

The second regular meeting of the Kingsbury Town Board was held on July 18, 2016 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: Ross Cortese, Code Enforcement Officer
Michael Graham, Highway Superintendent
Jeff Meyer, Town Attorney

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 June 13 and June 27, 2016 Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes.

Supervisor Hogan opened the public hearing to adopt a local law for nuisance properties at 7:01 p.m. Owners of rental property in the Town were present with many questions and concerns of the proposed law. One questioned if her tenants violated any of the items in the New York State Penal Law, would she be responsible for that action. Supervisor Hogan responded she could be subject to being responsible for their actions. She also asked what would be considered as a mass gathering. Attorney Meyer replied with the legal definition of mass gathering. Diane Howard owner of 78 apartments on 153 Broad Street addressed the Board with her concerns. She explained when a tenant violates the Penal Code, for example welfare fraud, she makes every effort to evict the tenant, but the eviction can be a lengthy process. Mr. Sullivan questioned if the proposed law was to apply to the Town of Fort Edward or to the Village of Hudson Falls. Attorney Meyer explained it was designed for the Town of Kingsbury. Supervisor Hogan explained the intent of the law is to give the Town the ability to address properties that are a nuisance. One owner suggested the Board review the proposed law and be more specific with the intent of what the Town wants. Supervisor Hogan agreed the proposed law needs to be reviewed.

Matt LaPann of Fairview Lane stated he was there as a Dad trying to protect his kids. Fairview residents approached the Town Board in March with complaints of a neighbor who held loud parties late into the night; when officers were called there was little to do with no nuisance law in place. Attorney Meyer explained the way the proposed law is set up it does not address noise; that would be a separate ordinance. Supervisor Hogan would like to table the proposed Local Law until August 15, 2016, at the second Board Meeting of the month. Supervisor Hogan welcomes any suggestions or comments which can be sent to his e-mail address. Councilman Doyle agreed the proposed law was very broad and he would like to speak to Sheriff Murphy to determine what would be most effective to deal with the nuisance problems. Doyle also stated he would not want to revoke someone's certificate of occupancy and remove them from their home, especially if there are children in the home.

Ross Cortese, Code Enforcement Officer, Councilman Doyle, Councilman Collins and Attorney Meyer will form a committee to review the public comment received at the public hearing.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 4 ayes to re-appoint Rich Hogan to the Zoning Board of Appeals for a 5-year term. Supervisor Hogan asked that he be recused from the vote.

Supervisor Hogan has been approached by the County for authorization of a local government efficiency grant. Supervisor Hogan read a sample resolution provided by the County. Councilman Bromley asked to comment. He stated he and Michael Graham, Superintendent of Highways, visited other municipal Highway Garages before planning the new garage at 437 Vaughn Road garage. When they visited the Putnam garage he felt there was total disregard for the money spent. Bromley feels as a taxpayer and a Town Board member he is a firm believer that every Town in Washington County could eliminate a layer of government, Washington County should be giving the share of County monies to each Town eliminating the Highway Department, hiring all the paving done and let the Towns take over that portion of the County because it is an absolute waste of money. To think we are going to build shared facilities after seeing the Putnam Highway Garage; which cost more and is a smaller facility was a waste of taxpayer dollars. Supervisor Hogan stated as he understands a number of municipalities in the County have declined to participate in the Washington County Shared Regional Highway Operation Centers Feasibility Study. Councilman Doyle would like to make a motion to apply because he is always willing to look for ways to cut costs. A discussion followed; there was no second to Councilman Doyle's motion to authorize the application for a local government efficiency grant.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes authorizing Court Clerk Laura Barody to apply for a grant from the Justice Court Assistance Program.

Supervisor Hogan read a letter from Chris DeBolt, Washington County Administrator, requesting a \$200.00 donation towards the \$3,000.00 cost of the archival framing of a historic replica of the original flag presented to Colonel Archibald McDougall in 1862. A **motion** by Councilman Freebern seconded by Councilman Bromley and carried by a vote of 5 ayes for the Town to donate \$200.00 for the 123rd Regiment Flag Project.

LEGAL UPDATE:

Attorney Meyer received an e-mail indicating the Hudson River Music Hall will close on the purchase of 210 Main Street the beginning of August. They received their approvals from the Village and are waiting on a survey of the building and for the funds to go through.

Attorney Meyer reported that Rich Schermerhorn is on the agenda for the Planning Board Meeting scheduled for July 20, 2016.

REPORTS:

Code Enforcement Officer, Ross Cortese, reported he is to meet Kevin Phallon to discuss the start of Phase I at EastSide located on Route 149.

Cortese reported Bill Underwood has completed what he is to do at 9 Bly Avenue. Cortese is waiting for a report from Underwood with his opinion on what should be cleaned out of the house; it is possible there is still garbage in the house that may attract rodents. After the report is read the Town must decide if it will be necessary to get bids to clean up the property to prevent any further rodent problem.

Highway Superintendent Michael Graham reported they had cleaned brush on the side of Kingsbury Road after receiving calls from residents. He also reported the Chlorination Station should be complete by the end of August as required by the NYS Department of Health. The Town Highway Department needs gravel; after calling around Michael Graham received a quote for approximately \$30,000.00 a month to crush gravel. A discussion followed, Graham will have more information at the next Board Meeting.

Supervisor Hogan met with the Sandy Hill Garden Club. They suggested they donate an evergreen tree; which could be decorated at Christmas time. After discussion the Board agreed an evergreen tree would be nice.

Supervisor Hogan reported the Town of Kingsbury will receive \$3,068.00 in state aid for 2016 recreation programming, contingent upon funding being approved by NYS OCFS. The recreation program will need to track required information and file a Program Annual Report Form. A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 4 ayes giving Supervisor Hogan permission to sign a contract with the County to receive the 2016 funding.

Supervisor Hogan announced there will be Public Hearings and Information Sessions seeking input and comments on the 518 area code relief. On July 26, 2016 an information session is scheduled for 5:00 p.m. and a Public Statement Hearing is scheduled for 6 p.m. The 518 area code could be out of assignable telephone numbers by the first quarter of 2019.

Supervisor Hogan reached out to 2 Kingsbury residents Lisa Catalfamo and Kendall McKernon. They are very interested in providing photographs that will be used to screen print on acoustic tiles that will be installed in the Court Room/Board Room.

Supervisor Hogan reported Sole Assessor Colleen Adamec has ordered and received a Town of Kingsbury Flag. Adamec would like to donate the Flag to the Town in honor of retired Town Historian Paul Loding. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes accepting the Town of Kingsbury Flag.

A **motion** by Councilman Freebern seconded by Councilman Doyle accepting reports from certain officers for the month of June as follows:

Code Enforcement Officer: No. permits 5; Site Plans 2; Total Fees \$1,148.00

Dog Control Officer: Complaints/Calls 67; Seizures 5; Unlicensed Dogs 0; Euthanasia 0;

Summons Issued 0; Bites Investigated 4; Mileage 512 with 183 to Fort Edward, 83 to Fort Ann

Town Clerk: Paid to EnCon \$581.02; Paid to Supervisor \$3,299.32; Paid to NYS Dept. of Health \$135.00; State Share of Bingo \$303.75; Paid to the Village of Hudson Falls \$126.00; Paid to Ag & Markets for Population Control \$130.00

Town Comptroller: Receipts \$148,168.81 Disbursements \$364,567.29

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk