

The second regular meeting of the Kingsbury Town Board was conducted on Monday, February 25, 2013 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY.

MEMBERS PRESENT: James T. Lindsay, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman

MEMBER ABSENT: Henry Freebern, Councilman

ALSO PRESENT: Francis R. Cortese, Code Enforcement Officer
Michael Graham, Highway Superintendent
Jeffrey Meyer, Attorney for the Town

The meeting was called to order by Supervisor Lindsay at 7:00 p.m. and opened for order of business with the Flag Salute led by Councilman Bromley.

Motion by Councilman Collins, seconded by Councilman Bromley and carried by a vote of 4 ayes accepting the minutes of the meetings conducted on January 28 and February 11, 2013 as submitted by the Town Clerk with the following corrections: The January 28 meeting has a typo in Colleen's report and the February 11 meeting minutes should read that Mrs. VanDerwerken will be returning to the Arts and Crafts program and the budget will need to reflect one Supervisor and two assistants or helpers for the program.

At 7:05 p.m. Supervisor Lindsay instructed the Deputy Town Clerk to read the Notice of Public Hearing relating to Local Law Number 1 of 2013 amending Definitions and Regulations governing mobile homes. Code Enforcement Officer Cortese reported that this was being done for house keeping purposes. Supervisor Lindsay opened the public hearing at 7:06 p.m. for comments. There being no comments, the hearing was closed at 7:07 p.m.

The Attorney for the Town proceeded to conduct a short form EAF review. **Motion** by Councilman Bromley, seconded by Councilman Collins and carried by a vote of 4 ayes finding that there are no potential negative environmental impacts and the Town Board issued a negative declaration.

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

**RESOLUTION NUMBER 1 OF 2013
ADOPTED FEBRUARY 25, 2013**

**INTRODUCED BY COUNCILMAN BROMLEY WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN COLLINS.**

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
AMENDING CERTAIN SECTIONS OF THE TOWN
OF KINGSBURY MOBILE HOME LOCAL LAW
CONTAINED IN CHAPTER 185 OF THE CODE
OF THE TOWN OF KINGSBURY.**

WHEREAS, pursuant to section 10 of Municipal Home Rule Law, the Town Board (the “Board”) of the Town of Kingsbury (the “Town”) has the authority to adopt local laws to protect the health, safety and welfare of its citizens, including local laws making certain amendments and updates to the local law contained in Chapter 185 of the Code of the Town; and

WHEREAS, the Town finds and determines that this Local Law is necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, the Town finds and determines that the adoption of this Local Law, which is an action under New York State Environmental Quality Review Act (SEQRA) is an unlisted action pursuant to 6 NYCRR 617 et. seq. that will not have a significant impact on the environment, and is thus precluded from further review; and

WHEREAS, the Town scheduled a public hearing to be held before the Town Board on February 25, 2013 at 7:05 p.m. at the Offices of the Town of Kingsbury, 210 Main Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed local law amending the mobile home regulations; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, on February 14, 2013 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.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Kingsbury as follows:

- Section 1. The Board, upon due deliberation of the proposed Local Law, amending and updating Chapter 185 of the Code of the Town establishing specific minimum requirements and Regulations governing the location, occupancy and maintenance of mobile homes within the Town, and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town.
- Section 2. The proposed Local Law is hereby adopted, copies of which are attached hereto and Made a part hereof.

Section 3. The Law shall take effect immediately upon its filing in the Office of the Secretary of State.

Section 4. This resolution shall take effect immediately.

Those members present were:
James T. Lindsay, Supervisor
Paul Bromley, Councilman
William Collins, Councilman
Richard Doyle, Councilman
Henry Freebern, Councilman

Voting:
Aye
Aye
Aye
Aye
Absent

At 7:10 p.m. Supervisor Lindsay instructed the Deputy Town Clerk to read the Notice of Public Hearing relating to Local Law Number 2 of 2013 amending open burning regulations and the Administration and Enforcement of NYS Uniform Fire Prevention and Building Code. Code Enforcement Cortese reported he had spoken with the Fire Chief and he stated that the Fire Company had reviewed the proposed local law and had no problems with it. Supervisor Lindsay opened the public hearing for comments at 7:11 p.m. There being no public comments, Supervisor Lindsay closed the public hearing at 7:12 p.m.

At this time the Attorney for the Town reviewed the short form EAF with the Town Board members. There being no potential negative environmental impact, **motion** by Councilman Bromley, seconded by Councilman Collins and carried by a vote of 4 ayes declaring a negative declaration for proposed local law number 2 of 2013.

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK
RESOLUTION NUMBER 2 OF 2013
ADOPTED FEBRUARY 25, 2013**

**INTRODUCED BY COUNCILMAN COLLINS WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN DOYLE.**

**RESOLUTION ADOPTING PROPOSED LOCAL LAW
AMENDING CHAPTER 95 OF THE CODE OF THE
TOWN OF KINGSBURY TITLED BUILDING
CONSTRUCTION AND FIRE PREVENTION**

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law, the Town Board (the "Board") of the Town of Kingsbury (the "Town") has the authority to adopt local laws to protect the health, safety and welfare of its citizens, including local laws pertaining to the regulation of building construction and fire prevention on Town property; and

WHEREAS, the Town finds and determines that this Local Law is necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, the Town finds that amendments and updates to said Chapter 95 are reasonable and necessary in order to bring the law current with the requirements contained in the NYS Uniform Building Code and the NYS Environmental Conservation Law; and

WHEREAS, the Town finds and determines that the adoption of this Local Law, which is an action under New York State Environmental Quality Review Act (SEQRA), is an Unlisted action pursuant to 6NYCR 617 et. seq. that will not have a significant impact on the environment, and is thus precluded from further review; and

WHEREAS, the Town scheduled a public hearing to be held before the Town Board on February 25, 2013 at 7:10 p.m. at the Offices of the Town of Kingsbury, 210 Main Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed local law amending the building code and fire prevention law contained in Chapter 95; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town on February 14, 2013 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.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Kingsbury as follows:

- Section 1. The Board, upon due deliberation of the proposed Local Law, updated and amending Certain provisions of Chapter 95 of the Town Code pertaining to demolition permits, Fire safety inspections, and open burning regulations contained in said Chapter 95, and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town.
- Section 2. The proposed Local Law is hereby adopted, copies of which are attached hereto and Made a part hereof.
- Section 3. The Law shall take effect immediately upon its filing in the Office of the Secretary of State.
- Section 4. This resolution shall take effect immediately

Those members present were:
James T. Lindsay, Supervisor

Voting:
Aye

Paul Bromley, Councilman	Aye
William Collins, Councilman	Aye
Richard Doyle, Councilman	Aye
Henry Freebern, Councilman	Absent

LEGAL UPDATE: Supervisor Lindsay stated that everyone was familiar with the situation with East Side. The Town Board will be entering into an executive session at the end of the meeting to discuss this litigation matter.

Supervisor Lindsay stated everyone was given a copy of a resolution to support Washington County Sewer District No. 2 for an LGE Grant. This grant will be used for a study of the distribution system of the sewer district. There is a 10 percent match, which would be divided up between the 5 communities that use the sewer district. Adirondack Gateway Council is also seeking funding to conduct a study for a regional sewer district. A discussion was had. Councilman Bromley stated his concern was that the cost would need to come out of a district and not the town's general fund. **Motion** by Councilman Bromley, seconded by Councilman Collins and carried by a vote of 4 ayes to expend the amount of \$1,600 for the sewer district grant. Councilman Bromley stated the town board needed to continue on with the work to complete the formation of the sewer district.

REPORTS:

Town Historian Paul Loding submitted a copy of his annual report to the board members.

Sole Assessor Colleen Adamec reported that things are going well and she is trying to get all of her exemptions completed before March 1.

Code Enforcement Officer Cortese advised the board that if we were to hire a Health Officer that the County would reimburse the Town along with the Village for having one. The Town Board felt that the town board could still act as Health Officer.

Highway Superintendent Michael Graham presented the Agreement to Spend Town Highway Funds for 2013. General repairs in the amount of \$120,910 may be expended for general repairs upon 53.06 miles of town highways including sluices, culverts and bridges that have a span of less than five feet and boardwalks or the renewals thereof. The following sum of \$290,735 shall be expended for the improvement of town highways. Improvements commencing at Dix Avenue at Dean Road to Tracy Road, a distance of 2.44 miles for the sum of \$143,083; improvements commencing from Route 4 at Geer Road and leading to Wood Road, a distance of 1.84 miles for not more than \$117,502. **Motion** by Councilman Doyle, seconded by Councilman Bromley and carried by a vote of 4 ayes to approve the Agreement to Spend Highway Funds.

Superintendent Graham stated that he hopes Patrick Sullivan will be ready to present the plans for the new building to the board members in March and the target is to have bids ready to go out in April.

Supervisor Lindsay reported that our Dog Control Officer, Frank Diamond, was recently inspected by Elizabeth Holmes from NYS Agriculture and Markets and received a satisfactory report.

Councilman Doyle spoke with Tom Darfler to determine who is going to create the web page. He is going to work up pages for each department and then get together with each department head to discuss how it will work.

Supervisor Lindsay stated he had received a petition from ten or twelve residents on Route 196 asking the town to provide them with cable services. The residents are asking the Town to request a grant from New York State to financially provide for cable installation to their premises.

Supervisor Lindsay, Councilman Bromley and members of the Village Board had met on Thursday with Frank Yakubec, the architect, and had reviewed several different plans that he presented to them. He is now working on Plan D, which will show the location of the offices and furnishings. An additional cost of \$4,800 will be needed to continue with these plans. **Motion** by Councilman Doyle, seconded by Councilman Bromley and carried by a vote of 4 ayes authorizing Frank to draw up the additional plans and pay him the sum of \$4,800.00.

Supervisor Lindsay stated he had received a letter seeking support of a resolution created by the Town of Harrison relating to foreclosed properties or abandoned properties owned by a bank to force the banks to clean up the properties instead of placing that burden on the Towns. The resolution is A. 88 and A824. A discussion was had. The Town Board members stated they wanted to review the proposed resolution and table this matter until the next meeting.

WRITTEN REPORTS:

On a **motion** by Councilman Doyle, seconded by Councilman Bromley and carried by a vote of 4 ayes the following reports of certain town officials were approved:

Code Enforcement Officer: Jan. No. Permits 5; Variances 1; Total Fees \$807.65.

Dog Control Officer Complaints/Calls 22; Seizures 2; Unlicensed dogs 11; Euthanasia 1; Summons issued 1; Bites investigated 0; Mileage 107

Town Clerk: Paid to EnCon \$128.49; Paid To Supervisor \$8,943.69;

State share of Bingo \$461.25; State share of Games of
Chance \$15.00; Paid to Village Of Hudson Falls \$42.00;
Paid to Ag and Markets for population control \$125.00.

Town Comptroller: no report

Town Justice: Jan. Fees collected \$6,670.00

PUBLIC COMMENTS:

There were no public comments made.

Motion by Councilman Bromley, seconded by Councilman Collins and carried by a vote of 4 ayes to enter into Executive Session at 7:53 p.m. to discuss potential litigation involving Royal Wood Shavings and East Side Recyclers. The Code Enforcement Officer was invited to attend the session.

Motion by Councilman Doyle, seconded by Councilman Bromley and carried by a vote of 4 ayes to go out of Executive Session and adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Sylvia Weaver, Deputy Town Clerk

<http://www.kingsburyny.gov>