the clean-up at 9 Bly Avenue. The quote is under \$499.00 and no additional quotes are necessary as stated in the procurement policy. Councilman Bromley stated the certificate of insurance should name the Town of Kingsbury as additionally insured.

Dog Control Officer Todd Humiston reported there was nothing new; court cases are still pending and he expects a lot of delinquent renewals on dog licenses, due to the large number of dog licensed last August.

Superintendent of Highways Michael Graham reported he had found a large wooden crate containing a rotoformer while cleaning out the old Town Hall. The rotoformer was produced at the Sandy Hill Iron & Brass Company. Councilman Bromley stated it should be displayed someplace; it represents part of the history of Sandy Hill Iron & Brass.

Graham reported they had been working on the cold storage and are waiting for the trusses to arrive. They are also cleaning up miscellaneous lumber and sign posts.

Councilman Doyle had a question about parking on property that belongs to Ringer's. Attorney Meyer will contact Ringer's to see if an agreement can be made to provide additional parking on busy court days.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 4 ayes to accept the following budget transfers:

BUDGET TRANSFERS

FROM:	JUDGEMENTS & CLAIMS	1.9030.4	2,500.00
	CONTINGENT ACCT.	1.1990.4	15,000.00
	ECONOMIC DEV.	1.6997.4	10,000.00
	ENGINEERING CONTR	1.1440.4	8,750.00
TO:	JUSTICE EQUIP.	1.1110.2	996.00
	JUSTICE CONTR.	1.1110.4	1,500.00
	BUILDINGDS P.S.	1.1620.1	25,000.00
	PARKS CONTR	1.7110.4	8,750.00

ADDITIONAL EXPENSE FOR JUSTICE DUE TO CONSOLIDATION-
WAGES FOR MICHIGAN STREET – SALE OF 210 MAIN STREET HAS NOT OCCURRED YET
BASKETBALL COURT REFINISH AT DERBY NOT IN 2016 BUDGET

FROM:	SAFETY CONTR.	2.3620.4	10.00
To:	DBL	2.9055.8	10.00

FROM	TRANSMISSION CONTR	7.8340.4	5,000.00
TO:	PURIFICATION	7.8330.4	5,000.00

NYS DEPT. OF HEALTH REQUIREMENT FOR CHLORINATION IN INDUSTRIAL PARK
LOCATION

Supervisor Hogan received a letter from the Rotary Club about the annual Tony Luciano Road Race which is scheduled for Sunday August 21st beginning at 9 a.m. The Rotary Club thanked the Town for their past support.

The Sandy Hill Garden Club will donate a Baby Colorado Blue Spruce that the Town could decorate during the holiday season. The tree will be 5 to 6 feet tall with the maximum height reaching approximately 18 feet at its maturity. The Town Highway Superintendent will assist with the digging and planting of the tree.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 4 ayes accepting the reports of certain officers for the month of July as follows:

Code Enforcement Officer: Research Fees 1; Trailer Asst's 1; Site Plans 2; Sub. App. 2; Total Fees \$1,095.00

Dog Control Officer: Complaints/Calls 82; Seizures 9; Unlicensed Dogs 35; Euthanasia 6; Summons Issued 4; Bites Investigated 1; Dangerous Dogs 1; Mileage 448 with 116 to Fort Edward & 23 to Fort Ann

Town Clerk: Paid to EnCon \$1,869.54; Paid to Supervisor \$3,193.79; Paid to NYS Dept. of Health \$180.00; State Share of Games of Chance \$15.00; Paid to the Village of Hudson Falls \$82.00; Paid to Ag & Markets for Population Control \$168.00

Town Comptroller: Receipts \$93,475.94; Disbursements \$289,485.92

There being no further business before the Board a **motion** by Councilman Bromley seconded by Councilman Collins and carried by a vote of 4 ayes to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk