

The first regular meeting of the Kingsbury Town Board was held on May 12, 2014 at 7 p.m. at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY.

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

OTHERS PRESENT:                    Michael Graham, Superintendent of Highways  
   Jeffrey Meyer, Attorney for the Town  
   Anthony Marro, Northeast Metal Recyclers  
   Brian Borie, Attorney for Northeast Metals Recyclers

The meeting was called to order by Supervisor Lindsay and opened for business with the flag salute led by Councilman Collins.

**Motion** by Councilman Doyle, seconded by Councilman Freebern, carried by a vote of 5 ayes to accept the minutes of the April 28, 2014 Town Board meeting.

At 7:05 Supervisor Lindsay requested that the Town Clerk read the notice for the public hearing on the alteration of boundaries on map of current water districts in the Town of Kingsbury to include seven tax map parcels inadvertently left off of current maps. The public hearing was opened at 7:06 p.m. , with little discussion, the public hearing was closed. Attorney Meyer made the board aware that the resolution was subject to a permissive referendum. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to adopt the following:

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

Resolution No. 5 of 2014  
Adopted May 12, 2014

Introduced by Councilman Bromley  
who moved its adoption

Seconded by Councilman Freebern

**RESOLUTION AUTHORIZING THE ALTERATIONS OF BOUNDARIES ON MAP OF CURRENT WATER DISTRICTS IN THE TOWN OF KINGSBURY TO INCLUDE SEVEN (7) TAX MAP PARCELS INADVERTANTLY LEFT OFF OF CURRENT MAPS WHICH HAVE NO ROAD FRONTAGE AND ARE CURRENTLY CONNECTED TO EXISITNG PARCELS ALREADY BENEFITTED BY THE CURRENT WATER DISTRICTS OF THE TOWN**

**BE IT RESOLVED** by the Town Board (the “Board”) of the Town of Kingsbury (the “Town”), in the County of Washington on the 12<sup>th</sup> day of May, 2014, as follows:

**WHEREAS**, through resolution 5 of 2014, duly adopted by the Town, a public hearing was scheduled to be held before the Board on May 12, 2014, at 7:05 p.m. at the Offices of the Town of Kingsbury to hear all interested parties on this matter which alters boundaries on map of current water districts in the Town of Kingsbury to include seven (7) tax map parcels inadvertently left off of current maps which have no road frontage and are currently connected to existing parcels already benefitted by the current water districts of the town; and

**WHEREAS**, in accordance with Town Law Section 209-d a copy of the notice of said public hearing was duly posted and then published in the official newspaper of the Town, pursuant to and in conformance with the Municipal Home Rule Law and Town Law Section 209-d; and

**WHEREAS**, in accordance with Town Law Section 209-d, a public hearing was duly held before the Town Board this 12<sup>th</sup> day of May, 2014, at 7:05p.m. at the Office of the Town of Kingsbury and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to this matter.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the notice of the public hearing for the alteration of the map of the district and the costs associated therewith was published and posted as required by law and has been found to be otherwise sufficient; and be it further

**RESOLVED**, that all the property and the property owners within the proposed alteration of the map of the District are or will be benefitted thereby; and be it further

**RESOLVED**, that all the property and property owners benefitted are included within the proposed boundary lines of the alteration of the map of the District; and be it further

**RESOLVED**, that the alteration of the map of the District is in the best interests of the public; and be it further

**RESOLVED**, that the Town Board does hereby approve the alteration of the district map include the following parcels, which shall comprise the boundaries of the alteration of the district and shall be incorporated in their respective water districts:

<b>Number</b>	<b>Tax Map ID</b>	<b>Address</b>	<b>Owner</b>
1	146.18-9-13.1	State Route 4 E/off	David B. & Karen LaRose
2	146.18-9-14.2	State Route 4 E/off	David B. & Karen LaRose
3	146.17-4-17.2	Helen St S/Off	Patricia B Deyette
4	146.17-4-16	Feeder St E/Off	Patricia Betterton & Timothy K. Ball
5	146.18-8-9 (9.1)	North St E/Off	Hudson Falls Precast, LLC
6	A Portion of 146.18-8-9.2	102 North Street (remaining part of parcel not in district)	102 North Street, LLC
7	146.13-2-19.2	Dix Avenue N/off	William & Gracie Appling

and be it further;

**RESOLVED**, that the district boundary lines are being altered to include these above listed parcels as the respective tax map designated properties are part of larger parcels under common ownership benefitting from the respective districts; and

**RESOLVED**, the Town Board hereby declares that this action is Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review; and be it further

**RESOLVED**, that an application for permission to the Office of the State Comptroller to extend the District is not necessary, given that there were no costs associated with the alteration of the boundaries and no costs related to the construction of any facilities; and be it further

**RESOLVED**, that this resolution shall be subject to permissive referendum, as governed by Article Seven of the Town Law. As such, any petition filed in connection with the passage of this resolution shall conform to the requirements contained within Section 209-e(3) of the Town Law and be signed by the owners of at least five (5) percent of the taxable real property within the extension district. The Town Clerk of the Town shall have petitions available should any property owner located in the area effected by such change of alteration of boundaries wish to file a petition. If there is no petition for permissive referendum filed in the Office of the Town Clerk within 30 days after the adoption of this resolution the Town Clerk shall file a certificate stating that such fact in the office of the Washington County Clerk.

**RESOLVED**, the Town Board, upon due deliberation of this matter and this resolution that the adoption of the same is in the best interests of the Town; and be it

**FURTHER RESOLVED**, that this resolution shall take effect immediately.

Adopted on this day May of 12, 2014

Those members present:

Voting:

James T. Lindsay, Supervisor

Aye

William Collins, Councilman

Aye

Richard Doyle, Councilman

Aye

Paul Bromley, Councilman

Aye

Henry Freebern, Councilman

Aye

At 7:10 p.m. Supervisor Lindsay instructed the Town Clerk to read the public notice in regard to a local law providing for a partial real property tax exemption for Gold Star Parents. **Motion** made by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes to adopt the following:

**TOWN BOARD OF THE TOWN OF KINGSBURY**

**COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution Number 6 of 2014

Adopted May 12, 2014

Introduced by Councilman Bromley

who moved its adoption.

Seconded by Councilman Freebern

**RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NUMBER 2 OF 2014, A LOCAL LAW AUTHORIZING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES ON QUALIFYING RESIDENTIAL REAL PROPERTY FOR THE "ALTERNATIVE" VETERAN'S EXEMPTION TO "GOLD STAR PARENTS" WHICH ARE THE PARENTS OF A CHILD WHO DIED IN THE LINE OF DUTY WHILE SERVING IN THE UNITED STATES ARMED FORCES DURING A PERIOD OF WAR PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 458-a**

**BE IT RESOLVED** by the Town Board (the "Board") of the Town of Kingsbury (the "Town"), in the County of Washington, on this 12<sup>th</sup> day of May 2014, as follows:

**WHEREAS**, through resolution 2 of 2014, duly adopted by the Town Board, a public hearing was scheduled to be held before the Town Board on May 12, 2014, at 7:05 p.m. at the Offices of the Town of Kingsbury to hear all interested parties on proposed Local Law No. 2 of 2014 of the Town of Kingsbury which provides for Gold Star Parents to be eligible for the Alternative Veterans' Exemption under the New York State Real Property Tax Law 458-a and shall apply to Town real property taxes; and

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

**WHEREAS**, said public hearing was duly held before the Town Board this 12th day of May, 2014 at 7:05 p.m. at the Offices of the Town of Kingsbury and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the local law.

NOW, THEREFORE BE IT

RESOLVED, the Town Board hereby finds the consideration and proposed adoption of this Local Law is an action under the New York State Environmental Quality Review Act (SEQRA). The Town Board hereby declares that this action is a Type II action pursuant to 6 NYCRR 617.5(20) and (27) and declares that the action does not have a significant impact on the environment and the action is hereby precluded from further environmental review; and be it further

RESOLVED, the Town Board, upon due deliberation of the Local Law finds that the adoption of the same is in the best interests of the Town; and be it further

RESOLVED, the Local Law providing for an exemption for Gold Star Parents to be eligible for the Alternative Veterans' Exemption under the New York State Real Property Tax Law 458-a and shall apply to Town real property taxes, a copy of which is attached hereto and made a part hereof; and be it further

RESOLVED, pursuant to and in accordance with the Municipal Home Rule Law, the Town Clerk is hereby directed to enter this Local Law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York.

RESOLVED, this resolution shall take effect immediately.

Adopted on this 12<sup>th</sup> day of May, 2014.

Those members present were:

James T. Lindsay, Supervisor

William Collins, Councilman

Voting:

Aye

Aye

Richard Doyle, Councilman	Aye
Paul Bromley, Councilman	Aye
Henry Freebern, Councilman	Aye

Attorney Meyer reported that a modification was necessary on Resolution # 4, adopted on April 14, 2014 in regard to a settlement with Northern Electric Power. There being a discrepancy relating to the assessment years, the Town of Kingsbury must pay Northern Electric approximately \$8,000 for over-payment in taxes in 2013. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes to adopt the following resolution:

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

**Resolution No. 7 of 2014  
Adopted May 12, 2014**

**Introduced by Councilman Freebern  
who moved its adoption.**

**Seconded by Councilman Collins**

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT AND ORDER  
RELATIVE TO NORTHERN ELECTRIC POWER CO. LP V. TOWN OF KINGSBURY, ET.  
AL. BEARING WASHINGTON COUNTY SUPREME COURT  
INDEX NOS. 17474, 19187, 20695, 22249**

WHEREAS, Northern Electric Power Co., LP, Petitioner, commenced actions against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification numbers 600.-15-6, 600.-15-6.-8801, 600.-15-1, and 154.9-1-3.1; and

WHEREAS, the stipulation as previously agreed has been modified as there was a discrepancy relating to the assessments years of 2013 and 2016, as well as a refund equal to a twenty percent (20%) reduction in the assessed valuation of the subject parcel for tax year 2013; and

WHEREAS, it is the desire of the Town of Kingsbury to authorize their legal counsel on this matter, Meyer & Fuller, PLLC to sign and accept the revised Stipulation of Settlement and Order relative to the reduction of assessment in accordance with the proposed Stipulation of Settlement and Order, attached hereto and made apart hereof pertaining to property located in the Town of Kingsbury, New York, bearing tax map identification numbers 600.-15-6, 600.-15-6.-8801, 600.-15-1, and 154.9-1-3.1.

**NOW THEREFORE BE IT:**

**RESOLVED**, that Meyer & Fuller, PLLC is authorized to execute any and all documents pertaining to the settlement of the Article 7 petitions reducing the assessment on property bearing tax identification numbers: 600.-15-6, 600.-15-6.-8801, 600.-15-1, and 154.9-1-3.1, in accordance with the RPTL Section 727 to establish the assessment rates for the ensuing years, as revised.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Adopted this 12th day of May, 2014.

Supervisor Lindsay introduced Stan Dobert , a representative of APEX, company interested in solar farms . The company is interested in purchasing approximately 17 acres in a commercial zone in the Town of Kingsbury. Code Enforcement Officer, Ross Cortese, explained that in the commercial zone there is no definition for a principle use of solar panels, only for accessory use on a home or business. A discussion followed with the board, Mr. Gilbert, Ben Dickerson from APEX and a representative from Solar Project Solutions. Research has been conducted and determined there is no environmental impact. Attorney Meyer recommends the Town Board not rush into making any decision in regard to this matter. Supervisor Lindsay would like to discuss this matter with the planning board to determine which direction to go.

Supervisor Lindsay read the t-shirt bids for the recreation program. A bid received from Hallwear was \$8,208.50 and a bid received from W.B. Mason's was for \$7,622.00. A **motion** made by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes to award the bid to W.B. Mason at \$7622.00 with a 10 – 12 day delivery.

Attorney Meyer will review the Requests for Proposal that were received for 1246 Dix Avenue . Proposals were received from Craig Darby of CBRE and Bob Sears of Prudential Blake Commercial Realtors .

Attorney Brian Borie, representing Northeast Recyclers, Inc, reported that they are still in negotiations with the New York State Department of Environmental Conservation. Attorney Borie made a request to the Town Board to extend East Side's existing license until May 27, 2014. A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 5 ayes to extend East Side's license until June 9, 2014, the date of the next Town Bard meeting.

Superintendent of Highways, Michael Graham, presented the Town Board with an agreement to spend Town Highway Funds. The agreement was signed by all Town Board members and a **motion** by Councilman Freebern, seconded by Councilman Doyle a carried by a vote of 5 ayes to agree to the following:

General Repairs: The sum of \$122,325.00 may be expended for general repairs upon 53.06 miles of town highways.

Capital Improvements: The following funds shall be set aside to be expended for the improvement of town highways. Total: \$291,635.00

Superintendent Graham also reported:

The sweeping of the streets will be complete tomorrow, May 13, 2014.

The new dump truck has been delivered.

The pickup ordered in the fall of 2013 was never delivered from Carbone. Graham has contacted Carbone and received no response. At the next Town Board Meeting on June 9, 2014 he will go out to bid once again.

Bob Sears of Prudential Blake Commercial Realtors toured the former Highway Department on Dix Avenue with Graham.

Graham spoke about the Town Line Road Project which will take place in July or August. The State has red-flagged a culvert on Town Line Road. The new culvert to be replaced is 8' high, 18' wide and 80' long at a cost of approximately \$30,000. It will be a joint project with the Town of Argyle, in which the Town of Kingsbury will be the lead agency. A **motion** made by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to give permission to Graham to purchase the pipe necessary for this project.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes, giving permission for Graham to attend school in Ithaca, on June 2 – 4, 2014.

Graham reported he had received calls from residents on Pleasant View Drive, concerned about the excessive traffic, noise and dust from trucks owned by Ray Kew. Kew is hauling clean fill from the site of the Grand Union demolition in Fort Edward to his property. Supervisor Lindsay suggested that Ray Kew could make a road on his own property to continue dumping the fill. Graham will contact Kew with this suggestion.

**Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes giving permission for Town Clerk to attend the New York Association of Local Government Records Officers school on June 9 & 10, 2014.

**Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes giving Comptroller Mary Ordway permission to attend Finance Officers School on June 5<sup>th</sup>.

Supervisor Lindsay reported that he has received letters supporting the Strand Theatre Revival.

**Motion** by Councilman Freebern, seconded by Councilman Doyle and carried by a vote of 5 ayes to give permission to the Town Clerk to collect school taxes for 2014-15.

PUBLIC COMMENT: Town resident Chuck Caputo expressed his concern over the license application of North East Metals, due to the incomplete clean-up on of the former East Side location on Burgoyne

Avenue . Caputo is concerned that there could be another situation at their current location on Route 149 similar to what occurred on Burgoyne Avenue. Northeast Metals would take over the operation of the current East Side located on Route 149 in the Town of Kingsbury. Supervisor Lindsay explained that the clean-up on Burgoyne Avenue is not complete, but is very close to being complete.

Councilman Bromley received a Request for Proposal from Alpha. The proposal is complete, but has an estimate for the Phase II. Attorney Meyer explained that it would be very difficult for anyone to quote an exact amount to conduct a Phase II.

Councilman Bromley asked Code Enforcement Ross Cortese about Dean Column, a business located in the Industrial Park. Cortese reported that they will attend the next Planning Board meeting to discuss their problem with outdoor storage. After the discussion they would then like to apply for a modification. A discussion followed with Town Board members

Supervisor Lindsay reported that the road to Galusha's, located in the Industrial Park needs to be turned over to the Town of Kingsbury.

Supervisor Lindsay read a resignation letter from Dog Control Officer, Frank Diamond. Diamond will be retiring on July 4, 2014. Diamond commented it has been a pleasure to work for the entire staff of the Town of Kingsbury. Supervisor Lindsay accepted Diamond's resignation with regret.

There being no further business before the board a **motion** by Councilman Freebern, seconded by Councilman Collins to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Cynthia A. Bardin, Kingsbury Town Clerk