

The second regular meeting of the Kingsbury Town Board was held on November 21, 2016 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

**MEMBERS PRESENT:** Dana Hogan, Supervisor  
Paul Bromley, Councilman  
Richard Doyle, Councilman  
Henry Freebern, Councilman

**ABSENT:** William Collins, Councilman

OTHERS PRESENT: Todd Humiston, Dog Control Officer  
Jeffrey Meyer, Town Attorney  
Mary Ordway, Comptroller  
Jolene & Jerry Caruso

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 Bromley.

The minutes of the November 7th & 14<sup>th</sup> Board Meeting were accepted with a **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 4 ayes.

Supervisor Hogan reported the sale of the former Dix Avenue Drive-In had closed on Tuesday November 15, 2016; thanks to the efforts of Attorney Meyer and Water Superintendent James Chase. The Town has received two checks with the sum of \$575,000.00, less broker's commission and transfer tax. As a result of receiving those funds in 2016 the Town must apply the proceeds of the sale to the 2017 Town Tax Levy due to a Court Order from Judge Clark in October 2013. Attorney Meyer stated the Board must rescind the resolution adopting the 2017 Budget at a meeting held on November 14, 2016. With the sale of the Dix Avenue Drive-In, the budget must be amended. A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 4 ayes to rescind the resolution to adopt the 2017 Budget.

Comptroller Mary Ordway reported with the proceeds of the sale the Tax Levy needs to be reduced by \$378,820.00; when you reduce the General Fund Whole Town Budget by this amount the levy for whole Town becomes \$430,345.00. This will reduce the tax levy from \$1.22 per thousand to \$.65 which equals a 45.83% decrease compared to the tax levy last year. A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 4 ayes to amend and adopt the 2017 Budget with a tax levy of \$1,467,910.00.

Supervisor Hogan and Attorney Meyer will work together to determine what verbiage will be printed on the 2017 County/Town tax bill to notify taxpayers of the reduction in the Town Tax for 2017.

Supervisor Hogan requested a moment of silence in memory of Paul Loding, the former Town Historian who had passed away on November 10, 2016.

**STATE OF NEW YORK, COUNTY OF WASHINGTON  
TOWN OF KINGSBURY  
RESOLUTION 6 OF 2016**

**Introduced by Supervisor Hogan who moved its adoption  
Seconded unanimously by Councilman Bromley, Councilman Collins,  
Councilman Doyle and Councilman Freebern.**

## RESOLUTION OF SORROW

WHEREAS, OUR FRIEND, Paul R. Loding, was removed from our midst on November 10, 2016; and

WHEREAS, Paul served the Town well as Town Historian from January 1, 1990 until his resignation on April 30, 2016; and

WHEREAS, Paul served our community as a member of the Kingsbury Volunteer Hose Company No. 1 and the Hudson Falls Volunteer Fire Company; and

WHEREAS, Paul was the author of Images of America Kingsbury and Hudson Falls and was writing a book with past and present photos of locations in the Town and Village; and

WHEREAS, Paul enjoyed being a re-enactor in the British Army as Lieutenant Colonel of the 53<sup>rd</sup> Regiment of Foot; and

NOW, THEREFORE, BE IT RESOLVED that our sincerest sympathy is extended to his family and friends in their hour of sorrow remembering that:

May joy and peace surround you  
Contentment latch your door,  
And happiness be with you now,  
And bless you evermore.

*An Irish Blessing*

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of our meeting.

Dated: November 21, 2016

By Order of the Kingsbury Town Board

Cynthia A. Bardin, Kingsbury Town Clerk

Supervisor Hogan reported the Town has received a grant for improvement of the water system. Earlier this year Water Superintendent James Chase showed Supervisor Hogan some of the things that could be upgraded in the water system in the next several years. James Chase worked closely with Village DPW Michael Firillo who assisted with the development of this grant To better prepare ourselves for the future a couple of things came up; water connectors and two fire hydrants at Manlee and Blenor Avenue. James Chase and Mike Fiorillo discussed three water connectors; one at Feeder Street, one at Myrtle Avenue and one at North Street. The water connectors are approximately \$7,500.00 each and need to be put in place to help improve the water flow to and from the village and Kingsbury in the event of an emergency. They would also like to improve the fire protection zones which included the two fire hydrants in the Blenor and Manlee Avenue area which we will be connecting into shortly after Schermerhorn does his connection with the new Senior Center. In applying for the grant, money was

requested to update eighty-two storz fittings on fire hydrants in the Town of Kingsbury. The Volunteer Hose Company decided the upgrade would allow them to attach to the fire hydrants quicker, making the fire protection better. Supervisor Hogan, with help from Betty Little, wrote a grant for \$65,000.00 to the Dormitory Authority. Supervisor Hogan stated if the Board is comfortable with accepting the grant, James Chase will start getting estimates for the work. Attorney Meyer commented the Board needs to add another authorized agent. Supervisor Hogan would like Mary Ordway to be the administrator of the grant.

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

Resolution No. 7 of 2016  
Adopted November 21, 2016

Introduced by Councilman Freebern  
Who moved its adoption

Seconded by Councilman Doyle

**RESOLUTION FOR APPOINTMENT OF AUTHORIZED OFFICERS FOR  
SIGNATURE OF GRANTEE CERTIFICATION AND GRANT DOCUMENTATION  
FOR TOWN OF KINGSBURY'S GRANT PROJECT #8262 THROUGH THE NEW  
YORK STATE DORMITORY AUTHORITY STATE AND MUNICIPAL FACILITIES  
PROGRAM ("SAM") FOR IMPROVEMENTS TO THE TOWN'S WATER SYSTEM**

**WHEREAS**, on or about October 21, 2016, the Town of Kingsbury ( hereinafter "Town") Was awarded a State and Municipal Facilities Program ("SAM") through the New York State Dormitory Authority ("Grant Administrator") in the amount of \$65,000.00 ("Grant Funds") to be Used for the improvements to the water system: and

**WHEREAS**, certain laws prohibit the use of public Grant Funds to finance religious programs or programs that may favor one religion over another and the Dormitory Authority of The State of New York; and

**WHEREAS**, the Grant Funds may only be used for certain community improvement Purposes as set forth in the enabling legislation and may not be used to finance a program or Project that will in any way promote or facilitate religious worship, instruction or proselytizing; And

**WHEREAS**, the Grant Coordinator requires that the Town have two appointed Authorized Officers for this SAM Grant on behalf of the Town who have the authority to enter in To the Grantee Certification and any and all SAM Grant required documentation.

**NOW, THEREFORE BE IT**

**RESOLVED**, the Town Board hereby appoints Supervisor, Dana Hogan and Comptroller, Mary Ordway as authorized agents for the Town of Kingsbury's application, documentation and certifications relative to the SAM Grant and all Required paperwork required by the Grant Coordinator; and be it further

**RESOLVED**, that this resolution shall take effect immediately.

**LEGAL UPDATE FROM ATTORNEY MEYER:**

Attorney Meyer reported the proposed Local Law for Nuisance Properties and the Noise Ordinance will be discussed at the next Board meeting.

The Board will need a Draft RFQ in December for grant writers.

The Board would like to discuss the Article 7 in the matter of Wayne Hurd and Paul Hurd against Colleen Adamec, Assessor and the Town of Kingsbury in an executive session.

Attorney Meyer reported there are pending Article 7's which are Court Conference scheduled in December; there will be an update next month.

The Town Clerk submitted a report to the Board for penalties collected for the Hudson Falls Central School Tax Collection:

TO:	Supervisor Hogan Councilman: Bromley, Collins, Doyle & Freebern
FROM:	Tax Collector: Cynthia A. Bardin
SUBJECT:	2016 – 2017 Hudson Falls Central School Tax
DATE:	November 8, 2016
November 8, 2016 – Paid to Supervisor	\$6,851.66 – Penalties Collected Oct. 14 – Oct. 31, 2016
	\$39.61 – Bank Interest for October
	\$6,891.27 – Total to Supervisor

Total Penalties Collected \$7,040.27 for 2016 – 2017 HFCS Taxes

The Town Clerk also submitted a report for expenses during the Hudson Falls Central School District School Tax Collection:

**2016 SCHOOL TAX COLLECTION EXPENSES**

**DEPUTIES:**

FRAN LEWIS

LINDA BOWE

HOURS WORKED: 184.5

HOURS WORKED: 224.5

HOURLY WAGE: \$13.16

HOURLY WAGE: 13.16

TOTAL SALARY: \$2,428.02

TOTAL SALARY: \$2,954.42

TOTAL SALARIES PAID: \$5,382.44

PENALTIES COLLECTED: \$7,040.27

BANK INTEREST: \$80.20

RETURN CHECK FEE: \$20.00

TOTAL: \$7,140.47

AMOUNT TO TOWN AFTER DEPUTY PAY: \$1,758.03

A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes giving permission to Comptroller Mary Ordway to re-levy the delinquent water bills to the 2017 County/Town tax bill.

Dog Control Officer Todd Humiston is currently working on the overdue dog licenses for July and August. There were 200 delinquent renewals; Humiston has about 75 left to check.

Councilman Freebern stated he is concerned about a turn on Casey Road being muddy and slippery. Jerry Caruso a resident of Casey Road reported in the past year or so the water has changed; it is now coming on his side of the road. In the winter time at times there is black ice on the road at the curve. Supervisor Hogan will ask Highway Superintendent Michael Graham to check the area.

Supervisor Hogan reported on December 8, 2016 there is a meeting with the Hudson Falls High School District to discuss if there are areas where the Town can gain efficiencies in the Recreation Department.

Supervisor Hogan encouraged everyone to attend Small Business Day in the Village at Juckett Park on November 26, 2016. There will be a coat collection and toy drive.

James Chase Water Superintendent asked Supervisor Hogan to pass along his thanks to Village DPW Mike Fiorillo for his assistance in a matter with our Water Building on Dix Avenue. With Fiorillo's assistance the Town saved approximately \$500.00 to \$1,000.00 assisting with a problem with the heating system and some wiring issues.

Supervisor Hogan encourages residents to shop local; and has recently learned that if you purchase something in a neighboring town and have it delivered to your home the sales tax is recaptured to Washington County. Hogan commented if you are unable to find something local check Amazon, have it shipped to your home and the sales tax is recaptured by Washington County. Washington County Treasurer Al Nolette is making an effort to make this a public awareness as the holiday season approaches. The sales tax revenue to the County has decreased due to the drop in the price of gasoline.

#### PUBLIC COMMENT:

Todd Humiston expressed his concern that there are no "School Zone" signs at the Primary School on Vaughn Road and the speed limit is 35 M.P.H. Humiston has witnessed the crossing guards attempting to slow down the traffic. Humiston does not believe the drivers are exceeding the speed limit; but feels

35 M.P.H. is not appropriate in a school zone. Being a County road, Supervisor Hogan will speak to Steve Haskins Washington County Superintendent of Public Works.

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of 4 ayes to accept the reports of certain officers for the month of October:

Dog Control Officer: Complaints/Calls: 62; Seizures: 3; Unlicensed Dogs: 19; Mileage: 410 with 74 charged to Fort Edward, 119 to Fort Ann

Town Clerk: Paid to EnCon \$2,932.85; Paid to Supervisor \$2,598.35; Paid to NYS Dept. of Health \$135.00; Paid to Ag & Markets for Population Control \$168.00

Town Justice: \$20,901.00

A **motion** by Councilman by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 4 ayes to enter into executive session to discuss pending litigation at 7:44 p.m.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes to adjourn the executive session at 8:45 p.m.

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

**Resolution No. 7 of 2016  
Adopted November 21, 2016**

**Introduced by Councilman Doyle  
who moved its adoption.**

**Seconded by Councilman Freebern**

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT AND ORDER  
RELATIVE TO WAYNE HURD and PAUL HURD V. TOWN OF KINGSBURY, ET. AL.  
BEARING WASHINGTON COUNTY SUPREME COURT  
INDEX NO. 26200**

WHEREAS, Wayne Hurd and Paul Hurd, Petitioner, commenced an action against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification number: 127.-1-13.5; and

WHEREAS, the litigation called into dispute the 2016 tax assessment and One Hundred Thousand Dollars (\$100,000.00) in assessed value; and

WHEREAS, it is in the interests of all parties to resolve this proceeding at this time and in this manner and thereby avoid potential refunds and significant costs and delay that would otherwise be incurred with continued, protracted litigation; and

WHEREAS, it is the desire of the Town of Kingsbury to authorize their legal counsel on this matter, Meyer & Fuller, PLLC to sign and accept the Stipulation of Settlement and Order relative to the reduction of assessment pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification numbers 127.-1-13.5 in accordance with the proposed Stipulation and Order that is attached.

**NOW THEREFORE BE IT:**

**RESOLVED**, the Town Board, upon due deliberation, finds that it is in the best interests of the residents of the Town of Kingsbury to approve and enter into the terms of settlement as detailed above subject to final review and approval of the specific language contained in the stipulation by counsel; and be it further

**RESOLVED**, that Meyer & Fuller, PLLC is hereby authorized to execute any and all documents pertaining to the settlement of the Article 7 petition reducing the assessment on property bearing tax identification number: 127.-1-13.5, in accordance with the RPTL Section 727 to establish the assessment rates for the ensuing years and in accordance with the terms included herein.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.  
Adopted this 21<sup>st</sup> day of November 2016.

**ROLL CALL VOTE:**

Supervisor Hogan	Aye, reluctantly
Councilman Bromley	Nay
Councilman Doyle	Aye
Councilman Freebern	Aye, reluctantly
Councilman Collins	Absent

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Bromley to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk