

The second meeting of the Kingsbury Town Board was conducted on March 28, 2016 at the Kingsbury Town Hall 210 Main Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman
ABSENT: Paul Bromley, Councilman

OTHERS PRESENT: Jeffrey Meyer, Town Attorney
Ross Cortese, Code Enforcement Officer
Michael Graham, Superintendent of Highways
Todd Humiston, Dog Control Officer
Mary Ordway, Comptroller
Chuck Friedman, Resident
Tim Havens, Resident
Ken Grant, Court Officer for Village

The meeting was called to order by Supervisor Hogan at 7 p.m. and opened for the order of business with the Flag Salute led by Councilman Doyle.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by 4 ayes to accept the minutes of the March 14, 2016 Board Meeting as submitted by the Town Clerk.

The Town Clerk had distributed information to the Board about Sales Tax Resolution No. 113 which is titled: 2017 Allocation Changed to 7% of Net Collections which was adopted by the Washington County Board of Supervisors on May 15, 2015. The resolution is effective beginning January 1, 2017; the Town must indicate if they elect to be paid directly its portion of Washington County's sales and compensating use tax net collections for calendar year 2017 and thereafter if the town desires to be paid directly its portion of sales tax in the following years. The Board will review the information provided and discuss at the next meeting. Town Clerk commented the deadline to respond is September 1, 2016.

Supervisor Hogan received a letter dated March 17, 2016 from the NYS Comptroller indicating the Town of Kingsbury had been selected for an audit which will focus on the Town's financial operations.

Supervisor Hogan also received a letter dated March 16, 2016 from the NYS Comptroller Office stating that Chapter 97 of the Laws of 2011 (Law) gives the State Comptroller the authority to determine the cost and savings associated with the transfer of function from one local government to another local government for the first fiscal year following the transfer. The State Comptroller has determined that the transfer of function involving the Town of Kingsbury's takeover of the Justice Court from the Village of Hudson Falls will result in a transfer to the Town of the Justice Court which had an annual net cost to the Village of \$38,369.00. The Law requires that local governments adjust their tax levy limits for the costs and savings determined by the State Comptroller. The additional net costs of \$38,369.00 will be included in the Town's online tax cap form under the Adjusted for Transfer of Government section.

Town Assessor Colleen provided the Board with a letter to explain the Real Property tax form 7114 for special franchises. She explained the Board generally is aware of any utility projects located in the public right of way because the utility companies usually approach the Board for approval/concerns. The

State asks the Town to complete the form annually and to co-ordinate their responses within the municipality. There was no new special franchise activity in 2015.

Debbie Battiste, Recreation Commission Director, has made a request to replace Knox Brown, who has resigned as a commission member and chairman. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes to appoint Tim Keenan to the Recreation Commission and to appoint Roger Wickes as the new Chairman of the Recreation Commission.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 4 ayes giving permission to Recreation Director Debbie Battiste to go out to bid for T-shirts for the entire year of the recreation program.

Supervisor Hogan introduced guests Chuck Friedman and Tim Havens. Mr. Friedman is requesting a change to the zoning on County Route 32 (Dix Avenue). Mr. Friedman provided maps to the Board and a drawing of a proposed diner/ ice cream stand to be located on 1180 Dix Avenue, parcel ID 146.18-8-4.1. The proposed diner will be located next to the Girls' Softball Field on Dix Avenue. Mr. Friedman has owned the land for approximately 6 years. Code Enforcement Officer Ross Cortese explained at this time a diner/ice cream stand is not an allowed use at this location, it is zoned residential; therefore the Board must change the zoning at the location. Tim Havens commented he can recall years ago when three homes in this area were out-parceled, but he cannot recall why. Councilman Doyle commented possibly due to their location close to the school. A discussion followed about the zoning in the Dix Avenue area. After discussion the Board agreed the proposed zoning change should encompass a larger area. Attorney Meyer stated a resolution was not necessary; the Board needed to direct him to prepare a Local Law which could be introduced at the next meeting, followed by a public hearing at the second Board Meeting in April. Attorney Meyer stated the County will be notified after the Local Law is introduced.

Legal Update: Attorney Meyer reported he had spoken to Attorney Steve Layden in regard to the sale of the Town Hall to the Hudson River Music Hall. Attorney Meyer does not believe there is a unanimous agreement as to what the terms of any type of money mortgage would look like. Attorney Layden has gotten a lot of ideas from Jonathan Newell. It is certain that it is going to be a year, Jonathan Newell has no objection to monthly payments and he would prefer the monthly payment be around \$1,100.00; but due to the nature of the financing he would get he would anticipate a short term loan and the Town get paid off promptly. Councilman Doyle asked Attorney Meyer if Jonathan Newell wanted to make a balloon payment a year out. Attorney Meyer stated yes and they understand there will have to be monthly payments, but there has been no official request at this time. Supervisor Hogan asked Attorney Meyer if we had established a closing date, Meyer stated no we have not. Supervisor Hogan reported that the Hudson River Music Hall had been approved for a loan by the Community Loan Fund, but the funds will not be available until after Jonathan Newell takes over ownership of the Town Hall.

Attorney Meyer reported he had talked to Attorney Jonathan Lapper last week. Rich Schermerhorn has received verbal approval from the DEC for his proposed septic plan at the former Dix Avenue Drive-In, but still waiting for the written approval, but expected it very soon.

Attorney Meyer reported he is working on a Nuisance Law for the Board to review.

Town Clerk distributed information to the Board about the upcoming Solar Workshop for Public Officials scheduled on April 19, 2016; from 5pm to 8pm. Supervisor Hogan commented that he is going to attend.

Town Clerk reported Paul Loding, Town Historian, has shown signs of improvement and is scheduled to be transferred from Glens Falls Hospital to the Stanton Nursing Home. John Mead, a friend of Paul Loding, is packing up the historian office in preparation of the move to 6 Michigan Street. Mr. Loding would like John Mead to be appointed to the Historian position. The Board will make a decision once they receive a letter of resignation from Paul Loding.

Ross Cortese, Code Enforcement Officer reported he had sent a letter to East Side, as he had been instructed by the Board. The letter requested East Side to tell the Town what their plan was going to be. If they were to continue to be closed the Town would have to inspect or conduct a Phase II Environmental Assessment Review. Cortese has not received a response, but has received reports that when calls are made to East Side it is now "Planet Used Auto Parts". Cortese does not know what is going on but will try to contact East Side and keep the Board informed.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes giving permission to Comptroller Mary Ordway to attend the Annual Finance School on May 12 and May 13 at the Gideon Putnam in Saratoga.

Dog Control Officer Todd Humiston reported he has been invited by the school district to conduct a presentation at the Kindergarten Center in May.

Highway Superintendent Michael Graham reported there has been a delay in posting the surplus items on Auctions International due to a contact being out of town. The contact will post the items tomorrow; the items will be posted for two weeks. Graham also reported Chuck Friedman has worked with him on New Swamp Road to put in a metal culvert.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes giving permission to Michael Graham, Highway Superintendent, to attend Highway School June 5 –June 8 in Ithaca. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes giving permission to Graham to have Dave LaRose sweep the streets at the same hourly rate as last year.

Councilman Freebern asked Code Enforcement Ross Cortese about the status of the Inter-Municipal Agreement with the County. Cortese stated we are waiting for the agreement to be reviewed and completed by the Town Attorney. Attorney Meyer commented there was talk of moving less work to the County but the County was not in agreement.

Supervisor Hogan reported we had received a complaint about water run-off issues from Andy Corona, owner of AJ Storage, which is the adjacent property to the new Town Hall. Hogan reported the Town requested an engineering study to determine what adjustment could be made to the landscape to avoid the run-off. Patrick Sullivan has provided the Town with an engineering report. Councilman Bromley had a brief opportunity to view it and did not feel he had too many objections to the matter. Supervisor Hogan sent a copy of the report to Mr. Corona. Councilman Bromley feels the Town could complete the work by June to alleviate the water run-off problem. Councilman Freebern asked if the Town could do the work to fix the water run-off problem. Superintendent of Highways Michael Graham commented top soil would be brought in and infiltrators would be installed in the down spouts which would disperse the rain water into the ground. Graham stated he will work with Councilman Bromley and do whatever is necessary to resolve the problem.

Supervisor Hogan reported the Town had received a letter from the Department of Public Services regarding a notice of public hearings inviting members of the public to comment on the proposed closure of certain walk-in office locations operated by NYS Electric & Gas Corporation (NYSEG) and Rochester Gas & Electric Corporation (RG&E) (collectively, the Companies). The companies filed a Joint Proposal with the Commission on February 19, 2016, designed to establish the Companies' electric and gas delivery rates for the next three years to resolve all other issues pending in these rate proceedings. Among the terms of the Joint Proposal, the Companies would be permitted to close the following walk-in offices on the following schedule:

RG&E's Belmont office located at 23 Schuyler Street, Belmont, New York 14813 would close in September 2016

NYSEG's Mechanicville office located at 6 Werner Road, Route 146, Clifton Park, New York 12065 would close in April 2017

R&G's Geneseo office located at 56 Main Street, Geneseo, New York, 14454 would close in May 2017

The hearings on the proposed closure of customer service centers and other terms of the Joint Proposal will be held at the following locations and times:

Wednesday, April 20, 2016 at 6:30 p.m.

North Dansville Town Hall

Auditorium

14 Clara Barton Street

North Danville, NY

Thursday April 21, 2016 at 6:30 p.m.

Mechanicville City Senior Center

178 North Main Street

Mechanicville, NY

Supervisor Hogan reported he had received a letter from the NYS Department of Environmental Conservation in regard to the National Flood Insurance Program. Code Enforcement Officer Ross Cortese also received the letter and has contacted the department to schedule an appointment.

Supervisor Hogan reported he had received a Notice of Telecommunication Ceiling with tentative figures for the Town and Village.

A **motion** by Councilman Freebern seconded by Councilman Collins to accept reports from certain officers for the month of February as follows:

Dog Control: Complaints/Calls 66; Unlicensed Dogs 9; Summons Issued 1; Bites Investigated 2; Mileage 405 – 58 to Fort Edward, 168 to Fort Ann

Town Clerk: Paid to Supervisor \$2,785.90; Paid to NYS Dept. of Health \$45.00; Paid to the Village of Hudson Falls \$30.00; Paid to Ag & Markets for Population Control \$196.00

PUBLIC COMMENT:

Tim Havens commented everything is going well at the new Town Hall; everyone is doing a good job.

Havens also offered to assist in any way he could, when it came time for the Town to move into the new Town Hall. Jane Havens has been working at the new Town Hall painting window casings.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes to enter into executive session at 7:55p.m. to discuss Justice Appointments and Salaries for the upcoming Court Consolidation.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of four ayes to exit the executive session at 8:00 p.m.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of four ayes for the following Justice Appointments and salaries, effective April 4, 2016, due to the Court Consolidation:

Michael Keenan – Salary: \$55,500.00

Laura Barody – Full-time Court Clerk- Salary: \$33,280.00

Ann Wilcox – Part-time Court Clerk: \$15.00 per hour

Ken Grant – Court Security Officer – to be paid the same rate as paid by the Village of Hudson Falls (he was uncertain of the amount approximately \$9 - \$10 per hour)

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of four ayes to enter into executive session at 8:05 p.m. to discuss personnel issues. The Town Clerk was excused by Supervisor Hogan.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of four ayes to exit the executive session at 9:28 p.m.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of four ayes to adjourn the meeting at 9:28 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>