

## May 6, 2024 Town Board Meeting Minutes

The first regular meeting was conducted on May 6, 2024, at the Kingsbury Town Hall, 6 Michigan Street, Hudson Falls.

PRESENT: Dan Washburn, Deputy Supervisor  
William Haessly, Councilman  
James Lindsay, Councilman  
Sean Akins, Councilman

OTHERS PRESENT: Todd Humiston, Dog Control and Code Enforcement Officer  
Mason Leonard, Highway Superintendent  
Town Residents: Bill and Judy Wagner, Donna Vincent,  
Michele & Robert Springer, Andre & Sandi Chadwick

ABSENT: Dana Hogan, Jeff Meyers, and Michael Graham

The meeting was called to order by Deputy Supervisor Dan Washburn at 6:30pm and opened for the order of business with the Flag Salute led by Councilman Akins.

The minutes of the April 1, 2024, Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Washburn and seconded by Councilman Akins and carried by a vote of 4 ayes.

Deputy Supervisor Washburn stated the Proclamation for resigned Highway Superintendent Michael Graham will be tabled until the next meeting; he was unable to attend this evening.

A **motion** by Councilman Akins seconded by Councilman Lindsay and carried by a vote of 4 ayes to continue with the Guardian Dental Plan with an increase of \$277.00.

A **motion** by Councilman Lindsey seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the 2023 Annual Financial Report as submitted by Town Comptroller, Rebecca Pomainville. The report has been submitted to the NYS Comptroller's Office.

Deputy Supervisor Washburn reported language in the Moss Street Cemetery Deeds currently references the prior Moss Street Association Board members. In a phone conversation Attorney Meyer stated the language must be changed.

Councilman Lindsay asked if a survey was necessary at the Moss Street Cemetery because there are a lot of lots left. Deputy Supervisor Washburn stated Supervisor Hogan mentioned that was one of the things that Union Cemetery was going to do.

### CODE ENFORCEMENT & DOG CONTROL OFFICER REPORT:

Dog Control Officer Humiston reported he is covering for Fort Ann this week.

### HIGHWAY SUPERINTENDENT REPORT:

Superintendent Leonard has received quotes for the mowing of the Moss Street Cemetery and for the utility body for a new truck that will be arriving shortly.

He also has quotes for paving that will happen next week.

Quotes for mowing:

Richard Sears Tree Experts- \$1,700 – one time mow

May 6, 2024 Town Board Meeting Minutes

J & M Lopez Property Management - \$15,000.00 from May to October

S & D Mowing - \$1,000.00 per mowing – string trimming

Councilman Haessly would like copies of the quotes; he would like to review them before the next meeting. Deputy Supervisor Washburn would like to ask Comptroller Rebecca Pomainville what was paid last year for the mowing.

A **motion** by Councilman Lindsey seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the quote in the amount of \$950.60 from Adirondack Two-way Radio for a strobe light package for the Highway Superintendent's truck.

A **motion** by Councilman Akins seconded by Councilman Haessly and carried by a vote of 4 ayes to accept the bid from Woodward at \$10, 830.00 for a utility body for a new truck that will be delivered soon.

Highway Superintendent Leonard provided blacktop bids from Peckham's for Green Acres, Bentley Road and Underwood Road. Underwood Road may not be paved due to the construction of solar panels. Paving is scheduled for Bentley Road and Green Acres Lane next week.

WRITTEN REPORTS:

A **motion** by Councilman Akins and seconded by Councilman Haessly and carried by 4 ayes to accept the reports of certain officers for the month of March as follows:

Code Enforcement Officer: No. Permits 7; Fire Inspections 7; Building Inspections 13; Total Fees \$1,169.50

Dog Control Officer; Complaints 3; Seizures 1; Written Warning 1

Town Clerk: Paid to EnCon \$1,146.35; Paid to Supervisor \$7,824.51; Paid to the Village of Hudson Falls

Paid to Ag & Markets for Population Control \$101.00; Paid to Dept. of Health \$22.50

Town Comptroller: Receipts \$467,502.41; Disbursements \$494,052.20

Town Justice for December: \$8,056.00

January: \$11,803.50

February: \$18,243.00

Assessor Sales

PUBLIC COMMENT:

Mr. Springer stated the residents of Quarry Circle Way were told a lot of things that were going to get done by the Town of Kingsbury or by Mr. Nikas, who was the applicant for the Schermerhorn Apartments, did not get done. They were led to believe there would be no run-off from the Schermerhorn Apartments into the Quarry Circle sub-division. Mr. Schermerhorn has beautiful retention basins, but water is still coming through a culvert that he has that is coming right behind their houses and out into the Quarry Circle sub-division. Mr. Springer continued to explain the problem with water in the Quarry Circle development and the history of water problems.

Mr. Springer also stated the Quarry Circle residents pay more for their sewer bills and why would a new sewer district be started. Deputy Supervisor Washburn explained they are not in the Washington County Sewer District; they are in the Kingsbury Sewer District and there is a process to get into the Washington County Sewer District and currently that is not able to be done due no capacity at the sewer plant.

Mr. Springer stated the residents pay double for their sewer bill and now they have a high-water table which is the Town of Kingsbury's responsibility; at least take a look at it or clean it out because they are in a bad way as far as water conditions.

Deputy Supervisor Washburn explained the sewer bills are a separate problem.

## May 6, 2024 Town Board Meeting Minutes

Other residents voiced their complaints about the problems they have encountered with the high-water table.

Code Enforcement Humiston explained that the properties in question are 20 feet below the wetland, so the water flows that way. Last month was one of the top rainfalls in the last ten years.

Councilman Haessly stated Quarry Circle is on Dean Road and all the houses on Dean Road have a high-water table. Code Enforcement Officer Humiston stated that is why they are not allowed to build full basements. The homes have 4-foot crawl spaces and the residents commented that water is going into them.

Code Enforcement Officer Humiston commented there was a retention pond that held 28,000 gallons of holding area that is not there any longer. Another property filled in their area.

Comments continued from the residents.

Code Enforcement Officer Humiston stated the Schermerhorn Project is not the cause of the water problem in Quarry Circle based upon the Town engineer's review. The original design has been affected by multiple residents filling in areas.

Deputy Supervisor Washburn suggested the Town Board have a conversation with the Town Engineer to see what can be done, the Town can't go back, circumstances have changed. The key is to get rid of the water, which he does not know where or how.

Residents continued to describe the problems they have encountered with the water and express their concern about the high sewer bills due to being out of district users.

A resident asked what had been accomplished at this meeting.

Deputy Supervisor Washburn stated there is not much that can be accomplished, there is not a solution; there is a lot of work to be done as to how the problem came about and what the solution would be. He is not certain how much the Town can do.

One resident stated they pay a lot of taxes and there is no problem with the assessments being increased \$30,000.00 to \$40,000.00 more than last year. They would like something done for their hard-earned money and nobody seems to be able to do a thing for them. Deputy Supervisor Washburn stated that there are laws and rules for things that the Town can actually do, they are handcuffed by NYS. The Town cannot write a check to go in and re-develop the sub-division due to a water problem, that would be an expense for every other taxpayer in Kingsbury. That is not how government can run.

Councilman Haessly asked the residents what they thought had changed to cause the water problem. The residents agreed it was the neighboring project of the 242 – unit apartment complex being constructed by Schermerhorn. Councilman Haessly asked Code Enforcement Officer to look into the matter and it will be discussed at the next meeting. Code Enforcement Officer Humiston stated he could answer the question right now, the apartment complex has been built as designed, 100%. Councilman Haessly would like to think about it and absorb what has been said this evening.

Mr. Springer expressed his appreciation for the opportunity to discuss the water situation in Quarry Circle.

A **motion** to enter Executive Session by Councilman Haessly and seconded by Councilman Lindsay and carried by a vote of 4 ayes to enter into an executive session at 7:28 pm to discuss pending litigation. Highway Superintendent Leonard was asked to join the executive session.

A **motion** to exit Executive Session by Councilman Haessly and seconded by Councilman Lindsay and carried by a vote of 4 ayes at 8:42 pm.

There being no further business before the Board a **motion** by Councilman Akins and seconded by Councilman Haessly and carried by a vote of 4 ayes to adjourn the meeting at 8:43pm.

May 6, 2024 Town Board Meeting Minutes

Respectfully submitted,

Cynthia Bardin, Town Clerk