

The first meeting of the Kingsbury Town Board was conducted on Monday December 9, 2013 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY..

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

ABSENT: William Collins, Councilman

ALSO PRESENT: Francis Cortese, Code Enforcement Officer
Jeff Meyers, Attorney for the Town
Michael Graham, Superintendent of Highways

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 Doyle.

Motion by Councilman Bromley, seconded by Councilman Freebern and carried by a vote of 4 ayes to accept the minutes of the meeting held on November 25, 2013, as submitted by the Town Clerk.

A discussion was had about the Quarry LLC Road Dedication. An inspection of the road by Superintendent of Highways, Michael Graham, has met with his approval. Construction on the circle will be complete before any is started on the dead ends areas of the development. Mr. Graham commented The Quarry, LLC would be responsible for the clean up of any mud on the road.

Town Attorney Jeffrey Meyer proceeded to conduct a short form EAF review, with the Town Board, after which a motion was made by Councilman Freebern, seconded by Councilman Bromley and carried by a vote of 4 ayes to accept the dedication agreement. Attorney Meyer reads the resolution to accept the dedication of Quarry Circle as follows:

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

Resolution No. 13 of 2013
Adopted December 9, 2013

Introduced by Henry Freebern
who moved its adoption.

Seconded by Paul Bromley

**RESOLUTION ACCEPTING DEDICATION OF
NEW TOWN HIGHWAY
QUARRY CIRCLE FROM THE QUARRY, LLC**

WHEREAS, The Quarry, LLC, a New York Limited Liability Company with its principal place of business at 116 Oak Street, Village of Hudson Falls, Washington County, New York, has offered to dedicate a certain road named Quarry Circle in the Town of Kingsbury (hereinafter the “Town”) to the Town for the use and enjoyment of the public and the residents of the Town as a town highway, which parcel is described in a deed, a copy of which is attached hereto; and

WHEREAS, the Town Superintendent of Highway and Water has inspected said road and the utilities contained thereunder and has recommended the acceptance thereof; and

WHEREAS, the road is not yet completed, and The Quarry, LLC has proposed a Letter of Credit in the sum of \$37,700 to cover the cost of completing the road and related improvements, and the Town Highway Superintendent has confirmed that said sum will reasonably cover the costs of said improvements; and

WHEREAS, the due to the issues presented when the infrastructure was originally installed The Quarry, LLC and William L. Nikas, individually, has agreed to personally guaranty that it is and will remain free from defects for no less than two years; and

WHEREAS, the estimate and deposit provided by The Quarry, LLC, shall not be construed to be a limit of any and all costs to complete said road, it being the intention of the parties that The Quarry, LLC shall complete the construction of said road and improvements and after the Town Highway Superintendent verifies the completion of same, the Town will release the deposit; and

WHEREAS, the form of the deed and title to the road offered for dedication herein has been reviewed and approved by Town Counsel, Meyer & Fuller, PLLC; and

WHEREAS, the dedication of the road by The Quarry, LLC has been approved by resolution of the sole member of said LLC.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF KINGSBURY THAT the Town hereby accepts and

approve the deed for the dedication of Quarry Circle to the public and the conveyance thereof to the Town of Kingsbury; and

BE IT RESOLVED that the Town Supervisor is hereby authorized and approved to execute, sign and affix the Town seal to any and all documents necessary to complete the transaction; and

BE IT RESOLVED that The Quarry, LLC shall enter into an agreement in a form and content acceptable to Town Counsel and shall submit a Letter of Credit the sum of \$37,700 prior to the execution of the deed and related documents by the Town Supervisor; and

BE IT RESOLVED that The Quarry, LLC and William L. Nikas, Individually, shall enter into an agreement in a form and content acceptable to Town Counsel for the ongoing maintenance and the personal guaranty that the infrastructure will be free of defects for no less than two years; and

BE IT RESOLVED that upon the execution of all documents, The Quarry, LLC is authorized and directed to record the deed in the Washington County Clerk's office, with a copy of any and all documentation to be provided to the Town Clerk; and

BE IT RESOLVED that the Town Clerk is directed to add the road to the official inventory of Town Highways as follows:

Name of Road/Highway: Quarry Circle
Location: Off Dean Road, Town of Kingsbury
Description: As per attached deed

and be it

FURTHER RESOLVED that this resolution shall take effect immediately.

PRESENT:

James Lindsay, Supervisor
Paul R. Bromley, Councilman
Henry C. Freebern, Councilman
Richard Doyle, Councilman

AYES: 4

NAYES: 0

ABSENT: 1

{Seal}

Cynthia A. Bardin, Town Clerk
Town of Kingsbury

A **motion** was made by Councilman Freebern, seconded by Councilman Bromley, carried by a vote of 4 ayes to accept the resolution dedicating the new town highway.

Town Comptroller, Mary Ordway had submitted a budget transfer request for December 9, 2013.

FROM: Comptroller Equip.	1.1315.2	55.00
TO: Comptroller Contr.	1.1315.4	55.00
FROM: Contingent Acct.	1.1990.4	6,160.00
TO: Buildings Contr. 1	1.1620.4	3,000.00
Central Communic. Contr.	1.1650.4	1,000.00
Central Print, Mail, Copy	1.1670.4	2,000.00
Cemeteries P.S.	1.8810.1	160.00
FROM: Water Equ. & Cap Outlay	7.8397.4	4,700.00
Water Admin. P.S.	7.8310.1	2,475.00
Source of Supply	7.8320.4	7,000.00
TO: Water Purification Contr.	7.8330.4	14,175.00

A **motion** was made by Councilman Freebern, seconded by Councilman Doyle and carried by a vote of 4 ayes to accept the budget transfers.

The next board meeting is re-scheduled from December 23, 2013 to December 30, 2013. The organizational meeting has been scheduled for January 6, 2014 and the second meeting for January is scheduled for January 27, 2014. A **motion** was made by Councilman Freebern, seconded by Councilman Bromley and carried by 4 ayes to accept the changes in the dates in the upcoming Town Board Meetings.

Attorney Meyer presented the Town Board members with copies of policy and wording changes that he has discussed with Code Enforcement Officer Francis Cortese. The Town Board members will discuss these at the Town Board meeting scheduled in January.

Superintendent of Highways, Michael Graham reported on the progress of the new Town Highway building. National Grid is hooked up, lights are hooked up inside, insulation work being done, doors are all on, water separator complete, leech field complete, propane tank arrived and connected and some painting completed.

RWS: Code Enforcement Officer Francis Cortese received two noise complaints from Bill Underwood, which were documented. Cortese does periodically conduct a sound test, when complaints are received. Mr. Student of RWS is scheduled to discuss the problem with the planning board at a meeting scheduled on December 18, 2013.

A **motion** made by Councilman Freebern, seconded by Councilman Doyle and carried by a vote of 4 ayes to enter into executive session at 7:25 to discuss litigation.

A **motion** was made by Councilman Freebern, seconded by Councilman Bromley, carried by a vote of 4 ayes to end the executive session and adjourn the meeting at 8 p. m.

Respectfully submitted by

Cynthia Bardin, Town Clerk

<http://www.kingsburyny.gov>