

The second regular meeting of the Kingsbury Town Board was held on Monday October 27, 2014 at 7 p.m. at the Kingsbury Town Hall, Hudson Falls.

MEMBERS PRESENT: James T. Lindsay, Supervisor
 Paul Bromley, Councilman
 William Collins, Councilman
 Richard Doyle, Councilman
 Henry Freebern, Councilman

ALSO PRESENT: Mary Ordway, Comptroller for the Town
 Michael Graham, Superintendent of Highways
 Ross Cortese, Code Enforcement Officer
 Dennis Kelly, Kingsbury Resident
 Bill Toscano, The Post-Star

The meeting was called to order by Supervisor Lindsay at 7 p.m. and opened for the order of business with the Flag Salute led by Councilman Freebern.

No corrections or additions were necessary for the minutes of the October 14, 2014 Town Board Meeting.

Supervisor Lindsay requested that the Town Clerk read the notice of public hearing for the fire protection contract and the 2015 preliminary budget. Supervisor Lindsay explained that there is an increase of \$1,400 for fire protection from last year, bringing a total of \$226,400 for 2015. At 7:05 Supervisor Lindsay opened the public hearing for the fire protection contract, there being no public comment the public hearing was closed at 7:06 p.m. A **motion** by Councilman Bromley seconded by Councilman Doyle and carried by a vote of 5 ayes to accept the fire protection contract.

Supervisor Lindsay reviewed the details of the proposed 2015 budget. At 7:10 Supervisor Lindsay opened the public hearing for the preliminary budget. Being no public comment or no comments from the Town Board the public hearing was closed at 7:11 p.m. A **motion** by Councilman Collins seconded by Councilman Freebern and carried by a vote of 5 ayes to adopt the 2015 Preliminary Budget for the Town of Kingsbury.

Supervisor Lindsay read a letter from Tim LaSarlo expressing his interest in becoming a member of the Town Planning Board. A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to reappoint and appoint the following to the Planning Board:

Randy Weaver: 7-1-13 to 6-30-2020

Ian Miller: 7/1/14 to 6/30/2021

Dave Gauci: 7/1/13 to 6/30/2020

New Appointment to Planning Board: Tim LaSarso: 10/27/2014 to 6/30/2021

Supervisor Lindsay read a letter of resignation from Zoning Board member John Graham. A **motion** by Councilman Bromley seconded by Councilman Collins and carried by a vote of 5 ayes to re- appoint the following to the Zoning Board:

Scott Winchell: 8/1/2014 to 7/31/2019

John Graham: Resigned: 10/27/2014

Henry LaFountain, Chairman: 10/27/2014 to 7/31/2019

Code Enforcement Officer Ross Cortese reported that another Zoning Board member is needed.

Code Enforcement Officer Ross Cortese suggested that the Town Board issue a Proclamation for John Graham who had served for more than 25 years on the Town Zoning Board.

A **motion** made by Councilman Bromley seconded by Councilman Collins and carried by a vote of 5 ayes giving Superintendent of Highways Michael Graham permission to go out for bids for propane for the Town Highway Garage at 437 Vaughn Road.

Supervisor Lindsay reported that he needs the title for a 1981 International snow plow truck that will be traded for a skid steer with the Village of Hudson Falls. An agreement must be signed for the even exchange; a **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes permitting Supervisor Lindsay to sign the agreement.

Supervisor Lindsay read a letter from Recreation Director Debbie Battiste requesting an appointment to the Recreation Commission, due to the resignation of Kathleen Hallenbeck. The Recreation Commission would like to appoint Tim Keenan to fill the vacancy. A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to appoint Tim Keenan to the Recreation Committee for a 7 year term.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to re-appoint the following to the Recreation Commission for 7 years:

Knox Brown

Mark Doody

Rich McCann

Roger Wickes

Rebecca Smith

Steve Mager was appointed in 2010 and Bruce Inglee was appointed in 2013.

A **motion** by Councilman Collins seconded by Councilman Freebern and carried by a vote of 5 ayes for the following budget transfers:

GENERAL FUND-WHOLE TOWN

FROM:	TAX COLLECTION CONTR.	1.1330.4	1,300.00
	PLAYGROUND P.S.	1.7140.1	5,500.00
	POOL P.S.	1.1740.1	2,500.00
	CELEBRATIONS CONTR.	1.7550.4	391.00
TO:	ASSESSOR CONTR.	1.355.4	1,300.00
	PLAYGROUNDS CONTR.	1.7140.4	2,500.00
	POOL CONTR.	1.7180.4	5,500.00
	CEMETERIES P.S.	1.18810.1	325.00
	CEMETERIES CONTR.	1.8810.4	66.00

WATER DISTRICT

FROM:	ADMIN. P.S.	7.8310.1	2,400.00
	ADMIN CONTR.	7.8310.4	6,100.00
TO:	PURIFICATION CONTR.	7.8830.4	7,500.00
	TRANS. & DIST. CONTR.	7.8340.4	1,000.00

Comptroller Mary Ordway reported that the cost of the pool chemicals for Summer 2014 was \$5,000 higher than they usually are. Councilman Bromley asked if we purchased the chemicals or if the Town was billed by the Hudson Falls School. Ordway reported that we were billed by the school.

Supervisor Lindsay reported that the contract with Schermerhorn Residential Holdings in the sale of the Dix Avenue Drive-In Property had been signed. Mr. Schermerhorn called Supervisor Lindsay saying that in the very near future he will be attending a Planning Board meeting with a project for the Dix Avenue Drive-In property.

Supervisor Lindsay announced that he had received a letter for the application of a renewal of a liquor license for Triple Crown 1, LLC dba The Rock Sports Bar at 1066 State Route 196.

Sole Assessor Colleen Adamec gave a written update to the Town Board. She is currently taking in renewal applications for the Enhanced Star, non-profit, agricultural, forest and clergy exemptions. She is also working with the County Real Property Tax Department checking the RPS database for 911 problems. They have found that two road signs need to be change - Dyke Road should be Dike Road and Lori Lane should be Lori Avenue. Superintendent of Highways Michael Graham will be changing the signs.

Assessor Adamec also reported that Steve Peluso at the New York State Office of Real Property Tax Services commented that the Town of Kingsbury has one of the best databases. Assessor Adamec includes sketches on the files. If she has measured incorrectly the owners can call and she can go back and measure again. Also if we ever have a fire, flood or other major catastrophe the property record cards can be reproduced without starting over from scratch at a huge expense.

Code Enforcement Ross Cortese reported he had contacted the DEC in regard to Ray Kew hauling fill to his property on Hillview Drive. If Ray Kew is not charging a fee, if he is not dumping contaminated material and is hauling during day-time hours he would be exempt from having a permit for solid waste from the DEC. A discussion followed. Attorney Jeffrey Meyer recommends that if the Town wants to get involved the Town Planning Board needs to determine if hauling the fill fits the definition of development, which requires site plan approval. Attorney Meyer and Code Enforcement Officer Cortese will review the code to determine if Mr. Kew's project of hauling the fill fits the definition of development. Supervisor Lindsay and Highway Superintendent Graham plan to meet with Ray Kew.

Code Enforcement Cortese reported on the status of the noise problem with RWS. Cortese had conducted a sound test on and near RWS and Dennis Kelly's property, at approximately 10 p.m. on Friday October 24, 2014. The highest reading was on the deck of Kelly's home, consistently over 50 decibels, which is in violation of the terms. Cortese explained that according to a resolution passed the reading should be around 45 at night and no higher than 48. Cortese will conduct more sound tests.

Cortese reported that a balloon test was conducted at RWS and the new sound wall is short 3 – 5 sections. The fence is supposed to be 16 feet from the road. The door at RWS can still be seen from Kelly's house. Don Student of RWS will check on the height of the sound wall. Councilman Freebern asked if the dust collector that RWS is going to install will create more noise. RWS intends to do some testing and enclose the dust collector to eliminate any further problems with noise.

Dennis Kelly reported that from Friday until Monday the trailer was missing at RWS. The trailer was replaced on Monday morning, but it was not backed up and there was a huge gap. Kelly commented that was violating the resolution that was adopted by the Town Planning Board.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 5 ayes giving permission to Comptroller Mary Ordway to attend a workshop in Plattsburgh on Wednesday October 29, 2014 for Government Finance Institute on Internal Control at a cost of \$95.00.

A **motion** by Councilman Doyle seconded by Councilman Bromley and carried by a vote of 5 ayes to pay Comptroller Ordway for 163 1/4 hours of comp time from October 2013 through October 2014, which will be charged to the Water Department.

Supervisor Lindsay commented that Dog Control Officer Todd Humiston is putting in a lot of hours and doing a great job.

Councilman Bromley asked if there was any news about Eastside. Supervisor Lindsay reported that he spoke to Anthony Marro. Marro said they would like to re-start some of the operations. Supervisor Lindsay explained they would have to re-apply for a license to operate once again. Attorney Meyer commented the next step would be for Code Enforcement Ross Cortese to send a letter to Eastside indicating that the next stage would be to clean the site if they do not resume operations.

Councilman Bromley asked if we knew what the extra cost of the chlorination station was. Comptroller Ordway will have the figures for the next Town Board meeting on November 10, 2014.

Councilman Bromley spoke about the Open House at the new Highway Garage on 437 Vaughn Road held on October 24, 2014. It was a very nice day with approximately 50 people in attendance. The new Highway Garage was dedicated to Rusty Graham. Councilman Bromley presented a plaque, with a picture of Rusty, to Superintendent Graham and his sister Mary. The plaque will be hung in the hallway of the new Highway Garage. Superintendent Michael Graham said it was an honor to have the facility dedicated to his father.

Superintendent of Highways Michael Graham reported on the progress of the salt shed. The concrete is poured and possibly by the end of the week the trusses will be in place and tin will be on the roof. The floor needs to be paved and a few other small things and the salt shed will be complete. Councilman Freebern commented that we had saved thousands of dollars with the Highway Garage employees doing the work on the salt shed. Graham estimated the cost to be approximately \$30,000 to \$32,000. The Town did have a \$6,000 credit for the concrete.

Superintendent Graham also reported that teachers from Dix Avenue Elementary School had requested a demonstration with the plow trucks to show the students some visibility issues. Tentatively, Graham will conduct the demonstration the first week of November.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to accept reports from certain officers for the month of September:

Code Enforcement Officer: No. Permits 4; Variances 1; Total Fees: \$454.00

Dog Control Officer: Complaints/Calls 43; Unlicensed Dogs 9; Bites Investigated 3;
Mileage 237

Town Clerk: Paid to EnCon \$11,662.56; Paid to Supervisor \$3,328.49; Paid to NYS Dept. of Health \$2,500; Paid to the Village of Hudson Falls \$60.00; Paid to Ag and Markets for Population Control \$183.00.

Town Comptroller: Receipts: \$249,585.90; Disbursements \$181,336.60

Town Justice: Fees Collected: \$ 10,753.00

There being no further business a **motion** by Councilman Bromley seconded by Councilman Freebern to adjourn the meeting at 8 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>