

The first regular meeting of the Kingsbury Town Board was conducted on October 1, 2018 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT:	Dana Hogan, Supervisor Richard Doyle, Councilman Henry Freebern, Councilman William Haessly, Councilman
ABSENT:	Dan Washburn, Councilman
OTHERS PRESENT:	Michael Graham, Highway Superintendent Todd Humiston, Dog Control Officer Mary Ordway, Town Comptroller Jeffrey Meyer, Town Attorney Jerry Caruso, Town Resident Tammy & Steve Chase, Town Residents

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 Washburn.

The minutes of the September 17, 2018 Town Board Meeting will be reviewed at the next Board Meeting.

A **motion** by Councilman Freebern seconded by Councilman Haessly and carried by a vote of 5 ayes to accept the dedication of a new portion of Quarry Circle from the Quarry, LLC. (Resolution attached)

Comptroller Mary Ordway reported the Town of Kingsbury has been paying bills for the Dean Road Pump Station, the Kings Way Pump Station and the Burgoyne Avenue Pump Station for many years, but does not receive the revenue from the fees. The bills are from out of district Washington County Sewer District users who are also paying ad valorem fees to the WCSD; Comptroller Ordway believes the sewer district should be responsible for paying the bills. Comptroller Ordway would like to hire outside counsel to address and resolve this issue due to a conflict of interest; Meyer Fuller PLLC represent the Town and the Washington County Sewer District. The Board had no objection to Comptroller Ordway's request; but after discussion the Board agreed that Supervisor Hogan could write a letter to Joseph Brilling, Executive Director of the Washington County Sewer District on the behalf of the Town Board of Kingsbury requesting a transfer of the bills to the WCSD based on the fact that they are receiving revenue from the Kingsbury users.

Supervisor Hogan distributed a copy of the Association of Municipal Historians of NYS Cemeteries listing names and locations of cemeteries. Recently a resident called Supervisor Hogan asking if the Vaughn Cemetery could be cleaned up. The cemetery is located on the east side of Farley Road, just off Bentley Road. The cemetery is a family cemetery, has less than 10 burials and is not active at this time. Attorney Meyer stated there are a fair amount of laws that govern the use of cemeteries and the fact that the cemetery is noted as a family cemetery is significant. The Town is technically responsible only for public cemeteries and family cemeteries can be and often are outside of that; but once the Town agrees and claim it as a public cemetery the Town is responsible to mow two to three times a year and maintain it forever. The Board will schedule a time to view the Vaughn Cemetery.

Supervisor Hogan reported the Hudson Falls School District will take over the administration of the Kingsbury Recreation Commission; there will be a meeting with the school district and the Village of Hudson Falls to negotiate a new inter-municipal agreement to take over the mowing of Derby Park.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes to accept the reports of certain officer for the month of September as follows:

Dog Control Officer: Complaints/Calls 41; Unlicensed Dogs 8; Seizures 6; Bites Investigated 2;
Mileage 142 with 123 charged to Fort Edward & 142 charged to Fort Ann
For August– Town Justice; Fees Collected: \$16,083.50

TOWN CLERK REPORT:

Town Clerk reported the office had been busy with accepting the 2018-19 Hudson Falls Central School District tax payments.

COMPTROLLER REPORT:

Mary Ordway reported she had filed the 2019 Tentative Budget with the Town Clerk and would like to set a public hearing. A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes to set a public hearing for the 2019 Fire District Contract and the 2019 Preliminary Town of Kingsbury Budget on October 15, 2018.

Mary Ordway is seeking approval to re-levy the unpaid water bills as of November 20, 2018 and re-levy a Washington County Sewer District bill to the 2019 County/Town Tax Bill. A **motion** by Councilman Freebern seconded by Councilman Haessly and carried by a vote of 5 ayes approving the re-levy of unpaid water bills as of November 20, 2018 and an unpaid Washington County Sewer bill to the 2019 County/Town tax bill.

DOG CONTROL OFFICER REPORT:

Todd Humiston reported he cannot intervene in picking up a dog in a car with his owner, if the owner is arrested and the dog is licensed. The owner has not violated Article 7 of the Ag & Markets and he does not have the authority to take the dog. Todd Humiston recommends we add to the proposed Local Law that he be allowed to pick up the dog.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported the Washington County Sewer District reached out to him about assisting with a hook-up for a new service in the Industrial Park; the WCSD does not have a backhoe or any equipment. There are issues with a manhole and they would like the Town to assist with the repair which will take about one day. Superintendent Graham stated the Sewer District has helped him on occasion and would like to return the favor. After discussion the Board has no objection. Graham reported 19.09 miles will be mowed @ \$269.50 per mile for a total of \$5,144.76 to be paid to the Town from Washington County.

SUPERVISOR REPORT:

Supervisor Hogan provided copies of a proposed change to the Kingsbury Zoning Map.

County Budget Meetings are underway and the budget is under the tax cap.

The grant application for the Justice Court Assistance Program is complete and has been submitted for funding for a proposed parking lot for the Town Court.

Supervisor Hogan attended a Homeless & Transitional Housing Meeting on September 18, 2018.

COUNCILMAN REPORT:

Councilman Freebern stated there is a clothing box on State Route 4 (formerly Manley's Restaurant) which is an eyesore due to the dumping of box springs, mattresses, etc. and wondered what the Town could do about it. Councilman Haessly suggested Code Enforcement check into the problem. Supervisor Hogan will contact Code Enforcement Officer Ross Cortese. Councilman Doyle reported NYSERDA would like to do a presentation on solar energy. Councilman Doyle will contact NYSERDA to schedule the presentation at a November Board Meeting

PUBLIC COMMENT:

Supervisor Hogan recused himself at 7:55 PM.

Steve and Tammy Chase were present to check on the status of 143 Vaughn Road owned by Ken Collette. Attorney Meyer stated a letter was sent to Mr. Collette's attorney addressing the violations of the special use permit and modifications that had occurred on 143 Vaughn Road. The letter indicated Mr. Collette must replant the buffer zone by September 30, 2018 and needed to apply for an amendment to his special use permit on or before August 3, 2018. The Chase's reported the trees had not been replanted, there was debris from the trees previously cut, other debris from other locations had been dumped there, piles of dirt, trees, shrubs and logs. Mr. Collette has not applied for an amendment to his special use permit. A discussion followed with the Chase's, the Board and Attorney Meyer. Attorney Meyer will contact Mr. Collette's attorney tomorrow requesting information by Wednesday. Mr. Collette could be issued an appearance ticket for violating provisions of the special use permit.

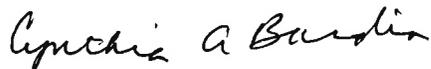
A **motion** by Councilman Freebern seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into executive session at 8:10 pm to discuss the appointment of a certain person.

A **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session at 8:37 pm.

A **motion** by Councilman Washburn seconded by Councilman Freebern and carried by a vote of 4 ayes to re-appoint Michelle Wood for a 5 year term to the Board of Assessment Review Board from 10/1/18 to 9/30/23.

There being no further business before the Board a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:38 P.M.

Respectfully submitted,



Cynthia A. Bardin, Town Clerk

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

Resolution No. 6 of 2018
Adopted October 1, 2018

Introduced by Councilman Freebern
who moved its adoption.

Seconded by Councilman Haessly

**RESOLUTION ACCEPTING DEDICATION OF
NEW PORTION OF TOWN HIGHWAY
QUARRY CIRCLE FROM THE QUARRY, LLC**

WHEREAS, The Quarry, LLC, a New York Limited Liability Company with its principal place of business at 116 Oak Street, Village of Hudson Falls, Washington County, New York, has offered to dedicate a certain road named Quarry Circle in the Town of Kingsbury (hereinafter the "Town) to the Town for the use and enjoyment of the public and the residents of the Town as a town highway, which parcel is described in a deed, a copy of which is attached hereto; and

WHEREAS, the Town Superintendent of Highway and Water has inspected said road and the utilities contained thereunder and has recommended the acceptance thereof; and

WHEREAS, the road is not yet completed, and The Quarry, LLC has proposed a Letter of Credit in the sum of \$18,500 to cover the cost of completing the road and related improvements, and the Town Highway Superintendent has confirmed that said sum will reasonably cover the costs of said improvements; and

WHEREAS, the due to the issues presented when the infrastructure was originally installed The Quarry, LLC and William L. Nikas, individually, has agreed to personally guaranty that it is and will remain free from defects for no less than two years; and

WHEREAS, the estimate and deposit provided by The Quarry, LLC, shall not be construed to be a limit of any and all costs to complete said road, it being the intention of the parties that The Quarry, LLC shall complete the construction of said road and improvements and after the Town Highway Superintendent verifies the completion of same, the Town will release the deposit; and

WHEREAS, the form of the deed and title to the road offered for dedication herein has been reviewed and approved by Town Counsel, Meyer & Fuller, PLLC; and

WHEREAS, the dedication of the road by The Quarry, LLC has been approved by resolution of the sole member of said LLC.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE

TOWN OF KINGSBURY THAT the Town hereby accepts and approve the deed for the dedication of Quarry Circle to the public and the conveyance thereof to the Town of Kingsbury; and

BE IT RESOLVED that the Town Supervisor is hereby authorized and approved to execute, sign and affix the Town seal to any and all documents necessary to complete the transaction; and

BE IT RESOLVED that The Quarry, LLC shall enter into an agreement in a form and content acceptable to Town Counsel and shall submit a Letter of Credit the sum of \$18,500 prior to the execution of the deed and related documents by the Town Supervisor; and

BE IT RESOLVED that The Quarry, LLC and William L. Nikas, Individually, shall enter into an agreement in a form and content acceptable to Town Counsel for the ongoing maintenance and the personal guaranty that the infrastructure will be free of defects for no less than two years; and

BE IT RESOLVED that upon the execution of all documents, The Quarry, LLC is authorized and directed to record the deed in the Washington County Clerk's office, with a copy of any and all documentation to be provided to the Town Clerk; and

BE IT RESOLVED that the Town Clerk is directed to add the road to the official inventory of Town Highways as follows:

Name of Road/Highway: Quarry Circle
Location: Off Dean Road, Town of Kingsbury
Description: As per attached deed

and be it

FURTHER RESOLVED that this resolution shall take effect immediately.