

September 18, 2023 Town Board Meeting

The second regular meeting of the Kingsbury Town Board was conducted on September 18, 2023, at 6 Michigan Street, Hudson Falls, NY.

MEMBERS PRESENT:

Dana Hogan, Supervisor
Richard Doyle, Councilman
William Haessly, Councilman
James Lindsay, Councilman
Dan Washburn, Councilman

OTHERS PRESENT:

Dave O'Brien, WWIDA Chair
Bob Holmes, Holmes Engineering
Todd Humiston, Code Enforcement & Dog Control Officer
Jeffrey Meyer, Town Attorney
Sean Akins, Town Resident
Jeff Zappieri, Town Resident

The meeting was called to order at 6:30 pm by Supervisor Hogan and opened for the order of business with the Pledge of Allegiance led by Councilman Lindsay.

A **motion** by Councilman Doyle seconded by Councilman Lindsay and carried by a vote of 5 ayes to accept the minutes of the August 21, 2023, Town Board Meeting as submitted by the Town Clerk.

Bob Holmes of Holmes Engineers provided information regarding the wetlands within the WWIDA. The IDA has approached the Board prior with regards to pulling some less desirable lots that would be in the development of the Phase II portion of the Industrial Park about the water and sewer districts. They found the lots to be undevelopable because of the expansion of wetlands in recent years. Wetland habitats are constantly changing and there are signs the wetlands have increased. Some have increased due to human activity on the lots, rain, and climate change. The lots the WWIDA would like to be removed from the water and sewer districts are: 137.-2.1, 137.-2-1.22, 137.-2-1.23, 137.-2-1.24, 137.-2-1.25, 137.-2-1.30, 137.-2.34, 137.-2-1.35, 137.-2-1-36. Dave O'Brien added the last delineation was performed about 25 years ago. The Army Corps Engineer came in and requested a re-do on the issue of the property. A lot of the wetlands have expanded and as part of the delineation they have placed restrictions and prohibitions on what they can do with the property. They cannot develop the properties and they were turned down for solar. The properties that were once mostly good cannot be developed. There are 4 lots that Dan Colomb is interested in purchasing to create a wildlife preserve.

Councilman Lindsay is concerned about how the removal of the parcels would affect the people in the small sewer district because they would have to pay towards it and their sewer bills would be tremendous. Councilman Washburn does not think there will be a significant impact due to the assessed values of the properties to be removed. There will be a discussion with the assessor to determine what the impact will be on the remaining users.

Supervisor Hogan asked if the wetlands would change in the future could they be developed. Dave O'Brien stated they can never be changed.

TOWN CLERK REPORT: The Town Clerk would like to request an executive session. The office has been busy preparing for the school tax collection and the dog licensing enumeration.

CODE ENFORCEMENT & DOG CONTROL OFFICER REPORT:

The first 3 weeks of the dog enumeration resulted in 322 licenses; 220 licenses are new. This brought in enough revenue to cover the cost of the notifications sent to Town of Kingsbury residents.

The State requires in-person training for Code Enforcement Officers. \$1,800.00 has been budgeted for the training. Due to Covid training is done online. Todd would like to request the money in the budget be re-allocated to purchase cube shelving units to store maps.

Councilman Washburn asked if the Town could request the files come in digitally. The discussion continued. In the future Todd will check with the State on the storage of finalized as-builts. The Board has no objection to the purchase of storage units for maps in the basement.

The rest of the contamination was to be taken from the East Side site on Burgoyne Avenue, the remainder of the dirt was to be removed today and taken to the burn plant and then fill put in. DEC has stated the clean-up is 95% to 98% clean complete.

Todd is still receiving complaints for activity at the solar project on Geer Road. The quarry trucks are still running on the highways, and the construction vehicles are pulling out in front of residents. Supervisor Hogan stated those are motor vehicle infractions and the sheriff's office should be called. Todd reached out to the project manager and asked him to have a safety briefing.

Councilman Haessly asked for the status of the solar project on County Route 41. Todd stated there will be a Planning Board Meeting on Wednesday night to determine the environmental review. Then it must go back to the Zoning Board for their variance request. If a variance is granted, they will return to the Planning Board.

COUNCILMAN REPORT:

Councilman Doyle reported there is not an update on the Comprehensive Master Plan.

The final steps of the CMP were clarified as follows: when the final draft of the CMP is received, the CMP Committee must conduct a meeting before a Town Board Meeting to formally approve the final draft with a recommendation that it be sent to the Town Board. Then the Town Board can send it to the County Planning Board who will hold a Public Hearing Board prior to the adoption.

PUBLIC COMMENT:

Resident Dan Colomb is interested in purchasing 5 lots from the IDA because they cannot do anything with them due to them being declared wetlands. Currently, they are assessed as building lots. Mr. Colomb thought the assessed value would go down due to deed restrictions set by the Army Corps Engineers. After a discussion with the assessor, he was advised their assessed value is determined acreage size and what is being sold in the area. He would like to buy the lots and use it as a buffer and maintain it as a forever wild area. He asked the Board what his chances were of having the assessed values lowered. Attorney Meyer explained the Town Board has zero control over the assessor. The discussion continued. Supervisor Hogan suggested Mr. Colomb schedule an appointment with the Town Assessor. Councilman Lindsay asked if the Board votes to remove the parcels would that change the assessor's view of the parcels. Attorney Meyer stated it would remove them from the water district and Washington County would remove it from the sewer district.

Jeffrey Zappieri asked about the progress of the Comprehensive Plan. Councilman Doyle stated he is waiting for the final version from Laberge.

A **motion** by Councilman Lindsay seconded by Councilman Doyle and carried by a vote of 5 ayes to accept the reports of certain officers for the month of August as follows:

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Town Clerk: Paid to EnCon \$4,670.46; Paid to Supervisor \$6,678.41; Paid to the Village of Hudson Falls \$160.00; Paid to Ag & Markets for Population Control \$261.00; Department of Health \$247.50; Town Comptroller: Receipts \$164,479.54, Disbursements \$616,243.32; Town Justice for July \$10,720.50

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 to enter into an executive session at 7:12 pm to discuss the employment of personnel.

A **motion** by Councilman Lindsay seconded by Councilman Washburn and carried by a vote of 5 ayes to exit the executive session and adjourn the meeting at 7:19 pm, no action was taken in the executive session.

Respectfully submitted,

Cynthia Bardin, Town Clerk