

October 18, 2021 Town Board Meeting Minutes

The second regular meeting of the Kingsbury Town Board was conducted on October 18, 2021, at 6 Michigan Street, Hudson Falls, NY.

MEMBERS PRESENT

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

OTHERS PRESENT

Jeffrey Meyer, Town Attorney  
Michael Graham, Highway Superintendent  
Rebecca Pomainville, Comptroller  
Todd Humiston, Enforcement & Dog Control Officer  
Dave Perkins, Barnstormers Snowmobile Club  
Les Macura, Planning Board  
Janet Curley

The meeting was called to order at 6:30 p.m. by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilman Doyle.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the minutes of the September 20, 2021, as submitted by the Town Clerk.

Dave Perkins, the President of the Barnstormers Snowmobile Club, addressed the Board with a request to utilize property owned by National Grid located in the Town of Kingsbury. National Grid will not grant a License to the snowmobile club without written confirmation from the Town. With attorney approval a **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes for Supervisor Hogan to sign the Barnstormers Administrative Agreement.:

Club Name/Address Kingsbury Barnstormers Snowmobile Club POB 121 Hudson Falls, NY 12839
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0:    \_Town of Kingsbury\_\_\_\_\_

**Re:** Proposed Snowmobile Trail  
Townof Kingsbury

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Dear Municipal Official:

On behalf of the Barnstormers Snowmobile Club we are writing to inform the Town of Kingsbury

of our desire to utilize a strip of land owned by Niagara Mohawk Power Corporation, d/b/a National Grid, which runs through the Town of Kingsbury for the purpose of a snowmobile trail (see map enclosed). Our club has been in contact with Niagara \_\_\_\_\_ Mohawk concerning this possibility and they have expressed their willingness to consider our request. If approved, Niagara Mohawk will be granting a License to our club to authorize the use of their property for this purpose. It should be understood that this will be for winter use only by snowmobiles (no ATV's or wheeled vehicles will be allowed at any time). Our club will also be responsible for addressing any concerns that may arise from this use and provide insurance on this trail.

Prior to granting any such authorization, Niagara Mohawk has asked for confirmation that the municipalities through which our proposed trail will operate upon Niagara Mohawk's land have no objections. Therefore, we hereby respectfully request that the appropriate municipal official indicates that your municipality does not object to having our trail on Niagara Mohawk property by affixing his/her signature where indicated below, or in lieu please provide alternative written documentation that we can present to Niagara Mohawk as evidence of such municipal lack of objection. It should be noted that Niagara Mohawk will not grant said License without written confirmation of the municipality's lack of objection.

Any correspondence, questions or concerns regarding this request should be directed to:  
David Perkins, President

Sincerely,

Dave Perkins

(Club President) \_\_\_\_\_

\_\_\_\_\_  
Date

We hereby consent to the above request.

D. Perkins  
(Municipal Official)

10/18/21  
Date

Town of Kingsbury, NY  
(City/Town/Village) (Municipality)

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Supervisor Hogan reported the Board conducted a Budget Workshop on October 12, 2021 and changes were made. The Comptroller reported revenue was moved from Highway Part-Town allocated to General Fund Whole-Town to offset the use of fund balance from General Fund Whole Town instead we are going to use fund balance from Highway Part Town. The movements made were \$30,000.00 in sales tax revenue from Highway Part Town to General Fund Whole Town. Additional CHIPS revenue was allocated which were anticipated for two different programs, PAVE NY \$36,680.00 and Emergency Weather Recovery \$29,980.00. This money traditionally is not budgeted for revenue because it isn't guaranteed year after year. \$28,000.00 was allocated of the ARPA Covid Relief funds for a server and IT upgrades that are anticipated. \$20,000.00 is allocated for anticipated judgement and claims expense for court fines due to the Village. It is anticipated that \$209,470.00 of the fund balance from the Highway Part Town reserve be used to maintain staying within the tax cap.

Councilwoman Havens asked if the department heads provided details for their requests. Supervisor Hogan explained Enforcement Officer Humiston provided information on the software he was asking for. The IT request is not specific but based on a previous quote received from ADK. The discussion continued. The Comptroller explained the details on the budget were specific requests or things that she knows are annual expenses. Councilwoman Havens asked why the unexpended balance is listed as a revenue. Councilman Doyle stated they are utilizing the unexpended balance to cover the shortage and balance out the revenues and appropriations.

Councilwoman Havens asked why some specific names were listed in the budget but not others. The Comptroller explained she is typing in many lines of information and puts in what she has and printing the details was something she had not done in the past and in the adopted budget it does not.

Supervisor Hogan suggested in the future make the changes and identify the employee position to be consistent.

Councilman Haessly questioned the amount of \$75,000.00 in franchise fees. The Comptroller stated it is an average of 3 years. Councilman Haessly asked Attorney Meyer if he had heard anything about the contract with Spectrum. Attorney Meyer has not heard anything but will follow up.

Councilman Haessly stated the contract should increase the revenue for the Town from \$75,000.00 to \$150,000.00; Councilman Washburn added this will be a one-time increase.

Supervisor Hogan explained the situation with the Office of the Courts and the Village in regard to the Town owing parking fines to the Village since the Village Court was dissolved in 2016. Supervisor Hogan was told the Town owes the Village approximately \$15,000.00 but has received no documentation to back this up. The discussion continued. The Town has increased the fund for anticipated Village Court Fines Settlement to \$20,000.00.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept the 2022 Preliminary Budget. A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to schedule a Public Hearing on November 1, 2021 for the 2022 Fire Protection Contract and the 2022 Preliminary Budget.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to accept budget transfers for the month of October. (Document attached)

Superintendent of Highways Michael Graham stated at the Budget Workshop it was decided to eliminate the part-time position and hire another full-time position at this time there are 1 ½ positions open. The position will be posted on the Indeed website. The pay rate for the position will be \$15.50 per hour, \$16.00 if they have a CDL with a 6-month probation and 6 months to get their CDL license if they do not have one.

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LEGAL UPDATE: The Comptroller had asked him a question about easements we need to secure; easements across through the water line of the property owners; he will work with an engineer on that.

TOWN CLERK REPORT: Supervisor Report for the school tax collection:

TO: Supervisor Hogan  
Councilman: Doyle, Haessly, Washburn &  
Councilwoman Havens

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2021-22 Hudson Falls School Tax Collection

DATE: October 18, 2021

Payments to Town•	Penalties Collected	\$881.50
	Return Check Fee Collected:	\$20.00
	Total:	\$901.50

Total Payments to Hudson Falls School: \$10,212,196.33

The Town Clerk is receiving calls in regard to the transfer station on State Route 196 not being open. Councilman Doyle stated the operating hours have changed; Supervisor Hogan will stop at the transfer station for information on their hours of operation. There were no bids received for propane for the Highway Department. Comptroller Pomainville stated the Town could purchase off the state contract, we could go out to quote for every order or put it out to bid.

**HIGHWAY SUPERINTENDENT REPORT:**

Michael Graham reported GPI is compiling data from Buffalo, NY to the Albany region and to the north on the bike trail to determine the ownership and maintenance responsibilities. The Town has a tricky situation because the road is owned by the Canal Corporation but maintained by the Town of Kingsbury. They will do a GIS map from Crowley Road to New Swamp Road to where the trail lines on the road where it ducks off along the canal; this is what is maintained by the Town and owned by the Canal Corp. Supervisor Hogan asked if the Town paved the road could they bill the Canal Corp. Superintendent Graham stated it may be paved in the future. Because it is a dirt road there is no speed limit and it is technically 55mph and is also a bike trail. Reed Schultze, DOT Traffic Engineer, stated because it is a dirt road and if the conditions change, they will not give a posted speed limit and until the road is black topped there will be a 55 mph speed limit.

COUNCILMAN REPORT: Councilwoman Havens reminded the Board of the joint meeting with the Town Board, the Planning and Zoning Boards and the Comprehensive Committee to be conducted October 20, 2021, at 7 pm at the Kingsbury Volunteer Hose Co. The meeting will be conducted by Nicole Allen of Laberge.

Supervisor Hogan asked how many surveys had been completed. Councilwoman Havens responded 116 surveys completed on Survey Monkey and, 25 to 30 paper surveys turned into the Town Clerk. Lorraine Forcier handed out 49 in her neighborhood and 30 were handed out by Karen LaRose at the chicken

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barbeque. Nicole Allen of Laberge would be happy to see 240 completed surveys. The discussion continued. The Comptroller will include information about the survey on upcoming water bills. Town Clerk introduced Janet Curley who has been very enthusiastic about the Master Comprehensive Plan for the Town.

**SUPERVISOR REPORT:**

Supervisor Hogan cancelled the Budget Workshop scheduled for October 19<sup>th</sup>.

**WRITTEN REPORTS:**

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

Dog Control Officer: Seizures 5; Unlicensed Dogs 4; Dangerous Dogs 1; Written Warnings 2; Mileage 249 (51,105)

Town Clerk: Paid to EnCon \$9,274.70; Paid to Supervisor \$6,269.28; Paid to the Village of Hudson Falls \$120.00; Paid to Ag & Markets for Population Control \$122.00

Town Comptroller: Receipts \$338,904.49; Disbursements \$140,229.79

Town Clerk asked the Comptroller who had attended a webinar about online water bill payments if there was a current status. The Comptroller has not had a chance to follow up and will not have time until spring due to the Budget preparation and year-end. The Town Clerk suggested if the service were available, it may give time for the Deputy Clerk to assist in the Planning/Zoning Board meetings. The Comptroller stated there were fees involved that could possibly be passed on to the customers. The Town Clerk would like to follow up.

There being no further business before the Board **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 7:31 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk