

The second regular meeting of the Kingsbury Town Board was conducted on January 23, 2017 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

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

ABSENT: Paul Bromley

OTHERS PRESENT: Michael Graham, Highway Superintendent
Jeffrey Meyer, Town Attorney
Todd Humiston, Dog Control Officer
David & Diane Howard, Kingsbury Landlords
Dennis Kelly, Kingsbury Resident

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 Doyle.

The minutes of the January 3, 2017 Organizational Meeting were accepted as submitted by the Town Clerk on a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes.

At 7:03 Supervisor Hogan opened the Public Hearing for the Proposed Noise Control Local Law. Resident Dennis Kelly asked if the proposed noise control law matches the criteria set forth for Royal Wood Shavings in their site plan approval. Attorney Meyer explained they are not the same numbers; Royal Wood would be responsible to abide by both; but site plan approval would supersede the proposed local law.

A Kingsbury resident stated she had issues with noise at night from an establishment with bands and DJ's. She asked how could it be determined if the (Leq) noise level was within the limit. Supervisor Hogan explained Code Enforcement Officer Ross Cortese would be dispatched to address the matter and take readings of the noise level. A discussion followed. Supervisor commented the Board will review the proposed Local Law for Noise Control and will welcome any feedback from the Public. The Public Hearing for Noise Control was tabled at 7:16 p.m.

Supervisor Hogan re-opened the Public for Nuisance Properties at 7:17 p.m. Diane Howard, an owner of Brookview Estates, is concerned that she may not be aware of a tenant who violates the proposed Local Law for Nuisance Properties; she would like to be notified when a violation occurs. Supervisor Hogan stated he will ask Code Enforcement to make him aware of any issue that is identified. At that time he will contact the landlord to notify them there are issues with their tenant. After discussion Councilman Doyle suggested the proposed Nuisance Properties & Noise Control Local Laws be passed at the same time. Attorney Meyer stated the Noise Control Local Law must be adopted before the Nuisance Properties Local Law. At 7:41 p.m. Supervisor Hogan announced the Public Hearing for the proposed Local Law for Nuisance Properties and Noise Control will be tabled until February 21, 2017.

Supervisor Hogan announced the Kingsbury Town Court was awarded a grant under the 2016-17 cycle of the Justice Court Assistance Program (JCAP) in the amount of \$3,575.00. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to accept the grant from the Justice Court Assistance Program.

Supervisor Hogan reported he represented the Town of Kingsbury by attending the Hudson Falls Intermediate Kindness Tunnel at the Intermediate School. Hogan reported the event was well attended including Hudson Falls police officers, Washington County Sheriff's, Eddie the Eagle, the Fire Department and Assemblywoman Carrie Woerner. The adults lined up with confetti and tossed it on the students to welcome them to their day at school. This was the second year of the event organized by Fourth Grade Teacher Heather Craner.

Supervisor Hogan reported on the status of the application for the Mobile & Modular Home Renovation Grant. Due to the sheer volume of work and expertise required he was unable to meet the deadline of January 17, 2017. Supervisor Hogan contacted Betty Little's office and spoke with Lorrie Pizzola. The application required an identification of inventory and some experience in this area, which the Town had none as a community. Lorrie recommended he contact Sharon Reynolds of Homefront Development Corporation. Homefront Development Corp. is a separate funding, represents Washington County and is requesting \$500,000.00 in funding from the MMHR Grant. Supervisor Hogan would like to send a letter of support for Homefront to receive a grant from the Mobile & Modular Home Replacement Program. A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 4 ayes authorizing Supervisor Hogan to send a letter of support. The letter will be an addendum to Homefront's application for the MMHR Grant.

LEGAL UPDATE:

Attorney Meyer reported he spoke with Michelle Crew of the DEC in regard to East Side. The DEC is not letting go of the pursuit of the Marro family in the cleaning up of the Burgoyne Avenue site and their plan to inspect the Route 149 site.

Attorney Meyer reported a Court Conference is scheduled for tomorrow for the Article 7 filed by Keylock, LLC. Attorney Meyer recommends an executive session to discuss this.

The Town Clerk reported the Town tax levy had been met and submitted the following report:

TO: Supervisor Hogan
Councilman: Bromley, Collins, Doyle & Freebern

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2017 Town & County Tax Collection

DATE: January 23, 2017

Paid to Supervisor:
January 10, 2017 - \$264,516.46
January 13, 2017 - \$741,817.54
January 19, 2017 - \$469,639.86
Total to Supervisor - \$1,475,973.86 - 2017 Town Taxes & Water Re-levy

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes giving permission for the Town Clerk to attend the New York State Town Clerk Association Conference to be held April 23 - 25, 2017 in Rochester.

Town Clerk reported she had applied for a scholarship in the amount of \$250.00 through the Tri-County Town Clerk Association in the amount of \$250.00 to attend the NYSTCA Conference. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes authorizing Supervisor Hogan to sign an agreement to assume costs over and above the amount of the Tri-County Town Clerk Association Grant if awarded.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes authorizing Supervisor Hogan to sign the Washington County Board of Elections 2017 Elections Facilitation Agreement.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes authorizing Supervisor Hogan to sign a modified contract with Countryside Veterinary Hospital. The changes are as follows:

Daily Impoundment Fee: \$16.00 to \$18.00

Flea Treatment: \$4.00 to \$5.00

Town Clerk provided a copy of the Registration Form for the nomination of the Moss Street Cemetery to the National Register of Historic Places to the Board.

Town Clerk reported she had received a message that Benny Blanchard, who performed IT work for the Town, had passed away early that morning.

Dog Control Officer Todd Humiston reported the annual Ag & Market inspection is scheduled for Thursday January 26, 2017. Humiston has received a lot of calls on the Washington County Leash Law but he is not authorized to enforce the law; he can only enforce Town Law and Article 7's. Humiston feels there are conflicting issues in the proposed Nuisance Properties Law and the proposed Noise Control Law; Supervisor Hogan invited Humiston to a meeting to discuss the proposed laws.

Comptroller Mary Ordway has suggested the subscription of the Kinney's Consolidated Laws of New York be cancelled to save the taxpayers money. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to cancel the subscription for the Kinney's Consolidated Laws of New York.

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

Code Enforcement reported no fees were collected

Dog Control: Complaints/Calls 50; Seizures 1; Unlicensed Dogs 23; Summons Issued 2; Bites

Investigated 1; Mileage 258 – 10 to Fort Edward, 166 to Fort Ann

Town Clerk: Paid to EnCon \$2,502.18; Paid to Supervisor \$3,180.41; Paid to NYS Dept. of Health \$90.00;

Paid to the Village of Hudson Falls \$210.00; Paid to Ag & Markets for Population Control \$138.00

Town Justice: Fees Collected \$19,186.50.

Sole Assessor Colleen Adamec submitted reports to the Board, transfers of deeds for the year and current sales.

PUBLIC COMMENT:

Todd Humiston asked if there was any response in regard to the request for a reduction in the speed limit on Vaughn Road near the Primary School. Supervisor Hogan stated the request has been sent to the NYS Department of Transportation.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 4 ayes to enter into an executive session at 8:05 PM to discuss current litigation.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to exit the executive session at 8:55 P.M.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 4 ayes to adjourn the meeting at 8:55 P.M.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk