

A special meeting to review the Tentative Budget and the first regular meeting of the Kingsbury Town Board was conducted on October 7, 2019 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
Dan Washburn, Councilman

OTHERS PRESENT: Michael Graham, Highway Superintendent
Todd Humiston, Enforcement & Dog Control Officer
Rebecca Pomainville, Town Comptroller
Jane Havens, Jerry Caruso, Jeffrey Zappieri, Ken Spaulding,
Amanda Landsman & Les Macura, Town Residents

The special meeting was called to order at 6 p.m. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilman Haessly.

Comptroller Rebecca Pomainville presented the 2020 Tentative Budget to the Board and copies were available to any interested party. Included was a message with a timeline of important dates for the notice of the public hearing on the Preliminary Budget to be published 5 days prior to scheduled hearing, Preliminary Budget deadline of November 7, 2019 and adoption of the budget by November 20, 2019. Also included in the message were anticipated expenditures and revenues. Supervisor Hogan suggested the Board review the Tentative Budget and if necessary, schedule a Budget Workshop or meet with the Comptroller individually and move forward.

Councilman Doyle referred to the salary schedule which indicated an increase for the Councilman position. He stated the salary has remained flat for the last 10 years and would like it to remain flat. Councilman Haessly felt the increase would attract more candidates and should be comparable to the challenges they face as a Board member. Councilman Doyle stated we should plan on looking at all the salaries for employees in the Town in 2020 by doing a comparison of the salaries of employees in neighboring towns.

Jane Havens, a candidate for a Council position stated she would not expect an increase and did not consider running for Town Board to enhance her income she intends to serve; if she were elected, she would not support the 2% increase.

Jeffrey Zappieri, a candidate for a Council position stated he agreed with Jane Havens, but he understands Councilman Haessly's opinion on an increase of the salary for a Council position; it may encourage younger candidates.

John Aiken of the Kingsbury Volunteer Fire Company expressed his concerns with the proposed Fire Protection District Contract for 2020. He questioned why they had not received a 2% increase in previous years and expressed they would receive more this year if the 2% increase was given every year. A discussion followed. Supervisor Hogan stated the budget is still a work in progress and their concerns will be addressed.

The special meeting was adjourned at 6:22; the regular meeting will follow at 7 pm.

The regular meeting was called to order by Supervisor Hogan at 7 pm and opened for the order of business with the Flag Salute led by Councilman Haessly.

The minutes of the August 19 and September 16, 2019 Town Board Meeting were accepted as submitted by the Town Clerk on a **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes.

Supervisor received a letter from Michelle Wood to inform the Board of her decision to resign from her positions with the Board of Assessment Review and the Zoning Board of Appeals. A discussion followed about advertising for the Board of Assessment Review. An ad will be created and posted on the Town website, Twitter and Indeed.

Supervisor Hogan reported there is a requirement for a Home Rule to permit consideration to consolidate Town and County Sewer Districts. On October 1, 2019 a resolution was passed by Washington County to engage in consolidation discussions with the Town of Kingsbury. Town Attorney Jeffrey Meyer has reviewed the following and was accepted by the Town of Kingsbury Town Board as follows:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF KINGSBURY

RESOLUTION 5 OF 2019

Adopted: October 7th

INTRODUCED BY: Councilman Washburn

SECONDED BY: Councilman Freebern

RESOLUTION REQUESTING HOME RULE LEGISLATION PURSUANT TO ARTICLE IX OF THE NEW YORK STATE CONSTITUTION AND MUNICIPAL HOME RULE LAW §40 TO PERMIT THE CONSOLIDATION OF ANY TOWN SEWER DISTRICT IN WASHINGTON COUNTY WITH ANY COUNTY SEWER DISTRICT IN WASHINGTON COUNTY

WHEREAS, the TOWN OF KINGSBURY previously established four town sewer districts (the "Town Districts"); and

WHEREAS, the County of Washington has established county special improvement sewer districts (the "County Districts") and the Town Districts are contiguous, physically or by collection system piping, to the County Districts; and

WHEREAS, the County Districts possess the expertise, staffing and equipment to oversee and operate sewer treatment and collection related infrastructure; and

WHEREAS, the Town of Kingsbury and Commissioners of the County Districts have explored potential consolidation of the Town Districts with the County Districts, only to find that General Municipal Law Article 17-a, which permits consolidation and dissolution of local government entities, at General Municipal Law §750[13], does not permit “special purpose districts created by counties under county law” to be included as a “local government entity” that is subject to consolidation under said Article 17-a of the General Municipal Law; and

WHEREAS, such consolidation could result in savings to taxpayers and ratepayers in such districts by including all sewer related laws, rules, regulations, maintenance, repair, upkeep, billing, improvements, projects, debt and other district related operations under one entity, versus through unrelated town and county entities; and

WHEREAS, the Town Board, along with the Washington County Board of Supervisors, wishes to apply to the New York State Legislature for Home Rule Legislation pursuant to Article IX of the New York State Constitution and §40 of the Municipal Home Rule Law to permit the County Board of Supervisors on behalf of the County Districts to engage in the consolidation activities set forth in said Article 17-a of the General Municipal Law to consolidate any County sewer district with any town sewer district that may be contiguous to any County District.

NOW THEREFORE BE IT:

RESOLVED, that the Town Board hereby finds that the exploration of and consideration of consolidation activities under General Municipal Law Article 17-a to be in the best interests of the taxpayers of Washington County; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to complete or cause to be completed a Home Rule Request of the New York State Legislature for the purpose of seeking Home Rule legislation that would amend Article 17-a of the General Municipal Law of the State of New York to permit the Washington County Board of Supervisors, on behalf of the County Districts, to engage in the consolidation activities set forth in said Article 17-a of the General Municipal Law, and in particular, legislative relief under General Municipal Law §750[13] to permit the inclusion therein of “special purpose districts created by Washington County under county law” to

be included as a “local government entity” and such other and further legislative amendments as may be deemed necessary by the New York State Legislature to carry out the request contained herein; and be it further

RESOLVED, that the Town Supervisor is authorized to execute such Home Rule Request forms on behalf of the Town of Kingsbury and as may be required by the New York State Assembly and New York State Senate; and be it further

RESOLVED, that this resolution shall not obligate the Town of Kingsbury to consolidate any such districts discussed herein, but rather shall permit the Town of Kingsbury to engage in such consolidation activities as set forth in said Article 17-a of the General Municipal Law; and be it further

RESOLVED, that this resolution is an action under the State Environmental Quality Review Act, and that the Town Board deems same a “Type II” Action pursuant to 6 NYCRR §617.5(c)(26) as routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment; and be it further

RESOLVED, that this resolution shall take effect immediately.

TOWN CLERK REPORT:

The office has been busy with the 2019-20 Hudson Falls Central School Tax Collection. Town Clerk reported her Deputy Sylvia Weaver will be retiring; no definite date has been set.

ENFORCEMENT OFFICER:

Todd Humiston reported his training was complete.

HIGHWAY SUPERINTENDENT:

Michael Graham reported the Schermerhorn project was complete near Ginny Rae’s. There had been a problem with flooding for Kingswood Village residents after a heavy rain storm.

They are preparing for winter.

Graham reached out to Fort Ann Highway Superintendent Paul Winchell in regard to seeking a reduction in the speed limit on Tripoli Road. A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes for the Town to request a reduction in the speed limit on Tripoli Road.

COUNCILMAN REPORT:

Councilman Haessly reported he and Councilman Washburn have been working with Chazen Company on the proposed expansion of the sewer district. Councilman Washburn reported they will soon meet with Chazen, the mapping is almost complete. It may be necessary for the Town to contract sewer inspection with a video camera which is not included in the \$5,000.00 fee already paid to Chazen. Comptroller Rebecca Pomainville has budgeted in 2020 for projects related to the sewer expansion.

Councilman Freebern commented on the mowing of the Town roads and what a great job is done by the Highway Department.

SUPERVISOR REPORT:

There will be a Town Hall conducted at the Kingsbury Volunteer Fire Company with Congresswoman Elise Stefanik on October 11, 2019 from 3 pm to 4 pm.

The County Budget process is taking place; the process will be difficult with the Bail, Discovery & Speedy Reform, a mandate passed with no funding.

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

Dog Control Officer: Complaints/Calls 18; Seizures 1; Unlicensed Dogs 6; Summons Issued 0;
Mileage 330 (42,130)

Town Clerk: Paid to EnCon \$4,192.26; Paid to Supervisor \$2,683.25; Paid to NYS Dept.
of Health \$157.50; Paid to the Village of Hudson Falls \$100.00; Paid to Ag & Markets for Population
Control \$170.00

Town Comptroller: Receipts \$58,438.90; Disbursements \$109,000.00
For August – Town Justice; Fees Collected: \$22,507.00

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 4 ayes to enter into an executive session at 7:17 pm to discuss a legal matter related to the Town of Kingsbury. Enforcement Officer Todd Humiston and the Town Clerk were invited to attend the session. Supervisor Hogan recused himself from the executive session.

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session at 7:45 pm.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Washburn and carried by a vote of 5 ayes to adjourn the meeting at 7:45 P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk