

The second regular meeting of the Kingsbury Town Board was conducted on May 15, 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
OTHERS PRESENT	Jeffrey Meyer, Town Attorney Dave Perkins, Champlain Canalway Trail Michael Graham, Highway Superintendent Todd Humiston, Dog Control Officer

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 Collins.

The minutes of the May 1, 2017 Board Meeting 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 introduced Dave Perkins who gave an update on the Champlain Canalway Trail. The bike path is going to be built from Fort Ann to New Swamp Road beginning in the Fall of 2018. There will be 3 distinct sections; they being from Fort Ann south to Baldwin's Corners with a stone dust trail; then south to Smith's Basin which will be a paved trail with a snowmobile trail running alongside it and from Smith's Basin to New Swamp Road it will be an improved trail, but will not have a finished trail surface, due to a shortage in the funding received in 2005. The shortage is due to the increase of costs in the last 12 years.

In Washington County there is a designated trail from Dix Bridge (located in Greenwich) to the Village of Fort Edward (a lot of which is signed Champlain Canalway Trail). It appears the Town of Fort Edward has made some determinations with a plan in place to bring the trail through the village to the Amtrak station and from there it will continue down East Street and follow down the west bank of the canal to Kingsbury. Once in Kingsbury it must be decided what Kingsbury wants to do with the trail; it could stay along the canal bank and continue to New Swamp Road and join in the trail with the trail from Smith's Basin. Perkins stated that at some point he thinks the Town Board is going to have to wrestle with that and decide how they are going to go about going after funding or presenting some pressure political pressure to get this included with the next trail project. At this time the Town of Fort Ann is researching how to get from the Village to Ryder Road which is 6 miles from the Town of Whitehall.

Perkins stated the most exciting news to come out in the last couple of months is the announcement of the Empire State Trail which is fully funded for \$200,000,000.00 for a 3 – year period. Most of the money in the first two years will go to the Hudson Valley and the Erie Canalway Trail. At this time it is unknown where the funds will go in the third year of the funding. Perkins feels it may be necessary to apply political pressure for funds for the Champlain Canalway Trail from the Empire State Trail in its third year to make sure that we are not forgotten.

On August 20, 2017 the 6 the Champlain Canalway Bike Tour will take place.

Perkins stated the bike trails will provide an economic engine which will benefit businesses and places where there are bike trails.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes in support of Dave Perkins to continue representing the Town of Kingsbury with the Champlain Canalway Trail Working Group.

The Board discussed hiring someone to perform maintenance work at the Town Hall. Councilman Bromley reported there was some minor work not completed during the renovation that should be completed before hiring a maintenance person. The Board would like Todd Murphy, who conducted the renovation, to complete the work. Town Attorney Meyer recommends the Town advertise for the maintenance position once Todd Murphy has completed the minor work.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes for Recreation Director Debbie Battiste to go out to bid for T-Shirts.

Supervisor Hogan announced tomorrow is the Complete Streets Demonstration from 10 am to 2 pm. The event is sponsored by the Glens Falls Hospital and the Chazen Group. Temporary safety features will be installed on Michigan Street to address some of the safety concerns related to the flow of traffic on busy days.

LEGAL UPDATE:

Attorney Meyer requested an executive session to discuss current litigation.

Attorney Meyer also reported Mr. Nikas would like to be released in his letter of credit to complete the paving at Quarry Circle. Attorney Meyer advised Mr. Nikas numerous times the position of the Board and invited Mr. Nikas to a Board Meeting to explain his position to the Board. Mr. Nikas was under the mistaken impression that there was not a work percent in the agreement; the agreement states the construction must be 80% complete before the paving is completed Highway Superintendent Michael Graham stated the road is in decent shape and will be fine for a couple more years.

TOWN CLERK REPORT:

The Town Clerk updated the Board on the speed limit requests for Michigan Street, Division Street, Sunset Street, Vaughn Road and County Line Road. Reed Sholtes of the NYS Traffic & Safety Mobility has received and reviewed the requests. Mr. Sholtes needs to come to Kingsbury to view the streets in question.

The Town Clerk reported the Hudson Falls Free Library has announced a program for infants to 7 years olds with a parent or caregiver every Thursday from 10:30 am – 11:00 am hosting a variety of books, songs and finger plays.

The Town Clerk reported she has received two FOIL Requests from The International Brotherhood of Electrical Workers in regard to contractors who performed electrical work on the renovation on Town Hall. The Town Clerk has responded to the requests.

Town Clerk reported the total cost for her to attend the NYSTCA Conference from April 23 – 26 was \$400.20, with a \$250.00 Scholarship and no travel costs the Town saved approximately \$350.00.

CODE ENFORCEMENT OFFICER:

Supervisor Hogan reported Ross Cortes has returned to work and is recovering from knee surgery.

DOG CONTROL REPORT:

Todd Humiston reported 150 vaccinations were given at the Rabies Clinic held on May 6, 2017 at the Highway Garage. There will be another Rabies Clinic at the Washington County Municipal Building on Saturday 20, 2017. Humiston explained Warren, Washington and Saratoga County are high risk areas for rabies and receive a lot of state funding for the rabies clinics.

Humiston attended the Ag & Markets Conference last week which included some Local Laws that the Board may want to look into. One Local Law is in regard to dog redemption and the other is in regard to the boarding & pick-up fees. Humiston has been asked to speak at the Conference next year on public relations. Supervisor Hogan commented that Humiston has been visiting the schools and is scheduled give a presentation to 2nd graders.

HIGHWAY SUPERINTENDENT REPORT:

Michael Graham reported the troopers are still making their presence on Kingsbury Road. Michael Graham and Village DPW Mike Fiorillo worked with Kathy Varney of Glens Falls Hospital to set up the Complete Streets demonstration by setting up speed bumps, curbing and signage. The Town borrowed a speed radar sign from the Town of Queensbury for the event. The Town does have a speed radar sign but the batteries are dead; Kathy Varney is going to try secure funds to update the sign by making it solar powered and wireless.

The Highway crew has started the installation of the sprinkler system at Town Hall; Michael Graham would like to thank Dave McKeighan for his assistance in the planning of the installation of the sprinkler system. The cost of the sprinkler system is approximately \$1,400.00.

Graham would like to order a 14 foot stainless box for one of the dump trucks from Onondaga. Attorney Meyer stated there had been problems with Onondaga and would like Graham to hold off until he has a chance to review the information.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes giving Highway Superintendent permission to sign a Mowing Agreement with Washington County in the amount of \$5, 44476, which is an increase from last year. Graham stated he had requested an increase; the amount paid to the Town had remained about the same for the last 10 years.

A **motion** by Councilman Freebern seconded by Councilman Collins to accept the reports of certain officers for the month of April as follows:

Code Enforcement: No. Permits 1; Variances 1; Research Fees: 1; Total Fees: \$675.00

Dog Control Officer: Complaints/Calls 53; Seizures 2; Unlicensed Dogs 7; Bites Investigated 3; Mileage 707 with 164 to Fort Edward, and 300 to Fort Ann

Town Clerk: Paid to EnCon \$562.13; Paid to Supervisor \$2,201.50; Paid to Village of Hudson Falls \$60.00; Paid to Ag & Markets for Population Control \$98.00

PUBLIC COMMENT:

Residents of 76 Dean Road were present to address a problem with water flooding their property. A new house was built next door to them at 84 Dean Road. The house at 84 Dean Road had 18 inches of water in the basement and a company has been hired to come to dig into the basement down to the water table and drain the water out of the basement.. The water draining out of the basement is running into 76 Dean Road and is flooding their property. The residents have a crawl space which is saturated with water. Supervisor Hogan would like their contact information and will have Ross Cortese, Code Enforcement Officer follow up tomorrow.

A **motion** by Councilman Freebern seconded by Councilman Bromely and carried by a vote of 5 ayes to enter into executive session at 7:51 pm.to discuss current litigation.

A **motion** by Councilman Doyle seconded by Councilman Collins and carried by a vote of 5 ayes to exit the executive session at 8:15 pm.

After discussing current litigation in the executive session the following was adopted:

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

**Resolution No. 11 of 2017
Adopted May 15, 2017**

Introduced by Councilman Freebern

Who moved its adoption.

Seconded by Councilman Bromley

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT AND ORDER
RELATIVE TO COMMERCIAL NET LEASE #654 V. TOWN OF KINGSBURY, ET.
AL. BEARING WASHINGTON COUNTY SUPREME COURT
INDEX NOS.: 19187; 20610; 22194; 23538; 25011; 26198**

WHEREAS, Commercial Net Lease #654, Petitioner, commenced an action against the Town of Kingsbury, under Article 7 of the Real Property Tax Law in the Washington County Supreme Court pertaining to property located at 76-78 Main Street, Town of Kingsbury, Village Of Hudson Falls, Washington County New York, bearing tax map identification number: 154.14-6-53; and

WHEREAS, the litigation called into dispute the tax assessments from 2011, 2012, 2013, 2014, 2015, and 2017; based upon the assessed value of Seven Hundred Fifty Thousand Dollars (\$750,000.00); and

WHEREAS, it is in the interests of all parties to resolve this proceeding at this time and In this manner and thereby avoid potential refunds and significant costs and delay that would Otherwise be incurred with continued, protracted litigation; 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 Stipulation of Settlement and Order Relative to the reduction of assessment pertaining to the property located at 76-78 Main Street, Town Of Kingsbury, Village of Hudson falls, Washington County New York, bearing tax map Identification numbers 154.14-6-53, based upon the following: Article 7 challenges for tax years 2011 – 2014 would be withdrawn; tax years 2015 and 2016 would be reduced to \$450,000.00, Together with refunds for overpayment; and pursuant to Real Property Tax Law section 727 the Assessment would be maintained for the years 2017 – 2019.

NOW THEREFORE BE IT:

RESOLVED, the Town Board, upon due deliberation, finds that it is in the best interests Of the residents of the Town of Kingsbury to approve and enter into the terms of settlement as Detailed above subjects to final review and approval of the specific language contained in the Stipulation by counsel; and be it further

RESOLVED, that Meyer & Fuller, PLLC is hereby authorized to execute any and all Documents pertaining to the settlement of the Article 7 petition reducing the assessment on Property bearing tax identification number: 154.14-6-53, in accordance with the terms Included herein.

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

Adopted this 15th day of May, 2017.

There being no further business before the Board **motion** by Councilman Collins seconded by Councilman Doyle and carried by a vote of ayes to adjourn the meeting at 8:20 pm.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk