

The second regular meeting of the Kingsbury Town Board was conducted on Monday, June 24, 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
Henry Freebern, Councilman

ALSO PRESENT: John D. Aspland, Jr., Attorney for the Town
Colleen Adamec, Sole Assessor
Michael Graham, Highway Superintendent

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 Freebern.

Motion by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes to accept the minutes of the meetings held on May 13, May 24, May 29 and June 10, 2013 as submitted by the Town Clerk and Deputy Town Clerk.

LEGAL UPDATE:

Attorney Aspland reported that most of the issues in the legal update are matters that need to be discussed in Executive Session. Attorney Meyer was working on some local laws to update planning and zoning issues prior to his departure from the lawfirm. Attorney Lais has contacted Code Enforcement Officer Ross Cortese to continue the work on these issues. We are still waiting for a decision from the Judge on the Dix Avenue Drive In Theater matter. Royal Wood Shavings Manufacturing, Inc. was closed via court order, repaired the items that needed to be repaired and Dan Bruno from Highlander Engineering sent a letter stating that RWS had met all the requirements as of June 5 and they were allowed to reopen the operation. The Court ordered the cost of attorney fees to be paid by RWS to the Town. Attorney Aspland asked if we had been paid and stated he would check into this matter. The Quarry LLC matter has been resolved and he had obtained all the signed documents in this matter. This matter was grieved again before the BAR this year. He discussed how the Town wished to proceed regarding the financing for the highway garage. Of the four issues described in the report regarding East Side the first two are okay but the last two should be discussed which are pollution conditions. The letter of credit from East Side is being worked on as they are working with Adirondack Trust Co. Kara is still researching the cemetery issues.

Supervisor Lindsay stated we had a public hearing on proposed Local Law Number 3 abolishing the position of the elected office of Receiver of Taxes and Assessments and incorporating those duties into the Town Clerk's Office. The Supervisor instructed the Town Clerk to read the Notice of Public Hearing. Supervisor Lindsay stated that by abolishing the position the Town stands to save \$20,000.00 and will make things more

efficient. The Town has done away with two positions so far and things have worked out well. This issue will be placed on the ballot in November to obtain voter permission to abolish this position. Supervisor Lindsay stated he felt this was a fair way to do it. Supervisor Lindsay read the resolution. Supervisor Lindsay opened the public hearing on Local Law Number 3 at 7:15 p.m. Mr. Frederick Gage asked what the actual savings would be and Supervisor Lindsay stated \$20,000 would be saved. The school taxes would be collected by a bank. There being no further comments, Supervisor Lindsay closed the public hearing at 7:16 p.m.

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

Resolution No. 9 of 2013
Adopted June 24, 2013

Introduced by Councilman Bromley
who moved its adoption

Seconded by Councilman Doyle

**RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NUMBER 3
OF 2013 PROVIDING FOR THE ABOLITION OF THE ELECTIVE OFFICE OF
RECEIVER OF TAXES IN THE TOWN OF KINGSBURY**

BE IT RESOLVED by the Town Board of the Town of Kingsbury (the "Town"), in the County of Washington, on this 24 day of June, 2013, as follows:

WHEREAS, the Town scheduled a public hearing to be held before the Town Board on June 24, 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 on a proposed Local Law to abolish the elected office of Receiver of Taxes; and

WHEREAS, notice of said public hearing was duly posted and then published in the Post Star, the official newspaper of the Town on June 12, 2013, pursuant to and in conformance with the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held before the Town Board on June 24, 2013 at 7:05 p.m. at the Offices of the Town of Kingsbury, 210 Main Street, Hudson Falls, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the local law to abolish the elected office of Receiver of Taxes.

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

- Section 1.** The Town Board, upon due deliberation of the comments presented at the public hearing, finds that the adoption of the local law shall be in the best interests of the Town.
- Section 2.** The Local Law Providing for the Abolition of the Elective Office of Receiver of Taxes of the Town of Kingsbury is hereby adopted as Local Law Number 3 of 2013, a copy of which is attached hereto and made a part hereof.
- Section 3.** Pursuant to and in accordance with the Municipal Home Rule Law, Local No. 3 of 2013 shall be subject to mandatory referendum at the next general election on November 5, 2013, whereby Local Law No. 3 of 2013 shall become operative only if approved by the affirmative vote of a majority of the qualified electors of the Town voting upon this proposition.
- Section 4.** The Town Clerk is hereby directed to enter Local Law No. 3 of 2013 into the minutes of this meeting and file the same, along with an appropriate abstract, with the Washington County Board of Elections. Upon approval by the electors of the Town, the Town Clerk is directed to file Local Law No. 3 of 2013 with the Office of the Secretary of State of the State of New York.
- Section 5.** 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
 Aye

Supervisor Lindsay stated that David Perkins had approached the Town Board at the previous meeting regarding the Champlain Canalway Trail and had requested the Town Board to support this project.

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

RESOLUTION NUMBER 8 OF 2013

**Introduced by Councilman Bromley who moved its adoption
 Seconded by Councilman Doyle.**

1. To endorse the concept of the CCT as set forth in the Action Plan, participate in collaborative planning and implementation efforts for the CCT and appoint a representative who will actively serve on the Champlain Canalway Trail Working Group and report CCT progress to the Town of Kingsbury.

Dated: June 24, 2013

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
 Aye

Councilman Bromley gave the board members an update on the construction of the Highway Garage Facility. He stated it is going along. He has been meeting with the contractors to determine how many feet of pipe will be needed for the wells for the geo-thermal system. They have been able to eliminate going through the roof of the building for the firewall and due to not having to do this the fire rating will be higher. We will need to beef up our fire rating on the walls and mezzanine.

REPORTS:

Sole Assessor Colleen Adamec submitted her report in writing to the Town Board.

The Town Clerk reported she had been contacted by the Glens Falls Lions Club regarding the Bicycle Dualathon Race they will be hosting on October 13 and they requested authorization to use the Town roads for this race. The Town Board members welcomed the Lions Club to the Town and hoped they have a successful event.

Highway Superintendent Michael Graham reported that Dean Road has been repaved and he will be installing his radar sign tomorrow to monitor the traffic and the speeds. If he finds a certain pattern of speeding on the road, he will contact the Sheriff's Department to monitor the road during certain periods of time as the sign shows it may be necessary.

Councilman Doyle stated that Tom Darfler has applied for the .gov website domain but needs to have a credit card to pay for the application. He can either use his own card and ask for reimbursement from the town or use the Town's credit card, if it has one.

WRITTEN REPORTS:

On a **motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes accepting the reports of certain town officers for the month of May as follows:

**A RESOLUTION IN SUPPORT OF THE CHAMPLAIN
CANALWAY TRAIL**

WHEREAS the Town of Kingsbury agrees to work collaboratively with regional waterfront municipalities to create a Champlain Canalway Trail (CCT) spanning more than seventy (70) miles from Waterford, New York to Whitehall, New York; and

WHEREAS, the CCT is one of four in New York State's Canalway Trail System and is the second longest (Eric/365 miles, Oswego/37 miles, Cayuga/Seneca/22 miles):
and

WHEREAS when completed, Whitehall, New York will link the CCT with Lake Champlain bicycle trails and become the natural gateway to and from Canada along the NYS Canalway Trail System and Waterford, New York will link to the Eric Canalway Trail leading across N.Y.S. to Buffalo, as well as the Feeder Canalway Trail and Warren County Bike Path, and

WHEREAS the CCT can play an integral role in improving the health and well-being of people living in and around the community by providing a close-to-home place for physical activity; and

WHEREAS the CCT will increase levels of safety by providing transportation alternatives; and

WHEREAS the CCT will provide Trail connections to the waterfront and downtown area, supporting economic revitalization efforts; and

WHEREAS, the CCT will strengthen a corridor-wide identity linking historic, recreational and economic resources; and

WHEREAS, taking a coordinated, partnership approach to the CCT Action Plan will help position communities to obtain trail funding while minimizing competition with each other; and

WHEREAS, increased coordination and support between communities will help complete the entire Trail, ensuring that all Champlain Canal communities capture the full range of benefits for local residents, visitors, and businesses; and Town of Kingsbury will provide a vital off-ice connection to the various snowmobile trail systems in Washington County linking Vermont with Warren County.

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Kingsbury in the State of New York resolves the following:

Code Enforcement Officer: No. Permits 13; Plat Fees 1; Research fees 1; Trailer Asst's. 2 Total Fees \$3,525.00

Dog Control Officer: Complaints/Calls 17; Seizures 2; Unlicensed Dogs 14; Euthanasia 0; Summons Issued 1; Bites investigated 0; Mileage 102.

Town Clerk: Paid To EnCon 872.05; Paid to Supervisor \$5,233.61; Paid to NYS Dept. of Health 135.00; Paid to Village of Hudson Falls \$170.00; Paid to Ag and Markets for Population Control \$128.00.

Town Comptroller: Receipts \$103,592.59; Disbursements \$158,363.45

Town Justice: Fees Collected \$6,974.80

PUBLIC COMMENTS:

Mr. Bill Underwood of Dean Road stated the noise has been a problem coming from Royal Wood Shavings Manufacturing. He was concerned you could see through the wall that was erected and asked the town board to consider installing sound boxes to monitor the sounds that are emitted from the plant at various times.

Mr. Dennis Kelly of County Line Road brought pictures of the blue smoke that came from the plant last Thursday. He had contacted DEC. He also stated that at 9:00 at night the plant emits black smoke.

Mr. Frederick Gage asked if there would be any impact to prohibit future growth for the town with the Canalway trail proposed to come through the town.

Motion by Councilman Freebern, seconded by Councilman Bromley and carried by a vote of 5 ayes to enter into Executive Session at 7:55 p.m. to discuss litigation involving Wheelabrator, Northern Electric and Garewell. The Town Clerk, Town Assessor and Mr. Larry Farbstein were invited to attend the Executive Session.

Motion by Councilman Freebern, seconded by Councilman Bromley and carried by a vote of 5 ayes to go out of Executive Session at 10:12 p.m.

Sole Assessor Colleen Adamec will review the settlement of Northern Electric.

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

Resolution No. 10

Adopted June 24, 2013

Introduced by Councilman Freebern
who moved its adoption

Seconded by Councilman Doyle

**RESOLUTION AUTHORIZING SETTLEMENT OF ARTICLE 7 REAL
PROPERTY ASSESSMENT CASE COMMENCED BY KARAN GAREWAL**

WHEREAS, Karan Garewal previously commenced an Article 7 Real Property Assessment Review case against the Town of Kingsbury, the Assessor and the Board of Assessment Review of the Town of Kingsbury ("the Town") concerning the assessed value of property located at 77-79-81 Elm Street and referred to by Tax Map designation Section 154.15, Block 1, Lot 21 for the years 2009, 2010, and 2011 and upon real property referred to by Tax Map designations Section 154.6, Block 7, Lot 26 and Section 146.18, Block 1, Lot 7 for assessment years 2011 and 2012; and

WHEREAS, the instant settlement proposal is being recommended and the Town Board has reviewed the case with Counsel to the Town; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Kingsbury hereby approves the settlement of the Article 7 case against the Town by Karan Garewal concerning the 2009, 2010, and 2011 assessed value of property referred to as Tax Map No. 154.15-1-21 and property referred to as Tax Map No. 154.6-7-26 and Tax Map No. 146.18-1-7 with the following revised assessment value and terms:

Tax Map No. 154.15-1-21

<u>TAX YEAR</u>	<u>CURRENT ASSESSMENT</u>	<u>REVISED ASSESSMENT</u>
2009	\$176,300	\$158,450
2010	\$176,300	\$158,450
2011	\$167,500	\$158,450

*2012 and 2013 are not at issue as petitioner failed to grieve for this tax year.

Tax Map No. 154.6-7-26

<u>TAX YEAR</u>	<u>CURRENT ASSESSMENT</u>	<u>REVISED ASSESSMENT</u>
2011	\$93,700	\$92,000
2012	--	\$92,000
2013	--	\$92,000
2014	--	\$92,000

Tax Map No. 146.18-1-7

<u>TAX YEAR</u>	<u>CURRENT ASSESSMENT</u>	<u>REVISED ASSESSMENT</u>
2011	\$102,400	\$102,400 (No change)
2012	\$97,300	\$97,300 (No change)

and

BE IT FURTHER,

RESOLVED, that the Town Board further authorizes and directs the Town Supervisor and/or Town Counsel to execute all settlement documents, *nunc pro tunc*, and take any additional steps necessary to effectuate the settlement pursuant to the terms of this Resolution, and

BE IT FURTHER,

RESOLVED, that this Resolution will be effective 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
- Aye

There being no further business to come before the Town Board, **motion** by Councilman Doyle, seconded by Councilman Bromley and carried by a vote of 5 ayes to adjourn the meeting at 10:15 p.m.

Respectfully submitted,



Holly E. Mabb, RMC/CMC