

The second meeting of the Kingsbury Town Board was conducted on Monday, August 25, 2014 at 7 p.m. 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

Jeffrey Meyer, Town Attorney

Anthony Marro, Eastside Metals & Recycling Corp.

Brian Borie, Attorney for Eastside Metals & Recycling

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

The minutes for the August 11, 2014 Town Board Meeting are not available at this time.

Superintendent of Highways, Michael Graham reported that packets had been prepared to go out to bid for the concrete work on the salt shed. The rest of the work on the salt shed will be done by the highway crew. There is a credit for 66 yards of concrete and most of the bid will be for the labor and for the concrete wall. There will be a packet with all of the bid specs and a copy of the Prevailing Wage Schedule available in the Town Clerk's office.

Superintendent Graham also reported that 50 to 100 yards of sand had been moved from the old highway garage to the new location. Graham also reported they are also working on the grizzly. They will be sand-blasting and painting the grizzly and installing the ramp.

Superintendent Graham also reported that he had installed a temporary chlorine booster for the water on the loop on Park Road. There was almost no chlorine in the water and it was done to satisfy the Department of Health.

Supervisor Lindsay reported the Department of Health will take legal action if the chlorination station is not complete by October 15th. Graham reported that the lines are hooked up and the main injection system is complete. They do have to dig to install the lines for four homes, and then they can complete the landscaping in the next two weeks.

Councilman Bromley commented that we should take a look at how the Water Superintendent position is set up. His concern is the length of time the chlorination project has taken, and that some cross-

training should happen to avoid any possible delays. Water Superintendent, James Chase had been out of work due to surgery. Supervisor Lindsay reported that the Water District is paying 75% of the Water Superintendent's salary. Graham commented that is correct, the Water Superintendent works with the Highway Department in the winter time. Superintendent Graham reported that he should be getting his license after taking a course that would enable him to take water samples for testing. Both Superintendent Graham and Superintendent Chase will need a higher license to be involved in the injection station of the new chlorination system.

Graham reported that the chlorination system should be complete by the end of September.

Brian Borie, Attorney for Eastside Metals and Recyclers, Corp. asked if the Town Attorney Jeffrey Meyer had received any paperwork from the litigation and the withdrawal of the application for a junkyard license from Weitsman. Attorney Meyer stated on Friday afternoon (August 22, 2014) he received a courtesy copy of a lawsuit that had been filed by Northeast Metals suing Anthony Marro and the family businesses for breach of contract, fraud and a standard laundry list of things. Apparently Attorney Meyer was the first person to receive a copy of the lawsuit. As a result of the lawsuit against Eastside Metals and Recyclers, Corp., the Weitsman group withdrew their application for a junkyard license that was pending before the Town Board.

Anthony Marro reported that he knew the lawsuit was coming, but he had not seen a copy of the lawsuit. Marro stated Northeast Metals is trying to put a hold on the pending sale of Eastside Metals to the Weitsman group. Marro also stated there were a couple of negotiation tactics that came out this afternoon and Weitsman said the deal is off. At 4 p.m. this afternoon Marro received a call from Adam Weitsman saying the deal was on again and they are still in negotiations with the pending sale of Eastside Metals and Recycling, Corp. Marro is confident the sale will happen and would like an extension on the junkyard license until it does. Supervisor Lindsay asked Marro if Eastside had everything in place to continue operation. Marro stated the environmental insurance and the bond held by the Town were still in place. Councilman Freebern asked Anthony Marro if Weitsman backed away from the deal with Eastside because of the lawsuit from Northeast Metals. Marro replied that was the secondary reason, the main reason being the guarantee of the property, whether it was going to be a corporate guarantee or a personal guarantee. Supervisor Lindsay asked if it was possible for a judge to say there can be no sale until the lawsuit Northeast Metals has against Eastside is settled. Town Attorney Meyer responded that it was possible. He explained that the first two procedural steps have been taken to stop the sale. Attorney Meyer also stated that in April Eastside had stated they would not have two licenses on one piece of property. Councilman Bromley asked how long the litigation would take. Attorney Borie responded he did not know, litigation could take a long time. Councilman Bromley asked if Northeast had an investment in their attempt to purchase Eastside. Marro responded that Northeast claimed that there was \$24,000 investment that he was responsible for. Then they came back and said he was responsible for half of that amount, to which Marro was agreeable. Marro feels there is bad blood between Northeast Metals and Weitsman and Northeast has filed the lawsuit in an attempt to stop the sale of Eastside to Weitsman. Marro stated the deal with Northeast fell through because at the last minute Northeast decided Anthony would hold only 49% and not 50% of the company. Marro believes

the lawsuit will not stop the sale of the property to Weitsman. Attorney Meyer explained that Eastside can no longer convey a legal title; therefore, no title insurance company will insure you.

Supervisor Lindsay stated he has no problem extending the license for Eastside to operate as long as they have their insurance in place.

Attorney Borie feels the lawsuit is pretty baseless. Borie would like one month to determine if the lawsuit will be over quickly or be drawn out for a long period of time.

Councilman Freebern requested an executive session for counsel in the matter of Eastside Metals and Recyclers, Corp.

Attorney Meyer asked Marro if Eastside has a workman's compensation policy. Marro responded they do carry workman's compensation and they also have had a payroll management company. Councilman Bromley asked how long they have had the payroll management company and if they had maintained the workman's compensation. Marro responded they have had the payroll management company for 2 or 3 months and have maintained the workman's compensation. Marro stated when Northeast withdrew from the sale they cancelled all the policies. At that time Marro set up an account to make sure everything remained in place.

Town Attorney Meyer will contact Attorney Borie in the morning after conferring with legal counsel in the executive session.

Town Attorney Meyer reported on the status of RWS. The Planning Board issued an approval that authorized RWS to operate on Saturday's from midnight until 3 p.m. Meyer also reported that there were misunderstanding about improvements. RWS is now clear about what improvements are necessary. The improvements must be complete by September 15, 2014. If the improvements are not complete RWS will not be allowed to operate the additional hours on Saturday's the Planning Board has granted them. The improvements include the 16 foot fence along Ferguson Lane, more sound blankets, a log wall on the southeast corner and re-orient the door facing east. On September 15, 2014, Code Enforcement Ross Cortese will conduct an inspection at RWS to make sure the improvements have been made. If the improvements are incomplete, RWS will be unable to operate on Saturday's.

Supervisor Lindsay received a call from the school looking for support proclaiming September as Attendance Awareness Month. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes for the following resolution:

FROM THE OFFICE OF THE SUPERVISOR

Resolution No. 11 of 2014

Adopted August 25, 2014

Introduced by Councilman Freebern

who moved its adoption

Seconded by Councilman Collins

Proclamation of September as Attendance Awareness Month

WHEREAS good attendance is essential to student achievement and graduation, and we are committed to dedicating our resources and attention to reducing chronic absenteeism rates, with a focus starting as early as kindergarten,

WHEREAS chronic absence – missing 100 percent or more of school for any reason including excused and unexcused absences, or just two of three days a month – is a proven predictor of academic trouble and dropout rates,

WHEREAS improving attendance and reducing chronic absence takes commitment, collaboration and tailored approaches to particular challenges and strengths in each community,

WHEREAS chronic absence predicts lower third-grade reading proficiency, course failure and eventual dropout, it weakens our communities and our local economy,

WHEREAS the impact of chronic absence hits low-income students and children of color particularly hard if they don't have the resources to make up for lost time in the classroom and are more likely to face systemic barriers to getting to school – such as unreliable transportation, lack of access to health care, unstable or unaffordable housing,

WHEREAS chronic absence exacerbates the achievement gap that separates low-income students from their peers, since students from low-income families are both more likely to be chronically absent and more likely to be affected academically by missing school. Absenteeism also undermines efforts to improve struggling schools, since it's hard to measure improvement in classroom instruction if students are not in class to benefit from them,

WHEREAS schools and community partners can reach out more frequently to absent students to determine why they are missing school and what would help them attend more regularly,

WHEREAS schools and districts must do more to track, calculate and share the data on how many students are chronically absent so we can deliver the right interventions to the right students,

WHEREAS all students even those who show up regularly – are affected by chronic absence because teachers must spend time reviewing for students who missed lessons,

WHEREAS chronic absence can be significantly reduced when schools, parents and communities work together to monitor and promote good attendance and hurdles that keep children from getting to school,

NOW, THEREFORE BE IT RESOLVED that as the Supervisor of the Town of Kingsbury, our Town Board will stand with the nation in recognizing September as "Attendance Awareness Month."

We hereby commit to focusing on reducing chronic absenteeism to give all children an equitable opportunity to learn, grow and thrive academically, emotionally and socially.

James Lindsay, Town of Kingsbury Supervisor

Date

Supervisor Lindsay read a Proclamation from the Town of Kingsbury in recognition of Frank Diamond, retired Dog Control Officer.

PROCLAMATION FROM THE TOWN OF KINGSBURY
IN RECOGNITION OF FRANK DIAMOND
FOR EXEMPLARY AND DISTINGUISHED SERVICE TO
THE TOWN OF KINGSBURY

WHEREAS, Frank Diamond has served as Dog Control Officer; and

WHEREAS, Frank Diamond, after many years of dedicated service has retired.

NOW, THEREFORE BE IT RESOLVED that I, James T. Lindsay, Supervisor of the Town of Kingsbury hereby extend my deepest appreciation to Frank Diamond for his years of service.

James T. Lindsay

A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes to authorize the exemption of Real Property taxes on parcels owned by the Village of Hudson Falls located in the Town of Kingsbury.

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

Resolution No. 12 of 2014

Adopted August 25, 2014

Introduced by Councilman Bromley

Who moved its adoption

Seconded by Councilman Doyle

RESOLUTION TO AUTHORIZE THE EXEMPTION OF REAL PROPERTY TAXES ON VILLAGE OWNED PARCELS

WHEREAS the Village of Hudson Falls has requested that it be exempted from paying real property taxes on the parcels of land located on Seventh Avenue and identified as tax map number 146.17-1-17 and also on State Route 196 and identified as tax map number 154.12-2-1.

WHEREAS the Town Board has considered the Village request, now therefore be it resolved that the Supervisor enter into an agreement with the village of Hudson Falls pursuant to Real Property Tax Law 406(3) exempting real property taxes on the parcels of land located on Seventh Avenue, tax map # 146.17-1-17 and State Route 196, tax map # 154.12-2-1.

Dated: August 25, 2014

Those members present were:

Voting:

James T. Lindsay, Supervisor

Aye

Paul Bromley, Councilman

Aye

William Collins, Councilman

Aye

Henry Freebern, Councilman

Aye

Richard Doyle, Councilman

Aye

Supervisor Lindsay reported that a refund for tax payments is due to Northern Electric as the result an Article 7 settlement. The Town of Kingsbury will have the Washington County Treasurer's Office cut a refund check for \$23, 0685, to Northern Electric.

Supervisor Lindsay reported that Larry Farbstein is in negotiations with Wheelabrator. Town Attorney Meyer requested an executive session to discuss litigation in the Wheelabrator matter.

Supervisor Lindsay reported that the preparation of the 2015 budget is beginning, meetings will be scheduled to discuss that.

In a letter Sole Assessor, Colleen Adamec, gave the Town Board an update. She reported the 2014 rolls are complete. The Town had the normal Article 7's file against them. We have one small claims case at, 154.15-2-12.1, 18 Pine Street. Adamec is doing field review and new construction for the 2015 roll. Renewal exemptions are ready to be mailed out in September.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to accept written reports by certain officers for the month of July:

Code Enforcement Officer: No. Permits - 11; Variances - 2; Research Fees – 1; Trailer Asst's – 1; Total Fees: \$1,334.11

Dog Control Officer: Complaints/Calls – 33; Seizures – 3; Bites Investigated – 5; Mileage – 260 miles

Town Clerk: Paid to En Con - \$316.49; Paid to Supervisor - \$2,852.10; Paid to NYS Dept. of Health - \$157.50; Paid to the Village of Hudson Falls - \$210.00; Paid to Ag & Markets for Population Control - \$87.00

Town Comptroller: Receipts - \$64,844.88; Disbursements: \$554,724.58

Town Justice: Fees Collected: \$7,664.00

Town Clerk reported that everything is in place for the September 9, 2014 primary election. She also reported that the school tax bills had been picked up from the county and would be mailed by the end of the week.

Supervisor Lindsay reported that the new Dog Control Officer, Todd Humiston, is doing very well.

Councilman Bromley reported that he will have the engineer's estimate for renovations at Michigan Street at the next Town Board meeting on September 8, 2014. Supervisor Lindsay will contact Village Mayor Barton for a cost for the Town Court to share the Village Court.

At 7:45 a **motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to enter into executive session to discuss extending Eastside Metals & Recyclers, Corp. license to operate.

At 8:55, a motion by Councilman Freebern, seconded by Councilman and carried by a vote of 5 ayes to enter back into regular session.

After executive session it was decided by the Town Board to extend the current conditional license to Eastside Metals & Recyclers upon presentation of their workman's comp and environmental insurance documents. Eastside must then complete an application for a new license by September 8, 2014. If the necessary documents are not presented to the Town, Eastside will not be able to operate their business.

There being no further business before the board a **motion** by Councilman Freebern, seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>