

The second regular meeting of the Kingsbury Town Board was held on February 21, 2017 at the Kingsbury Town Hall at 6 Michigan Street, Hudson Falls.

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

ABSENT:

OTHERS PRESENT: Jeffrey Meyer, Town Attorney
Michael Graham, Highway Superintendent
Todd Humiston, Dog Control Officer
Bill Toscano, The Post Star

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 23 and February 6, 2017 Board Meetings were accepted as submitted by Town Clerk with a **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes.

Supervisor Hogan re-opened the Public Hearing to adopt a Local Law for Noise Control at 7:02 PM; there being no Public Comment or discussion, Supervisor Hogan closed the Public Hearing at 7:02 PM.

Supervisor Hogan re-opened the Public Hearing to adopt a Local Law for Nuisance Properties at 7:03PM; there being no public comment or discussion, Supervisor closed the Public Hearing at 7:03 PM.

Attorney Meyer reviewed SEQR with the Town Board and it was determined that the proposed action of a Local Law for Noise Control will not result in any significant adverse environmental impacts.

TOWN BOARD OF THE TOWN OF KINGSBURY

COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution No. 2 of 2017
Adopted February 21, 2017
Introduced by Councilman Collins
who moved its adoption
Seconded by Councilman Doyle

RESOLUTION ADOPTING PROPOSED LOCAL LAW

ADOPTING A NEW CHAPTER 190

OF THE CODE OF THE TOWN OF KINGSBURY

ENTITLED “NOISE CONTROL LOCAL LAW”

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Section 130 of the Town Law, the Town Board of the Town of Kingsbury (the “Town”) has the authority to adopt local laws in order to preserve, protect and promote the public health, safety and welfare of the community; and

WHEREAS, the Town Board hereby declares that the making, creation or maintenance of excessive or unreasonable noises within the Town affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the Town; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on January 23, 2017 at 7:00 p.m. at the Offices of the Town of Kingsbury, 6 Michigan Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed Local Law enacting a new chapter in the Code of the Town of Kingsbury, titled “Noise Control”; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act (“SEQRA”), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted action that will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the residents, inhabitants and guests of the Town of Kingsbury.

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Law shall take effect immediately upon its filing with the Office of the Secretary of State; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT:

Dana Hogan, Supervisor

William R. Collins, Councilman

Henry C. Freebern, Councilman

Richard J. Doyle, Councilman

Paul R. Bromley, Councilman

AYES: 5

NAYES: 0

ABSENT: 0

{Seal}

Cynthia A. Bardin, Town Clerk
Town of Kingsbury

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to adopt Local Law No. 1 of 2017:

**TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW No. 1 of 2017**

**A LOCAL LAW ADOPTING A NEW CHAPTER 190
OF THE CODE OF THE TOWN OF KINGSBURY
ENTITLED "NOISE CONTROL"**

Be it enacted by the Town Board of the Town of Kingsbury as follows:

Chapter 190, NOISE CONTROL

ARTICLE I, General Provisions

§ 190-1. Short title.

This chapter shall be known and may be cited as the "Town of Kingsbury Noise Control Law."

§ 190-2. Declaration of policy.

It is hereby declared to be the public policy of the Town of Kingsbury ("the Town") to reduce the ambient noise level in the Town, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the Town, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the Town. It is the public policy of the Town that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noises within the Town affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the Town. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

§ 190-3. Interpretation.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any Police Department or law enforcement agency to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the emergency powers of any Health Department or the right of such department to engage in any necessary or proper activities.

§ 190-4. Definitions and word usage.

A. All terminology defined herein which relates to the nature of sound and the mechanical detection and recording of sound is in conformance with the terminology of the American National Standards Institute (ANSI) or its successor body.

B. As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL EQUIPMENT -- Necessary equipment used to conduct an agriculture farm operation.

AGRICULTURAL FARM OPERATION -- As defined in § 65-2 of the Town Code.

AMBIENT NOISE -- The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

A-WEIGHTED SOUND LEVEL -- The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

COMMERCIAL AREA -- A group of commercial properties and the abutting public right-of-way and public spaces.

COMMERCIAL PROPERTY -- Any premises, property, or facility involving traffic in goods or furnishings of services for sale or profit, including but not limited to:

- (1) Dining and/or drinking establishments;
- (2) Banking and other financial institutions;
- (3) Establishments for providing retail services;
- (4) Establishments for providing wholesale services;
- (5) Establishments for recreation and entertainment;
- (6) Office buildings;
- (7) Transportation;
- (8) Warehouses;
- (9) Hotels and/or motels.

CONSTRUCTION -- Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lanes or other property, including but not limited to related activities such as land clearing, grading, earthmoving, excavating, blasting, filling and landscaping, but not including agriculture.

"dBA" -- The abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "dBA." All references to "decibel" or "db" shall be presumed to mean "dBA" unless otherwise specified.

DECIBEL -- The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals), abbreviated "dB."

DEMOLITION -- Any dismantling, intentional destruction, or removal of buildings or structures.

EMERGENCY -- Any occurrence or circumstances involving actual or imminent physical or property damage which demands immediate action.

EMERGENCY WARNING DEVICE -- Any sound signal device that is to warn of an emergency.

EMERGENCY WORK -- Any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging of waterways or abating life-threatening conditions.

FREQUENCY -- The number of sound pressure oscillations per second, expressed in hertz, abbreviated "Hz."

L_{eq} -- This represents the average sound level of a varying sound taken over a specified period of time. L_{eq} is the equivalent continuous sound which contains the same sound energy as the time varying sound being measured.

L_{max} -- The highest value displayed on a sound meter during a noise measurement period with the meter set on FAST response.

MOTOR VEHICLE -- Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER -- A device or system for abating the sound of escaping gasses of an internal combustion engine.

MULTI-DWELLING UNIT BUILDING -- Any building wherein there are two (2) or more dwelling units.

NOISE -- Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the Town.

NOISE DISTURBANCE -- Any sound which:

- (1) Endangers or injures the safety or health of humans or animals; or
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

PERSON -- Any individual, association, partnership, corporation or other entity and includes any officer, employee, department or agency of the above.

PLAINLY AUDIBLE -- Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

PUBLIC RIGHT OF WAY -- Any street, avenue, boulevard, road, highway, sidewalk, alley, or boardwalk, that is leased, owned or controlled by a governmental entity, no matter how designated.

PUBLIC SPACE -- Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE -- Either:

- (1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or
- (2) The vertical and horizontal boundaries of a dwelling unit that is one in a multi dwelling unit building.

RESIDENTIAL AREA -- A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY -- Property used for human habitation.

SOUND -- An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL -- The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute (ANSI) specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER -- Any instrument, including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National

Standards Institute (ANSI) specifications for sound level meters, which complies with Type I or Type II standards.

SOUND PRESSURE LEVEL -- The level of a sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

SOUND REPRODUCTION DEVICE -- Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any amplified musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public-address system or any other sound-amplifying device.

SOUND SOURCE -- Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

UNREASONABLE NOISE -- Any sound which is defined in §§ 190-5, 190-6, or 190-7 herein as unreasonable.

VIBRATION -- An oscillatory motion of solid bodies of deterministic or random natures described by displacement, velocity or acceleration with respect to a given reference point.

ARTICLE II, Prohibited Acts

§ 190-5. Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction except as otherwise provided herein. The standards to be considered in determining whether an unreasonable noise exists include, but are not limited to, the following:

- A. The volume of the noise;
- B. The frequency of the noise;
- C. Whether the noise is unusual and incongruous with the surrounding environment;
- D. The volume and frequency of the ambient noise, if any;
- E. The proximity of the noise source to any residential, educational, medical, religious or judicial facility;

F. The use, nature and character of the zoning district of the immediate area where, the noise source exists;

G. The time of day or night the noise occurs; and

H. The duration of the noise.

§ 190-6. Specific acts considered to be unreasonable noise.

In addition to the general prohibitions set forth in § 190-5 hereof, any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

A. Sound-reproduction systems: operating, playing or permitting the operation or playing of any radio, phonograph, tape player, compact disc player, digital music player, television, receiver or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device.

B. Loudspeakers and public-address systems: using or operating any loudspeaker, public-address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. of the following day such that the sound therefrom creates a noise disturbance across a residential real property line.

C. Animals and birds: owning, possessing or harboring any animal or bird that frequently or for continued duration makes or creates a noise disturbance across a residential real property line. A noise disturbance is created by a dog barking, howling, crying or whining, continually for ten (10) minutes or intermittently for thirty (30) minutes.

D. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m. and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line.

E. Motor vehicles:

- (1) operating or permitting the operation of any motor vehicle so out of repair or in such a condition as to create a noise disturbance or that is otherwise not in compliance with the provisions of any state or federal

law, including but not limited to §§ 375 and 386 of the New York State Vehicle and Traffic Law;

- (2) spinning or squealing the tires of any motor vehicle; or
- (3) allowing noise from a motor vehicle alarm to continue in excess of fifteen (15) minutes' duration after it has been activated.

F. Construction, repair and demolition: operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 10:00 p.m. and 7:00 a.m. the following day. Such operation does not constitute a violation if the tool or equipment is used in an emergency situation or if the tool or equipment is equipped with a functioning muffler or if the operator is issued a variance pursuant to Article VI of this chapter.

G. Sound devices on public transportation: operating, playing or permitting the operation or playing of any radio, phonograph, tape player, compact disc player, digital music player, television receiver or similar device on or in any method of public transportation in such a manner that the sound from such device is audible to any other person.

H. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, yell, shout, bell, musical instrument, tool, engine, etc.

§ 190-7. Prima facie evidence of noise disturbance.

The following shall be considered prima facie evidence of noise disturbance:

A. Any 30 minute Leq measurement taken at a residential property, arising from another residential property, above 55 dBA during the time period commencing at 7 a.m. and ending at 10 p.m.

B. A regular or periodic Lmax measurement taken at a residential property, arising from another residential property above 65 dBA during the time period commencing at 7 a.m. and ending at 10 p.m.

C. A 30 minute Leq measurement taken at a residential property, arising from another residential property, above 45 dBA during the time period commencing at 10:00 p.m. and ending at 7:00 a.m.

- D. A regular or periodic Lmax measurement taken at a residential property, arising from another residential property above 55 dBA during the time period commencing at 7 am and ending at 10 pm.
- E. A 30 minute Leq measurement taken at a residential property, arising from a commercial or industrial property, above 60 dBA during the time period commencing at 7 a.m. and ending at 10 p.m.
- F. A regular or periodic Lmax measurement taken at a residential property, arising from a commercial or industrial property above 75 dBA during the time period commencing at 7 a.m. and ending at 10 p.m.
- G. A 30 minute Leq measurement taken at a residential property, arising from a commercial or industrial property, above 45 dBA during the time period commencing at 10:00 p.m. and ending at 7:00 a.m.
- H. A regular or periodic Lmax measurement taken at a residential property, arising from a commercial or industrial property above 55 dBA during the time period commencing at 7 am and ending at 10 pm.
- I. A 1 minute Leq measurement of a sound reproductive device level in or from a motor vehicle exceeding 50 dBA as measured from the nearest curb or edge of the roadway or be plainly audible more than 25 feet in any direction from the motor vehicle from which the sound emanates.

ARTICLE III, Exceptions

§ 190-8. Exceptions.

Regardless of the decibel limits or the time of day or night, the provisions of this chapter shall not apply to:

- A. Sound and vibration emitted for the purpose of alerting people in an emergency.
- B. Sound and vibration emitted in the performance of correcting an emergency.
- C. Sounds created by bells or chimes of a church, synagogue or other house of worship, when a part of a religious observance or service.
- D. Sounds created by any government agency by the use of emergency warning devices.
- E. Sound from agricultural equipment when operated in an agricultural farm operation.

- F. Sounds from domestic power tools, or lawn and garden equipment when operated with a muffler.
- G. Sound from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal.
- H. Sound from a burglar alarm of any building or residence, provided such burglar alarm shall terminate its operation within fifteen minutes after it has been activated.
- I. Sound generated by Town sponsored concerts and events designed to promote the health, safety or welfare of the citizens of the Town.
- J. Sound generated by School sponsored concerts and events designed to promote the health, safety or welfare of the citizens of the Town.

ARTICLE IV, Enforcement

§ 190-9. Enforcement and administration.

The noise control requirements established by this chapter shall be administered and enforced jointly by Town Code Enforcement Officers, any police officer as defined by NYS Criminal Procedure Law, and such other employees and/or officials authorized by the Town Board. An alleged violation of the provisions of this chapter may be established upon the verbal or written complaint of at least one person or as personally observed by such Town Code Enforcement Officers, any police officer as defined by NYS Criminal Procedure Law, or such other employees and/or officials authorized by the Town Board. Town Code Enforcement Officers, any police officer as defined by NYS Criminal Procedure Law, or such other employees and/or officials authorized by the Town Board may issue an order requiring abatement of any source of sound alleged to be in violation of this chapter. Such abatement must be made within a reasonable time period and according to the conditions prescribed by the officer. Violation of any provision of this chapter or of an abatement order shall be cause for a summons to be issued.

ARTICLE V, Penalties

§ 190-10. Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties in the following manner:

- (1) Upon a first conviction, by a fine not less than \$50 and not more than \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.
- (2) Upon a second conviction, by a fine not less than \$100 and not more than \$1,000 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.
- (3) Upon a third or subsequent conviction, by a fine not less than \$250 and not more than \$3,000 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.

B. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation.

ARTICLE VI, Variances

§ 190-11. Application for special variance.

A. The Town Zoning Board of Appeals shall have the authority to grant special variances for limited times and purposes of this chapter.

B. Any person who owns or operates any stationary noise source may file an application with the Town Code Enforcement Officer for a special variance from any of the provisions of this chapter. The application shall consist of a letter signed by the applicant and shall contain information, including but not limited to:

- (1) The name and address of the applicant;
- (2) The nature and location of the noise source for which such application is made;
- (3) The reason for which the permit of variance is requested, including the hardship that will result to the applicant or the public if the permit of variance is not granted;
- (4) The nature and intensity of noise that will occur during the period of the variance;

- (5) The section or sections of this chapter for which the permit of variance shall apply;
- (6) A description of interim noise control measures to be taken by the applicant to minimize noise and the impact occurring therefrom;
- (7) A specific schedule of noise control measures;
- (8) A presentation of adequate proof that noise levels occurring during the period of the variance will not constitute a danger to public health;
- (9) A presentation of adequate proof that compliance with this chapter would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefit to the public;
- (10) The names and addresses of all owners of contiguous land within 500 feet of the premises. The applicant in like manner shall give notice of the application by certified mail, return receipt requested, to all property owners surrounding the sound source site within a radius of 500 feet from the borders of said site; and
- (11) A filing fee of \$25.

C. The applicant's failure to supply the required information required by this article shall be cause for rejection of the application.

D. The duration of the permit of a special variance shall not exceed one (1) year but may be limited by the Zoning Board of Appeals to any period of time up to one (1) year.

§ 190-12. Public hearing and decision.

Upon prior reasonable public notice, the Zoning Board of Appeals shall hold a hearing on the special variance application. The Zoning Board of Appeals, upon reviewing all input from the hearing and obtaining any additional data or information as deemed necessary, shall then pass upon the application by resolution. The decision shall be transmitted to the Town Code Enforcement Officer, who will advise the applicant of such decision by transmitting a copy of the special variance application to the applicant, with the decision and conditions, if any, imposed by the Zoning Board of Appeals attached.

§ 190-13. Applicant to obtain other necessary permits.

This chapter does not preclude the necessity of the applicant to obtain the approval or permit required by any other agency before proceeding with the action approved under the approved special variance. No action may be initiated by the applicant until such time that other permits, as may be required, are issued.

§ 190-14. Variance to be available for inspection.

The applicant or the applicant's agent shall have readily available the approved special variance at the location or site for which the variance has been issued and shall show same to any agent of the Town whenever requested.

§ 190-15. Activity open to inspection.

Activity conducted under the special variance shall be open to inspection at any time by any agent of the Town.

§ 190-16. Revocation of Variance.

The permit of a special variance may be revoked by the Zoning Board of Appeals if:

- A. There is a violation of one (1) or more conditions of the variance;
- B. There is a material misrepresentation of fact in the permit application; or
- C. There is a material change in any of the circumstances relied upon by the Zoning Board of Appeals in granting the variance.

§ 190-17. Powers and duties of Zoning Board of Appeals.

- A. In determining whether to grant or deny the application, the Zoning Board of Appeals shall balance the hardship to the applicant, the community and other persons of not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts of granting the special variance.
- B. In connection with this section the Zoning Board of Appeals shall cause the taking of sound level readings in the event that there shall be any dispute as to the sound levels prevailing or to prevail at the sound source site.
- C. The Zoning Board of Appeals shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits on permitted activity in the event that it shall grant any variance hereunder.

§ 190-18. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 190-19. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.

Attorney Meyer reviewed SEQR with the Town Board and it was determined that the proposed action of a Local Law for Nuisance Properties will not result in any significant adverse environmental impacts.

TOWN BOARD OF THE TOWN OF KINGSBURY

COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution No. 3 of 2017

Adopted February 21, 2017

Introduced by Councilman Freebern

who moved its adoption

Seconded by Councilman Doyle

RESOLUTION ADOPTING PROPOSED LOCAL LAW

ADOPTING A NEW CHAPTER 192

OF THE CODE OF THE TOWN OF KINGSBURY

ENTITLED "NUISANCE PROPERTIES"

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and Section 130 of the Town Law, the Town Board of the Town of Kingsbury (the "Town") has the authority to adopt local laws in order to preserve, protect and promote the public health, safety and welfare of the community; and

WHEREAS, the Town Board finds that public nuisances exist in the Town of Kingsbury in the operation and use of certain property, including residential premises, in violation of such laws as the Penal Law of the State of New York, the New York State Uniform Fire Prevention and Building Code and the Code of the Town of Kingsbury, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the Town, property values and public health, safety, peace, comfort, conveniences and general welfare; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on July 18, 2016 at 7:00 p.m. at the Offices of the Town of Kingsbury, 6 Michigan Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed Local Law enacting a new chapter in the Code of the Town of Kingsbury, regulating Nuisance Properties; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, pursuant to and in conformance with Section 20 of the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, the Town Board after reviewing the Short EAF and taking a hard look at the potential environmental impacts of the proposed Local Law, the Town Board issued a Negative Declaration in connection with its findings pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., relative to the adoption of the proposed Local Law, whereby the adoption thereof constitutes an Unlisted action that will not have any significant adverse impact upon the environment.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the residents, inhabitants and guests of the Town of Kingsbury.

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Law shall take effect immediately upon its filing with the Office of the Secretary of State; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT:

Dana Hogan, Supervisor

William R. Collins, Councilman

Henry C. Freebern, Councilman

Paul R. Bromley, Councilman

Richard J. Doyle, Councilman

AYES: 5

NAYES: 0

ABSENT: 0

{Seal}

Cynthia A. Bardin, Town Clerk

Town of Kingsbury

A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 5 ayes to adopt the following:

TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW No. 2 of 2017
A LOCAL LAW ADOPTING A NEW CHAPTER 192
OF THE CODE OF THE TOWN OF KINGSBURY
ENTITLED "NUISANCE PROPERTIES"

Be it enacted by the Town Board of the Town of Kingsbury, as follows:

§ 192-1. Declaration of legislative findings.

The Town Board finds that public nuisances exist in the Town of Kingsbury in the operation and use of certain property, including residential premises, in violation of such laws as the Penal Law of the State of New York, the New York State Uniform Fire Prevention and Building Code and the Code of the Town of Kingsbury, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the Town, property values and public health, safety, peace, comfort, conveniences and general welfare.

Specifically, the deterioration of some properties and the activities and patterns of behavior engaged in by certain individuals threaten the quality of life for the residents of the Town. The Town Board further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the residents of the Town of Kingsbury and of the businesses thereof and the visitors thereto. It is the purpose of this chapter to authorize the Town to create one standardized procedure for securing legal and equitable remedies and reform relating to the subject matter encompassed by this chapter and to strengthen existing laws on the subject. In so doing, this chapter shall authorize the Town to impose sanctions and penalties for such public nuisances and remediate the same. Such powers may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws.

The Town Board further finds that the sanctions and penalties and remedial measures authorized herein constitute a supplementary and suitable method of law enforcement in response to the rapidly expanding presence of public nuisances. These sanctions, penalties and remedial measures are reasonable and necessary in order to protect the health and safety of the residents of the Town and to promote the general welfare of the community.

§ 192-2. Public nuisance defined.

A. A public nuisance is declared to exist where behavior in the use of or on the premises unreasonably interferes with the health, safety, peace, comfort or convenience of the general community, occurring within a period of six months of such frequency or duration that the continued occupancy of the premises presumes continuation of such unreasonable interference regardless of whether or not any person has been convicted for violation of any provisions of the Penal Law of the State of New York, the New York State Uniform Fire Prevention and Building Code or the Code of the Town of Kingsbury.

B. A public nuisance is declared to exist whenever, through violations of any of the following, provisions resulting from separate incidents at a building, structure or place, 12 or more points are accumulated within a period of six months or 18 or more points within a period of 12 months in accordance with the following point system. For a Multi-Dwelling Unit with Four (4) or more units a public nuisance is declared to exist whenever, through violations of any of the following, provisions resulting from separate incidents at a building, structure or place, 18 or more points are accumulated within a period of six months or 24 or more points within a period of 12 months in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.

- (1) The following violations shall be assigned a point value of six points:
 - (a) Article 120 of the Penal Law – assault and related offenses.
 - (b) Article 125 of the Penal Law – homicide and related offenses.
 - (c) Article 130 of the Penal Law- Sex Offenses
 - (d) Article 140 of the Penal Law - Burglary and related offenses
 - (e) Sections 165.40, 165.45, 165.50, 165.52 and 165.54 of the Penal Law - criminal possession of stolen property.
 - (f) Sections 170.65 and 170.70 of the Penal Law - forgery of and illegal possession of a vehicle identification number.

- (g) Article 178 of the Penal Law - criminal diversion of prescription medications and prescriptions.
- (h) Article 220 of the Penal Law - controlled substances offenses.
- (i) Article 221 of the Penal Law - offenses involving marihuana.
- (j) Article 225 of the Penal Law - gambling offenses.
- (k) Article 230 of the Penal Law - prostitution offenses.
- (l) Section 240.20 of the Penal Law - disorderly conduct.
- (m) Section 240.36 of the Penal Law - loitering in the first degree.
- (n) Sections 260.20 and 260.21 of the Penal Law – unlawfully dealing with a child.
- (o) Article 263 of the Penal Law - sexual performance by a child.
- (p) Article 265 of the Penal Law - firearms and other dangerous weapons.
- (q) Possession, Use, Sale and/or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law or of any cigarette or tobacco products in violation of Article 20 of the Tax Law.
- (r) Section 415-a of the Vehicle and Traffic Law – vehicle dismantlers.
- (s) Section 65 of the Alcohol Beverage Control Law.
- (t) Section 155.25 of the Penal Law - petit larceny.
- (u) Section 240.26 of the Penal Law - harassment in the second degree.
- (v) Section 260.10 of the Penal Law - endangering the welfare of a child.

(w) Article 145 of the Penal Law - criminal mischief and related offenses.

(2) The following violations shall be assigned a point value of three points:

- (a) Chapter 75 of the Town Code – Animal Control
- (b) Chapter 80 of the Town Code – Assemblies, Mass Public
- (c) Chapter 95 of the Town Code – Building Construction and Fire Prevention
- (d) Chapter 100 of the Town Code – Buildings, Unsafe
- (e) Chapter 136 of the Town Code - Firearms
- (f) Chapter 151 of the Town Code – Furnaces, Outdoor
- (g) Chapter 155 of the Town Code – Games of Chance
- (h) Chapter 162 of the Town Code – Hazardous Wastes
- (i) Chapter 168 of the Town Code – Health and Sanitations
- (j) Chapter 174 of the Town Code – Junkyards
- (k) Chapter 185 of the Town Code – Mobile Homes
- (l) Chapter 190 of the Town Code – Noise Control
- (m) Chapter 196 of the Town Code – Peddling and Soliciting
- (n) Chapter 210 of the Town Code – Sewers
- (o) Chapter 222 of the Town Code – Solid Waste
- (p) Chapter 230 of the Town Code – Stormwater Management
- (q) Chapter 240 of the Town Code – Subdivision of Land
- (r) Chapter 244 of the Town Code – Swimming Pools
- (s) Chapter 270 of the Town Code – Water

- (t) Chapter 280 of the Town Code – Zoning
- (u) 9 NYCRR Subtitle S, Chapter I - New York State Uniform Fire Prevention and Building Code.
- (v) Sections 145.00, 145.05, 145.10, 145.12, 145.14 of the Penal Law- criminal mischief.

(3) For the purpose of this section, where a violation is continuous, each week a violation continues shall be deemed a separate violation. A conviction for a violation shall not be required, and such violation shall be established by a preponderance of the evidence. Evidence of a violation may include, but is not limited to, police reports, investigative reports, execution of search warrants, results of police surveillance, arrest and/or conviction of local, state and federal laws, activities associated with trafficking of controlled substances, finding of weapons and/or controlled substances on or near the property, increased volume of traffic associated with the property, excessive police attention as a result of citizen complaints, as well as notices, citations and orders issued by the Code Enforcement Officer. However, a conviction as defined in accordance with the provisions of § 1.20 of the Criminal Procedure Law shall constitute conclusive proof of a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be considered a conviction for a violation of the specified provision.

§ 192-3. Powers of Town Board with respect to public nuisances.

In addition to the enforcement procedures established elsewhere, the Town Board or the Town Board’s designees, after notice and opportunity for a hearing with respect to a public nuisance, shall be authorized:

A. Any action necessary to abate the nuisance, including but not limited to cleaning, painting, repairing or demolishing any building, structure or place. The cost of any such remedy shall constitute a property tax lien against the property upon which such remedy is applied; or

B. The imposition of a fine not to exceed \$1,000 upon the owner, lessor or lessee of the building, structure or place where the nuisance is found to have occurred; or

C. Upon Town Board Authorization the Town Board may commence a proceeding in the name of the Town in the Supreme Court of Washington County or any other Court of competent jurisdiction to obtain an Order of the Court to suspend for a period not to exceed six months or revoke for a period of one year any occupational license or permit issued by the Town related to the conduct of a business or trade at the premises, which suspension or revocation shall also apply to any other location operated by the holder for which the license or permit is required; or

D. Upon Town Board Authorization the Town Board may commence a proceeding in the name of the Town in the Supreme Court of Washington County or any other Court of competent jurisdiction to obtain an Order of the Court to suspend for a period not to exceed six months or to revoke for a period of one year a certificate of occupancy issued for such premises, and to prevent the operator from obtaining a new certificate of occupancy for another location for the period of suspension or revocation; or

E. Upon Town Board Authorization the Town Board may commence a proceeding in the name of the Town in the Supreme Court of Washington County or any other Court of competent jurisdiction to obtain an Order of the Court to order the closing of the building, structure or place to the extent necessary to abate the nuisance; or

F. Any combination of the above.

§ 192-4. Service of notice.

A. Prior to the issuance of orders or upon commencing any action in the Supreme Court or other court having jurisdiction by the Town Board or the Town Board's designee pursuant to this section, the Town Board or the Town Board's designee shall give notice and opportunity for a hearing to the owner, lessor, lessee and

mortgagee of a building, structure or place wherein the public nuisance is being conducted, maintained or permitted. Such notice shall be served upon an owner pursuant to Article 3 of the Civil Practice Law and Rules, upon a lessor or lessee pursuant to § 735 of the Real Property Actions and Proceedings Law and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of any court before the hearing. The person in whose name the real estate affected by the orders by the Town Board or the Town Board's designee is recorded in the office of the County Clerk shall be presumed the owner thereof. Proceedings shall be commenced by service of the notice and opportunity for a hearing within 60 days after the occurrence of the most recent violation cited in the notice.

B. The lack of knowledge, acquiescence or participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees and all those persons in possession or having charges as agent or otherwise, or having any interest in the property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors and lessees, mortgagees and such other persons.

C. Orders of the Town Board or the Town Board's designee issued pursuant to this section and upon the written directive of the Town Board or the Town Board's designee. Officers of the Washington County Sheriff's Office are authorized to act upon and enforce such orders.

D. Five business days after the posting of an order issued pursuant to this section, and upon the written directive of the Town Board or the Town Board's designee, officers of the Washington County Sheriff's Office are authorized to act upon and enforce such orders.

E. Where the Town Board or the Town Board's designee closes a building, structure or place pursuant to this chapter, such closing shall be for such period as the Town Board or the Town Board's designee may direct, but in no event shall the closing be for a period of more than one year from the posting of the order pursuant to this

chapter. If the owner, lessor or lessee shall file a bond in an amount determined by the Town Board or the Town Board's designee, but which may not exceed the value of the property ordered to be closed, and submit proof satisfactory to the Town Board or the Town Board's designee that the nuisance has been abated and will not be created, maintained or permitted for such period of time as the building, structure or place has been directed to be closed by the order of the Town Board or the Town Board's designee, then the Town Board or the Town Board's designee may vacate the provisions of the order that directs the closing of the building, structure or place.

F. A closing directed by the Town Board or the Town Board's designee pursuant to this chapter shall not constitute an act of possession, ownership or control by the Town of the closed premises.

§ 192-5. Penalties for offenses.

A. It shall be a misdemeanor for any person to use or occupy or to permit any other person to use or occupy any building, structure or place, or a portion thereof, ordered closed by the Town Board or the Town Board's designee. Mutilation or removal of a posted order of the Town Board or the Town Board's designee shall be punishable by a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of three years, punishable by a fine of not less than \$250 nor more than \$500 or imprisonment for a period not to exceed 30 days, or both; and upon conviction for a third offense or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$500 nor more than \$750 or imprisonment for a period not to exceed 60 days, or both, provided that such orders contain therein a notice of such penalty.

B. Intentional disobedience or resistance to any provision of the orders issued by the Town Board or the Town Board's designee pursuant to this chapter, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than \$1,000 or by imprisonment not to exceed six months, or both.

§ 192-6. Rules and regulations.

The Town Board or the Town Board's designee may promulgate rules and regulations to carry out and give full effect to the provisions of this chapter.

§ 192-7. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.

§ 192-8. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.

LEGAL UPDATE:

Attorney Meyer reported the Town of Kingsbury is about to receive a notice from the Town of Fort Edward requesting they be the lead agency relative to SEQR for a subdivision application for Lock 8 Way. Meyer explained all the Kingsbury Board would be doing would be authorizing the Planning Board of Fort Edward to conduct SEQR. A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes authorizing the Town of Fort Edward to act as lead agency for SEQR for a subdivision application for Lock 8 Way.

Attorney Meyer reported he had received phone calls and correspondence from Bill Nikas requesting the Town accept another portion of Quarry Circle Road, so that he can sell more lots. If the Board has no objection he will request that Nikas put together the deed, title insurance policy and the standard documents the Town Board requires. Superintendent of Highways Michael Graham commented he had talked to Bill Nikas and explained he would like to refrain from putting on topcoat, the binder is fine. Graham would like to wait until the construction of homes is complete because the heavy equipment used during construction would damage the topcoat. Attorney Meyer commented Mr. Nikas would like a substitution for the \$37,000.00 presently held, whether it be a personal guarantee or some other form. Attorney Meyer recommended that financial surety be required of any law applicants.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes for the Town of Kingsbury to enter into an inter-municipal agreement with Town of Fort Edward to hire an engineer to study the expansion of the sewer district. The agreement is an authorization for the Towns to go out to bid for engineering costs, therefore there is no cost to the Town at this time.

Councilman Bromley asked Attorney Meyer to go back to the discussion about Quarry Circle Road. He asked what determined the cost of the topcoat for Quarry Circle Road. Superintendent of Highways Michael Graham stated Peckham's came in and measured and quoted a price for the topcoat. There is money in escrow to pay for the topcoat and additional funds must be added for the next phase of the road. Superintendent Graham will measure and get a quote in April for the cost of the topcoat. Councilman Bromley asked if there was an update on East Side. Attorney Meyer stated he had nothing new, but the DEC is continuing to investigate the Burgoyne Avenue and Route 149 site.

Supervisor Hogan reported Comptroller Mary Ordway had given him two resolutions that needed to be passed and attached and made part of the minutes.

RESOLUTION NUMBER 4 OF 2017
Introduced by Councilman Freebern, who moved its adoption

Seconded by Councilman Doyle
A RESOLUTION ESTABLISHING THE STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS
(SEE ATTACHED)
RESOLUTION NUMBER 5 OF 2017
Introduced by Councilman Collins, who moved its adoption
Seconded by Councilman Doyle
A RESOLUTION ESTABLISHING THE STANDARD WORK DAY FOR EMPLOYEES
(SEE ATTACHED)

Town Clerk submitted the following Supervisor Report to the Town Board:

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

FROM: Tax Collector: Cynthia A. Bardin

SUBJECT: 2017 Town & County Tax Collection

DATE: February 21, 2017

Penalties Collected Feb. 1 – Feb 6 - \$293.22
Bank Interest for January \$66.45
Return Check Fees \$60.00

Paid to Supervisor- 2/7/17 \$419.77

The Town Clerk received a telephone call from Paul McCarty, Washington County Historian, who questioned the start date of recently passed Town Historian, Paul Loding. Mr. McCarty stated there was a plan by the Hill Committee of which Paul Loding was a member; to plant a tree and install a plaque in the Union Cemetery in his memory.

Todd Humiston, Dog Control Officer, asked with Local Law No.2 of 2017 Noise Ordinance passing, does he have to do anything with the dog control portion of the barking law. Attorney Meyer explained not necessarily he has a choice of laws to enforce.

Superintendent of Highways Michael Graham thanked Supervisor Hogan for his help snow plowing. The Town Highway crew has been able to fill potholes due to the good weather.

Supervisor Hogan reported the sub-committee met to review the resumes for a Grant Writer. The Board will request the three candidates be present at the March 20, 2017 Board Meeting to deliver a 10 – 15 minute presentation. The Town Clerk will notify the candidates of the Board's request.

A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 5 ayes to accept the following reports from certain officers for the month of January as follows:

Dog Control Officer: Complaints/Calls 89; Seizures 1; Unlicensed Dogs 39; Bites Investigated 1; Mileage 409, 108 charged to Fort Edward, 128 charged to Fort Ann

Town Clerk: Paid to EnCon \$85.02; Paid to Supervisor \$2,409.76; Paid to NYS Dept. of Health; Paid to the Village of Hudson Falls; Paid to Ag & Markets for Population Control \$138.00
Assessor: Memorandum & Form RP-7114 pertaining to special franchise assessments

PUBLIC COMMENT: There being no public comment, a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to enter into executive session at 7:32 PM to discuss the potential new hire of an Alternate Dog Control Officer and matters concerning Lock 8 Way.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to exit the executive session at 7:52 P. A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes to hire Mike Hayes as an Alternate Dog Control Officer.

There being no further business before the Board a **motion** by Councilman Collins seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 7:53 PM.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

TOWN OF KINGSBURY
LOCATION CODE: 30395

STANDARD WORK DAY RESOLUTION FOR EMPLOYEES
RS 2418

BE IT RESOLVED, THAT THE TOWN OF KINGSBURY, LOCATION CODE 30395, HEREBY ESTABLISHES THE FOLLOWING AS STANDARD WORK DAYS FOR ITS EMPLOYEES AND WILL REPORT DAYS WORKED TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM BASED ON THE TIME KEEPING SYSTEM OR THE RECORD OF ACTIVITIES MAINTAINED AND SUBMITTED BY THESE MEMBERS TO THE PERSONNEL OFFICER OF THIS BODY:

<u>TITLE</u>	<u>STANDARD WORK DAY</u>
LABORERS REC.	<u>6</u>
MEO'S HWY	<u>8</u>
JUSTICE CLERK P/T	<u>6</u>
PLANNING BOARD MEMBER	<u>6</u>
ZONING BOARD MEMBER	<u>6</u>

ON THIS _____ DAY OF _____, 2017

Date enacted: _____

Signature of Personnel Officer

I, MARY L. ORDWAY, PERSONNEL OFFICER OF THE GOVERNING BOARD OF THE TOWN OF KINGSBURY, OF THE STATE OF NEW YORK, DO HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING WITH THE ORIGINAL RESOLUTION PASSED BY SUCH BOARD, AT A LEGALLY CONVENED MEETING HELD ON THE ___ DAY OF _____ 2017 ON FILE AS PART OF THE MINUTES OF SUCH MEETING, AND THAT SAME IS A TRUE COPY THEREOF AND THE WHOLE OF SUCH ORIGINAL.

I FURTHER CERTIFY THAT THE FULL BOARD CONSISTS OF 5 MEMBERS, AND THAT ___ OF SUCH MEMBERS WERE PRESENT AT AT SUCH MEETING AND THAT ___ OF SUCH MEMBERS VOTED IN FAVOR OF SUCH RESOLUTION.

IN WITNESS WHEREOF, I HAVE HERUNTO
SET MY HAND AND SEAL OF THE
TOWN OF KINGSBURY

SEAL

TOWN OF KINGSBURY

LOCATION CODE: 30395

STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS
SUBSTITUTE FORM RS 2417-A

BE IT RESOLVED, THAT THE TOWN OF KINGSBURY/LOCATION CODE 30395 HEREBY ESTABLISHES THE FOLLOWING AS STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS AND WILL REPORT THE FOLLOWING DAYS WORKED TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM BASED ON THE RECORD OF ACTIVITIES.

TITLE	STANDARD WORK DAY	SOCIAL SECURITY NUMBER	RETIRE REGIST NO	TIER 1 NONE	CURRENT TERM BEGINS/ENDS	RECORD OF ACTIVITIES RESULT	NOT SUBMITTED
ELECTED OFFICIALS							
SUPERVISOR	6 DANA HOGAN				1-1-2016 TO 12-31-2017	8.09	
COUNCILMAN	6 RICHARD DOYLE				1-1-2014 TO 12-31-2017	1.02	
TOWN CLERK	6 CYNTHIA BARDIN				1-1-2014 TO 12-31-2017	21.00	
TOWN JUSTICE	6 MICHAEL KEENAN				1-1-2014 TO 12-31-2017	22.95	
HIGHWAY SUPT.	6 MICHAEL GRAHAM				1-1-2014 TO 12-31-2017	28.67	
APPOINTED OFFICIALS							
COMPTROLLER	6 MARY L. ORDWAY				01-01-2016 TO 12-31-2017	23.10	
ASSESSOR-PT	6 COLLEEN ADAMEC				01-01-2014 TO 9-30-2020	13.00	
DOG CONTROL OFFICER	6 TODD HUMISTON				01-01-2017 TO 12-31-2017	16.70	
1ST DEPUTY TWN CLERK	6 SYLVIA WEAVER				01-01-2017 TO 12-31-2017	22.75	
COMP. CONF. SECRETARY	6 MICHELLE RADLIFF				01012016 TO 12-31-2017	23.17	
REC. DIRECTOR-PT	6 DEBORAH BATTISTE				01-01-2017 TO 12-31-2017	4.12	
TOWN HISTORIAN-PT	6 JOHN MEAD				01-01-2017 TO 12-31-2017	2.23	
JUSTICE CLERK	6 LAURA BARODY				01-01-2017 TO 12-31-2017	24.12	

I, MARY L. ORDWAY, PERSONNEL OFFICER OF THE GOVERNING BOARD OF THE TOWN OF KINGSBURY, OF THE STATE OF NEW YORK, DO HEREBY CERTIFY THAT I HAVE COMPARED THE FOREGOING WITH THE ORIGINAL RESOLUTION PASSED BY SUCH BOARD, AT A LEGALLY CONVENED MEETING HELD ON THE _____ DAY OF _____ 2017, ON FILE AS PART OF THE MINUTES OF SUCH MEETING, AND THAT SAME IS A TRUE COPY THEROF AND THE WHOLE OF SUCH ORIGINAL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND THE SEAL OF THE TOWN OF KINGSBURY ON THIS _____ DAY

OF _____, 2017.

Signature of Personnel Officer