

September 7, 2021, Town Board Meeting Minutes

The first regular meeting of the Kingsbury Town Board was conducted on September 7, 2021, at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
William Haessly, Councilman
Jane Havens, Councilwoman
Dan Washburn, Councilman

OTHERS PRESENT: Todd Humiston, Enforcement Officer
Michael Graham, Highway Superintendent
James Chase, Water Superintendent
Jeffrey Meyer, Town Attorney
Town Residents Charles Doty, Roy Sweet, Les Macura

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 Haessly.

The minutes of the August 16, 2021 will be available at the next Town Board meeting.

Supervisor Hogan reported the Board received an email on September 3, 2021, with a proposal for a Local Law imposing a moratorium on high density new builds. A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 5 ayes to set a Public Hearing for a Local Law Imposing a moratorium on high density new build projects on September 20, 2021.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to consult with EFPR Group, CPAs to provide the Town with a loss of income calculation for \$2,000.00. Supervisor Hogan stated Washington County Treasurer Al Nolette and Granville Supervisor Matt Hicks are using the firm; found them very beneficial and highly recommends them. The administrative fee can be used out of the ARPA funds.

A **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes to re-appoint Joanne Davidson to the Board of Assessment for a 5- year term.

The Town Board accepted and acknowledged the Map Plan and Report for the Burgoyne Avenue Water Main Extension, Attorney Meyer stated it complies with Town Law 209.

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

Resolution No. 3 of 2021
Adopted

Introduced by Councilman Washburn

who moved its adoption

Seconded by Councilman Haessly

RESOLUTION TO ACCEPT A MAP, PLAN AND REPORT FOR THE PROVIDING OF
FACILITIES, IMPROVEMENTS AND SERVICES PRIOR TO THE EXTENSION OF
THE WATER DISTRICT IN THE TOWN OF KINGSBURY

WHEREAS, the Town Board (the "Board") of the Town of Kingsbury (the "Town"), passed a resolution whereby the Town authorized Kathleen Suozzo PE, PLLC to prepare a Map, Plan and Report for the proposed extension of the Water District of the Town of Kingsbury;

WHEREAS, the Map, Plan and Report has been prepared and submitted the Town by Kathleen Suozzo PE, PLLC.

NOW, THEREFORE, BE IT RESOLVED, THAT

Section 1. The Map, Plan and Report submitted by Kathleen Suozzo PE, PLLC has been reviewed and has been found to be in conformance with the requirements of Town Law section 209-c.

Section 2. The Map, Plan and Report submitted by Kathleen Suozzo PE, PLLC is hereby adopted by the Town Board as the official Map, Plan and Report of the Town for the extension of the Town of Kingsbury Water District, and a copy of same shall be filed with the office of the Town Clerk of the Town.

Section 3. The Town hereby declares that the consideration and adoption of this resolution is a Type II action pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., and hereby issues a Negative Declaration in connection with its findings pursuant to SEQRA and declares that no further action is necessary.

Section 4. This resolution shall take effect immediately.

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

Resolution No. 4 of 2021
Adopted -September 7, 2021

Introduced by Councilman Washburn who
moved its adoption
Seconded by Councilman Haessly

ORDER SCHEDULING A PUBLIC HEARING ON THE EXTENSION OF KINGSBURY
WATER DISTRICT

WHEREAS, the Town Board (the "Board") of the Town of Kingsbury (the "Town"), duly passed a resolution which adopted the Map, Plan and Report submitted by Kathleen Suozzo PE, PLLC ("KSPE") as the official Map, Plan and Report (the "Map, Plan and Report") of the Town for the Burgoyne Avenue Water Main Extension (the "Water District" or "-Project"), a copy of which is filed with the Town Clerk; and

RESOLVED that the Town Board hereby approves of and adopts the revised and amended Map, Plan and Report, as the official Map, Plan and Report of the Town for the water district extension on Burgoyne Avenue (the "District") and declares that said Map, Plan and Report shall be duly filed in the Town Clerk's Office for public inspection.

WHEREAS, the following description shall describe the boundaries of the proposed Water District, which shall include the following Tax Map Parcel Numbers. Reference to Town Tax Map Parcel Numbers and Names of Owners are as they appear in the Washington County Tax Map Records and documents of the Town of Kingsbury as of September 2021 :

<u>Tax Map Parcel No.</u>	<u>Address</u>	<u>Owner</u>
146.19-1-5	3731 Burgoyne Ave.	Rupp, Irene L.
146.19-1-7	3725 Burgoyne Ave.	Chase, James
146.19-1-6	3727 Burgoyne Ave.	Bardin, Bruce
146-3-18	3724 Burgoyne Ave	Vaughn, James
146-3-17	3716 Burgoyne Ave	New York State
146-3-16	3715 Burgoyne Ave.	Kingsbury Vol. Hose Co. #1, Inc.

WHEREAS, the improvements proposed are as follows: construction of water facilities to provide water service to the property contained within the boundaries of the proposed Water District, as is more specifically described in the Map, Plan & Report; and

WHEREAS, the total estimated cost to be expended on the Project is Four Hundred Fifty Four Thousand Six Hundred Three Dollars for Phases I and II (\$454,603.00); and

WHEREAS, the costs of constructing the proposed improvements will be paid for by the New York State Department of Transportation (NYS DOT) pursuant to a grant obtained for this purpose; and

WHEREAS, the estimated cost of the water charges for the typical property, once the proposed water improvements are constructed, will be approximately as follows: Residential \$50.00 per quarter includes 10,000 gallons, over 10,000 gallons billed at \$2.75 per 1000 gallons, Commercial \$62.50 per month includes 12,500 gallons, over 12,500 gallons billed at \$2.75 per 1000 gallons, any commercial accounts over 4 units pay \$7.25 per unit and are given 1,500 more gallons per unit; and

WHEREAS, a Map, Plan and Report describing such improvements and typical costs is on file in the Kingsbury Town Clerk's Office and is available for public inspection; and

WHEREAS, pursuant to Town Law section 209-f the permission of the State Comptroller is not required for the proposed extension of the Water District since the typical cost, with a grant/loan package awarded by NYS DOT, would not exceed the threshold amount as set by the Office of the State Comptroller from time to time and it is the intention of the Town to make the establishment of the District contingent upon said assistance from the NYS DOT; and

ORDERED, that the Town Board of the Town of Kingsbury, shall meet at the Kingsbury Town Hall, 6 Michigan Street, in the Town of Kingsbury, New York, on the 20th day of September, 2021 at 7:05p.m., for the purpose of conducting a public hearing on the proposal to establish the Water District, as specified above, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to publish a copy of this order in the Post-Star and post a copy of the same on the signboard in the Town of Kingsbury, in the time and manner required by law, and it is further

ORDERED, that the Town Clerk is hereby authorized and directed to file a certified copy of this order with the State Comptroller on or about the date of the publication of the order, as required by Town Law section 209-d(2)(a).

TOWN CLERK REPORT:

In regard to the shared grant received fourteen binders with vital records dated 1999 – 2019 have been picked up by Washington County. The records will be sent to Secure Scan to be digitally imaged, and the documents will be returned to the Town in January 2022. Once the documents are received QA training will begin. Once the QA is completed, the Washington County Archives will take the paper records; they will be wrapped in acid free paper and be stored at the County Building in Archives. School taxes are going very well; masks are required for the public to enter.

ENFORCEMENT OFFICER:

Todd Humiston learned the data was lost on the software program Lotus about two months ago. He was able to recover it and is planning on meeting with Computer Express to have the data backed up; the electronic data is for Building & Codes from 1999 – early this year when an Excel program was built by

the Comptroller. Going forward Humiston will request a professional program. The Lotus program cannot be backed up, he could not put it on an external hard drive.

DOG CONTROL OFFICER:

Four dogs have been picked up this month, no one is coming forward to claim them.

COUNCIL REPORT:

Councilman Haessly conducted a study on tax assessments in Washington County which shows a lot of the Towns have not been doing their job. The good news is Washington County Real Property is re-assessing in the Towns of Dresden, Easton, Fort Edward, Jackson, Salem, and White Creek. Supervisor Hogan stated Laura Chadwick, Real Property Director received a grant for the re-assessment study. Councilman Haessly stated some of the Towns are being carried by Kingsbury and Greenwich where the assessments are accurate.

Councilwoman Havens provided an update on the Comprehensive Plan. LaBerge prepared a flier with online survey information and Kingsbury Printing printed them on short notice; the notices were enclosed with the Hudson Falls Central School taxes to the Town of Kingsbury residents. There will be two community events, open houses, where people will be able to come and go at their leisure to voice their concerns and to see how the process of updating the Comprehensive Master Plan is evolving. The first workshop will be conducted on Tuesday September 28, 2021, from 12 noon until 8 pm at the American Legion Hall. The second workshop will be conducted on Thursday October 28, 2021, at the Kingsbury Volunteer Hose Co. from noon to 8 pm. LaBerge will also prepare a paper copy of the survey for residents who request them. We could possibly copy them at Town Hall or have Kingsbury Printing do a mass copying for the Town.

To date the Town has spent \$539.56 paid to Kingsbury Printing; the first job was to re-print the 1973 Comprehensive Plan for the committee members. The second was the 4,000 fliers with the survey information. Laberge has submitted their bill for the Smart Growth Grant, the Board approved \$4,000.00 with a cap on the expenses of \$1,000.00; the bill came in as \$4,071.14.

Councilwoman Havens will make an announcement on Public Service Broadcasting to announce the upcoming workshops for the update of the Comprehensive Master Plan.

Councilwoman would like to reopen and finish the Public Hearing on the firearms law at the next Town Board Meeting. She would like to vote on it, she is voting against it and would like to re-open a new Public Hearing to rescind the law completely. This is based on the feedback received and the different scenarios where law-abiding citizens happen onto Town property, especially coming into snowmobile season. The Barnstormers take care of the trails and there are trails on Town property. There are gentlemen grooming the trails at night who have their own protection for animals. There is concern they may not be legal. She cannot support laws that make criminals out of law-abiding citizens.

Supervisor Hogan asked if it could be scheduled for the first meeting in October due to the Public Hearings already scheduled for September 20, 2021.

Attorney Meyer stated if the Board is still working on developing different versions there is no need to re-open the Public Hearing and kill. It is free to evolve into a different form, then just open the Public Hearing once you have a version that the Board likes. If the intention is to open and kill it, it is an unnecessary step.

Councilman Doyle when the Public Hearing was closed in February the Board was going to go back and make some adjustments to the proposal that Councilman Doyle had worked up. The Board was going to re-visit in February 2021 but due to Covid it was not scheduled because all Public Hearings were cancelled. No changes have been made to Councilman Doyle's proposal and he does not know if he would like to maintain his original proposal or rescind it.

Councilman Haessly requested the Public Hearing re-open at the second meeting in October because there is a possibility, he may not be able to attend the first meeting in October.

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Councilman Doyle suggested there was not much support for Councilman Haessly proposed draft, the Board could kill it right now.

Supervisor Hogan does not remember the details and would like to review Councilman Haessly's suggestions. Councilman Haessly stated re-opening the Public Hearing would give the public body to speak.

The Public Hearing for the firearms will re-open at the October 18, 2021, Town Board Meeting.

SUPERVISOR REPORT:

Supervisor Hogan had a conference call with Leanna Dillon of the Comptroller's Office on 9/1/2021. About two years ago the Village was concerned in regard to parking fine revenue not being appropriately distributed back to the Village. The Comptroller's Office finally read a letter that had been written by the late Justice Keenan from 2019 and have addressed the issue. They have concluded the Town does owe the Village some back money. At this time there is supporting documentation for \$10,275.00, but think the total will be closer to \$17, 035.00. The Town had set aside \$15,000.00 in contingency for unforeseen costs because they were concerned this would happen. It was suggested the Town reimburse the Village in a 6-to-8-month period of time; Mayor Barton would like the entire amount and Supervisor Hogan agrees they should get it.

At this time the software issue has not been corrected; Leanna Dillon will work with the Office of the Court Administration and Judge White to address this, so it does not continue to accrue.

The Town received a letter from Thomas Sullivan, this being the second time he has reached out to the Town in regard to a section of the road on Route 4 down in the dip after Waite Road. It is a very rough section of the road. Mr. Sullivan has also sent a letter to the NYS DOT Engineers, Highway Superintendent Michael Graham, Washington County Board Chairman Sam Hall, and Highway Superintendent Jim Hogan and to all the residents of Kingsbury. Supervisor Hogan had suggested he contact Carrie Woerner and Betty Little.

Supervisor Hogan stated the road is terrible and the Town has no legal ability to pave the road.

At this time the NYS DOT is working on the northern portion of the road; paving is scheduled for next year on the southern section of the road.

Water Superintendent James Chase suggested the next meeting scheduled for September 20, 2021, be conducted in a different location due to the crowd expected for the two Public Hearings. Supervisor Hogan asked Enforcement Officer Humiston to contact the Kingsbury Volunteer Fire Co. to see if it is available.

There being no public comment a **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into an executive session at 7:47 pm to discuss two personal matters and a legal matter before the Board. Supervisor Hogan asked Enforcement Officer Todd and Water Superintendent James Chase to attend the executive session.

The Board exited the executive session at 9:05 pm, no action was taken, and the meeting was adjourned.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<https://www.kingsburyny.gov>