

The first regular meeting of the Kingsbury Town Board was conducted on March 9, 2015 at 7 p.m. at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY.

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

ALSO PRESENT:                                    Michael Graham, Highway Superintendent  
  
   Ross Cortese, Code Enforcement Officer  
  
   Anthony Marro, Eastside Metals & Recyclers, Inc.  
  
   Jane Havens, Strand Revival Committee Chairperson  
  
   Bill Toscano, The Post-Star  
  
   John Murray, Kingsbury resident

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.

The minutes of the February 23, 2015 Town Board Meeting were accepted as submitted by Town Clerk.

Supervisor Lindsay requested the Town Clerk to read the Public Hearing notice as follows:

**STATE OF NEW YORK, COUNTY OF WASHINGTON  
TOWN OF KINGSBURY, NY  
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Kingsbury Town Board will conduct a public hearing at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, NY on Monday, March 9, 2015 at 7:05 p.m. to discuss the junkyard license application of East Side Metal Recyclers Inc. /Anthony Marro, owner, located at 2323 NYS Route 149, Town of Kingsbury, NY, at which time public comments on this application will be entertained.

By Order of the Kingsbury Town Board,

Cynthia A. Bardin, Town Clerk

Dated: March 2, 2015  
Published: March 3, 2015

At 7:05 p.m. Supervisor Lindsay opened the Public Hearing. There being no public comment Supervisor Lindsay closed the Public Hearing at 7:06 p.m. Supervisor Lindsay met with Town Attorney Jeffrey Meyer to review the insurance policy Eastside Metals & Recyclers has in place.. Attorney Meyer would like the policy to read the same as the Certificate of Insurance in regard to the Town being the additionally insured, be notified of any issues, changes or cancellations and the Agency will contact Code Enforcement Ross Cortese if there is a problem with issuance. The Board would also like to see proof of Workman's Compensation by March 31, 2015. A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 4 ayes and 1 nay to renew the junkyard license at Eastside Metals, effective April 1, 2015, as long as proof of Workman's Compensation and the revision in the Insurance Policy is submitted to the Town Board by March 31, 2015.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes for Superintendent of Highways Michael Graham to pave the following:

AGREEMENT TO SPEND TOWN HIGHWAY FUNDS  
TOWN OF KINGSBURY  
YEAR 2015

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from the State for the repair and improvement of highways, shall be expended as follows:

**1 GENERAL REPAIRS.** The sum of \$123,180 may be expended for general repairs upon 53.06 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

**2 CAPITAL IMPROVEMENTS.** The following sums shall be set aside to be expended for the improvement of town highways:

Total \$294,180

On the road commencing at And leading to A DISTANCE OF Sum of Type 6 Thickness 2 ½"	BURGOYNE AVE. VILLAGE LINE AT MARTINDALE .37 miles, there shall be expended not over the \$47,703 Width of traveled surface 20' Sub base PAVEMENT
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On the road commencing at And leading to A distance of Sum of Type 3 Thickness 2 ½"	NOTRE DAME EXT. JAKEWAY ROAD .33 miles, there shall be expended not over the \$32,934 Width of traveled surface 18' Sub base GRAVEL
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On the road commencing at And leading to	STATE RT 196 TOWPATH ROAD
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A distance of  
Sum of  
Type 3  
Thickness 2 1/2"

.77 miles there shall be expended not over the  
\$78,840  
Width of traveled surface 20'  
Sub base GRAVEL

On the road commencing at  
And leading to  
A distance of  
Sum of  
Type 6  
Thickness 1 1/2"

NOTRE DAME EXT.  
STONE SCHOOLHOUSE RD.  
.70 miles, there shall be expended not over the  
\$47,442  
Width of traveled surface 20'  
Sub base PAVEMENT

On the road commencing at  
And leading to  
A distance of  
Sum of  
Type 6  
Thickness 2"

VAUGHN'S CORNERS  
FORT ANN LINE  
.60 miles, there shall be expended not over the  
\$54,049  
Width of traveled surface 20'  
Sub base PAVEMENT

On the road commencing at  
And leading to  
A distance of  
Sum of  
Type 6  
Thickness 1 1/2"

PATTEN MILLS ROAD  
DEAD END  
.11 miles, there shall be expended not over the  
\$5,596  
Width of traveled surface 16'  
Sub base PAVEMENT

On the road commencing at  
And leading to  
A distance of  
Sum of  
Type 6  
Thickness 1 1/2"

PATTEN MILLS ROAD  
VAUGHN'S CORNERS  
.04 miles, there shall be expended not over the  
\$2,098  
Width of traveled surface 16'  
Sub base PAVEMENT

Executed in duplicate this

9<sup>TH</sup> DAY OF March 12, 2015

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Highway Superintendent

Superintendent Graham would like to complete the paving before June and then begin the Town Line Road Project. Supervisor Lindsay stated it is possible that more funds may become available, but not through Chips. Superintendent Graham also stated with the Extreme Winter Recovery Act of 2014, the Town received approximately \$14,000.00. Graham reported there is no official word for this year, but possibly \$50,000 will be dispersed statewide.

Superintendent Graham reported he has been busy with snow removal and frozen water lines. Graham also stated Mike Fiorillo, has assisted with the problem of frozen water lines. Councilman Bromley commended the Highway Department for a great job on the snow removal of Town roads this winter.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes to correct the name of the Board of Assessment Review appointee. Michelle Richardson was married recently and is now Michelle Wood, who resides on 103 Maple Street, Hudson Falls, NY and whose term will expire in September 2018.

A **motion** by Councilman Bromley seconded by Councilman Freebern and carried by a vote of 5 ayes giving permission for Town Clerk, Cynthia Bardin, to attend the New York State Town Clerk Conference in Rochester in April. The funds are in the Town Clerk budget.

Code Enforcement Officer Ross Cortese reported Rich Schermerhorn's application for a 100 – unit Senior Housing Facility is in front of the Planning Board. At this time they are waiting for a technicality on a lead agency, they will return to the Planning Board in April. Cortese also reported Quality Stoneworks on Route 4, had been approved to build a small storage shed to store equipment. At this time they would like to construct a building and will return to the Planning Board this month. Cortese also reported that there had been no complaints about Royal Wood Shavings. Cortese had also conducted sound tests on the new dust collector that had been installed recently at RWS, the readings were the same as they were before the dust collector had been installed.

Councilman Doyle asked Supervisor Lindsay if he had talked to Town Supervisor of Granville, Matt Hicks, about the changing of state lines. Lindsay responded that Supervisor Hicks has not really gotten involved with this issue.

#### **PUBLIC COMMENT:**

Chairperson of the Strand Revival Committee, Jane Havens, requested that if the Board feels that she is not representing them, their interests or who they feel are their constituents, by all means let her know. Supervisor Lindsay commented he had appointed Jane Havens as Chairperson of the Strand Revival Committee because he felt she would be a good liaison between the Town, Town residents and the Hudson River Music Hall. The Board agreed that she has done a great job. Havens responded she appreciates the vote of confidence and that this has been an awesome journey that the Board has afforded her. Jane felt compelled to take action by attending the Village Board meeting on March 9, 2015 at 6 p.m., when she heard it was possible a petition could be filed against Resolution #3 for the Town to borrow money for the renovation of 6 Michigan Street, the location of the future Kingsbury Town Hall. The renovation of the new Town Hall will be delayed, as well as the revival of the Strand Theatre. Jane made many phone

calls and rallied for support and scheduled an emergency meeting of the Strand Revival Committee at 5 p.m., March 9, 2015. The SRC meeting was scheduled before the Village Board meeting to update its committee and answer any questions they may have in regard to the petition. Jane commended Supervisor Lindsay and Councilman Bromley for the information given to the attendees of the meeting. Mike Horrigan, Village Trustee, attended the meeting and made a statement indicating that he had filed a petition that morning, as a private citizen and did not represent the Village Board. At the close of the Strand Revival Committee meeting, the attendees felt more educated and one person commented they had signed the petition, but had not been presented the information provided by the Supervisor and Councilman Bromley.

Jane Havens and the Strand Revival Committee attended the Village Board meeting at Village Hall, 220 Main Street at 6 p.m. Chairperson Havens then attended the Kingsbury Town Board meeting at 7 p.m. and commented as follows;

At the Village Board meeting, Michael Horrigan once again stated that he had filed the petition as a private citizen and the Village Board was not involved. William Nikas, Attorney for the Village, stated that he had prepared the petition and was part of his stipend from the Village of Hudson Falls.

Supervisor Lindsay reported that, as we all knew, Michael Horrigan had filed a petition against Resolution #3 adopted by the Town Board on February 9, 2015. Lindsay stated that it is Mr. Horrigan's right as a citizen to do so. Supervisor Lindsay commented the filing of the petition is really hampering our project to move to 6 Michigan Street. Supervisor Lindsay also commented that he had asked Michael Horrigan, "Is there a figure you can live with?", Horrigan responded he did not know.

Supervisor Lindsay stated the Town Board could rescind Resolution # 3, which would void the petition; the Town would start all over again. Lindsay also stated after 60 days of the submission of the petition the Town could hold a special election. The Supervisor has no problem holding a special election, but with the delay the Town will have to pay Hudson River Music Hall to occupy 210 Main Street, per the contract signed with them and also spend money to hold an election. Supervisor Lindsay reported the Board would discuss their options in regard to the petition in an executive session.

Councilman Freebern commented that Councilman Doyle has worked very hard to try work with the Village in consolidating the Town and Village Court. Supervisor Lindsay commented that four (4) years ago all of Councilman Doyle's work had no result, even though the Town offered the Village \$20,000.00 to make up for lost revenue. The Town is still willing to work with the Village, but skeptical of proposals presented by them.

John Murray, a Kingsbury resident stated that he had attended the Village Board meeting at 6 p.m. He also stated that he did not feel there was anyone in the community who did not want to see the Strand Theatre project succeed. Mr. Murray also stated that he wished he had attended the Strand Revival Committee meeting that was held at 5 p.m. that afternoon. Mr. Murray explained how the petition had been presented to him. Mr. Murray was told the Town had purchased 6 Michigan Street for \$185,000.00 and was looking to borrow \$650,000.00 to renovate, bringing the total to \$735,000.00, then adding the interest rate. Mr. Murray then stated

that the Town had been offered to split the cost of engineering to renovate the Village – owned parcel on John Street, as a possible location for the Town and Village Courts and had the Board looked at that. Supervisor Lindsay explained how the John Street proposal was presented to the Board. In a three to four week period there was talk of moving both the Town and Village Court to John Street. At a sewer district meeting, Supervisor Lindsay was told by Village Attorney William Nikas and Village Trustee Bob Cook that the Village was not interested in moving its Court to John Street, but was willing to lease the building to the Town for \$1.00. Supervisor Lindsay responded that the Town was not willing to spend \$200,000.00 to \$300,000.00 to renovate a building that they do not own. The plan has gone from the Town going to John Street alone to the Village possibly dissolving their Court. Councilman Doyle also commented there was some resistance from the Village Police and the Village Justice in regard to moving the Courts to John Street in a newspaper article in the Post-Star. Doyle stated if it is a security issue for the Village to move their court to John Street, it would be as much of an issue for the Town to move their court to John Street. A discussion followed.

Mr. Murray explained that there is a lot of confusion and many people were under the impression that the Town was going to spend \$650,000.00 to renovate 6 Michigan Street and that it was a very covert operation that is how the petition was explained to him.

Councilman Bromley explained that we did have a meeting with the Village Board last week and explained how the Town would proceed with the renovation of 6 Michigan Street. Bromley then commented even with the facts and information presented to the Village Board the petition was still circulated.

Supervisor Lindsay commented that the Town is still willing to work with the Village, we are not trying to start a war with the Village. Lindsay also commented that other projects for the Town, by the advice of the Comptroller, you always get approved for more than you need, so that you do not have to pay more money to re-bond if necessary. The Board agreed that we would not spend more than \$500,000.00 on the 6 Michigan Street renovation. These facts were all known before the petition was circulated. Supervisor Lindsay also gave a rough estimate for revenue expected in the next 2 years. The sale of the Dix Avenue Drive-In property will bring in \$575,000.00 with four hundred thousand dollars (\$400,000.00) going back to the taxpayers. The sale of 210 Main Street will bring in \$175,000.00 and the former Highway Garage has been appraised for \$275,000.00 The Town would opt for the long-term borrowing at 3.6 instead of 3.4, so the Town could pay it off sooner. Supervisor Lindsay then commented the purchase price of 6 Michigan Street was \$185,000.00; the Town will be paid \$175,000.00 for 210 Main Street, leaving the actual cost of 6 Michigan Street at \$10,000.00. Supervisor Lindsay explained that there are no major tax increases with this project.

Councilman Bromley explained to Mr. Murray that the Town is doing a large portion of this project ourselves, which is completely unusual for any municipality. The Town has come up with a cost and it is a good cost, with good engineering and architecture to give us the information needed to come up with the cost for the renovation.

Mr. Murray was led to believe that \$650,000.00 was just a figure thrown out by the Town, they would be covered and no work had been done to confirm that figure.

In a discussion that followed, Kingsbury resident, Tim Havens expressed his opinion in regard to what had occurred at the Village Board meeting, the revival of the Strand Theatre and the Town and Village Court.

Supervisor Lindsay stated that he is not afraid to hold a special election, he is certain we will win, but is concerned with the 60 to 70 days delay of this project. Supervisor Lindsay also commented that the petition filed must be certified.

A **motion** by Councilman Doyle, seconded by Councilman Freebern and carried by a vote of 5 ayes to accept Chairperson Jane Havens written statement, to be sent to the Town Clerk, as part of the minutes for the Town Board meeting held on March 9, 2015.

A **motion** by Councilman Freebern seconded by Councilman Collins and carried by a vote of 5 ayes to enter into executive session at 8:15 p.m. to discuss what action will be taken with the petition that was filed against Resolution # 3 of 2015.

A **motion** by Councilman Collins seconded by Councilman Freebern and carried by a vote of 5 ayes to go back into the regular session.

Councilman Bromley requested the Town Clerk to send Village Mayor John Barton, a copy of the proposal received from Highlander Engineering for an estimate for the cost of renovation to John Street for the possible court expansion.

There being no further business before the Board a **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Cynthia Bardin, Town Clerk

<http://www.kingsburyny.gov>