

November 18, 2024 Town Board Meeting

The second meeting of the month of the Town Board of the Town of Kingsbury was conducted on November 18, 2024, at 6 Michigan Street, Hudson Falls, NY.

MEMBERS PRESENT: Dana Hogan, Town Supervisor
James Lindsay, Councilman
Dan Washburn, Councilman
William Haessly, Councilman

OTHERS PRESENT: Paige Zahaba, Deputy Town Clerk
Todd Humiston, Code Enforcement & Dog Control Officer
Mason Leonard, Highway Superintendent
Jeffrey Meyer, Town Attorney
Mike LaRose & Jakob Rich, Highway Employees

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 Washburn.

A **motion** by Councilman Akins seconded by Councilman Lindsay and carried by a vote of 5 ayes to accept the minutes of the Town Board Meeting conducted on November 4, 2024.

Supervisor Hogan opened a Public Hearing to Impose a Moratorium on Large Development Projects with high density water usage at 6:31 pm.

Resident Cynthia Roberts asked if the Supervisor would re-cap the issue.

Supervisor Hogan stated the Water Superintendent, John Rosati, reported there was a problem with volume in the Town water system; The Kingsbury Volunteer Hose Co. had expressed concern about the volume being provided. There also have been concerns about the water capacity; it would be very expensive to buy additional water capacity from the Town of Queensbury. A water study would be conducted to determine the volume of the water and the water capacity that is available. A moratorium will give the Town an opportunity to evaluate the water system. After discussion the Public Hearing was closed at 6:38 pm.

A **motion** by Councilman Akins seconded by Councilman Haessly and carried by a vote of 5 ayes to adopt a Local Law imposing a moratorium on large development projects. (Local Law attached)

TOWN OF KINGSBURY – BUDGET TRANSFER: NOV 4, 2024 MEETING

A **motion** by Councilman Washburn seconded Lindsay and carried by a vote of 5 ayes for the following budget transfer:

GF/WT	FROM	TOWN JUSTICE-PERSONAL SERVICES	1.5132.1	100.00
	TO:	TOWN JUSTICE CONTRACTUAL	1.5132.4	100.00
	PURPOSE:	RECENT TONER PURCHASES EXCEEDED BUDGET BALANCE		

A **motion** by Councilman Haessly seconded by Councilman Lindsay and carried by a vote of 5 ayes for the following budget transfer:

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FROM: CENTRAL GARAGE-PERSONAL SERVICES 1.5132.1 2,200.00
TO: CENTRAL GARAGE -CONTRACTUAL 1.5132.4 2,200.00
PURPOSE: EMERGENCY REPAIR-PRESSURE TANK &
PROPANE

A **motion** by Councilman Haessly seconded by Councilman Washburn and carried by a vote of 5 ayes for the following budget transfer:

HWY/PT FROM: BRUSH & WEEDS-PERSONAL SERVICES 4.5140.1 6,000.00
TO: BRUSH & WEEDS-CONTRACTUAL 4.5140.4 6,000.00
PURPOSE: ANTICIPATED YEAR-END EXPENSES

A **motion** by Councilman Akins seconded by Councilman Washburn and carried by a vote of 5 ayes to accept an RFP for engineering services for a water study that Mason, John and Rebecca worked together to compose. (Document attached)

LEGAL UPDATE: Attorney Meyer stated the scope of the RFP for the water study should be tweaked a little bit, so it is not as limited. It is a broad topic, and all aspects need to be studied to get the proper result. It is something the Board is going to have to keep an eye on.

There was a discussion about the contract for the Code Software. Todd stated the contract has been adjusted, upon review he likes the software update that is being offered but does not want to purchase it for \$750.00; it would increase the yearly maintenance fee. They contracted with the company because they never change their rate. They will work with what they have.

TOWN CLERK REPORT: The DEC has announced the Town can opt to charge a \$1 fee to print any hunting/fishing licenses that are purchased to cover the cost of ink and paper. The Town Clerk recommends the Town not charge the \$1 fee to customers. The \$1 fee will not be charged but can be changed in the future if the Board finds it necessary.

A **motion** by Councilman Lindsay seconded by Councilman Haessly and carried by a vote of 5 ayes to accept the Supervisor's Report:

TO: Supervisor Hogan
Councilman: Akins, Haessly, Lindsay & Washburn

FROM: Tax Collectors: Cynthia A. Bardin & Paige Zahaba

SUBJECT: 2024-25 Hudson Falls Central School District Tax Collection

DATE: November 18, 2024

Total: collected: \$10,829,557.32

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Penalties Village: \$1,952.25
Penalties Town: \$3,969.95
Return Check Fees: \$60.00
Interest Credit: \$4.82
Total Paid to Town: \$5,987.02

The Town Clerk will be retiring on December 30, 2024, with one year of her 4-year term incomplete. A **motion** by Councilman Haessly seconded by Councilman Akins and carried by a vote of 5 ayes to appoint Paige Zahaba as Town Clerk/Tax Collector effective December 31, 2024. Paige will run in the November 2025 Local Election to secure her position for a 4-year term.

CODE ENFORCEMENT & DOG CONTROL OFFICER: Todd received an application for a position with the Zoning Board of Appeals. A **motion** by Councilman Washburn seconded by Councilman Lindsay and carried by a vote of 5 ayes to appoint Cynthia Roberts to the Zoning Board of Appeals.

The Board received a letter from James Keller, Owner of Barks & Recs. The New York State DEC has imposed new shelter laws which will require changes to the facility in order to continue to be able to service each of the municipalities. They will be forced to increase pricing for 2025. Councilman Lindsay stated we are close enough we should wait and see. Supervisor Hogan thanked Todd for bringing this to their attention. (Document attached)

HIGHWAY SUPERINTENDENT REPORT: Mason has named Randy Underwood, Deputy Highway Superintendent, effective today.

NYS Dot has approved a speed limit reduction on Underwood Road from 55 mph to 45 mph. A **motion** by Councilman Haessly seconded by Councilman Lindsay and carried by a vote of 5 ayes giving Mason permission to purchase the 45 MPH speed limit signs; the funds will come from the General Fund. Next week will be the last week for working 4 – 10-hour days, the highway employees will start working 5 – 8-hour days.

There is a tree in the Baker Cemetery that must be removed by the Town which can only be annexed by a resident's property. Attorney Meyer will assist Mason in preparing a document for the resident whose property must be annexed to remove the tree.

SUPERVISOR REPORT: The County Budget has been passed with a 2.43% tax increase; the tax cap has not been exceeded and there will be no sales tax increase.

WRITTEN REPORTS:

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

Code Enforcement: No. Permits- 5; Fire Inspections- 38; Fees Collected: \$1,517.00

Dog Control Officer: Complaints: Written Warnings -2 ; ;Seizures -3 ; Mileage –

Town Clerk: Paid to EnCon \$2,819.30; Paid to Supervisor \$3,366.30, Paid to the Village of Hudson Falls \$180.00; Paid to Ag & Markets for Population Control \$142.00; Paid to the Department of Health \$225.00

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Town Comptroller: Receipts \$317,357.27; Disbursements \$335,919.74

Town Justice: Fees Collected for September \$9,688.50

Assessor Sales

PUBLIC COMMENT: There is no public comment.

There being no further business before the Board a **motion** by Councilman Washburn seconded by Councilman Akins and carried by a vote of 5 ayes to adjourn the meeting at 7: 08 pm.

Respectfully submitted,

Cynthia Bardin, Town Clerk

**TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK
Local Law No. 3 of 2024**

**A LOCAL LAW IMPOSING A MORATORIUM
ON LARGE DEVELOPMENT PROJECTS**

Be it enacted by the Town Board of the Town of Kingsbury (“Town”), County of Washington, State of New York (“State”) as follows:

Section 1. Legislative Intent.

The purpose of this local law is to protect the public health, safety and welfare by restricting Large Development Projects within the Town of Kingsbury for a limited period of time in order to further develop and revise the construction, use, operation, and maintenance of the water supply system in the Town of Kingsbury and applicable zoning and local law provisions, while being able to address the community needs.

The Town of Kingsbury is under pressure from increased development. The majority of the pressure is from high density residential development and commercial users, resulting in increased water demand. The areas of Town being targeted for growth are areas that are not presently served by municipal water or that have limited water capacity. The lack of infrastructure, coupled with limitations of the current water supply systems in the Town of Kingsbury necessitate limiting new construction so the problem can be thoroughly analyzed and solutions implemented.

Section 2. Findings.

The Town Board is concerned that the existing Chapter 280 of the Code of the Town of Kingsbury ("the Zoning Law") and Chapter 270, Water, may not be adequate for the review of the impacts and mitigation of the consequences as it relates to large scale development projects, and the approval thereof.

For the purposes of the moratorium Large Development Project is intended to apply to those certain projects that will connect to municipal water having a volume of more than five hundred (500) gallons per day. This moratorium is intended to prevent the introduction of a high demand water user being incorporated to the existing water supply system. Introducing a high demand use without sufficient municipal water flows and without adequate land use controls in place, will have adverse impacts on the public health, safety and welfare of the community.

Section 3. Moratorium Imposed.

- A. **Large Development Projects.** For the purpose of this Local Law a Large Development Project (LDP) is hereby defined as any subdivision, site plan, or building permit application

that will connect to municipal water system requiring a volume of more than five hundred (500) gallons of water per day.

B. Large Development Projects Temporarily Prohibited. For a period of twelve (12) months following the date of adoption of this local law, no new site plan applications, subdivision applications, or building permit applications shall be accepted, reviewed, or approved by the Planning Board, with respect to Large Development Projects (LDP). This shall not in any way limit or prevent the issuance of building permits for such existing projects already approved by the Planning Board, or building permits that have already been issued where no Planning Board review was required.

C. Evaluation and Revision of Existing Regulations. During the period of the moratorium established by this local law, the Town Board shall endeavor to evaluate and adopt revisions to the Town's Zoning Law and Chapter 270, Water, to address the use and regulation of Large Development Projects and to evaluate and adopt policies and procedures for reviewing the same by the Town of Kingsbury to ensure there is sufficient water capacity during the project review phase.

Section 4. Extension of Moratorium.

This moratorium may be extended for up to two (2) additional periods not exceeding six (6) months each by resolution of the Town Board upon a finding of necessity for such extension.

Section 5. Relief From Requirements.

The Town Board reserves to itself the right and sole discretion to vary or adapt the strict application of this local law in the case of unusual hardship or circumstances that would deprive a property owner of the reasonable use of lands affected by this local law. Accordingly, by duly adopted resolution, the Town Board may authorize the Planning Board to review and consider for approval or disapproval a site plan, subdivision, or building permit application, the review of which is otherwise precluded by this local law, or the Code Enforcement Officer to issue a building permit that is otherwise precluded by this local law, subject to the regular review process for such special use and site plan, or building permit, under circumstances where:

- A. An application for a variance is filed, in writing, with the Town Clerk, together with a filing fee in the sum of \$150.00. The application shall specifically identify the land involved, recite the nature and scope of the proposed development, provide a narrative description and a sketch plan of the proposed development, and describe the reasons for which the variance is requested and the grounds upon which it is sought to be approved, including all facts and circumstances upon which hardship is claimed.
- B. All costs incurred by the Town in connection with the consideration of the application for a variance are paid by the applicant, including but not limited to, all professional consulting fees such as attorneys, engineers, and planners.
- C. The applicant demonstrates that this local law has resulted in unnecessary hardship in

that: the applicant has been deprived of substantially all economic use or benefit from the property in question, which must be established by competent financial evidence; the alleged hardship is unique to the applicant's property and does not apply to a substantial portion of other properties in the areas of the Town to which this local law applies; and the variance, if granted, will not pose a present or future risk to the health, safety and welfare of the residents in the vicinity of the proposed development and the Town at large.

- D. The Town Board may refer any applications for a variance hereunder to the Planning Board, the Zoning Board of Appeals, any other Town board, committee or department, and/or its professional consultants for their advice and recommendations. Nevertheless, all decisions as to the granting or denying of such variances shall be made by the Town Board in its sole and absolute discretion after determining whether the requested variance is compatible with protection of the environment and any contemplated revisions to the Town's Zoning Law. No variance shall be granted unless the Town Board determines the requested variance is compatible therewith.
- E. The Town Board shall conduct a public hearing on any request for a variance within forty-five (45) days after it determines that a complete application has been submitted to it. The Town Board shall render its determination upon any application for a variance within sixty-two (62) days after the conclusion of the public hearing.
- F. The granting of a variance by the Town Board does not preclude or otherwise restrict the Planning Board's review and jurisdiction of the site plan application pursuant to the Zoning Law.

Section 6. Conflict With Other Laws.

This local law is enacted pursuant to the provisions of the Town Law and the Municipal Home Rule Law and, during the time it is in effect, it specifically supersedes and shall take precedence over any contrary laws, ordinances and provisions, including but not limited to §267, §267-a, §267-b, §274-a, §274-b, §276, §277, §278, and §279 of the Town Law of the State of New York, or Town Code of the Town of Kingsbury.

Section 7. Penalties for Offenses and Enforcement.

Any person who shall develop or erect or install improvements upon land in violation of this local law, or break ground for the purpose thereof, shall be guilty of a violation and subject to a fine not to exceed \$1,000.00 or six (6) months in jail, or both. Each week a violation continues shall be considered a separate and distinct violation. This local law shall be enforced by the Code Enforcement Officer of the Town of Kingsbury who is hereby granted authority to issue appearance tickets for the purpose thereof. Upon authorization by the Town Board, this local law may also be enforced by civil action brought in the name of the Town for the purpose of obtaining injunctive relief and recovering civil penalties of \$1,000.00 for each week a violation of the local law continues.

Section 8. Effect of Invalidity.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

Section 9. Effective Date.

This local law shall take effect immediately upon adoption.



REQUEST FOR PROPOSAL (RFP)
ENGINEERING SERVICES
WATER STUDY

ISSUED BY:

TOWN OF KINGSBURY
6 MICHIGAN STREET
HUDSON FALLS, NY 12839

RFP DATE: NOVEMBER 19, 2024
RFP DEADLINE: DECEMBER 11, 2024

SUBMIT SEALED PROPOSALS TO:

TOWN CLERK
TOWN OF KINGSBURY
6 MICHIGAN STREET
HUDSON FALLS, NY 12839

LATE PROPOSALS WILL BE REJECTED
There will not be a public opening for this Proposal

For further information regarding this RFP
contact Rebecca Pomainville at (518) 747-2188 x.3005
Email: Comptroller@kingsburyny.gov



1. SUMMARY AND BACKGROUND

The Town of Kingsbury (Kingsbury) is currently accepting proposals for engineering services relating to the established water district. The purpose of this Request for Proposal (RFP) is to solicit proposals from various candidate organizations, conduct a fair and extensive evaluation based on criteria listed herein, and select the candidate who can best meet the requirements of this project.

2. PROPOSAL GUIDELINES

This RFP represents the requirements for an open and competitive process. Proposals will be accepted until **3pm EST, December 11, 2024**. Any proposals received after this date and time will be returned to the sender. All proposals must be signed by an official agent or representative of the company submitting the proposal. Kingsbury is not liable for any cost incurred by proposers in replying to this RFP.

All costs must be itemized to include an explanation of all fees and costs. The evaluation and selection of an Engineering Firm will be based on the information submitted in the proposal plus references. Elaborate proposals (e.g. expensive artwork), beyond that sufficient to present a complete and effective proposal, are not necessary nor desired.

Contract terms and conditions will be negotiated upon selection of the winning bidder for this RFP. All contractual terms and conditions will be subject to review by Kingsbury's attorney.

Proposers must submit, in a sealed package, one original plus 5 identical copies of all materials required for acceptance of their proposal on or before RFP deadline. All proposals must include **Attachments A through C** to be considered complete and valid for consideration.

3. PROJECT PURPOSE AND DESCRIPTION

Kingsbury has been in discussions with the Kingsbury Volunteer Hose Co. No. 1, Inc. regarding the current water volume within the Town. Water volume tests performed at various hydrants have been inconsistent. Kingsbury Town Board wishes to contract a qualified engineer to work with the Kingsbury Water Department.

4. PROJECT SCOPE

The scope of this project includes gathering information from Town employees regarding the water district, conducting a water study, evaluating current water demand vs. capacity, and providing a report detailing findings and recommendations. Additionally, calculations for the potential cost-sharing by high-volume commercial users (over 40,000 gallons annually) seeking to connect to the Kingsbury Water District.



5. REQUEST FOR PROPOSAL AND PROJECT TIMELINE

December 11, 2024	Deadline for submitting A/E proposals
December 12-13, 2024	Evaluation of proposals
December 17, 2024	Notification of winning bidder
January 2, 2025	Project Commencement

Kingsbury reserves the right to reject any and all proposals in full and/or in part, waive any informalities, issue subsequent RFPs, cancel the entire RFP, remedy technical errors in the RFP process, and seek assistance in the evaluation process.

6. BIDDER QUALIFICATIONS

Bidders should provide the following items as part of their proposal for consideration:

- Description of experience in conducting municipal water studies
- List of how many full-time, part-time, and contractor staff in your organization
- Resumes of project leads
- Examples of 3 or more projects of similar scope and scale completed by your organization; include references' name, phone, and email
- Estimated timeframe for completion of the project

7. PROPOSAL EVALUATION CRITERIA

Kingsbury will evaluate and score all proposals based on the following criteria. To ensure consideration for this Request for Proposal, your proposal should be complete and include all of the following criteria:

Description	Points
Organization's Experience/References	25
Staffing Levels and Qualifications	30
Cost Proposal	45
Total	100

Calculation of points awarded to subsequent proposals will use the lowest dollar proposal amount as a constant numerator and the dollar amount of the firm being scored as the denominator. This number is then multiplied by the number of points given to the cost section of the RFP, resulting in the cost proposal score.

$$\frac{\text{Lowest Cost Proposed Constant}}{\text{Proposed Cost}} \times \text{Maximum Points Assigned to Cost} = \text{Score}$$



ATTACHMENT A

Proposal Cover Page and Statement of Non-Collusion

TOWN OF KINGSBURY – WATER STUDY RFP 2024-1

Company Name			
Street, City			
Phone #		Fax #	
Contact Name		Title	
Email			
EIN			

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

By signing below, I hereby represent and warrant that I am signing with full and complete authority to bind the above reference company to each and every term of this Agreement.

Signature

Date

Printed Name

Title



ATTACHMENT B

REFERENCES

Engineering Firm: _____

Provide company name, email address, contact person, telephone number, and appropriate information on the product(s) and/or service(s) provided to customers similar to those requested in this solicitation document.

Company Name: _____

Contact Person: _____

Email: _____ Phone: _____

Brief Description of Services Completed: _____

Company Name: _____

Contact Person: _____

Email: _____ Phone: _____

Brief Description of Services Completed: _____

Company Name: _____

Contact Person: _____

Email: _____ Phone: _____

Brief Description of Services Completed: _____



ATTACHMENT C

Cost Proposal

Engineering Firm: _____

Lump sum fee: \$ _____

For information only, please breakdown the hourly rates and anticipated hours by position:

Position/Title: _____ Hourly Rate: \$ _____ Anticipated Hours: _____

Position/Title: _____ Hourly Rate: \$ _____ Anticipated Hours: _____

Position/Title: _____ Hourly Rate: \$ _____ Anticipated Hours: _____

Position/Title: _____ Hourly Rate: \$ _____ Anticipated Hours: _____

Instructions: In addition to Attachments A – C, all RFP responses must include a detail of Proposing Firm’s approach towards successfully completing the study, an estimated timeline for completing the study, a business profile to include years in business, resume(s) of leadership team, and current staffing levels.

The undersigned attests that the information contained within the proposal is accurate to the best of his/her knowledge. If selected, agrees to incorporate the requirement of this RFP in the final contract.

Authorized Signature: _____

Date: _____

Printed Name: _____



Barks and Rec Boarding and Daycare

November 1, 2024

270 Queensbury Avenue

Queensbury, NY 12804

To Whom It May Concern,

Enclosed please find our new fee schedule for the 2025 calendar year. New York State Department of Agriculture and Markets has instated new shelter laws for 2025 that require changes to our facility in order to continue to be able to service each of the municipalities we contract with. To offset the cost of these changes we are forced to increase pricing so that we can continue to offer this service. With these changes we will continue to serve as a holding facility as well as attempt to adopt out unclaimed dogs as we always have. As a reminder, we are not a full service shelter and we can not take owner surrenders. We hope to have another great year in partnership with our surrounding communities. Thank you.

Sincerely,

James Keller

Owner, Barks and Rec



Barks and Rec
270 Queensbury Avenue,
Queensbury, NY, 12804
Phone: 518-793-8055
Email: barksandrec270@gmail.com
Contact: Haley Kirby, Kennel Manager

2025 Dog Control Updates and Fee Schedule

All contracts for 2025 need to be with:

BARKS RECREATION VETERINARY
270 QUEENSBURY AVENUE,
QUEENSBURY, NY, 12804
518-793-8055

Fee Schedule

A. Yearly Administrative/Facility Fee	\$2,500
B. Daily Impound Fee	\$55
C. Flea Treatment	\$10
D. Emergency Examination	\$180
E. Daily Hospitalization (SICK)	\$50 (Medication is additional)
F. Euthanasia and Transport	\$200
G. Cremation (dependent on weight)	\$100-\$200
H. Spay/Neuter	\$200
I. Rabies Vaccination	\$79

To secure dog control services with BARKS RECREATION VETERINARY for 2025 calendar year, completed (signed) contracts and a check for the \$2,500 Admin/Facility Fee must be returned no later than December 20th, 2024. Failure to do so will result in termination of Dog Control Services for the 2025 year. Dog Control Officers CAN NOT drop dogs off after December 31st, 2024 unless contracts are completed (signed) and the fee is paid.