

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

Resolution No.13 of 2014
Adopted October 14, 2014

Introduced by Councilman Bromley
who moved its adoption

Seconded by Councilman Freebern

**RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FOR
FUTURE USE AS A TOWN HALL AND APPROVING OF THE CONTRACT FOR THE
SAME**

WHEREAS, pursuant to section 64 of the Town Law of the State of New York, the Town Board of the Town of Kingsbury (the "Town Board") has the authority to purchase real property for public purposes; and

WHEREAS, the Town of Kingsbury (hereinafter "Town") has previously entered into a letter of intent to Owner, Gail B. Solomon (c/o Dr. Joel Solomon) to purchase real property located at 6 Michigan Street, Town of Kingsbury, Washington County, New York bearing tax map identification number 146.19-1-38.2 for a potential purchase for the proposed site for the new Town of Kingsbury Town Hall or other such municipal purpose; and

WHEREAS, the terms have been previously discussed and approved such that the Town will acquire said property for the payment of Gail B. Solomon in the sum of One Hundred Eighty Five Thousand Dollars (\$185,000.00) and according to such other terms contained in the proposed contract attached hereto; and

WHEREAS, the Town Board finds that it is in the best interests of the Town of Kingsbury to acquire such property for a new town hall or other such municipal purposes and the Town's assessor has offered her opinion that the value to be paid by the Town is consistent with the value of said real property.

NOW, THEREFORE BE IT

RESOLVED, that this action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act. In accordance with the requirements thereof and the regulations set forth in NYCRR 617.1 et. seq., the Town Board hereby finds that there are no other involved agencies in this action and that the acquisition of this property will have no adverse impact on the environment; and be it further

RESOLVED, the written offer, in the form of a real estate contract, a copy of which is attached hereto and incorporate herein by reference, for the purchase of the real property located

at 6 Michigan Street, in the Town of Kingsbury and referred to as tax map parcel #146.19-1-38.2, to be used for a new town hall or other such municipal purposes is hereby approved and accepted. The contract in part states that the real properties will be transferred between the parties for One Hundred Eighty Five Thousand Dollars (\$185,000.00); and be it further

RESOLVED, the Supervisor, James T. Lindsay, is hereby given the authority to execute the written offer in the form of a real estate contract and to execute any and all necessary documents, including the conveyance documents, to effectuate this resolution; and be it further

RESOLVED, this resolution shall take effect immediately.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to move funds from the Town of Kingsbury Building Reserve Account to the Town of Kingsbury General Fund Account.

TOWN BOARD OF THE TOWN OF KINGSBURY

COUNTY OF WASHINGTON, STATE OF NEW YORK

Resolution No. 14 of 2014

Adopted October 14, 2014

Introduced by Councilman Freebern

who moved its adoption.

Seconded by Councilman Collins

**RESOLUTION MOVING FUNDS FROM TOWN OF KINGSBURY BUILDING RESERVE ACCOUNT TO
THE TOWN OF KINGSBURY GENERAL FUND ACCOUNT**

WHEREAS, the Town of Kingsbury (hereinafter "Town") has sent a letter of intent to Owner, Gail B. Solomon (c/o Dr. Joel Solomon) to purchase real property located at 6 Michigan Street, Town of Kingsbury, Washington County, New York bearing tax map identification number 146.19-1-38.2 for a potential purchase for the proposed site for the new Town of Kingsbury Town Hall; and

WHEREAS, there are funds available in the Town's unexpended Building Reserve Account which account is primarily established for the construction of town buildings from surplus funds and or unexpended funds; and

WHEREAS, the Town Board believes it is in the best interest of the Town to transfer the funds from the Building Reserve Account and place said funds in the sum of One Hundred Thousand One Hundred Forty One and 72/100 U.S. Dollars (\$100,141.72) plus accrued interest into the General Fund Account for such transaction.

NOW, THEREFORE BE IT RESOLVED THAT the Town hereby finds that moving said funds is in the best interest of the Town and hereby authorizes the transfer of funds from the Building Reserve Account and place said funds in the sum of One Hundred Thousand One Hundred Forty One and 72/100 U.S. Dollars (\$100,141.72) plus accrued interest into the General Fund Account; and be it further

RESOLVED that such a transfer is subject to permissive referendum pursuant to General Municipal Law Section 6-c; and be it further

RESOLVED, that the Town hereby authorizes and directs the Town Clerk to post and publish notice of the transfer authorized by this resolution in accordance with Town Law Section 90; and be it further

RESOLVED, that in accordance with Section 91 of the Town Law, said transfer shall not be made prior to the expiration of thirty (30) days of the adoption of this resolution, provided a petition, meeting the requirements of Section 91 of the Town Law, is not filed with the Town Clerk; and be it further

RESOLVED, that upon the expiration of thirty (30) days the Town Supervisor is hereby authorized to direct that the sum of One Hundred Thousand One Hundred Forty One and 72/100 U.S. Dollars (\$100,141.72) plus interest be moved from the Building Reserve Account to the General Fund Account

RESOLVED, that this resolution shall take effect immediately.

Superintendent of Highways Michael Graham is preparing for the Open House of the new Highway Facility on 437 Vaughn Road on October 25, 2014 from 11 a.m. to 2 p.m.

Graham also reported the water chlorination system is 99.9% complete. Graham contacted Aaron Koonsman from the Department of Health to make him aware that some necessary parts for the system were damaged in transit. Once the parts arrive the chlorination station will be operational immediately.

Graham reported on the progress of the Salt Shed. The first eight foot of the wall has been poured. They are in the process of laminating the beams up to the 18 foot height and will

continue up with 2'x 12's. The trusses are on order and hopefully within two weeks they will be able to set the trusses. Graham reported the Highway Staff is doing all the construction work for the Salt Shed.

Graham also reported that the four mobile lifts ordered have arrived and there will be training on the operation of them.

Graham thanked the Washington County Soil and Water for the grant received. Washington County Soil and Water and BOCES Conservation/Horticulture helped plant 450 flowers (the rain garden) at the new Highway Garage. They also returned to put mulch down. There were 16 students from BOCES that helped with the planting and mulching.

Graham also reported that Peckham Materials had invited the Town Board to meet Elise Stefanik and Steve Stallmer on Thursday from noon until 2p.m.

Peckham Materials is testing a new blacktop and will give 200 tons of the new product to the Town Highway Facility at no charge. There will be enough blacktop for the front and one side which the Town Highway crew will haul and put down.

Town Attorney Jeffrey Meyer had contacted Superintendent Graham to let him know there would be a showing of the former Highway Garage. Councilman Bromley asked if there was any news on the Phase II of the former Highway Garage property. Supervisor Lindsay will check on the status.

Superintendent Graham also reported that he had been contacted by Joan Prouty in regard the Kingsbury Cemetery. Supervisor Lindsay said The Kingsbury Cemetery Association is not interested in the deal with the fire company. Councilman Bromley explained that the fire company is moving forward with the asbestos problem on the house. The siding, some floor covering and glazing on some of the windows all contain asbestos. The fire company will have too much invested to turn it over to the Kingsbury Cemetery Association. Supervisor Lindsay explained that there was talk about the Town taking over the abandoned part of the cemetery. He explained that a law was passed in 2010 stating that the Town can directly fund cemetery associations. The Kingsbury Association was going to abandon the Kingsbury Cemetery. Lindsay explained that the cemetery is two separate parcels and the Association does not own both. In the 1920's the association purchased land behind the cemetery and started their own cemetery which is in existence today. The Kingsbury Cemetery Association always maintained the parcel which they did not own. The Association is no longer financially able to do this, mainly because there are only a few lots to sell. By law the Town has to keep the weeds down, but it is a historic cemetery which should be maintained. Supervisor Lindsay will contact Joan Prouty to set up a meeting. Supervisor Lindsay will ask Town Attorney Meyer to research the 2010 law. This discussion will continue at the next Town Board meeting on October 27, 2014.

Resident Michael Graham of Pleasantview Drive had contacted Superintendent of Highways Graham about the increased traffic from contractor Ray Kew who owns property on Pleasantview Drive. Graham has been a resident of Pleasantview Drive for 35 years. In April 2013 an increase in traffic was noticed. He reported that in two days 52 trucks, 6 axle trucks had dumped fill on Mr. Kew's property. Resident Graham does not understand why Mr. Kew can dump on residential property. Councilman Bromley explained that as long as it is blacktop, concrete, dirt or brick anyone can dump wherever they want. Resident Graham also questioned if Mr. Kew is profiting from hauling the clean fill to his property, wouldn't that make it commercial business. Mr. Graham would like to go back to his peaceful life. In a discussion with the Town Board it was determined that Mr. Kew has access on other property that he owns to the property that he has been dumping on. Code Enforcement Ross Cortese explained that if Mr. Kew is being paid, he would be running a commercial business in a residential area. Supervisor Lindsay and Superintendent of Highways Michael Graham will contact Mr. Kew.

Supervisor Lindsay reported on the New York State Property Tax Freeze for STAR recipients. For 2014 anyone who paid school taxes will be reimbursed for any increase from the school taxes paid in 2013. In 2015 School, Town and County will be added and any increase received will be reimbursed to the taxpayer.

Supervisor Lindsay appointed Councilman Doyle and Councilman Collins to a committee to research our options for locating the Town Court.

Councilman Freebern noticed tires and all kinds of junk stacked up on the corner in Smith's Basin. Code Enforcement Officer Ross Cortese will check the area.

A discussion was had about the plowing of the Kingsbury Firehouse. With the move of the Highway Garage to 437 Vaughn Road it will be more difficult for the Town to plow the parking lot. Superintendent Graham will research the options.

PUBLIC COMMENT:

Jonathan Newell of the Hudson River Music Hall asked when the Town of Kingsbury can declare the current location of the Town Offices as surplus property. Supervisor Lindsay responded within a month we could declare the Town Offices as surplus. Mr. Newell also asked how long we would need to occupy the current location before moving to 6 Michigan Street. Supervisor Lindsay responded that the Town Board has a lot to discuss before any decisions are made. Councilman Doyle commented that realistically it would be next summer before the Town offices would move to a new location.

Rene Roberge of the Hudson River Music Hall requested the details of a permissive referendum. Supervisor Lindsay explained the procedure and a discussion followed.

Dennis Kelly stated that in light of the changes made at RWS there is no difference and the blower noise has gotten worse and the shaver door is open every night. Mr. Kelly asked how we would check the noise limits that have been set. Code Enforcement Officer Ross Cortese commented that we have a meter and he will take 3 to 4 readings before the next Town Board meeting. Cortese commented RWS will be at the Planning Board meeting tomorrow evening to request permission to install a dust collector near some of their other outside equipment. Councilman Bromley stated that RWS should present some sound data to the Planning Board prior to installation of the dust collector. Cortese explained that this is being installed at OSHA's request.

There being no further business before the Board a **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Cynthia A. Bardin