

The second regular meeting of the Kingsbury Town Board was conducted on August 19, 2019 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
Henry Freebern
William Haessly, Councilman
Dan Washburn, Councilman

OTHERS PRESENT: Michael Graham, Highway Superintendent
Rebecca Pomainville, Town Comptroller
Mary Ellen Stockwell, Town Attorney
Town Residents: Ken Spaulding, Amanda Landsman, Jeff Zappieri,
Jolene & Jerry Caruso, Tammy & Steve Chase
Claudia Braymer, Attorney for Tammy & Steve Chase
Ruben Ellsworth, Jenkinville Sand & Gravel

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 Doyle.

The minutes of the August 5, 2019 Board Meeting will be available at the next Board Meeting.

Supervisor Hogan stated at the last Board Meeting the Board voted to increase the copy fee from \$.25 to \$.50. The Board may want to reconsider doing one fee change at this time. Attorney Stockwell suggested doing an overhaul of the fees to determine if any other fee changes were necessary. That way you could set one public hearing and pay General Code one fee to update the fee structure. Town Clerk will review the fee schedule to determine if any other changes are necessary.

Rueben Ellsworth, Jenkinville Sand & Gravel is seeking an easement for an entrance/roadway from the Town of Kingsbury's Pit from Tripoli Road. Mr. Ellsworth has submitted a proposal to the Town Board. A **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes to schedule a public hearing for September 16, 2019, at which time a public discussion will be had in regard to Mr. Ellsworth's proposal.

Dog Control Officer Todd Humiston has requested a letter be drafted by the Town Attorney to notify law enforcement officials of the change in the recent local law that had been adopted. Dogs that are not subject to violations of the municipal code must be seized by the local law enforcement and not by the dog control officer.

COMPTROLLER REPORT:

Rebecca Pomainville met with the health insurance group to discuss next year's premium rates and options. The premium increase is 6%. Other plans were analyzed that were available and compared to our current policy. She would recommend that we continue and renew our current policy. Rebecca also explored the option of using an ACH plan that takes all of the expenses and automatically pays the doctors instead of the current reimbursement plan. The employees would receive a debit card for their prescriptions. The cost is \$5.25 per month per person; this would tighten up any privacy concerns, the administration is much more streamlined, doctors get paid faster and the employees do not get

involved. The payments to the doctors would be an automatic ACH from the insurance company to the employee's doctor, the employee would not have to worry about it at all. A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes for the Comptroller to renew the current insurance plan and implement the ACH plan.

Rebecca met with Glens Falls National Bank in regard to a change in the Town's fee structure. Due to the fact that the Town has pulled money out of our accounts and is investing in NYCLASS, the balance in the accounts has been disrupted. It is not advantageous to Glens Falls National Bank to continue to waive some of the fees for the Town because we are not keeping the funds available. The Town makes too much money in the NYCLASS investment to justify adding money to the accounts with Glens Falls National Bank. The Town will be notified when a new plan is implemented. Supervisor Hogan stated with the proposed changes the Town is better off investing with NYCLASS.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported approximately 3,700 yards of sand complete with a total of 6,500 yards in the pile. The average use per winter is 3,000 to 3,300 yards of sand.

They have been cleaning up culvert work on Wait Road and hopefully will have it all patched this week.

COUNCILMAN REPORT:

Councilman Doyle reported the water committee met to discuss two issues: billing and the possibility of combining and merging the Town of Kingsbury and the Village of Hudson Falls water departments. The water billing was the primary reason for the meeting which appeared to be a problem for the Town. The Village could set up to do the water billing for the Town but it was decided the Town is capable of doing their own billing. In the discussion about the merging of the Town and Village water lines it was determined now is not the time even though it was agreed it makes sense. There are different rules and regulations that pertain to expanding the water district in the Town and the Village. It would be possible if the Town expands its water district to a point that the pressure drops below acceptable levels then it would be necessary to put up a water tower. That would be an appropriate time to look at merging because the village and the town would have more people to spread the cost of the tower. Councilman Haessly asked who was attending the meeting. Councilman Doyle responded himself, Mike Fiorillo Village, Jim Chase, Kingsbury Water Superintendent, and Kingsbury Highway Superintendent of Highways Michael Graham. The discussion continued with changes to be made with the possible future expansion and merging of the water departments.

SUPERVISOR'S REPORT:

Supervisor Hogan received a complaint relating to garbage truck hours operating in the Town of Kingsbury. A resident reported garbage is being picked up between 5:30 and 5:45 am on Thursday mornings. The resident asked if the Town could establish a Town code. Supervisor Hogan stated the Town of Kingsbury Town Code contains verbiage which prohibits noise relating to container pickups prior to 7 am. Supervisor Hogan will speak to Enforcement Officer Todd Humiston when he finds out which company is operating early and have him discuss the company adjusting their operating schedule according to the Town Code.

Supervisor Hogan submitted final documentation for the DASNY Grant the Town received for the Feeder Street and water connectors on North, Myrtle and Feeder Streets for the Town to receive payment for work completed.

A bill was received from Chazen which Councilman Washburn and Councilman Haessly will review to determine if it is consistent with the work we wish for them to undertake. Chazen will provide professional services associated with the Town's sanitary sewer infrastructure.

WRITTEN REPORTS:

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to accept the reports of certain officers as follows:

Town Comptroller for July: Receipts \$299,436.74; Disbursements \$408,277.81

Town Justice for June: Fees Collected: 17,953.28

PUBLIC COMMENT:

Mr. and Mrs. Chase would like to speak during public comment.

Supervisor Hogan recused himself from the Public Comment.

Claudia Braymer attorney for Mr. and Mrs. Chase addressed the Board stating they are here in regard to property owned by Ken Collette with a special permit in his name. There have been problems with his construction business being operated out of the property. In 2015 Mr. Collette obtained a special use permit for storage buildings and storage of some equipment outside. At this time there are trailers with Collette Construction and other heavy equipment on the property. Attorney Braymer feels the property is not only being used for storage, but also for his construction business; his employees are in and out of the property on a daily basis. In the morning the employees are picking up pieces of equipment and tools out of the building and returning at the end of the day to the property. Attorney Braymer stated he does not have a special use permit to run his construction business out of the site. Attorney Braymer referred to a letter from Town Attorney Meyer stating that Mr. Collette did not apply for a permit to re-locate his business to this location. It is her position that he is not permitted to run his business out of this location, especially when he applied for a special use permit for storage. Mr. Collette is also servicing pieces of equipment, repairing equipment and allowing vehicles to idle on the property which is causing a lot of disturbance to her clients and neighbors as well. Attorney Braymer stated under the Town Code a special use permit needs to be carefully monitored and should be strictly enforced so that the impacts of the site are not allowed to creep beyond what has been reviewed and approved. Last year Mr. Collette went into the buffer zone and cut down all the trees and vegetation there. The Town Board requested that Mr. Collette plant trees in the area, which Mr. Collette has done. At this time they are re-grading in the buffer zone, storing pieces of equipment in the buffer zone and the trees Mr. Collette planted are dying. Attorney Braymer requested the Town issue a notice of violation for the problems with the equipment, repairing and idling of vehicles and at the very least direct Enforcement Officer Humiston to write a letter to state that the activities that are taking place are not permissible and activities taking place outside the building must be ceased. They are also asking him to stay out of the buffer zone, replace the dead trees and build a fence. The request to build a fence is because four years ago Mr. Collette stated he would be building a storage building and there is no indication that this is going to happen. A fence would provide the visual and physical barrier between his activities and her client's property that a storage building would if it had been built. Councilman Washburn stated Mr. Collette is required to replace the dying trees. Enforcement Officer Humiston will return to the office on Friday and be notified of the issues. Attorney Braymer will draft a letter to Attorney Meyer stating the concerns of Mr. & Mrs. Chase. Tammy Chase stated the way he is grading the property is causing the water to go on their property and the neighbor's property which has caused their backyards to remain wet. Councilman Washburn stated they will take a look at the property.

Supervisor returned to the meeting at 7:38 pm.

Town Resident Ken Spaulding asked when the improvements to Derby Park were complete, who was going to maintain the park. Supervisor Hogan stated currently the Town mows the lawn and pays for liability. As for the asset, the infrastructure, it is the responsibility of the Village of Hudson Falls; Derby Park is an asset of the Village of Hudson Falls. At this time the Town has an agreement with the Village to maintain Derby Park. The Town is working towards an agreement that the school maintains the

property as part of an administrative agreement that we have with the school. At this time the Village is in possession of an agreement for their review to make the change for the school to maintain Derby Park. For the time being the Town is still mowing Derby Park. Councilman Haessly asked at what point could the Town terminate their agreement with the Village for the maintenance of Derby Park. Supervisor Hogan stated at no time would they want to terminate the agreement but encourage children to take advantage of the program. A discussion followed.

Supervisor Hogan reported Spectrum is expanding their fiber optic system throughout the Town and the County. There is some roadside construction with boxes being referred to as “ugly” by some and some residents are afraid of them being placed in their yard. Highway Superintendent Michael Graham stated they will lower the boxes. A discussion followed. Supervisor Hogan stated thinking about sales tax; more people having high speed internet may increase online purchases which will increase the sales tax revenue for the County.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to enter into executive session at 7:49 pm to discuss the medical financial credit or employment history of a particular person. Supervisor Hogan invited Comptroller Rebecca Pomainville and Highway Superintendent Michael Graham to attend the session.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to exit the executive session at 9:07 pm.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the Comptroller to move forward with Positive Pay security protection through Glens Falls National Bank.

There being no further business before the Board **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to adjourn the meeting at 9:08 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk