

The second regular meeting of the Kingsbury Town board was conducted on Monday, October 28, 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: Cynthia A. Bardin, Receiver of Taxes and Assessments
Michael Graham, Superintendent of Highways
Kara Lais, Attorney for the Town
Mary Ordway, Town Comptroller

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 Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes to accept the minutes of the meeting held on October 15, 2013 as submitted by the Town Clerk.

At 7:05 p.m. the Town Clerk was instructed to read the Notice of Public Hearing for the fire contract between the Kingsbury Volunteer Hose Company No. 1, Inc. and the Town of Kingsbury and the Preliminary Budget. Supervisor Lindsay gave an overview of the fire contract and stated no representatives were present at the meeting due being called out for a fire. Supervisor Lindsay opened the public hearing for public comments. No comments were made. Supervisor Lindsay closed the public hearing at 7:08 p.m.

At 7:09 p.m. Supervisor Lindsay turned the meeting over to the Budget Officer Mary Ordway who gave a review of the 2014 Preliminary Budget. She noted a typographical error in the Highway Superintendent's salary, which should have been published as \$55,030.00. Supervisor Lindsay commended all the department heads for helping to keep the budget down. There were no public comments made. Supervisor Lindsay closed the public hearing on the Preliminary Budget at 7:15 p.m. **Motion** by Councilman Doyle, seconded by Councilman Collins and carried by a vote of 5 ayes adopting the 2014 Preliminary Budget as the 2014 Town Budget.

Councilman Bromley stated he had reviewed the bid for propane fuel and tank and everything is in order. **Motion** by Councilman Freebern, seconded by Councilman Doyle and carried by a vote of 5 ayes accepting the bid for the tank (\$3,366.55) and the propane Fuel \$.30 over rack price or approximately \$1.94 per gallon.

The public hearing for the application of a junkyard license by Kevin Elnicki, Earth, Waste and Metals is still open. We are waiting to obtain further information from the county and Mr. Elnicki before we can proceed.

Supervisor Lindsay stated a special meeting would be scheduled for November 4 at 7:00 p.m. for the purpose of interviewing respondents for the requests for proposals for legal services.

A discussion was had about placing a display ad in the Post Star informing the local residents of the proposition on the ballot regarding the abolishment of the Receiver of Taxes position. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the Town Clerk to place a display ad regarding the proposition in the Post Star.

A discussion was had about the appointment of Cynthia A. Bardin as Town Clerk effective November 15, 2013. She will have to resign her position as Receiver of Taxes effective that date.

Our next meeting date falls on Veteran's Day so it will be necessary to reschedule the Town Board Meeting until November 12, 2013. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes rescheduling the meeting to Tuesday, November 12, 2013.

LEGAL UPDATE: Kara Lais, Town Attorney reported we had received the decision from Judge Clark about the sale of the Dix Avenue Drive In Theatre Property. She ordered that the Town proceed with the sale of the property. Mr. Cerro and his associate has 30 days to file an appeal and 60 days to perfect the appeal. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the town attorney to move forward with the sale of the property.

Attorney Lais had also been asked to review the contract with DEC for the sale of sportsmen licenses and found it to be in order. The Town Clerk will submit the paperwork to DEC to have her name removed from the system and Cynthia Bardin's name added to the system. **Motion** by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the Town Clerk to submit the contract to DEC.

Supervisor Lindsay reported that John Aspland, Jr. had been working on negotiations with Wheelabrator. They do not feel that the equipment should be part of the assessment. He stated that a walk through of the property would be necessary and John would schedule that shortly.

Councilman Doyle asked about setting money aside from the proceeds of the sale of the Dix Avenue property to repay the State for the cleanup of the PCB's. Attorney Lais stated we couldn't do that, as part of the decision was to put that money back into the whole town budget. If DEC determines we have to repay the money, the Town will have to pay that from the regular budget. Supervisor Lindsay stated he would reach out to Mike McLean of DEC to attempt to determine if the town would have to payback the money.

REPORTS:

The Town Clerk reported the elections are all set for next week. She reported to the Town Board that she would be mailing the contract to DEC tomorrow and she reported that our website had been updated. All town board minutes have been added up until October for 2013. We are still working on Planning and Zoning Board minutes to be added to the website. There is a slide show of the highway department construction on the site also.

Supervisor Lindsay reported that we had received a quote from Bertram Heckeroff regarding 24-hour sound metering in the Industrial Park.

Budget Officer Mary Ordway stated that during the budget workshop meetings the town board discussed paying First Deputy Clerk Sylvia Weaver a one-time stipend of \$2,500. Mary Ordway stated it was because she had run the office pretty much by herself all year. **Motion** by Councilman Doyle, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing Mary to pay out the \$2,500.00 to Sylvia Weaver.

Mary Ordway stated she needed a motion to pay her compensation time, which she had incurred since last October in the amount of 166 hours and charge it to the water district. **Motion** by Councilman Collins, seconded by Councilman Freebern and carried by a vote of 5 ayes authorizing the payment of her compensation time.

Highway Superintendent Michael Graham reported the building construction was coming along according to schedule. The siding and the roof are done and the floors in the office and mezzanine are poured. The block wall construction has begun. The radiant heat will be installed with the floor on Thursday. The overhead doors are due anytime. He asked for authorization for the highway department to do the electrical work to connect it to the pole. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes approving the installation of the electrical work by the highway department employees.

Highway Superintendent Michael Graham requested authorization to bid on a 2014 pickup truck for the highway department. There is money in the budget for it. It is cheaper than state contract pricing and he would like to add a few options in the amount of \$1,200. **Motion** by Councilman Freebern, seconded by Councilman Collins and carried by a vote of 5 ayes authorizing Mr. Graham to bid on the 2014 pickup truck.

WRITTEN REPORTS:

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

Code Enforcement Officer: No. Permits 11; Research Fees 1; Total Fees \$878.00

Dog Control Officer: Complaints 18; Seizures 4; Unlicensed dogs 9;
Euthanasia 1; Dog bites investigated 2; Miles 122.

Town Clerk: Paid to EnCon \$7,168.19; Paid to Supervisor \$3,093.96;
Paid to NYS Dept. of Health \$247.50; Paid to Village of
Hudson Falls \$208.00; Paid to Ag and Markets for
Population Control \$153.00.

Town Comptroller: Receipts \$232,526.24; Disbursements \$132,956.13

Town Justice: Fees Collected \$4,649.75

PUBLIC COMMENTS:

Mr. Jim Byrnes of Depot Street, Hudson Falls, representing Hudson Falls Fish and Game Club came to show appreciation to the Highway Superintendent for assisting them with their culvert problem and helping them to speak with the NYS DOT.

Mr. Don Student of Royal Wood Shavings Manufacturing, Inc. gave an update on where the company is with sound testing. Decibel levels are coming in between 42 – 45. They intend to approach the Planning Board for Saturday and Sunday operation. They feel they are below all the necessary requirements. They feel they are where they need to be as a good neighbor. Sales are climbing rapidly as there is a need for shavings. He noted several companies are already working on weekends such as Roselle, GF Labels and the machine shop. None of these businesses have restrictions except RWS. All those businesses contribute to the noise there. He stated he knows we are getting complaints but he said it would be nice to receive notification of a complaint. He never gets them. He would like to know about them the next day but not a week later. He stated he had not received one complaint. He said send me a fax so he can try to nail things down when they occur. Councilman Bromley said just remember that everything you have done up there are things you have been asked to do not things you did on your own. Nothing was done out of the kindness of anybody's heart. You were dragged to the point to get it done. The road on the existing Ferguson Lane is still being used when you are supposed to be using the concrete. There is an old junk truck with a loader and the road is still being used. Councilman Bromley stated that Don was there every day, you know what goes on and a good manager knows what goes on. Mr. Student stated the road that is on the side was put there by the town and he would take the road out if the town tells him to. He put it in because he thought the town wanted it in there. Somebody needs to tell me what to do. Councilman Freebern asked about the sound wall with holes in it. Mr. Student stated everyone agreed to that. The Planning Board's engineer, Hyland,... Councilman Bromley stated that the engineers that RWS had hired designed the sound wall; the engineers that represent the Planning Board approved it as it was

designed. RWS's engineer stated that it would work as a sound barrier. RWS does sound checks at the former Ed Lowell property 24/7 and the levels are lower than required. Mr. Student stated RWS would work with the Town and might assist with financing a meter as long as it is done by an independent entity.

Councilman Bromley discussed the covenants of the IDA. Mr. Student stated that RWS has changed in the last 3 months and invited the board members to come and visit the site and the new regime anytime they like. The other workers have retired.

Mr. Kelly wants Mr. Student's cell phone number so he can call him when the noise is there. Mr. Student stated he is tired of the neighbors crying wolf. Councilman Bromley stated that RWS neighbors are trying to sleep at night because they work during the day.

The LDC wasn't aware of the covenant of the IDA and therefore didn't realize that the type of business that RWS is wasn't supposed to be allowed there.

There being no further business to come before the Town Board, **motion** by Councilman Bromley, seconded by Councilman Collins and carried by a vote of 5 ayes to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Holly E. Mabb, RMC/CMC

<http://www.kingsburyny.gov>